



Redfern-Waterloo
Authority

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 036-10-08

(FILE NO. 0809/022)

CHANGE OF USE FROM COMMERCIAL TO CONFERENCE FACILITY ON LEVEL 10.

1 LAWSON SQUARE, REDFERN

I, the Planning and Urban Design Director of the Redfern-Waterloo Authority as delegate of the Minister Planning under Instrument of Delegation dated 22 February 2007, pursuant to sections 80 (1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 9A of the *State Environmental Planning Policy (Major Projects) 2005* determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To confirm the details of the application and plans submitted by the applicant and to ensure that the structure is not altered without approval.
2. To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
3. To ensure compliance with relevant planning controls.
4. To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia and any relevant standards, codes and regulations.
5. To protect the amenity of the local environment, and adjoining residents, businesses and landowners.

Mohini Nair
Planning and Urban Design Director
Redfern-Waterloo Authority

Sydney,

04 December 2008

SCHEDULE 1**PART A—TABLE**

Application made by:	Trevor McNally Psychiatric Rehabilitation Association c/o McNally Management Pty Ltd
Application made to:	Minister for Planning
Development Application:	DA 036-10-08
On land comprising:	1 Lawson Square, Redfern Lot 18 of Section C in DP 7328
Local Government Area	City of Sydney Council
For the carrying out of:	Change of use from office to conference facility use by external organisations, on level 10 of Tower 1
Estimated Cost of Works	Nil
Type of development:	Local Development
S.119 Public inquiry held:	No
BCA Building Class:	Class 9b
Approval Body / Bodies:	Not Integrated
Determination made on:	04 December 2008
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations, or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 036-10-08***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within 12 months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under section 123, subject to section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern-Waterloo Authority.

Further Information

If you have any queries regarding this matter, please contact Ms Joanne McGuinness, Planning Manager on 9202 9127.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Trevor McNally Psychiatric Rehabilitation Association c/o McNally Management Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

CEO means the Chief Executive Officer of the Redfern-Waterloo Authority

Council means the City of Sydney.

DA No. 036-10-08 means the development application and supporting documentation submitted by the Applicant on 2 October 2008.

Department means the Department of Planning or its successors.

Planning and Urban Design Director means the Planning and Urban Design Director of the Redfern-Waterloo Authority.

Minister means the Minister for Planning.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

RWA means the Redfern-Waterloo Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Advisory Notes – means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 036-10-08****PART A—GENERAL CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

1. Change of use from office to conference facility use by external organisations, on level 10 of Tower 1.
2. Conference facility to accommodate a maximum of 35 patrons.
3. Use of the conference facility is restricted to training purposes, Annual General Meetings and corporate meetings.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number 036-10-08 submitted by the Applicant on 2 October 2008, and in accordance with the following:

Statement of Environmental Effects entitled, <i>Statement of Environmental Effects, Development Application to use the existing premises for occasional public purposes, Level 10 Tower 1 – No.1 Lawson Square, Redfern.</i> Prepared by Plandev and dated September 2008.			
Architectural Drawings prepared by Welsh + Major Architects.			
Drawing No.	Revision	Name of Plan	Date
A101 AT A3	Issue D	General Arrangement Plan	March 2008

and as amended by the following conditions:

A3 Place of Public Entertainment

No approval is granted for the use of the premises as a Place of Public Entertainment.

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A5 Lapsing of Consent

In accordance with section 95(1) of the Act the development consent shall lapse unless work has physically commenced on the land within five (5) years from the date of the consent or in instances where no work is required, the use has commenced within five (5) years from the date of the consent.

PART B - Conditions to be complied with prior to the issue of an Occupation Certificate and prior to the commencement of use, to the satisfaction of the Certifying Authority

B1 Occupation Certificate

An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or part of the new building, an altered portion of, or an extension to an existing building. A copy of the Certificate shall be submitted to RWA's Planning Division and Council.

B2 Fire Safety Measures

The floor, Level 10, must comply with the Category 1 fire safety provisions as are applicable to the floor's proposed new use. Details of compliance with the nominated Category 1 fire safety provisions must be provided to the certifying authority prior to the issue of an occupation certificate.

B3 Works Compliance

All building works shall be constructed in accordance with the requirements of the relevant Australian Standards, Codes of Practice and the Building Code of Australia. Details of compliance with the BCA with the classification of the conference rooms as a Class 9b, is to be provided to the certifying authority prior to the issue of an occupation certificate.

B4 Fire Safety Certificate to be submitted

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

PART C - Conditions to be complied with during the use of the premises***C1 Hours of Operation***

The hours of operation of the conference facility on Level 10 will be from 10 am to 8 pm, Monday and Saturday.

C2 Annual Fire Safety Statement Form

An annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the Interim/Final Safety Certificate is issued.

ADVISORY NOTES***AN1 Compliance with Building Code of Australia***

The Applicant is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN2 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN3 Modification to development consent

That the applicant or any person entitled to act on this consent may make an application to modify this development consent in accordance with section 96 of the Act.