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**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF DEVELOPMENT APPLICATION NO. 049-07-09**

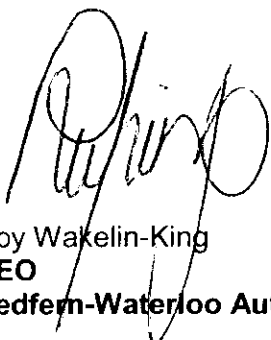
**(FILE NO. 0910/022)**

**APPLICATION OF GRAPHIC FILM TO GROUND LEVEL GLAZING OF THE NICTA BUILDING AT AUSTRALIAN TECHNOLOGY PARK EVELEIGH**

I, the Chief Executive Officer of the Redfern-Waterloo Authority as delegate of the Minister for 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 development 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.
5. To protect the amenity of the local environment, and adjoining residents, businesses and landowners and the public.



Roy Wakelin-King  
**CEO**  
**Redfern-Waterloo Authority**

Sydney,

23 August

2009

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Roads and Traffic Authority
<b>Application made to:</b>	Minister for Planning
<b>Development Application:</b>	DA 049-07-09
<b>Application date:</b>	29 July 2009
<b>On land comprising:</b>	Lot 500 DP 1033739 Suite 1 and 2 within the ground level of the NICTA Building Australian Technology Park Eveleigh  Lease Plan: Lot 44 DP877901
<b>Local Government Area</b>	City of Sydney
<b>For the carrying out of:</b>	Application of graphic film to ground level glazing of Suite 1 and 2 of NICTA Building
<b>Estimated Cost of Works</b>	\$15,000
<b>Type of development:</b>	Local Development
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	Not Integrated
<b>Determination made on:</b>	28 August 2009
<b>Determination:</b>	Development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
<b>Date consent is liable to lapse</b>	This consent will lapse 5 years from the date of commencement of consent, unless the development has physically commenced.

### PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 049-07-09

#### ***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 the Acting, Director of Planning and Urban Design, Joanne McGuinness by phone on 9202 9100.

**PART C—DEFINITIONS**

In this consent,

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

**Accredited Certifier** has the same meaning as Part 4A of the EP&A Act.

**Applicant** means Roads and Traffic Authority.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the EP& A Act.

**BCA** means the Building Code of Australia.

**CC** means a Construction Certificate issued pursuant of Part 4 of the EP&A Act

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

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

**Council** means the City of Sydney.

**DA No. 049-07-09** means the development application and supporting documentation submitted by the Applicant on 29 July 2009.

**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.

**Regulations** mean the *Environmental Planning and Assessment Regulations, 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.

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**SCHEDULE 2**  
**CONDITIONS OF CONSENT**  
**DEVELOPMENT APPLICATION NO. 049-07-09**

**PART A—GENERAL CONDITIONS**

**A1 Development Description**

- Application of graphic film displaying locality map to ground level glazing of the NICTA Building associated with the use of suites 1 and 2 for office purposes.

**A2 Development in Accordance with Plans**

The development shall be in accordance with Development Application Number 049-07-09 submitted by the Applicant on 29 July 2009, and in accordance with the following:

<b>Statement of Environmental Effects –prepared by Property Branch Roads and Traffic Authority Pty Ltd and dated July 2009</b>			
<b>Statement of Environmental Effects Addendum including SEPP 64 Assessment–prepared by the Roads and Traffic Authority Pty Ltd and undated</b>			
<b>Architectural and construction drawings prepared by Group GSA</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>S09-070-000</b>	<b>1</b>	<b>Location Plan</b>	<b>22/04/09</b>
<b>S09-070-9003-6</b>	<b>3</b>	<b>Elevations</b>	<b>22/04/09</b>
<b>S09-070-9003-1</b>	<b>3</b>	<b>Plan Site A</b>	<b>22/04/09</b>

and as amended by following conditions:

**A3 Erection of Signage**

The graphics are to be erected in a secure manner to ensure safety during installation and operation.

**A4 Prescribed Conditions**

The Applicant shall comply with the prescribed conditions of development consent under clause 98, 98A and 98C of the Regulation.

**A5 Works Compliance**

All building works shall be constructed in accordance with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

**A6 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.

**A7 Lapsing of Consent**

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

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## **PART B— CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS**

### ***B1 Contact Telephone Number***

Prior to the commencement of the works, the Applicant shall forward to the RWA and Council a 24 hour telephone number and must ensure the number is continually attended by a person with authority over the building work for the duration of the construction period.

### ***B2 Redfern-Waterloo Authority Contributions Plan 2006***

Pursuant to section 31(2) of the *Redfern-Waterloo Authority Act 2004*, and the *Redfern-Waterloo Authority Contributions Plan 2006*, the applicant is to pay into the Redfern-Waterloo Fund a levy in the amount of **\$300 (plus indexation)** towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.

The levy has been calculated in accordance with *Redfern-Waterloo Authority Contributions Plan 2006* as 2% of the proposed cost of development. The amount payable is 2% of that proposed cost as indexed between the date of determination and the date the levy is required to be paid, in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*. Proof of payment of this contribution shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

A copy of *Redfern-Waterloo Authority Contributions Plan 2006* is available for inspection at the Redfern-Waterloo Authority office, Level 11, Tower 2, 1 Lawson Square, Redfern.

## ***PART C—DURING CONSTRUCTION***

### ***C1 Approved Plans to be On-site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the RWA or Council.

### ***C2 Site Notice***

A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period.
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice.
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

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### **C3 Hours of Work and Noise**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive,
- (2) between 8:00 am and 1:00 pm, Saturdays, and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities,
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm,
- (3) the work is approved by RWA through the Construction Management Plan (prior to construction commencing),
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

### **C4 Construction and Noise**

All work, including demolition, excavation and building work must comply with the Australian Standard 2426 – 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites.

### **C5 Storage and Handling of Materials**

Materials generated or utilised during the demolition, construction and operation of the development should be adequately stored and handled to prevent water pollution (as defined under the *Protection of the Environment Operations Act*) and odour emissions.

### **C6 No Obstruction of Public Way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like.

## **PART D—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **D1 Road and Property Damage**

The cost of repairing any damage caused to RWA, Council or any other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant prior to occupation or commencement of use.

## **PART E—POST OCCUPATION**

### **E1 Maintenance of Graphics/Signs**

The owner/manager of the graphics must be responsible for the ongoing maintenance. The graphics shall be maintained in a neat and tidy condition at all times.

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## **ADVISORY NOTES**

### ***AN1 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.

### ***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.