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## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### MODIFICATION OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. 028-02-08

(FILE NO. 0708/078 VOL.2)

#### CHANGE OF USE FROM COMMERCIAL TO RETAIL (CAFE) OF GROUND FLOOR TENANCY, INCLUDING FITOUT AND OUTDOOR CAFE SEATING IN THE COURTYARD ON LAWSON SQUARE. INSTALLATION OF ROOF TOP SIGNAGE ON TOWERS 1 AND 2

#### 1 LAWSON SQUARE, REDFERN

I, the Planning and Urban Design Director 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 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 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.
4. To ensure that appropriate environmental protection measures are in place.
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, 16 December 2008

## SCHEDULE 1

### PART A—TABLE

<b>Application Number:</b>	MOD 028-02-08 (1) modifying DA 028-02-08
<b>Application made by:</b>	Kimberley Securities Ltd
<b>Application made to:</b>	Minister for Planning
<b>On land comprising:</b>	1 Lawson Square, Redfern Lot 18 of Section C in DP 7328
<b>Local Government Area</b>	City of Sydney Council
<b>For the carrying out of:</b>	Change of use from commercial to retail (cafe) to ground floor tenancy, including fit out and outdoor cafe seating in the courtyard on Lawson Square. Installation of roof top business identification signage on Towers 1 (on four elevations of building) & Tower 2 (on western elevation of building).
<b>Section 96(1) Application:</b>	MOD 028-02-08 (1) to fit out of the ground level tenancy for café use and operation, including cooking facilities, a grease trap and mechanical ventilation.
<b>Type of development:</b>	Local Development
<b>Development consent granted on:</b>	18 April 2008
<b>As modified:</b>	Consent not previously modified.
<b>S.119 Public inquiry held:</b>	No

## **NOTES RELATING TO THE MODIFICATION OF THE CONSENT TO DEVELOPMENT APPLICATION NO. 028-02-08**

### ***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.

### ***Review of the Determination***

Section 82A of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request a review of the determination. The request must be made in writing within 12 months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the Applicant discuss any request for a review of determination with RWA staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated or Integrated Development.

### ***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.

The Applicant has the right to appeal to the Land and Environment Court under section 96A of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a Section 96 Application, within 3 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, on 9202 9100.

## **PART C—DEFINITIONS**

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application No. 028-02-08.

## SCHEDULE 2

### MODIFICATION (MOD 028-02-08(1)) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO (DA 028-02-08)

The development consent is modified as follows:

#### SCHEDULE 2

#### PART A—GENERAL CONDITIONS

**Insert the following after the table in Condition A2 Development in Accordance with Plans:**

As modified by the documents listed below:

Statement of Environmental Effects entitled <i>Section 96 (1A) Modification to Development Consent, 1 Lawson Avenue, Redfern</i> , including all attachments, prepared by City Plan Services and dated 7 October 2008, lodged on 28 October 2008.			
Drawing No.	Revision	Name of Plan	Date
DA01	B	Proposed Cafe GCA Towers Redfern	27 October 2008

**Insert the following after Condition A3 – Fire Safety Measures:**

A list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate. If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated is to be provided to the Certifying Authority prior to issue of a Construction Certificate.

#### **PART B - CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE TO THE SATISFACTION OF THE CERTIFYING AUTHORITY**

**Insert the following after Condition B6 Long Service Levy:**

##### ***B7 Mechanical Ventilation/Exhaust Systems***

The premises shall be ventilated in accordance with Part F4 of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2. Mechanical services drawings including design certification shall be provided by an appropriately qualified person to the certifying authority with the application for a construction certificate.

**Replace Condition B2 Construction and Fit Out of Food Premises with the following:**

##### ***B2 Construction and Fit Out of Food Premises***

Prior to the issue of Construction Certificate the following details must be submitted for the approval of the Certifying Authority:

- (a) The drawings shall be amended to reflect compliance with the requirements of the AS4674-2004 "Design, Construction and Fit out of Food Premises," the Food Act 2003 and Food Regulation 2004.
- (b) The floor of the food preparation area shall be finished with an approved material, graded and drained to a trapped floor waste and coved at the intersection with the walls.
- (c) Wall finish- Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.
- (d) The ceiling of the food preparation area shall be constructed of set plaster or other rigid smooth faced material painted with a washable paint of a light colour.
- (e) A wash hand basin shall be provided within the café and be provided with hot and cold water supplied under pressure through an approved mixing device which can be adjusted to enable the hands to be washed under hot running water at a temperature of at least 40°C. The wash hand basin shall be provided with soap dispenser and facilities for drying hands.
- (f) Any refrigerated display or bain-marie appliances must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.
- (g) All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- (h) All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- (i) Clean and operative toilet facilities are to be available to food handlers at all times during the operation of the food business.
- (j) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (k) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance the Building Code of Australia.
- (l) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls, floors or plinths.
- (m) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (n) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75 mm is to be provided between fittings.
- (o) The following requirements apply to clearances and supports of equipment:
  - (i) All stoves, refrigerators, cupboards and similar fittings must have metal legs or a solid plinth with a minimum height of 150 mm.
  - (ii) All shelving must be fixed 25 mm clear of the walls on solid metal brackets.

**PART E - 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**

**Insert the following after Condition E7 Road/Footpath Damage:**

***E8 Certification of Exhaust System***

Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted by a suitably qualified person verifying that the kitchen and exhaust system as installed has been tested and complies with Australian Standard 1668-1991 Parts 1&2 and the Building Code of Australia.

***E9 Trade Waste Agreement***

Prior to the issue of an occupation certificate documentary evidence of a Trade Waste Agreement with Sydney Water shall be submitted to the certifying authority.

**PART F - CONDITIONS TO BE COMPLIED WITH DURING THE USE OF THE PREMISES**

**Insert the following after Condition F7 Annual Fire Safety Statement Form:**

***F8 Food Handling***

The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulation there under.

***F9 Maintenance of Food Premises***

The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and Regulation there under
- Australian Standard 4674-2004 Design, construction and fit-out of food premises.

***F10 Pollution and Noise***

Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of Environmental Operations Act 1997.

***F11 Waste***

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of Environmental Operations Act 1997.

**End of modifications to DA 028-02-08**