



26 May 2009

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Our ref: Notice of Determination
DA 019-02-2009 MOD1

Notice of Modification of Development Consent

Issued under section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, and pursuant to section 96(1A).

Reference No.	S09/00943-1
Modification Application Number	DA 019-02-2009 MOD 1
Development Application Number	DA 019-02-2009

Application Details

Name of Applicant	Robert Ell
Address of Applicant	GPO Box 2522 SYDNEY NSW 2001
Address of land to be developed	55 Harrington Street, The Rocks
Approved Development	Internal and external refurbishment to extend Ground Floor shop fronts and additional floor space to the First Floor.
Original DA Determination Date:	26 March 2009

Proposed Development	Modification to the internal layout of the Ground and First floors including a new passage way from Harrington Street into the Shopping Centre.
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Determination Date	26 May 2009
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Determination	Approval
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Details of conditions	See attached schedule
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Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) This consent to the modification application does not affect the timer period in which this consent will lapse.

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Further information

If you have any queries regarding this matter, please contact Ellie Caldwell on (02) 9228-6410 or email Ellie.Caldwell@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979*, I hereby modify the consent in accordance with the attached schedule.



Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 26 May /2009

SCHEDULE

ADDRESS:	55 Harrington Street
MODIFICATION NUMBER:	DA 019-02-2009 MOD 1
DA CONSENT NUMBER:	DA 019-02-2009
FILE NUMBER:	S09/00943-1
DESCRIPTION OF MODIFICATION SOUGHT:	Modification to the internal layout of the Ground and First floors including a new passage way from Harrington Street into the Shopping Centre.

The application to modify the above development consent has been approved by the Department of Planning under delegation from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*, as follows:

- Condition A1 has been amended to reflect the amended plan number references.

The modified development consent conditions are attached with additional wording shown in ***bold and italics*** with deletions shown ~~struck through~~.

All other conditions remain as previously approved.

CONDITIONS OF CONSENT
DA 019-02-2009
55 HARRINGTON STREET, THE ROCKS

[As amended by DA 019-02-2009 MOD 1 on 21 May 2009]

A APPROVED DEVELOPMENT

- A1** The development shall be generally in accordance with development application number DA 019-02-2009 submitted by the applicant on 25 February 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared by Simmons Architects			
Drawing No.	Revision/ Issue	Name of Plan	Date
01-S	D	Ground Floor Plan — Supermarket Proposal	02-02-09
01	J	Ground Level Plan	02-02-09
02	E	Level 1 Plan — Convenience Store Proposal	27-01-09
02	K	Level 1 Plan Alternative	27-01-09
03	D	Level 2 Plan	02-02-09
04	B	Street Elevations	02-02-09
06 ALTERNATIVE	F	Sections AA and BB Alternative	05-03-09
07 ALTERNATIVE	D	Sections CC and DD Alternative	05-03-09
09 ALTERNATIVE	E	Level 1 Reflected Ceiling Plan Alternative	05-03-09
10	B	Ground Level Demolition Plan	31-03-09
11	B	Level 1 Demolition Plan	27-01-09
Statement of Environmental Effects prepared by Simmons Architects dated 3 February 2009.			
Statement of Environmental Effects prepared by Simmons Architects dated 9 April 2009.			

Except as amended by the following conditions:

- A2 Changes to Approved Plans**
 No new changes or fixtures other than those shown on the stamped plans are to be installed without prior approval from the Department of Planning.
- B CONDITIONS TO BE MET PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**
- B1 Construction Certificate**
 The stamped drawings must now be lodged with a Principal Certifying Authority (PCA), Minister for Planning via the Department of Planning, City of Sydney Council, or a private certifier for a Construction Certificate. The applicant must supply the Department of

Planning's Urban Assessment Branch with a copy of the Construction Certificate within 2 days from the date of its issue.

B2 Water conservation

All new fixtures and fittings are to achieve the following WELS rating and performance:

- (a) hand wash basins rated to WELS 4 Star;
- (b) sink taps rated to WELS 4 Star;
- (c) showerheads rated to WELS 4 Star;
- (d) dual flush toilets rated to WELS 4 Star;
- (e) dishwashers rated to WELS 4 Star.

Details of the above are to be included in the specifications which are to form part of the construction certificate for the premises.

B3 Indoor Lighting

The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours in appropriate areas of the Facility. Details are to be submitted with the application for a construction certificate.

C CONDITIONS TO BE MET DURING DEMOLITION AND/OR CONSTRUCTION WORK

C1 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Planning Assessment Manager. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (including management of loading and unloading of materials associated with the works and management of vehicular and pedestrian movements / routes),
- (4) noise management,
- (5) waste management, and dust control.

The Applicant shall submit a copy of the approved plan to the Department of Planning's Urban Assessment Branch.

C2 Construction Hours

The hours of construction and work on the development shall be as follows:

- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of:
 - 7.00 am and 7.00 pm on Mondays to Fridays, inclusive; and
 - 7.00 am and 3.00 pm on Saturdays, inclusive; and
 - no work must be carried out on Sundays or public holidays.
- (b) Building work which involves high noise outputs (such as jack hammering, grinding, repetitive manual hammering, electric planing, masonry drilling or circular sawing) shall not be undertaken in the hours of 12 Midday – 2.00 pm.

(c) Works may be undertaken outside these hours only where:

- the delivery of materials is required outside these hours by the Police or other authorities;
- works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- approval is obtained by the Planning Assessment Manager of the Urban Assessment Branch, Department of Planning prior to carrying out these works; and
- 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.

C3 Noise Management

All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

C4 Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the Protection of the Environment Operations Act, 1997 must be satisfied at all times.

C5 WorkCover Requirements

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel and work shall be conducted at all times in accordance with relevant Work Cover requirements.

C6 Obstruction of Public Domain

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

C7 Structural Certification

All proposed structures and fittings are to be structurally sound and erected in accordance with manufacturer's specifications and/or advice from a suitably qualified engineer to meet relevant requirements of the BCA and applicable Australian Standards.

C8 Copy of Approved Plans 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 Department of Planning, Council or the PCA.

D CONDITIONS TO BE MET PRIOR TO THE OCCUPATION OF THE BUILDING

D1 Occupation Certificate

Prior to the commencement of occupation or use of the whole or any part of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy submitted to Council and the Department of Planning's Urban Assessments Branch in accordance with the Environmental Planning and Assessment Regulation 2000.

D2 Damage to Public Assets

The cost of repairing any damage caused to any Public Authority's on the Argyle Street frontage of the site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer to the satisfaction of the Landowner (Sydney Harbour Foreshore Authority) prior to reinstatement of the site.

Written confirmation from the Sydney Harbour Foreshore Authority that no damage has occurred or that all works have been satisfactorily completed is to be obtained and submitted to the PCA prior to the issue of an Occupation Certificate.

D3 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department of Planning's Urban Assessments Branch and Council by the PCA.

E CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

E1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

PRESCRIBED CONDITIONS

P1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- a) the work must be carried out in accordance with the requirements of the *Building Code of Australia*,

P2 Erection of signs

1. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
2. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained in accordance with clause 227A of the Environmental Planning and Assessment Regulations 2000. A maximum penalty of \$1,100 applies for failing to comply with this condition.

The reasons for the imposition of the above conditions are:

- To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval;
- To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*;
- To ensure compliance with relevant planning controls;
- To ensure that the work is carried out to an acceptable standard and in accordance with the *Building Code of Australia*;
- To ensure the demolition, excavation and building works are carried out within the required standards, with minimal impact to the locality;
- To ensure that appropriate environmental protection measures are in place; and
- To protect the amenity of the local environment, residents and adjoining landowners.