NSW GOVERNMENT
Department of Planning

15 January 2009

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Our ref: Notice of Determination

Oley Kaewkhoch
Canvas People Pty Ltd
256/243 Pyrmont Street
PYRMONT NSW 2009

Notice of Determination of a Development Application

Issued under section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Reference No.	S09/00050-1
Development Application Number	DA 004-01-09
Development Application	
Name of Applicant	Oley Kaewkhoch
Address of Applicant	256/243 Pyrmont Street, Pyrmont
Address of land to be developed	256/243 Pyrmont Street
Proposed Development	Change of use to an internet & business service centre serving hot/cold drinks and refreshments and fitout of premises.
Determination Date	15 January 2009
Determination	Approval
Details of conditions	**See attached schedule**

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) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
(4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
(5) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with section 96 of the Act.
(6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

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 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.

Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 15 January **/2008**

SCHEDULE

ADDRESS:	256/243 Pyrmont Street, Pyrmont
DA NUMBER:	DA 004-01-09
FILE NUMBER:	S09/00050-1
DESCRIPTION OF DEVELOPMENT:	Change of use to an internet & business service centre serving hot/cold drinks and refreshments and fitout of premises.

A APPROVED DEVELOPMENT

A1 The development shall be generally in accordance with development application number DA 004-01-09 submitted by the applicant on 9 January 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared Oley Kaewkhoch, as amended in red.			
Drawing No.	**Revision/ Issue**	**Name of Plan**	**Date**
1	-	Garbage and Loading Zone	9 JAN 09
2	-	Map and Address – Goldsborough Building	9 JAN 09
3	-	Shop 256 Floor Plan	9 JAN 09
4	-	Shop 256 Artistic Impression	9 JAN 09
5	-	Internal Artistic Impression	9 JAN 09
6	-	External Signage	9 JAN 09
Statement of Environmental Effects prepared by Oley Kaewkhoch, undated.			
Supporting Specification Report prepared by Oley Kaewkhoch, undated.			

Except as amended by the following conditions:

A2 Hours of Operation
The hours of operation of the Internet Café, subject of this application shall be restricted to: -

(a) 7.00 am – 6.00 pm Monday to Friday; and
(b) 8.00 am – 6.00 pm Saturday and Sunday.

A3 Unauthorised Signage
Unauthorised portable signs, advertising structures, A-frame signs, seating or tables and the like shall not be placed on the footbridge or other public areas without prior approval from the Department of Planning's Urban Assessment Branch. This consent does not approve the erection of the A-frame sign as per Drawing 6.

A4 **Changes to Approved Plans**
No changes or fixtures other than those shown on the stamped plans or as specified in these conditions of consent are to be installed without the prior approval of the Department of Planning's Urban Assessment Branch.

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

B1 **Public Access during Works**
Safe and reasonably convenient public access shall be maintained to nearby retail tenancies during trading hours throughout the works period. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances without the approval of the Department of Planning's Urban Assessment Branch.

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

C1 **Waste Removal**
Prior to commencement of the use the applicant must ensure that there is a contract either with City of Sydney Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

D CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

D1 **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 Department of Planning's Urban Assessment Branch, City of Sydney Council or the PCA.

D2 **Sign Illumination**
At no time is the sign/s to be illuminated.

D3 **Noise Management**
The use of the premises shall not cause a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

D4 The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

D5 Internal layouts should make provision for goods delivery, storage and waste storage within the tenancy area. No storage or placement of goods or materials associated with the tenancy shall be permitted to be placed on the public domain, external to the tenancy at any time.

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 to control erosion and sedimentation, dust and noise etc.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure that finishes are compatible with the existing building and surrounding buildings to create or maintain a high quality environment.