



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 039-11-08

(FILE NO. 0809/028)

PROVISION OF SIGNAGE ON THE BLACKSMITH'S WORKSHOP BUILDING FOR THE MARKET USE

I, the Acting Chief Executive Officer 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 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.
6. To ensure maintain a high quality built environment.
7. To maintain and enhance the heritage significance of the building and its setting.

Mohini Nair
A/CEO
Redfern-Waterloo Authority

Sydney, 2nd February 2009

SCHEDULE 1

PART A—TABLE

Application made by:	Redfern-Waterloo Authority Level 11, Tower 2, 1 Lawson Square REDFERN NSW 2016
Application made to:	Minister for Planning
Development Application:	DA 039-11-08
Application date:	5 November 2008
On land comprising:	Part of Lot 4 DP 862514 Wilson Street, Darlington
Local Government Area	City of Sydney
For the carrying out of:	Signage on the Blacksmith's Workshop building advertising the market use of the building. A detailed description of the development consented to, is described in Conditions A1, Part A, Schedule 2.
Estimated Cost of Works	\$70,000
Type of development:	Local Development (Crown DA)
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	02 February 2009
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 the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 039-11-08

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 the Manager, Development Assessment, 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 Redfern-Waterloo Authority or any party acting upon this consent.

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.

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. 039-11-08 means the development application and supporting documentation submitted by the Applicant on 5 November 2008.

Department means the Department of Planning or its successors.

Planning and Urban 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.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 039-11-08****PART A—GENERAL CONDITIONS****A1 Development Description**

1. A 4m wide x 1.3m high sign on the eastern gable end of the Blacksmiths' Workshop Building. The sign reads "Eveleigh Market" in black lettering with an orange background.
2. *Wall signage on the northern brick facade of the Blacksmiths' Workshop, comprising:*
 - 14 signage panels set within the recessed bays, reading "Eveleigh Market". Each letter is located on an individual panel.
 - Each panel measures 2525mm high and 2275mm wide. The lettering attached to each panel measures 900mm high and 700mm wide. The panel has a predominantly orange background and lettering is silver.
 - The total length of the panels is 35m. The entire length of this wall of the Blacksmith's Workshop is 161.
 - The panels are structural sheet aluminium. The lettering is either brushed aluminium or stainless steel. The lettering projects from the panels and recess, but is flush with the wall.
 - The panels will be fixed to the wall with masonry bolts.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application Number 039-11-08 submitted by the Applicant on 05 November 2008, and in accordance with the following:

Statement of Environmental Effects 'Blacksmiths' Signage' prepared Eco Plan dated October 2008		
Drawings prepared by Milne & Stonehouse Artists:		
Drawing No.s	Name of Plan	Date
1 to 5	Concept Signage Eveleigh Market	10 October 2008
'Heritage Impact Statement Former Blacksmiths' Workshop Exterior Signage' prepared by Weir Phillips Architects and Heritage Consultants dated October 2008		

and as amended by following conditions:

A3 Erection of Signage

- (1) The signs are to be erected in a secure manner to ensure safety.
- (2) The signs are to be erected in a reversible manner without causing irreversible damage to the significant fabric of the building.
- (3) The signage panels to be erected on the northern wall shall be installed with a minimum separation space of 15mm from the brick wall.
- (4) The bolts should be fixed into the mortar joints to avoid damage to the brickwork, and to minimise the extent of repairs to the façade should the panels be removed in the future.

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.

PART B— PRIOR TO COMMENCEMENT OF WORKS**B1 Structural certification for design – (BCA class 10b)**

Prior to the commencement of works, structural details and a Structural Certificate for Design in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia (applicable to class 2-9 buildings) and Clause 1.2.2 (iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or private accredited certifier). A copy of the certificate must be submitted to Council and the RWA.

B2 Barricade Permit

Where construction / building works require the use of a public place including a roadway or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

B3 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.

B4 RailCorp Safe Work Method Statement

A Safe Work Method Statement (SWMS) for the proposed works is to be submitted to RailCorp prior to the works commencing on site.

PART C—DURING CONSTRUCTION**C1 General**

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

C2 Site Personnel

All site personnel shall be made aware of their obligations under Sections 57 and 146 of the *Heritage Act 1977* (NSW) and Section 91 of the *National Parks and Wildlife Act 1974* (NSW).

C3 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 subject site at all times and shall be readily available for perusal by any officer of the RWA or the Certifying Authority.

C4 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.

C5 Protection of Trees – Street Trees During Construction

All street trees adjacent to the site must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order.

C6 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.

C7 Loading and Unloading During Construction

All loading and unloading associated with construction must be accommodated on site.

C8 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop **all** work on site. This condition does not apply where a barricade permit as been obtained from Council in accordance with condition B2.

C9 Hours of Work and Noise

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

- (1) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (2) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

C10 Access to Railway Corridor and Services

During the duration of construction works, 24 hour access must be maintained over the access road for Railcorp vehicles and equipment. In addition, 24 hour access must also be maintained to the existing high voltage electrical cable located under the Wilson Street footpath in front of the Blacksmith's Workshop building.

C11 Road 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/developer.

C12 Compliance with Legislation and Regulations

During all stages of the development, environmental legislation and regulations will be complied with.

PART D—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**D1 Signage management plan**

A signage maintenance or management plan must be developed and endorsed by the applicant to ensure the panels are mitigated from damage such as vandalism or graffiti. A copy of the plan is to be submitted to the RWA.

D2 Compliance with Conditions

An as-built survey and documentary evidence of compliance with the approved plans approved by Development Application No. 039-11-08 and of compliance with all conditions of that consent and this current consent shall be submitted to Certifying Authority prior to occupation or commencement of use. A copy should also be submitted to the RWA.

PART E—POST OCCUPATION**E1 Removal of Graffiti**

The owner/manager of the signs must be responsible for the removal of all graffiti from the signage within 48 hours of its application.

E2 Maintenance of Signage Structures and Signs

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

ADVISORY NOTES

AN1 Railcorp Requirements

Prior to the commencement of any works the Applicant shall contact Railcorp to ascertain the need to comply with any other Railcorp requirements that may apply at the time of works commencing and which are not generally covered by these conditions of consent.

AN2 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 commencement of works.

AN3 Use of Mobile Cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the subject site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the subject site prior to 7.30am without the prior approval of Council.