

ATTACHMENT F

**HERITAGE ORDER DATED
15 SEPTEMBER 2009**

RANGLLEN INVESTMENTS PTY LTD
Minter Ellison
Level 3, 25 National Circuit
Forrest ACT 2603

15 SEP 2009

OUR REF: S073062/AM/LJB/CSM670772

POSTED

ORDER

This is an Order under the Environmental Planning and Assessment Act 1979.

Premises: Lot 1 DP 725585 - 1-5 Flinders Street SURRY HILLS NSW 2010

You: are the owners of the building.

Circumstances:

Work has been unlawfully carried out, namely the external walls of the existing building have been painted in a colour that is unsympathetic and inappropriate.

Terms:

1. Submit to Council a report from a heritage architect recommending a suitable program of works to repaint the façade and a time frame in which the works will be carried out. The report shall include a schedule of finishes with a new colour scheme that is sympathetic to the streetscape and adjoining properties. The report shall be assessed by Council and approved prior to commencement of works.
2. Upon Council approval undertake the program of works referred to in paragraph one of the Terms.

Reasons for Order:

1. The heritage façade of the building has been painted without prior development consent where development consent is required to be submitted to Council for carrying out work in accordance with section 76A of the Environmental Planning and Assessment Act, 1979;
2. The building is a Heritage item and the unauthorised painting of the facade required consideration under Council's Local Environmental Plan - South Sydney LEP 1998;
3. The property is located within a heritage conservation area under Local Environmental Plan - South Sydney LEP 1998 and the works already undertaken are unsympathetic and inappropriate.

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Period:

The period for compliance will be twenty eight (28) days from the date of issue of this Order.

Failure to comply with the Order:

It is an offence pursuant to Section 125 of the Environmental Planning & Assessment Act to fail to comply with this Order. You are reminded that should the Order not be complied with, Council may commence legal proceedings in the Land and Environment Court of NSW seeking mandatory orders, costs and penalty.

Notes for your assistance:

If you require further information please do not hesitate to contact Adrian Mihaila on 9246 7681 during office hours.

Notice of Right to Appeal:

You or any other person affected by this Order may appeal to the Land and Environment Court against this Order or a specified part of this Order. An appeal must be made within 28 days after the service of the Order on you. Any such appeal does not effect a stay of the Order.

Relevant Authority:

The relevant legislative provisions are Section 121B, Order No. 12(b) of the Environmental Planning and Assessment Act, 1979.



Robert Carr
Senior Building Surveyor Compliance

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CC: Ranglen Investments Pty Ltd
PO Box 272
NEUTRAL BAY NSW 2089

NOTES:

- 1. Work associated with this Order 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 and no work must be carried out on Sundays or public holidays;**
- 2. Any and all works on or over the public way shall require prior temporary approval from the Council under section 68 of the Local Government Act 1993. An application for a temporary permit may be made through Council's Construction Regulation team. They may be contacted by telephone on 9265 9333.**