

9 August 2023

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 56-78 Oxford Street, Darlington - D/2022/969**



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 12.00 noon on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au.

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 19 July 2023

Item 3.**Development Application: 56-78 Oxford Street, Darlinghurst - D/2022/969**

File No.: D/2022/969

Summary**Date of Submission:** 23 September 2022, amended 5 June 2023**Applicant:** The Lune Co Pty Ltd**Architect:** Ewert Leaf**Developer:** The Lune Co Pty Ltd**Owner:** The Council of the City of Sydney**Planning Consultant:** Ethos Urban**Heritage Consultant:** Urbis**Cost of Works:** \$2,255,000**Zoning:** The site is located in the E1 Local Centre zone.

The proposed development is for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas, which are all permissible with consent in the zone under the Sydney Local Environmental Plan 2012.

Proposal Summary: The application seeks development consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.

The proposal is an Integrated Development Application, as the GA Zink & Sons Building at 56 Oxford Street, Darlinghurst, is listed on the State Heritage Register as an item of state heritage significance and approval is required from Heritage NSW, as delegate for the Heritage Council of New South Wales under the Heritage Act, 1977.

General Terms of Approval to the proposal were granted by Heritage NSW on 7 March 2023, and updated on 21 July 2023 to reflect the amended application received by the City on 5 June 2023.

The application is referred to the Local Planning Panel for determination as the landowner is the City of Sydney, noting however that the site is subject to a 99-year lease with AM Darlinghurst until 2118.

The application relies on the development consent granted by the City of Sydney Local Planning Panel on 18 May 2022 under development application D/2020/1071 (as modified). Conditions are included in Attachment A to this effect.

The proposed height of development complies with the maximum height control of 15 metres under Clause 4.3 of the Sydney Local Environmental Plan 2012.

The proposed density of development complies with the alternate maximum floor space ratio (FSR) control of 4.5:1 under Clause 6.60D of the Sydney Local Environmental Plan 2012, noting that the requirements of the clause have been fulfilled by the granting of development consent D/2020/1071 by the Local Planning Panel.

The application was notified between 28 September 2022 and 27 October 2022 in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979. The City did not receive any submissions in relation to the proposal, either during or after the notification period.

The amended proposal received by the City on 5 June 2023 was not required to be notified under Schedule 1 of the Environmental Planning and Assessment Act, 1979, or the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.

As a result of the modifications made to the proposed development and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the conditions of the site and locality. It is generally acceptable with regard to the applicable planning controls, results in a form and scale that achieves the desired future character of the area and exhibits design excellence.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000
 - (ii) Heritage Act, 1977 and Heritage Regulation, 2012
 - (iii) Roads Act, 1993 and Roads Regulation, 2018
 - (iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - (v) State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
 - (vi) State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
 - (vii) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
 - (viii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
 - (ix) City of Sydney Guidelines for Waste Management in New Developments
 - (x) City of Sydney Development Contributions Plan 2015
 - (xi) City of Sydney Community Participation Plan

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings
 - C. General Terms of Approval

Recommendation

It is resolved that consent be granted to Development Application Number D/2022/969 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) General Terms of Approval have been granted to the proposal by Heritage NSW, as delegate for the Heritage Council of NSW, in accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposal generally satisfies the applicable objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the E1 Local Centre zone.
- (E) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (F) The proposal complies with the maximum alternate floor space ratio development standard in Clause 6.60D of the Sydney Local Environmental Plan 2012, subject to conditions.
- (G) The proposal is consistent with the desired future character for the Oxford Street, Darlinghurst locality, while also conserving the GA Zink & Sons building, contributory building, and significance of the Oxford Street heritage conservation area, in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012, Section 2.4.10, and Sections 3.9.5, 3.9.6 and 3.9.7 of the Sydney Development Control Plan 2012.
- (H) The design and materiality of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (J) The proposed land use does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader suburb of Darlinghurst, subject to the recommended conditions of consent.
- (K) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City. This is subject to the recommended conditions of consent imposed relating to the appropriate management of the potential environmental impacts associated with the development.

Background

The Site and Surrounding Development

1. The site has a legal description of Lots 2 to 12 inclusive in Deposited Plan 6520, and is commonly known as 56-78 Oxford Street, Darlinghurst.
2. It is approximately rectangular in shape, with a chamfered north-western corner, and has an overall site area of approximately 1,348 square metres.
3. It has a primary street frontage to Oxford Street, with secondary street frontages to Burton Street and Foley Street. At the rear of the site, Foley Street has the character of a service lane, rather than a street. The site is located close to the intersection of Crown Street and Oxford Street.
4. Levels on the site fall by approximately 2.3 metres along the Oxford Street frontage of the site from the south-east to the north-west and by approximately 3 metres from Oxford Street down to Foley Street.
5. The site contains six separate buildings of masonry construction, presenting as three storeys in height to Oxford Street and four storeys in height to Foley Street. Some of the buildings are interconnected on the lower ground floor, level 1, and level 2.
6. The buildings are part of an architecturally consistent group of buildings constructed as the result of the resumption of the land by Council and widening of Oxford Street between Whitlam Square and Taylor Square, which commenced circa 1909.
7. Each building has a distinct and individual appearance but collectively they present as a cohesive streetscape, comprise a fine example of Federation Freestyle architecture, and make an important contribution to the streetscape.
8. The six buildings were constructed circa 1911 and 1912, and are individually listed State and locally significant heritage items, described on the State Heritage Register and in Schedule 5 of the Sydney LEP 2012 as follows:
 - (a) The commercial building "GA Zink & Sons", including interior, at 56 Oxford Street, Darlinghurst, State Heritage Register Number 658 and Sydney LEP 2012 Item Number I384.
 - (b) The commercial building, including interior, at 58-60 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I385.
 - (c) The commercial building, including interior, at 62-66 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I386.
 - (d) The commercial building "Daniel's", including interior, at 68-70 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I387.
 - (e) The commercial building "Nelson Leong", including interior, at 72-72A Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I388.
 - (f) The commercial building, including interior, at 74-78 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I389.
9. The buildings are owned by the City, but are part of a 99-year lease until the year 2118.

10. The site is currently under construction in accordance with development consent D/2020/1071, as modified, which is discussed below under the 'History Relevant to the Development Application' section of this report.
11. The surrounding area is characterised by a mixture of land uses, primarily being a mixture of commercial premises, mixed-use developments, and residential land uses.
12. To the west of the site at 52-54 Oxford Street, Darlinghurst is a three-storey triangular brick building, which is a local heritage item described as a former commercial building "London Chambers" including interior in Schedule 5 of the Sydney LEP 2012 (Item Number I383). It accommodates a cafe and a cocktail bar on the ground and lower ground levels, and residential uses above.
13. To the east, at 80 Oxford Street, Darlinghurst, is a three-storey brick and sandstone corner building, which is a local heritage item described as the former "Kelso's Hotel" including interior in Schedule 5 of the Sydney Local Environmental Plan 2012 (Item Number I390). It accommodates retail premises on the lower levels, and residential uses above.
14. To the north-west is a four-storey mixed use building on the opposite side of Foley Street, with ground floor retail premises and residential uses above.
15. To the north along the opposite side of Burton Street, are a number of two and three storey residential and commercial buildings.
16. To the south, on the opposite side of Oxford Street, is a row of three to four storey retail and commercial buildings.
17. The site is identified on the Heritage Map in the Sydney LEP 2012 as being located within the Oxford Street heritage conservation area (Map reference C17). The site is identified as containing contributory buildings on the Building contributions map in the Sydney DCP 2012, in accordance with Section 3.9.7 of the Sydney DCP 2012.
18. The site is identified in Section 2.4.10 of the Sydney DCP 2012 as being located within the Oxford Street, Darlinghurst locality, and is identified as being subject to flooding along its frontage along Oxford Street.
19. A site visit was carried out on 15 June 2023.
20. Photographs of the subject site and surroundings are reproduced in the figures provided below.



Figure 1: Aerial photographic view of the overall site area (shown shaded in blue), the buildings at 56 and 58-60 Oxford Street, Darlinghurst (shown shaded in red), and the site surroundings



Figure 2: The northern Burton Street elevation (left) and north-eastern Foley Street elevation (right) of the lower ground floor level of the buildings at 56 and 58-60 Oxford Street, Darlinghurst respectively, viewed from the northern side of Burton Street, looking south

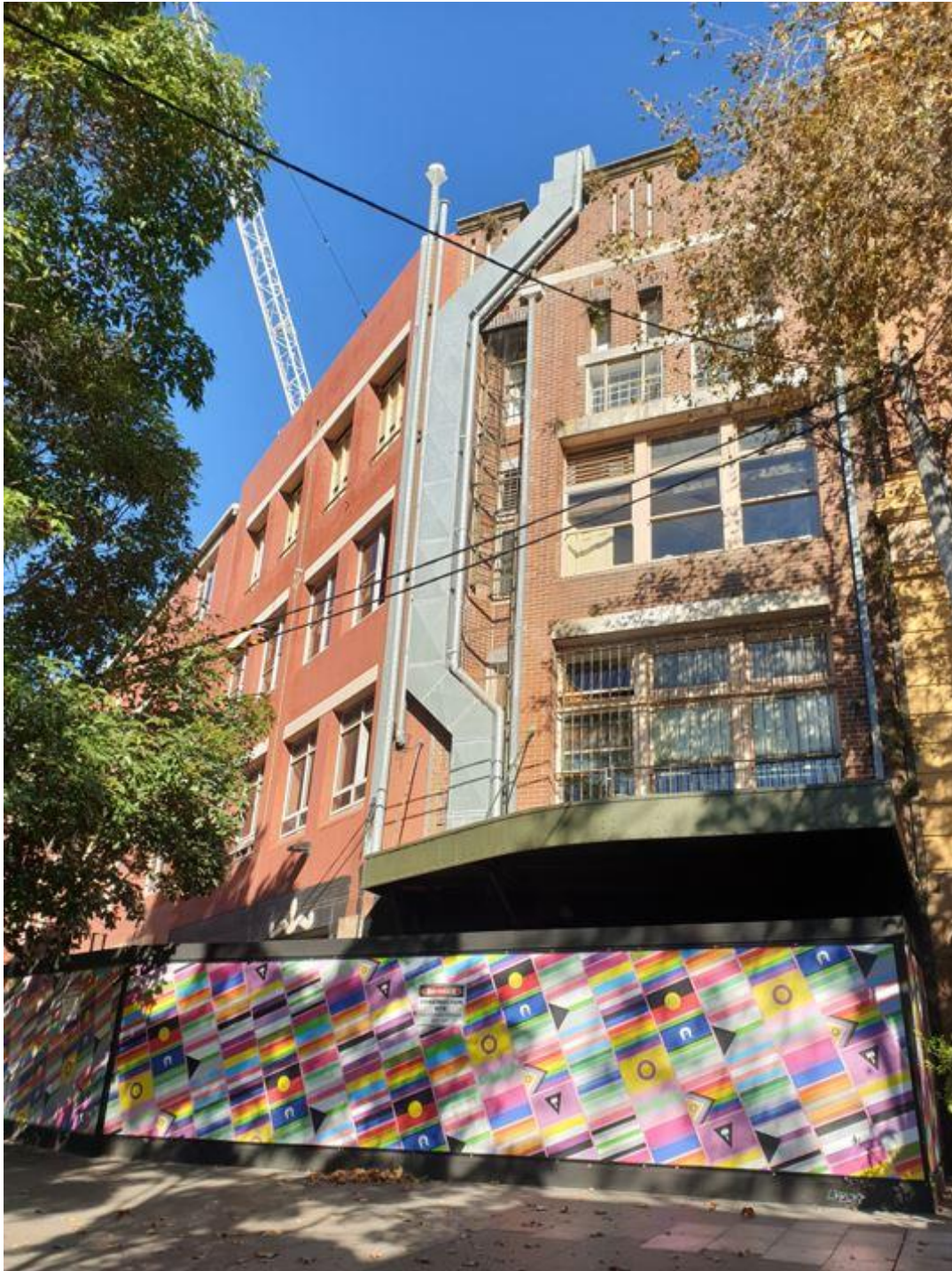


Figure 3: The northern Burton Street elevation of the lower ground floor level of the building at 56 Oxford Street, Darlington, viewed from the northern side of Burton Street, looking south



Figure 4: The northern Burton Street elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the northern side of Burton Street, looking south-west



Figure 5: Oxford Square, viewed from the northern side of Burton Street, looking west



Figure 6: Existing commercial development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north-west



Figure 7: Existing residential development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north



Figure 8: Existing residential and commercial development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north-east



Figure 9: Existing mixed use building at 7-13 Burton Street, Darlinghurst viewed from the northern side of Burton Street adjacent, looking south-east



Figure 10: The eastern Oxford Square elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the northern side of Oxford Street, looking east



Figure 11: The south-western Oxford Street elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the southern side of Oxford Street, looking north-east



Figure 12: "GA Zink & Sons" building at 56 Oxford Street, Darlington, viewed from the south-western side of Oxford Street, looking north-east



Figure 13: The buildings at 58-78 Oxford Street, Darlinghurst, viewed from the south-western side of Oxford Street, looking east



Figure 14: The buildings opposite the site, viewed from the northern side of Oxford Street, looking south-east



Figure 15: Buildings opposite the site at the intersection of Riley Street with Oxford Street, viewed from the northern side of Oxford Street, looking south

History Relevant to the Development Application

Development Applications

21. The following applications are relevant to the current proposal:

- (a) **D/2020/1071** – Deferred commencement consent was granted by the City of Sydney Local Planning Panel subject to conditions on 18 May 2022.

The consent was for alterations and additions to two groups of existing buildings at 58-78 Oxford Street, Darlinghurst and 82-106 Oxford Street, Darlinghurst, for a mixed-use development and associated signage strategy.

The approved uses include retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels, and commercial offices on the levels above.

The deferred commencement conditions were satisfied on 24 August 2022 and the consent was activated.

It must be noted that the "GA Zink & Sons" building at 56 Oxford Street, Darlinghurst is not subject to this development consent.

- (b) **VPA/2021/9** – A voluntary planning agreement between the Council of the City of Sydney and AM Darlinghurst Investment Pty Ltd for the upgrade of Foley Street to a shared zone was executed in November 2021, with guarantees provided to Council on 7 July 2022, and the agreement registered on title by the New South Wales Land Registry Services on 28 July 2022.
- (c) **PDA/2022/147** – A request for pre-lodgement advice was made by the applicant to the City on 7 July 2022 for the fit out of the site for a food and drink premises known as Lune Croissanterie.

Pre-lodgement advice was provided on 17 August 2022 advising that, given that conditions of consent of D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site had not been satisfied, the request was considered premature.

Given that the approved signage strategy and approved tenancy strategy were intended to act as the foundations from which any future fit out works in the building were to be conceptualised and designed, they would have to be satisfied to provide meaningful and accurate advice in relation to the pre-lodgement request.

- (d) **D/2020/1071/A** – A Section 4.55(1A) modification application was approved under staff delegation subject to conditions on 19 August 2022.

The approved modifications included amendments to change the timing and staging of the submission of information to satisfy a wide range of internal and external design modification, heritage, ventilation and public domain conditions.

- (e) **D/2020/1071/B** – A Section 4.55(1) modification application was approved under staff delegation subject to conditions on 22 August 2022.

The approved modification included the correction of an error relating to a reference to a stair between the ground floor and lower ground floor levels.

- (f) **D/2020/1071/C** – A Section 4.55(2) modification application was lodged with Council on 10 February 2023 to amend the design of the alterations and additions to the group of existing buildings at 82-106 Oxford Street, Darlinghurst.

The proposed modifications include internal amendments including floor level adjustments and reconfiguration, shopfront modifications, minor roof change to accommodate a new internal lift core, and new and modified external openings, including deletion of an approved loading dock door.

This application is currently under assessment by Council staff.

- (g) **D/2020/1071/D** – A Section 4.55(1A) modification application was approved under staff delegation subject to conditions on 10 July 2023.

The approved modifications included internal amendments and reconfiguration, shopfront modifications, new and modified external openings and minor amendments to roof plant.

Compliance Action

22. The subject site is not subject to any compliance action or investigation.

Amendments

23. Following a preliminary assessment of the proposed development by Council staff, a letter requesting the withdrawal of the application was sent to the applicant on 10 November 2022.
24. The request reiterated the advice provided to the applicant on 17 August 2022 that the application had been made prematurely, given that conditions of consent in D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site at 58-78 Oxford Street, Darlinghurst had not been satisfied.
25. It was advised that the proposed development must be consistent with, and respond to the requirements of this development consent, in order to prepare the building for future use, and to ensure the conservation of the significance of the heritage items.
26. On 30 November 2022, Heritage NSW requested that City staff seek clarification from the applicant in relation to the significance grading of heritage building fabric, and regarding the extent of proposed demolition work. This request was sent to the applicant on 1 December 2022.
27. The applicant responded on 9 December 2022, providing detail on the two matters outlined above, which was sent by City staff to Heritage NSW on that date.
28. On 23 January 2023, Heritage NSW made a further request for clarification in relation to the extent of proposed demolition work. This request was sent to the applicant on that date.
29. The applicant provided a further response to Heritage NSW on 27 January 2023, which was sent by City staff to Heritage NSW on 28 January 2023.
30. Following completion of the assessment of the proposal by City staff, a second request for withdrawal of the application was sent to the applicant on 24 January 2023. This request reiterated the matters raised in the previous request for withdrawal, and raised additional concerns in relation to the following matters:
 - (a) Removal of bicycle parking approved under D/2020/1071 (as modified).
 - (b) Inadequate assessment of the creation of additional gross floor area (GFA) and floor space ratio (FSR).
 - (c) Unclear waste management measures.
31. The applicant responded to this request on 22 February 2023 advising that the application would not be withdrawn, and:
 - (a) Advised that a signage strategy and strategy for future tenancies had been submitted to the City for approval.
 - (b) Advised that Section 4.55(1A) modification application D/2020/1071/D had been submitted to the City to resolve the issues raised in relation to bicycle parking, GFA and FSR.
 - (c) Provided clarification regarding waste management measures approved under D/2020/1071, and proposed under the subject development application.

32. The conditions of consent in D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site at 58-78 Oxford Street, Darlinghurst were satisfied on 31 March 2023.
33. A letter requesting additional information and amendments was sent to the applicant on 9 May 2023, raising the following matters:
 - (a) Concern that the proposed shopfront design was inconsistent with the shopfront designs approved under D/2020/1071 (as modified).
 - (b) Clarification in relation to the proposed signage and its consistency with the approved signage strategy.
 - (c) Colour and material detail for the interior of the subject premises.
34. A meeting was held between Council staff, the developer and builder of the site at 58-78 Oxford Street, Darlinghurst and the applicant's planning consultant on 15 May 2023 to discuss the concerns raised in relation to the consistency of the proposed shopfront design with that approved under D/2020/1071 (as modified).
35. The applicant responded to the request on 5 June 2023 lodging amended drawings through the NSW Planning Portal in accordance with Section 37 and 38 of the Environmental Planning and Assessment Regulation, 2021, revising the design of the proposed shopfront, deleting a proposed sign, and providing an interior colour and material scheme.
36. The assessment provided in this report is based on the amended application received on 5 June 2023 and the additional information outlined above.

Proposed Development

37. The subject development application, as amended, seeks development consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.
38. Specifically, the proposal involves the following:
 - (a) Demolition of existing internal walls.
 - (b) Demolition of portions of existing external walls and bi-fold windows.
 - (c) Demolition of existing external doors, window openings and mechanical ducting.
 - (d) Construction of new door and window openings with bronze shrouding and cladding.
 - (e) Painting of the existing awning.
 - (f) Installation of new sliding servery window joinery with bronze shrouding and cladding, and concrete bench.
 - (g) Installation of new air louvres above the windows to Foley Street with a powdercoat finish.

- (h) Construction, fit out and use of an area within the lower ground level of the buildings at 56 and 58-60 Oxford Street, Darlinghurst, trading as "Lune Croissanterie" and including:
 - (i) A retail and coffee sales area.
 - (ii) Bakery areas.
 - (iii) Back of house area.
 - (iv) Sanitary facilities.
 - (v) Store-rooms.
 - (vi) Coolroom.
 - (i) Fit out and use of an area within the lower ground floor level of the building at 74-78 Oxford Street, Darlinghurst as an ancillary:
 - (i) Staff meeting room.
 - (ii) End of journey facility.
 - (iii) Office.
 - (j) Signage including a:
 - (i) Square internally illuminated projecting wall sign measuring 400 millimetres by 400 millimetres, with black steel backing and white text and logo with the word 'LUNE', located adjacent to the entry door to the premises.
 - (ii) Rectangular external film window sign in gold foil finish, with the text and logo 'LUNE', opening hours and payment details text, measuring 225 millimetres in height by 450 millimetres in width, located on the entry door to the premises.
 - (k) Hours of operation between 5am and 3pm, Monday to Sunday inclusive.
 - (l) Trading hours between:
 - (i) 7.30am and 3pm, Monday to Friday inclusive.
 - (ii) 8am and 3pm, Saturday and Sunday.
39. Demolition, plan, elevation, section, three-dimensional render, interior finish palette, signage plan and detail, and window and door schedule drawing extracts of the proposed development are reproduced in the figures provided below.
40. A set of selected architectural drawings is included at Attachment B to this assessment report.

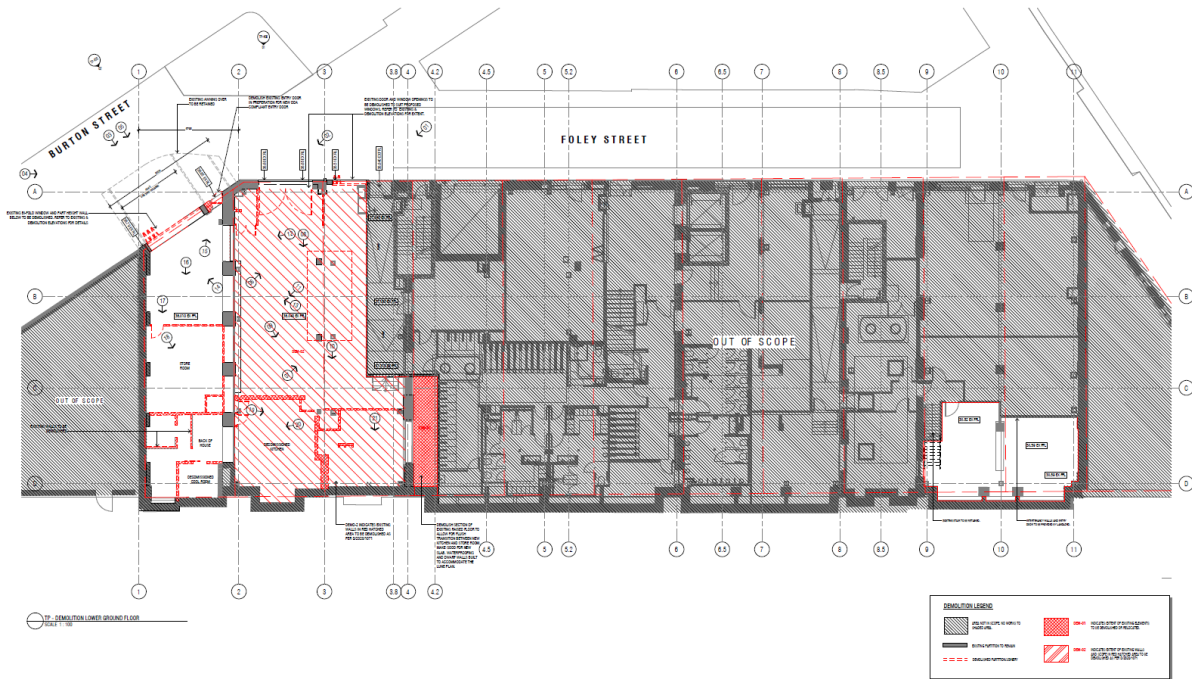


Figure 16: Proposed lower ground floor demolition plan

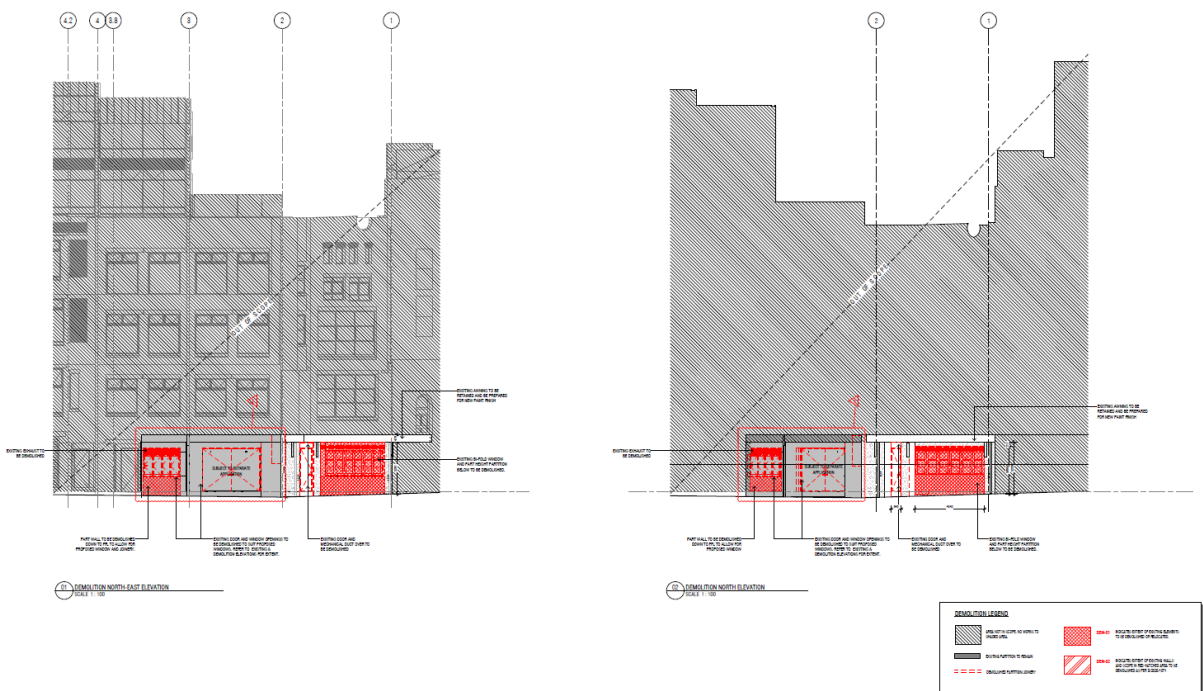


Figure 17: Proposed north-east Foley Street (left) and north Burton Street (right) demolition elevations

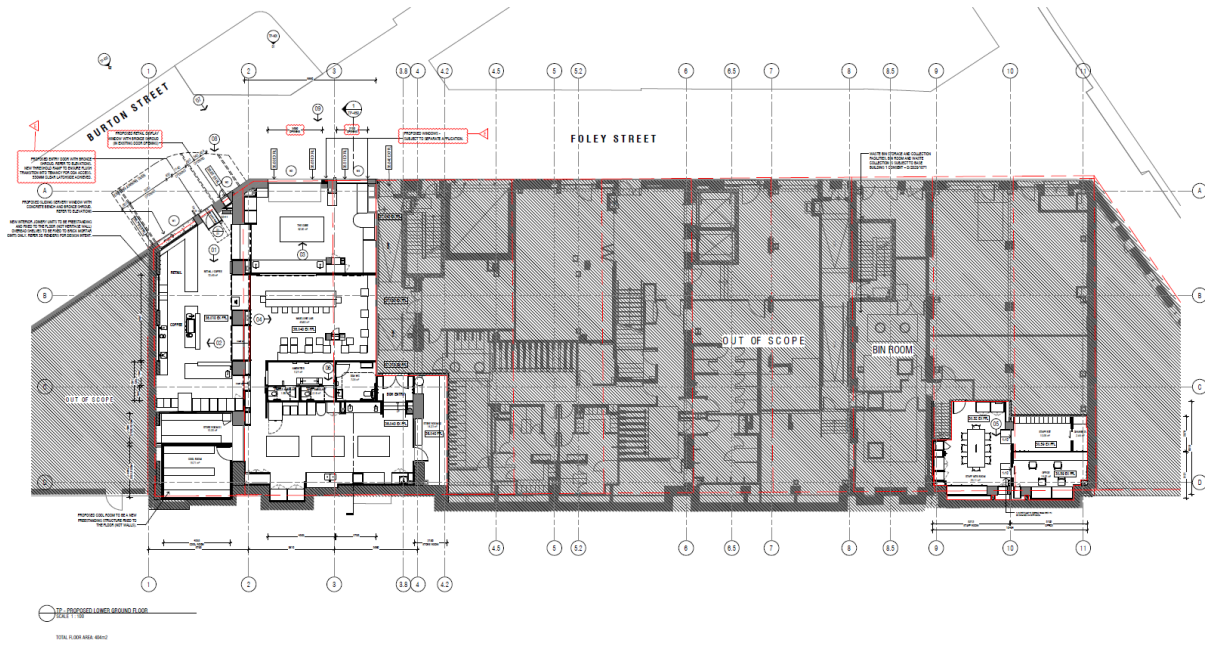


Figure 18: Proposed lower ground floor plan

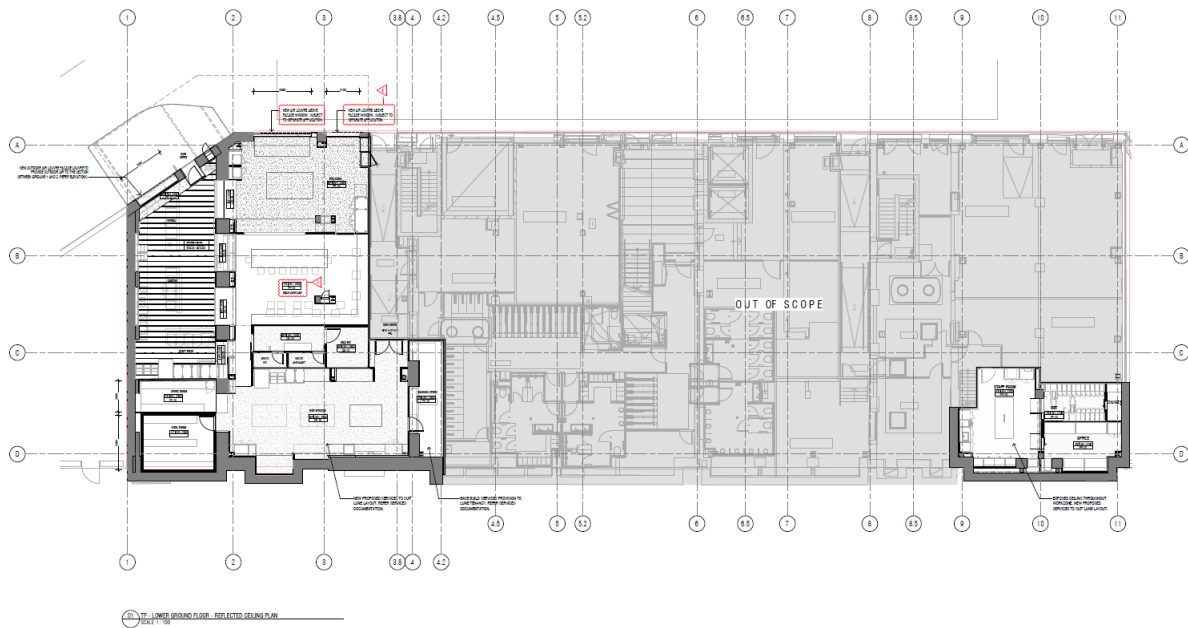


Figure 19: Proposed lower ground reflected ceiling plan

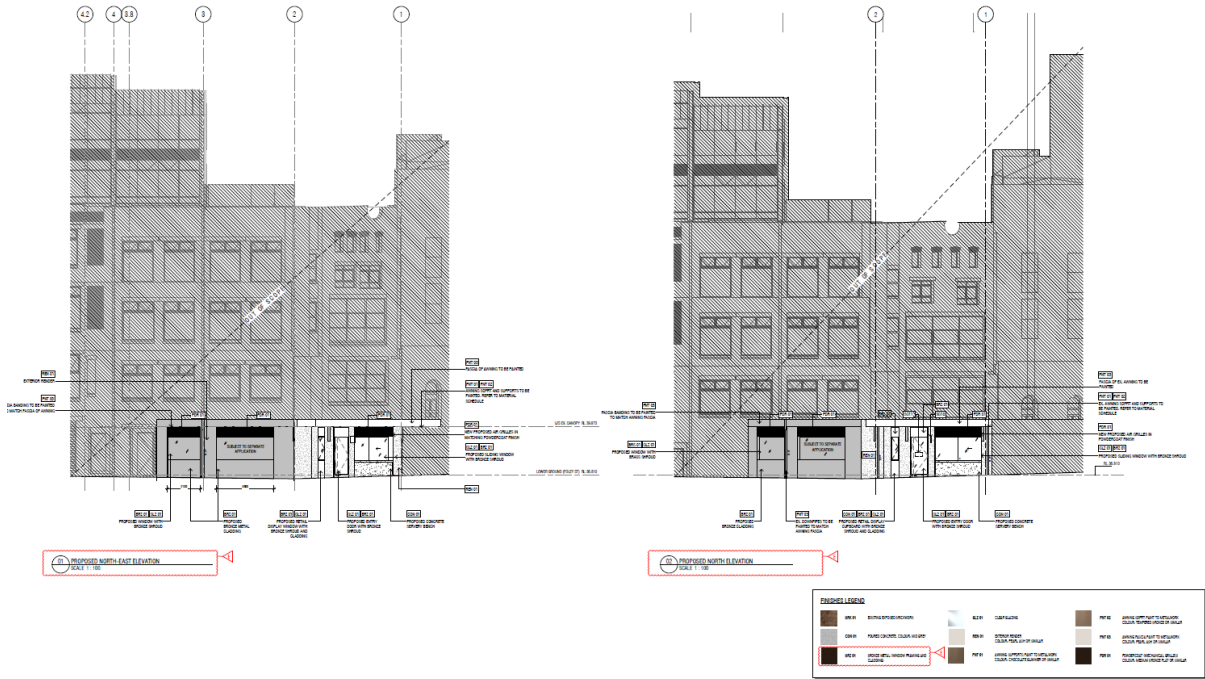


Figure 20: Proposed north-east Foley Street (left) and north Burton Street (right) elevations

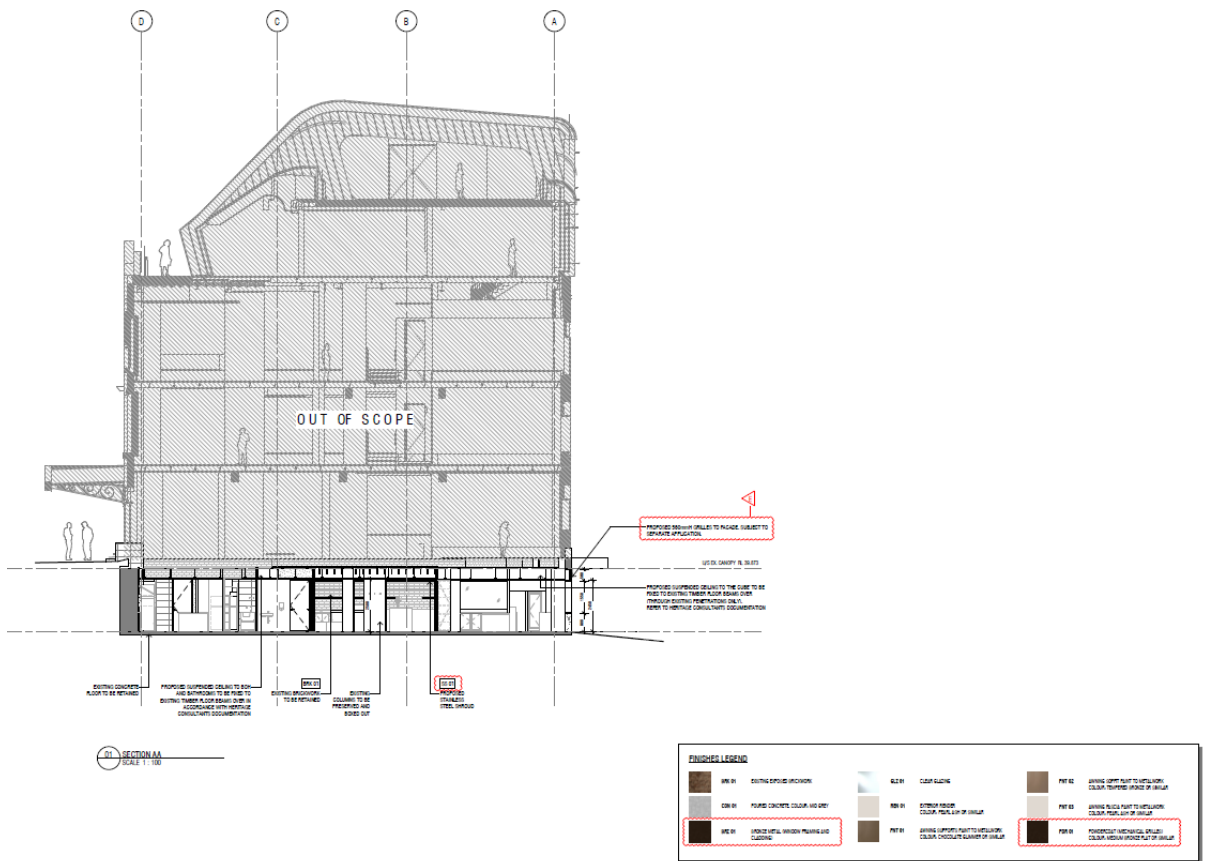


Figure 21: Proposed section

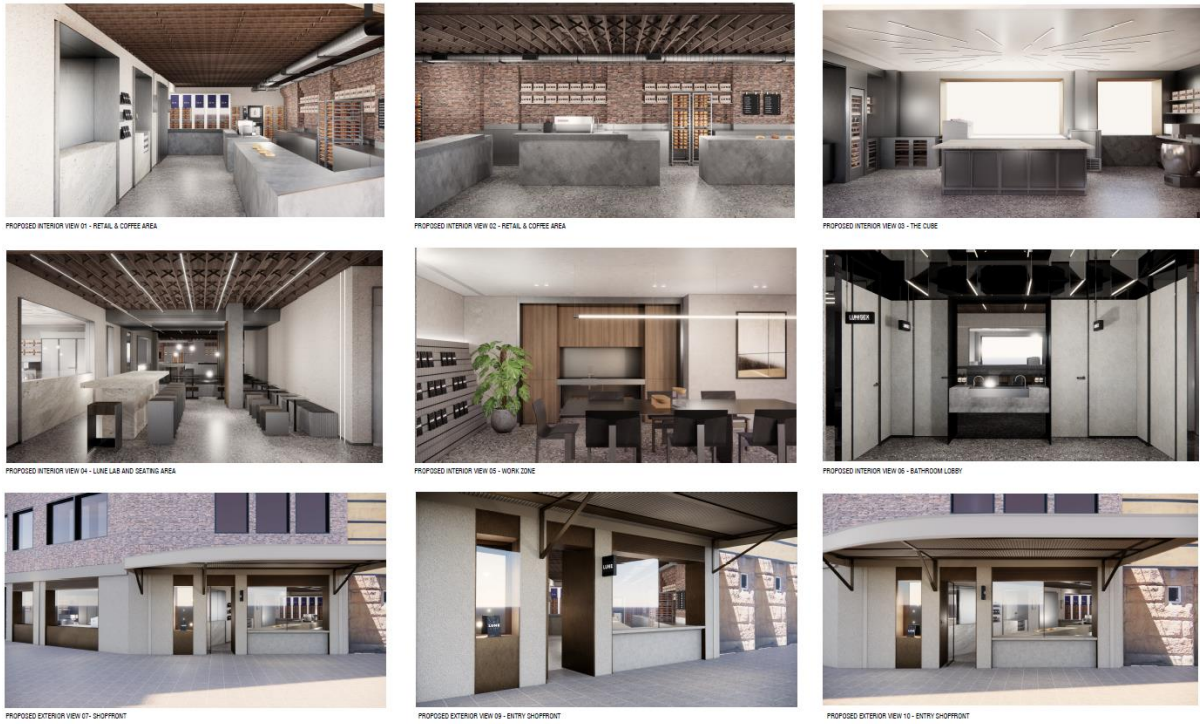


Figure 22: Proposed three dimensional renders

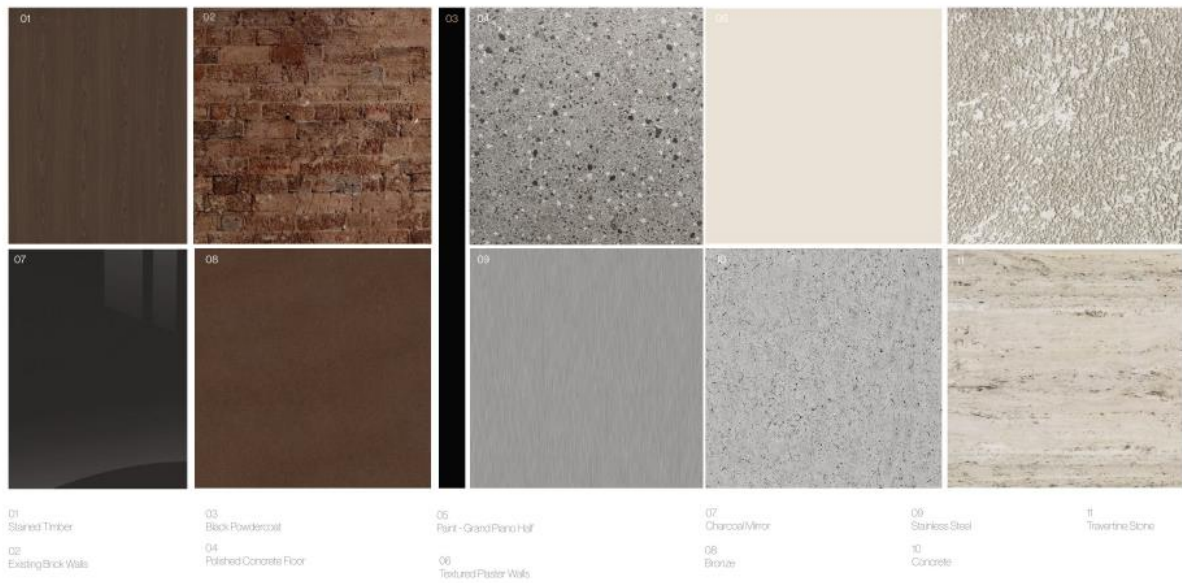


Figure 23: Proposed interior finishes palette

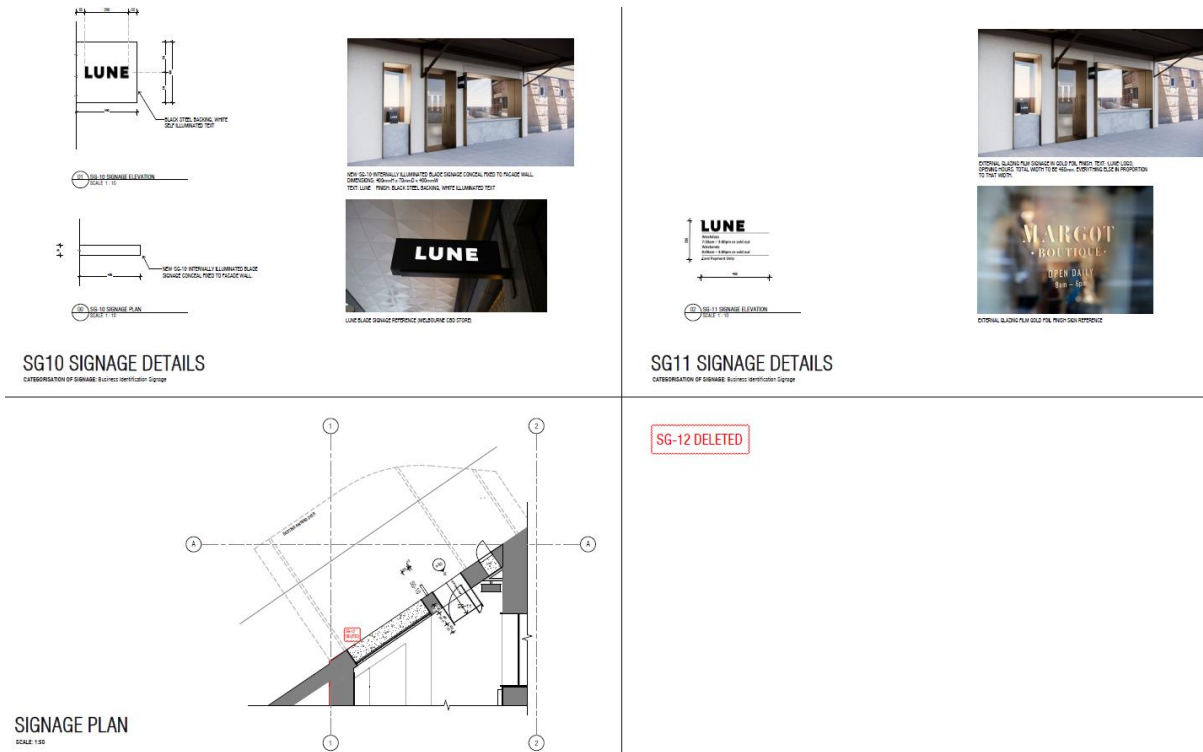


Figure 24: Proposed signage details and plan

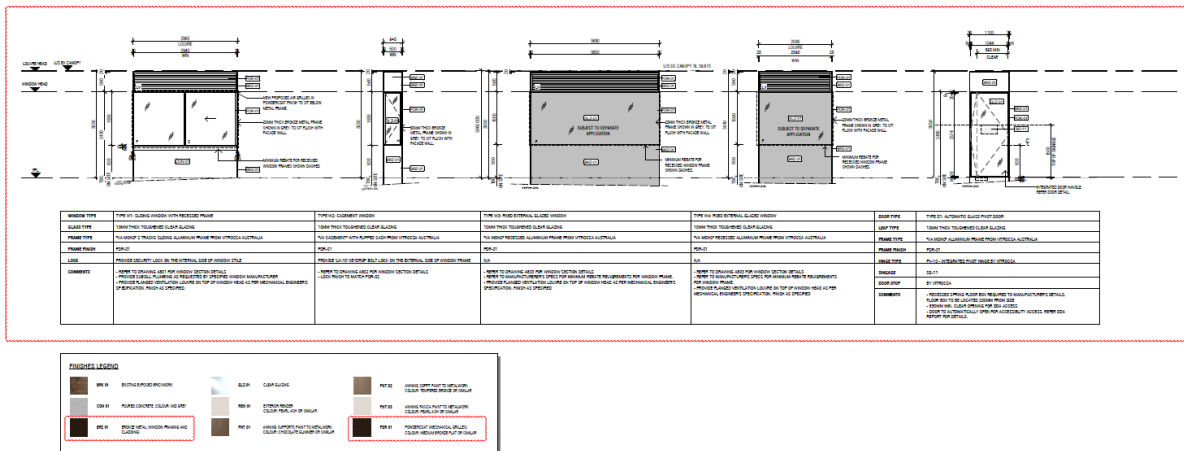


Figure 25: Proposed window and door schedule

Assessment

41. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Heritage Act 1977

42. The subject site contains the GA Zink & Sons Building, which is listed on the State Heritage Register as an item of State heritage significance under the Heritage Act, 1977 (SHR Item Number 00658).

43. A Conservation Management Plan (CMP) for the site was prepared by Urbis as part of development application D/2020/1071. The proposed development is generally consistent with the policies set out in the CMP.
44. As Integrated Development requiring approval under the Heritage Act, 1977, a copy of the application was referred to Heritage NSW as delegate for the Heritage Council of NSW on 27 September 2022, in accordance with Section 42 of the Environmental Planning and Assessment Regulation, 2021.
45. In correspondence dated 28 October 2022, Heritage NSW, as delegate for the Heritage Council of NSW, was advised that the public exhibition of the application had been completed and that no submissions had been received by the City.
46. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, Heritage NSW, acting as the delegate for the Heritage Council of NSW granted General Terms of Approval to the proposed development on 7 March 2023.
47. The amended application received by the City on 5 June 2023 was sent to Heritage NSW, who updated the General Terms of Approval on 21 July 2023.
48. The General Terms of Approval received from Heritage NSW, as updated on 21 July 2023, are included in Schedule 3 of Attachment A.

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

49. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the Biodiversity and Conservation SEPP.
50. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
51. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour.
52. The site is not located in the Foreshores Waterways Area or adjacent to a waterway however and, with the exception of the objective of improved water quality, the objectives of the Biodiversity and Conservation SEPP are not applicable to the proposed development.
53. Subject to conditions included in Attachment A, the proposed development satisfies the SEPP objective relating to improved water quality.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

54. The aim of Chapter 3 of the Industry and Employment SEPP is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

55. The proposed signage, as described under the 'Proposed Development' heading and depicted in Figure 24 above, has been considered against the objectives of the policy.
56. An assessment against the provisions within the assessment criteria set out in Schedule 5 of the Industry and Employment SEPP is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area, subject to the signage conditions included in Attachment A.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Oxford Street heritage conservation area, subject to the signage conditions included in Attachment A.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form, and provides a positive contribution to the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable, and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	The proposed illumination and 'Lune' logo has been designed as an integral part of the projecting wall sign on which it is to be displayed.
7. Illumination	Yes	Appropriate conditions are included in Attachment A to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any nearby residential accommodation.

Provision	Compliance	Comment
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

57. The proposed signage is consistent with the objectives set out in Section 3.1 of Chapter 3 and satisfies the assessment criteria set out in Schedule 5 of the Industry and Employment SEPP, as outlined in the table provided above.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

58. The aim of Chapter 4 of the Resilience and Hazards SEPP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
59. In this instance, the proposed use does not comprise a more sensitive use than the previous use of the lower ground floor level of the building at 56 Oxford Street, Darlinghurst, as a food and drink premises (cafe), or the approved use of the lower ground floor level of the buildings at 58-60 and 74-78 Oxford Street, Darlinghurst, as retail premises and office premises respectively.
60. Irrespective of this however, as outlined in the 'Discussion' section of this assessment report, the proposal relies on development consent D/2020/1071 (as modified), which includes a range of conditions requiring matters relating to contamination, remediation and management of hazardous materials.
61. Subject to a condition included in Attachment A requiring compliance with these conditions, the site can be made suitable for the proposed mix of land uses, in accordance with Clause 4.6 of the Resilience and Hazards SEPP and the associated guidelines.

Local Environmental Plans

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

62. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided under the following headings and table sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E1 Local Centre zone. The proposed development is defined as a 'food and drink premises', and is permissible with consent in the zone.

Provision	Compliance	Comment
		The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 15 metres is permitted.</p> <p>A height of 3.063 metres is proposed.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
<p>4.4 Floor space ratio (FSR)</p> <p>4.5 Calculation of floor space ratio and site area</p> <p>(6.60D Oxford Street Cultural and Creative Precinct)</p>	Yes	<p>A maximum FSR of 4:1 is permitted for the building at 56 Oxford Street, Darlinghurst.</p> <p>A maximum FSR of 4.5:1 is permitted for the buildings at 58-78 Oxford Street, Darlinghurst, when considering the cultural and creative floor space approved under development consent D/2020/1071 (as modified) in accordance with Clause 6.60D of the Sydney LEP 2012.</p> <p>An FSR of 3.93:1 is proposed to the building at 56 Oxford Street, Darlinghurst.</p> <p>An FSR of 4.38:1 has been approved for the buildings at 58-78 Oxford Street, Darlinghurst under development consent D/2020/1071 (as modified). All GFA associated with the subject development application is contained within the previously approved building alterations and additions, and the proposal does not alter the FSR approved under D/2020/1071.</p> <p>The proposed development complies with the maximum FSR development standards applicable to the site.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site contains both local and State significant heritage items, is located adjacent to local heritage items, and is located in a heritage conservation area.</p> <p>The proposed development will not have a detrimental impact on the heritage significance of the subject heritage items, adjoining heritage items, or the surrounding heritage conservation area.</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.12 Additional floor space outside Central Sydney	Yes	<p>The entirety of the site is used for commercial premises and is eligible for an additional FSR of up to 0.3:1.</p> <p>The proposed development includes approximately 10 square metres of end of journey floor space, or an additional FSR of 0.007:1, and complies.</p>
6.13 End of journey floor space		
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed development is suitable for the site and demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location.</p> <p>It is compatible with existing development along the street and will contribute positively to the character of the area.</p> <p>The proposal does not result in any view impacts and responds positively to both the public domain, adjoining development and heritage items and the surrounding land uses.</p>

Provision	Compliance	Comment
		<p>It achieves the principle of ecologically sustainable development and provides a suitable interface with Foley Street. The proposal has an acceptable environmental impact with regards to the amenity of the surrounding area and future occupants.</p> <p>The proposed development exhibits design excellence.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils (ASS)	Yes	<p>The site is located on land with class 5 ASS.</p> <p>The application does not propose any works requiring the preparation of an ASS Management Plan.</p>
7.15 Flood planning	Yes	<p>The site is identified as being subject to flooding along Oxford Street frontage of the site.</p> <p>Given the proposed development does not have a frontage to Oxford Street, and the levels to this part of the site have been approved under development consent D/2020/1071 (as modified), the proposal is acceptable with regard to floor planning considerations.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>While the proposal includes demolition of parts of the existing buildings on the site, it also includes construction of alterations and additions to the subject buildings under the same application.</p> <p>Council planning assessment staff are satisfied that the site will be comprehensively redeveloped under the subject development application.</p>

Development Control Plans

Sydney Development Control Plan 2012 (Sydney DCP 2012)

63. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided under the following headings and table sections.

Section 2 – Locality Statements

Section 2.4.10 – Oxford Street, Darlinghurst

64. The site is located within the Oxford Street, Darlinghurst locality as identified in Section 2.4.10 of the Sydney DCP 2012.

65. The proposed development is in keeping with the character and the design principles for the locality in the following manner:

- (a) It assists in maintaining the role of the locality as a regionally significant retail street and local business centre for surrounding neighbourhoods.
- (b) It conserves and complements the significant fabric of the subject heritage items on the site, and responds well to the existing urban context of contributory buildings within the surrounding heritage conservation area.
- (c) It reinforces the established heritage character of narrow shop frontages and maintains the existing footpath awning to Burton Street.
- (d) It assists in maintaining the mix of uses within the locality that contribute to the locality as a retail precinct.
- (e) It maintains a retail premises use at the lower ground floor level of the site.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain 3.2.1 Improving the public domain	Yes	The proposal does not result in any overshadowing impacts to publicly accessible spaces, or impede any views from the public domain to highly utilised public places, parks, Sydney Harbour or heritage buildings and monuments.
3.2.2 Addressing the street and public domain	Yes	The proposed development fronts both Burton Street and Foley Street, maintaining and enhancing the existing points of access into the site, and providing activity to the site's street edges.
3.2.3 Active frontages	Yes	The Burton Street frontage of the site is identified as being required to provide an active frontage on the Active frontages map in the Sydney DCP 2012.

Provision	Compliance	Comment
		The proposed development provides an active frontage to Burton Street in accordance with these requirements.
3.2.4 Footpath awnings	Yes	<p>The site is not mapped on the Footpath awnings and colonnades map in the Sydney DCP 2012 as being required to provide a footpath awning.</p> <p>The proposal maintains the existing footpath awning to the Burton Street frontage of the site.</p>
3.2.7 Reflectivity	Yes	A condition is recommended to ensure that light reflectivity from the proposed development does not exceed 20%.
3.2.8 External lighting	Yes	<p>No external lighting is proposed.</p> <p>Appropriate conditions are included in Attachment A to:</p> <ul style="list-style-type: none"> • Require any under awning illumination to comply with the relevant Australian Standard. • Require future external lighting to be the subject of a separate application.
3.5 Urban Ecology	Yes	The proposal does not involve the removal of any trees and will not have any significantly adverse impacts on the local urban ecology.
3.6 Ecologically Sustainable Development (ESD)	Yes	Conditions are recommended to ensure that the proposal incorporates appropriate ESD measures.
3.7 Water and Flood Management	Yes	<p>The site is identified as subject to flooding along its frontage to Oxford Street.</p> <p>Refer to the discussion provided in the table section above in relation to Clause 7.15 of the Sydney LEP 2012.</p>

Provision	Compliance	Comment
3.9 Heritage	Yes	<p>The site contains both local and State significant heritage items, is located adjacent to local heritage items, and is located in a heritage conservation area.</p> <p>The buildings on and adjoining the site are identified as contributory buildings on the Building contributions map in the Sydney DCP 2012.</p> <p>The proposed development will not have a detrimental impact on the heritage significance of the subject heritage items, adjoining heritage items, the surrounding heritage conservation area, or the subject and adjoining contributory buildings.</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>
3.11 Transport and Parking 3.11.3 Bike parking and associated facilities	Yes	<p>The proposal relies on the bicycle parking facility approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p> <p>The proposal provides end of journey facilities in accordance with the requirements set out in Section 3.11.3 of the Sydney DCP 2012.</p>
3.11.6 Service vehicle parking	Yes	<p>The proposal relies on the servicing and loading arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p>

Provision	Compliance	Comment
3.12 Accessible Design	Yes	The proposal provides an appropriate level of access and facilities for persons with disabilities.
3.13 Social and Environmental Responsibilities	Yes	<p>The safety and security of the public domain is enhanced by the proposed increase in activity within the site and casual surveillance of the surrounding streets from the development.</p> <p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles, and is acceptable on this basis.</p> <p>Subject to a condition included in Attachment A relating to queuing management, the proposed development is acceptable with regard to considerations relating to social and environmental responsibilities.</p>
3.14 Waste	Yes	<p>The proposal relies on the waste management arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p> <p>Conditions are also recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The premises is located in a Late Night Management Area and the use is defined as a category C premises.</p> <p>The proposed hours of operation are between 5am and 3pm, Monday to Sunday inclusive.</p>

Provision	Compliance	Comment
		Category C premises in Late Night Management Areas are permitted base hours of operation, 24 hours per day.
3.16 Signage and Advertising 3.16.1 Signage strategy	Yes	The proposed development includes a projecting wall and window sign. The proposed signage is consistent with the signage strategy approved under development consent D/2020/1071 (as modified).
3.16.3 General requirements for signage	Yes	The proposed signage is: <ul style="list-style-type: none"> • Compatible with the architecture, materials, finishes and colours of the building and the streetscape. • Positioned in appropriate locations. • Will not detract from the amenity or visual quality of the subject or adjoining heritage items, or surrounding heritage conservation area. • Will not create unacceptable visual clutter. • Will not contain significantly reflective materials, colours or finishes. • Will not incorporate any emissions, whether by sound, vibration or odour.
3.16.4 Illuminated signage	Yes	A condition is recommended to ensure that the proposed signage is in accordance with the requirements set out in Section 3.16.4 of the Sydney DCP 2012.
3.16.6 Business identification signs and on-premises advertisements 3.16.1 General requirements	Yes	The proposed signage: <ul style="list-style-type: none"> • Is located beneath the height of the footpath awning to the Burton Street frontage of the site.

Provision	Compliance	Comment
		<ul style="list-style-type: none"> Does not add clutter to the street and building elevation of the site. Is compatible with the architectural elements of the buildings on the site. Has a corporate colour scheme which is compatible with the streetscape and will not detract from the appearance of the buildings.
3.16.6.4 Projecting wall signs	Acceptable	The proposed projecting wall sign achieves design excellence, is not more than 5 metres above ground level, and is less than 0.5 square metres in area.
3.16.6.8 Window signs and top hamper signs	Yes	The proposed window sign does not interfere with views into and out of the premises, and does not occupy more than a third of the area of the door and window openings of the premises.
3.16.11 Signage related to heritage items and conservation areas	Yes	The design, style, materials, colours, images and lettering of the proposed signage is of high quality and consistent with the heritage style of the subject buildings.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.3 Amenity 4.2.3.11 Acoustic privacy	Yes	<p>The application was referred to the City's Health and Building Unit.</p> <p>The advice provided is that the proposal is acceptable with regard to acoustic privacy considerations, subject to conditions to ensure that appropriate noise control measures are implemented in accordance with those approved under development consent D/2020/1071 (as modified).</p>

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposal provides for appropriate fine grain detail and articulation to the premises, which complements the architecture of the group of buildings on the overall site.
4.2.6 Waste and recycling Management	Yes	Conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 5 – Specific Areas

Section 5.11 – Oxford Street Cultural and Creative Precinct

Provision	Compliance	Comment
5.11.1 Locality statement	Yes	<p>The proposed development achieves and satisfies the outcomes expressed in the locality statement and supporting principles of the precinct in the following manner:</p> <ul style="list-style-type: none"> • It ensures that significant heritage fabric is retained and conserved, and the structural stability of the existing building is maintained. • It reinforces the fine grain pattern of tenancies within the subject set of buildings constructed as a group. • It will activate the public domain along Burton Street and Foley Street, and maintain the existing footpath awning.
5.11.2 Cultural and creative space	Yes	<p>The proposed development maintains the quantum of cultural and creative floor space approved under D/2020/1071 (as modified).</p> <p>It does not seek to rely upon either the alternative floor space or height available under Clause 6.60D of the Sydney LEP 2012.</p>

Provision	Compliance	Comment
		As such, there is no requirement for the proposal to provide any GFA for a cultural or creative purpose.
5.11.4 Heritage conservation	Yes	<p>The proposal:</p> <ul style="list-style-type: none"> • Retains important structural and heritage significant building fabric. • Has been accompanied by heritage documentation which addresses compliance with the applicable CMP policies. • Relies on development consent D/2020/1071 (as modified), which contains a range of conditions requiring structural engineering solutions to ensure retention of the subject heritage items. <p>Conditions are recommended to require additional structural certification for the works to the "GA Zink & Sons" building, and to ensure compliance with the conditions of development consent D/2020/1071 (as modified).</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>
5.11.5 Built form and design 5.11.5.2 Architectural detail and materials	Yes	<p>The proposed development:</p> <ul style="list-style-type: none"> • Provides high quality materials and fine grain detailing to the subject premises. • Proposes openings which are of an acceptable size within the facade wall areas.
5.11.5.4 Awnings	Yes	The proposal retains the existing footpath awning to the Burton Street frontage of the site. Conditions are recommended to ensure that it its maintained into the future and to control under awning illumination.

Provision	Compliance	Comment
5.11.6 Active frontages and street level tenancy design	Acceptable	<p>Although the proposal has street frontages exceeding 8 metres to Burton Street and Foley Street, this is acceptable given that this is due to the existing width of the buildings on the site to each street frontage.</p> <p>The proposed floor area of the premises is 404 square metres, which exceeds the maximum area of 300 square metres. This is acceptable however in accordance with the provisions of the applicable control, as the tenancy is within heritage items on the subject site, and at the lower ground floor level, rather than at the main frontage of the site to Oxford Street.</p> <p>The premises provides separate and direct access to Burton Street in accordance with the controls.</p>
5.11.7 Development fronting laneways	Yes	<p>The proposed development has frontage to Foley Street, which is referred to as a 'laneway' in Section 5.11 of the Sydney DCP 2012.</p> <p>The proposal involves a small-scale retail and food and drink premises, which will provide activation to Foley Street.</p> <p>It also includes window openings which will provide for casual surveillance of the public domain along Foley Street.</p>
5.11.8 Servicing and access	Yes	<p>The proposal relies on the servicing and loading arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p>

Discussion

Reliance on development consent D/2020/1071

66. The proposed development relies on development consent D/2020/1071 (as modified) for a range of construction and operational conditions.
67. These conditions include matters relating to:
 - (a) Floor Space Ratio.
 - (b) Deliveries.
 - (c) Bicycle parking.
 - (d) Loading and servicing.
 - (e) Construction management.
 - (f) Heritage conservation.
 - (g) Tree protection.
 - (h) Contamination and the management of hazardous materials.
 - (i) Waste management.
68. A condition is included in Attachment A (Schedule 1, Part A, condition number 2) to ensure that it is clear that a development consent granted by the Local Planning Panel for the proposal is reliant on, must be read in conjunction with, and must comply with the relevant conditions of the above-mentioned development consent.

Heritage conservation

69. The proposal:
 - (a) Involves works to buildings on the subject site which are identified as items of State and local heritage significance.
 - (b) Is located adjacent to and within proximity to other items of State and local heritage significance.
 - (c) Is located within the Oxford Street heritage conservation area.
70. As such, the proposal is subject to heritage controls under the Heritage Act, 1977, the Sydney LEP 2012 and the Sydney DCP 2012.
71. As discussed elsewhere in this assessment report, General Terms of Approval for the works proposed to the "GA Zink & Sons" building have been received by the City from Heritage NSW, as delegate for the Heritage Council of NSW.
72. The proposed development:
 - (a) Is sympathetic to the existing building forms, respectful of significant heritage fabric and incorporates existing remnant heritage elements.

- (b) Involves relatively minor demolition works limited to fabric of low heritage significance.
 - (c) Retains and conserves all fabric of high and moderate significance, as identified in the CMP, with no significant interventions to remnant intertenancy walls.
 - (d) Exposes existing brick and timber ceiling structure, which is well integrated and celebrated in the proposed internal fit out.
 - (e) Retains all face brick to the Burton Street and Foley Street elevations.
 - (f) Incorporates new contemporary glazing to the facade, including large format windows and a servery, with the existing awning retained.
 - (g) Uses concrete in a contemporary way and internal colours, materials and finishes which are considered to be high quality.
 - (h) Involves works to the facades which facilitate a rationalised entrance to the tenancy, which does not detract from or affect the heritage significance of the buildings.
 - (i) Reactivates the street-level entrance to the lower ground floor level, which ensures fine grain activity is retained on the site.
 - (j) Provides for a compatible use, consistent with the building's significance as part of the broader commercial centre along Oxford Street.
73. The original and amended applications have been reviewed by Council's Heritage Specialist, who supports the proposal subject to the heritage conditions included in Attachment A.
74. The proposal is therefore considered to be acceptable with regard to heritage conservation considerations.

Consultation

Internal Referrals

75. The application, as amended on 5 June 2023, was discussed with the City's:
- (a) Building Certification Unit.
 - (b) Cleansing and Waste Unit.
 - (c) Health and Building Unit.
 - (d) Heritage and Urban Design Unit.
 - (e) Transport Planning Unit.
76. The above Units provided advice that the proposal is acceptable, subject to conditions.
77. Where appropriate, these conditions are included in Attachment A.

External Referrals

NSW Heritage Council

78. Pursuant to Section 42 of the Environmental Planning and Assessment Regulation, 2021, the application was referred to Heritage NSW on 27 September 2022.
79. In accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979, General Terms of Approval to the proposal were granted by Heritage NSW (as delegate for the Heritage Council of NSW) on 7 March 2023.
80. These terms were updated on 21 July 2023 to reflect the amended application received by the City on 5 June 2023, and have been included in Schedule 3 of Attachment A.

Advertising and Notification

81. The application is integrated development, and the application was placed on public exhibition between 28 September 2022 and 27 October 2022, in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979.
82. A total of 1,109 properties were notified of the proposed development.
83. No submissions were received by the City in relation to the application, either during or after the period of public exhibition.
84. The amended application received on 5 June 2023 was not required to be placed on public exhibition under the provisions of Schedule 1 of the Environmental Planning and Assessment Act, 1979, or under the relevant provisions of the City of Sydney Community Participation Plan, given that the amendments do not result in significant additional environmental impacts.

Financial Contributions

Contribution under Section 7.11 of the Environmental Planning and Assessment, Act 1979

85. The development is subject to a Section 7.11 development contribution of \$3,414.04 under the provisions of the City of Sydney Development Contributions Plan 2015.
86. The calculation for the contribution is based on the 88.2 square metres of food and drink premises gross floor area proposed to the lower ground floor level of the building at 56 Oxford Street, Darlinghurst.
87. Credits have been applied for the 65 square metres of gross floor area for the most recent approved use of the lower ground floor level of the building at 56 Oxford Street, Darlinghurst as a food and drink premises (cafe).
88. A condition relating to this development contribution has been included in the conditions of consent in Attachment A.
89. The condition requires the contribution to be paid prior to the issue of a construction certificate.

90. It should be noted that a Section 7.11 contribution is required to be paid under development consent D/2020/1071 (as modified) for the use of the lower ground floor level of the building at 58-60 Oxford Street, Darlinghurst for the subject development.
91. These contributions may be offset in accordance with the terms of the Voluntary Planning Agreement between the Council of the City of Sydney and AM Darlinghurst Investment Pty Ltd.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

92. The site is located on residual land and involves alterations to an existing building that will result in the creation of less than 60 square metres of gross floor area that is intended to be used for a purpose other than residential accommodation.
93. Section 7.13 of the Sydney LEP 2012 does not apply to the proposed development as a result.

Relevant Legislation

94. Environmental Planning and Assessment Act 1979.
95. Heritage Act 1977.

Conclusion

96. The application seeks consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.
97. The proposal was amended to address Heritage NSW and Council's concerns relating to the significance grading of heritage building fabric, the extent of demolition, changes to bicycle parking facilities, gross floor area, waste management, shopfront and signage design, and tenancy fit out details.
98. The proposal, as amended and subject to conditions, is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and the Sydney DCP 2012.
99. The proposed development is compliant with the applicable building height and floor space ratio controls. Further, the potential impacts on the heritage significance of the subject and adjoining heritage items and the Oxford Street heritage conservation area are generally acceptable, subject to conditions.
100. The proposal will improve the interface between the private and public domain and exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site.
101. The proposal will provide for a new retail premises land use on a site which is accessible to existing and planned employment, services, public transport infrastructure and community facilities.

102. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of the locality.

ANDREW THOMAS

Executive Manager Planning and Development

David Reynolds, Area Coordinator

Attachment A

Recommended Conditions of Consent

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2022/969 dated 23 September 2022 and the following drawings prepared by Ewert Leaf Pty Ltd:

Drawing Number	Drawing Name	Date
TP-000 Rev E	Cover Sheet	30.05.2023
TP-020 Rev E	Existing & Demolition Lower Ground Floor Plan	30.05.2023
TP-100 Rev E	Proposed Lower Ground Floor Plan	30.05.2023
TP-300 Rev E	Reflected Ceiling Plan - Lower Ground Floor	30.05.2023
TP-400 Rev E	Existing & Demolition Elevations	30.05.2023
TP-401 Rev E	Proposed Elevations	30.05.2023
TP-421 Rev A	Interior Finishes	30.05.2023
TP-450 Rev E	Sections	30.05.2023
TP-460 Rev F	Signage Plan & Details	30.05.2023
TP-900 Rev F	Window and Door Schedule	30.05.2023

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

To ensure all parties are aware of the approved drawings and supporting documentation that applies to the development.

(2) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2020/1071, AS MODIFIED

- (a) This development consent relies on, and must be read in conjunction with, the development consent D/2020/1071 (as modified).
- (b) This consent is subject to compliance with all relevant conditions of consent contained in development consent D/2020/1071 (as modified, except as may be amended by this development consent), including, but not limited to the following conditions:
 - (i) (7) Floor Space Ratio - All Other Areas
 - (ii) (72) Glass Crusher
 - (iii) (73) Noise From Glass Removal
 - (iv) (84) Delivery Vehicles
 - (v) (88) Bicycle Parking and End of Trip Facilities
 - (vi) (95) Loading Dock Use and Operation
 - (vii) (96) Loading and Servicing Management Plan
 - (viii) (98) Transport Access Guide
 - (ix) (99) Construction and Protection Management Plan - Heritage Listed Buildings
 - (x) (100) Archaeological Discovery During Excavation
 - (xi) (110) Heritage Conservation Works
 - (xii) (114) Protection of Public Features in Conservation Areas
 - (xiii) (115) Sites in the Vicinity of a Heritage Item
 - (xiv) (142) Trees That Must Be Protected
 - (xv) (143) Street Tree Protection
 - (xvi) (148) Hazardous Materials Survey Required
 - (xvii) (149) Compliance with Hazardous Materials Survey Report
 - (xviii) (150) Classification of Waste
 - (xix) (152) Land Remediation
 - (xx) (153) Notification - New Contamination Evidence
 - (xxi) (154) Site Audit Statement
 - (xxii) (156) Stockpiles
 - (xxiii) (162) Waste and Recycling Management - Commercial

(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act, 1979* (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$1,626.50
Community Facilities	\$1,532.56
Traffic and Transport	\$254.98
Stormwater Drainage	\$0.00
Total	\$3,414.04

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 132.7 for the March 2023 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(4) GENERAL HERITAGE

- (a) 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.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (i) New services must use existing service runs;
 - (ii) Where this is not possible, details of an alternative solution must be shown on drawings at a suitable scale and submitted and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of any Construction Certificate.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.

Reason

To ensure that the development does not result in adverse heritage impacts.

(5) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Reason

To ensure appropriate materials and finishes are used.

(6) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

- (a) The design details of the approved building façade, including all external finishes, colours and glazing, must be in accordance with the finishes legend detailed on the drawings prepared by Ewert Leaf Pty Ltd referenced in the 'Approved Development' condition of this development consent.

- (b) Prior to the issue of an Occupation Certificate, confirmation of compliance with part (a) of this condition must be provided to the satisfaction of the Principal Certifier.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(7) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018*.

Reason

To promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

(8) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping, with the exception of any under awning lighting, as required under the "Under Awning Lighting" condition of this development consent.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(9) UNDER AWNING LIGHTING

Illumination from any under awning lighting, when measured from any place in the public domain, must comply with the following:

- (a) The horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes).
- (b) The horizontal illuminance uniformity ratio (E_{avg}/E_{min}) must not exceed 4:1 to ensure safe movement of pedestrians.
- (c) The intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting is being caused to the amenity of the area.
- (d) Where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.
- (e) Batten type fluorescent lighting is not permitted to be used for under awning lighting.

(10) SHOP FRONTS

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way will be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metre from the inside face of the window.

(11) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(12) ERECTION OF SIGNAGE

The approved signage is to be erected in a secure manner to ensure safety and its installation is not to involve measures that would cause irreversible damage to the building.

Reason

To ensure signage installed does not cause irreversible damage to the building.

(13) SIGNAGE ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the approved signage to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4828.
- (b) The signage must not flash. Signs with flashing, chasing, pulsating or flickering lights are not permitted.

- (c) The maximum nighttime luminance of any signage is not to exceed 300 cd/sqm.
- (d) Signage is only permitted to be illuminated while a premises is open.
- (e) Upward facing light sources onto signage is not permitted.

Reason

To ensure signage illumination is designed in accordance with the Australian Standards and Section 3.16 of the Sydney Development Control Plan 2012.

(14) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

Reason

To ensure signage is designed in accordance with Section 3.16 of the Sydney Development Control Plan 2012.

(15) SIGNAGE - SEPARATE DEVELOPMENT APPLICATION REQUIRED

A separate development application for any proposed signage additional to those approved as part of this consent (other than exempt or complying signage) must be submitted to and approved by Council prior to the erection or display of any such signage.

Reason

To require separate consent to be obtained for any additional signage.

(16) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

Any tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(17) NOISE – ACOUSTIC DESIGN AND CONTINUED INTEGRITY, ONGOING CONTROL OF NOISE EMISSIONS

- (a) The development must not compromise any existing acoustic integrity of the premises in relation to the emission/release of noise.
- (b) The approved works must not cause any increase in noise emissions from the premises over any noise criteria established in accordance with any the following relevant 'noise' and 'noise - compliance with the acoustic report' condition/s (Condition Numbers 76, 77, 78 in development consent D/2020/1071).
- (c) Prior to releasing any relevant Construction Certificate, the construction drawings and methodology must be assessed and reported by a Suitably Qualified Acoustic Consultant* (see definition below) to be in accordance with the requirements of (a) and (b) of this condition. This must be to the satisfaction of the Registered Certifier.
- (d) Prior to releasing any occupation certificate, the development must be assessed by a Suitably Qualified Acoustic Consultant* (see definition below) to be in accordance with the requirements of (a) to (c) of this condition. This must be to the satisfaction of the Principal Certifier.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

Reason

To ensure the acoustic amenity of surrounding developments is maintained as a result of the development.

(18) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:

- (a) identification of noise sensitive receivers near to the site.

- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(19) BUILDING WORKS TO COMPLY WITH NATIONAL CONSTRUCTION CODE – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the National Construction Code (previously known as the Building Code of Australia) or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(20) FOOD PREMISES – DETAILED PLANS

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.
- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Registered Certifier.

Reason

To ensure all areas associated with the food business comply with relevant standards.

(21) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and *AS 4674 – 2004 Design, Construction and Fit-out of Food Premises*.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website at:

www.foodstandards.gov.au

Reason

To ensure the construction, fit out and finishes of the food premises comply with relevant standards.

(22) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

(23) PERSONAL LOCKERS

Clothing lockers or change rooms for staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

Reason

To ensure appropriate personal lockers are provided for staff.

(24) WASTE STORAGE AREA

- (a) All garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
- (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act, 1997* or a nuisance.
 - (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.

- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Registered Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

Reason

To ensure the adequate storage and collection of waste from the food premises.

(25) COOLROOMS

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as Building Code of Australia)*, and:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Reason

To ensure coolrooms are constructed appropriately in accordance with relevant standards.

(26) GREASE AND LIQUID WASTE TRAPS

- (a) For any grease trap proposed prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Registered Certifier showing the following:
- (i) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (ii) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (iii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

Reason

To ensure grease and liquid waste traps are installed in accordance with relevant requirements.

(27) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

Reason

To ensure sinks and hand wash basins comply with relevant standards.

(28) TOILETS FOR FOOD HANDLERS

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Registered Certifier prior to the issue of a Construction Certificate.

- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

Reason

To ensure food handlers have access to adequate toilet facilities.

(29) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(30) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF THE BUILDING IS REQUIRED

- (a) Pursuant to Section 64 of the *Environmental Planning and Assessment Regulation, 2021* and condition 120 of development consent D/2020/1071 (as modified), the whole building must comply with the National Construction Code (NCC, previously known as the Building Code of Australia, or BCA) including:
 - (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape - Part D1;
 - (v) Construction of exits - Part D2;;
 - (vi) Fire fighting equipment - Part E1;
 - (vii) Smoke hazard management (Performance Requirements) - Part E2;

- (viii) Lift installations - Part E3;
- (ix) Visibility in an emergency, exit signs and warning systems - Part E4
- (b) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

Reason

To ensure the works comply with relevant regulations.

(31) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the National Construction Code (NCC, previously known as the Building Code of Australia, or BCA) prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Reason

To ensure the existing structure can support the new loads.

(32) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan (CTMP) must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (b) The CTMP must be prepared in accordance with Council's requirements at:

<https://www.cityofsydney.nsw.gov.au/construction-permits-approvals/prepare-construction-traffic-management-plan>
- (c) The approved CTMP must be complied with during any demolition and/or construction work.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(33) REFLECTIVITY

Prior to issue of the Construction Certificate the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

(34) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient toilets.

(35) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(36) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient urinals.

(37) INTERNAL LIGHTING SYSTEM

The internal lighting system must 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. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented. Details of the internal lighting system must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure the provision of energy efficient lighting.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(38) DEMOLITION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition work the following details must be submitted to and be approved by the Principal Certifier:
- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
 - (iv) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the *Local Government Act, 1993* and the *Roads Act, 1993* prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act, 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act, 2001*, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act, 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.

- (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act, 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(39) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

To ensure that dilapidation reports are prepared and to identify damage to for adjoining/nearby properties resulting from building work on the development site.

(40) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Reason

To ensure that approval under the *Roads Act, 1993* is obtained if required.

(41) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

Reason

To ensure wastewater is managed appropriately.

(42) RODENT TREATMENT PROGRAMME – PRE DEMOLITION

- (a) Prior to the commencement of any demolition works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.

- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

Reason

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

(43) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and

- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation, 2017*).

Reason

To ensure the necessary approval is obtained for temporary structures over a public road.

(44) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

Reason

To ensure the development satisfies any requirements of Sydney Water.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(45) HOURS OF WORK AND NOISE

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

- (a) 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 (e.g. 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 7am on work days, and no work must be carried out on Sundays or public holidays.
- (b) 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 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane 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 outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act, 1979*.

Reason

To protect the amenity of the surrounding area.

(46) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Management Plan required under the 'Demolition, Excavation and Construction Noise and Vibration Management Plan' condition of this development consent.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DECNAVMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(47) USE OF HERITAGE CONSULTANT

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.
- (b) The heritage consultant must be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.
- (c) The heritage consultant must be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (d) Evidence and details of the above commission on the above terms are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site.
- (e) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

(48) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation, 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(49) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

Reason

To protect the amenity of the surrounding area.

(50) COVERING OF LOADS

All vehicles involved in the demolition and/or construction process and departing the property with demolition materials, spoil or any other loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(51) EROSION AND SEDIMENT CONTROL

No formal erosion and sediment control plan is required, however the site must be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated or demolition materials, building material, or any other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

During the construction period:

- (a) any erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10-year Average Recurrence Interval (ARI) rainfall event;

- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

(52) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act, 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation, 2005*
- (c) *Waste Avoidance and Resource Recovery Act, 2001*
- (d) *Work Health and Safety Act, 2011*
- (e) *Work Health and Safety Regulation, 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(53) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(54) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(55) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(56) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(57) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

Reason

To ensure Council is notified of food business details.

PART F – OCCUPATION AND ONGOING USE

(58) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(59) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
- (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(60) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places.

- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(61) HOT WATER SERVICE

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

Reason

To ensure the food premises has a constant supply of hot water in accordance with relevant standards.

(62) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and *Protection of the Environment Operations (Clean Air) Regulation, 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

Reason

To protect the amenity of the surrounding area.

(63) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the approved development shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(64) ENCROACHMENTS – PUBLIC WAY

No portion of the approved development, except for approved signage and the existing awning, but including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(65) HOURS OF OPERATION AND TRADING HOURS

The hours of operation of the premises are restricted to between 5am and 3pm, Monday to Sunday.

The trading hours of the premises are restricted to between 7.30am and 3pm, Monday to Friday, and 8am and 3pm, Saturday and Sunday.

Reason

To ensure the premises operates within the approved hours of operation.

(66) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(67) NO SPRUICKING NOISE

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(68) QUEUING

The manager of the premises must ensure that a clear footway width of 2 metres is maintained at all times along all footpaths immediately adjoining the premises. Patrons waiting to enter the premises must queue along the immediate frontage of the premises. The queue must not obstruct any fire exit of any building or entrance to any other premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(69) AWNING MAINTENANCE

The existing awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

Reason

To ensure that awnings are appropriately maintained.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation, 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act, 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by Heritage NSW as the delegate of the Heritage Council of NSW are as follows:

APPROVED DEVELOPMENT

1. Development must be in accordance with:

a) Architectural drawings prepared by Ewert Leaf, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 3-5 Foley St, Darlinghurst, NSW, 2010			
TP-000	Cover Letter	30.05.23	E
TP-011	Existing Condition Photos	30.05.23	E
TP-020	Existing & Demolition Lower Ground Floor Plan	30.05.23	E
TP-100	Proposed Lower Ground Floor Plan	30.05.23	E
TP-101	Existing Permissible GFA Plan	30.05.23	E
TP-102	Proposed GFA Plan	30.05.23	E
TP-300	Reflected Ceiling Plan – Lower Ground Floor	30.05.23	E
TP-400	Existing and Demolition Elevations	30.05.23	E
TP-401	Proposed Elevations	30.05.23	E
TP-420	Proposed 3D Renders	30.05.23	E
TP-421	Interior Finishes	30.05.23	A
TP-450	Sections	30.05.23	E
TP-460	Signage Plan & Details	30.05.23	F
TP-900	Window & Door Schedule	30.05.23	F

- b) Letter titled, *Response to Heritage NSW RFI 3-5 Foley Street, Darlinghurst (D/2022/969)*, prepared by Urbis, dated 9 December 2022.
- c) Conservation Management Plan titled *56-76 Oxford Street, Darlinghurst*, prepared by Urbis, dated 19 August 2022.
- d) Heritage Impact Statement titled *3-5 Foley Street, Darlinghurst*, prepared by Urbis, dated 9 September 2022.

- e) Letter titled *Architectural Design Report*, prepared by Ewert Leaf, dated 3 June 2022.
- f) Letter titled, *Re: Request for Additional Information - D/2022/969*, prepared by Ethos Urban, dated 5 June 2023.

EXCEPT AS AMENDED by the following general terms of approval:

HERITAGE CONSULTANT

- 2. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

- 3. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

- 4. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

COMPLIANCE

- 5. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

- 6. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act) allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

Attachment B

Selected Drawings

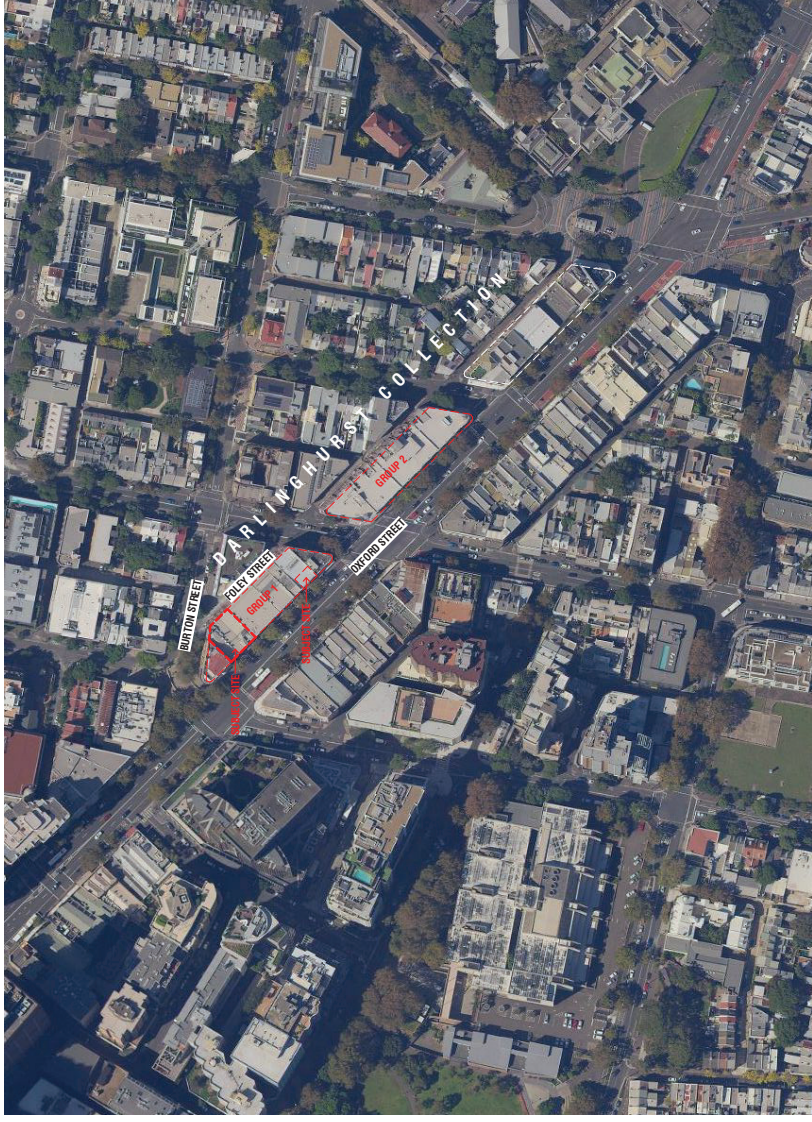
LUNE DARLINGHURST

3-5 FOLEY STREET, DARLINGHURST, NSW 2010

DRAWING LIST	Sheet Number	Sheet Name	Current Revision	Current Revision Date
TP-000	COVER SHEET		E	30.05.2023
TP-001	EXISTING CONDITIONS		E	30.05.2023
TP-002	PROPOSED LOWER GROUND FLOOR PLAN		E	30.05.2023
TP-003	PROPOSED UPPER GROUND FLOOR PLAN		E	30.05.2023
TP-004	PROPOSED LOWER LEVEL PLAN		E	30.05.2023
TP-005	PROPOSED UPPER LEVEL PLAN		E	30.05.2023
TP-006	PROPOSED COMMONS PLAN		E	30.05.2023
TP-007	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-008	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-009	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-010	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-011	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-012	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-013	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-014	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-015	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-016	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-017	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-018	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-019	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-020	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-021	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-022	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-023	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-024	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-025	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-026	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-027	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-028	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-029	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-030	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-031	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-032	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-033	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-034	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-035	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-036	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-037	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-038	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-039	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-040	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-041	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-042	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-043	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-044	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-045	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-046	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-047	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-048	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-049	PROPOSED COMMONS FLOOR		E	30.05.2023
TP-050	PROPOSED COMMONS FLOOR		E	30.05.2023



SITE PLAN
NOT TO SCALE



LOCATION PLAN
NOT TO SCALE

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1. POINTS SCALE AS SHOWN UNLESS OTHERWISE SPECIFIED.
 2. ANY DIMENSIONS ARE TO BE CONSIDERED AS TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.
 3. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH THE AUSTRALIAN STANDARDS AND ALL APPLICABLE LOCAL AUTHORITIES LAWS.

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	30.05.2023	ISSUE FOR PERMIT		
2	30.05.2023	ISSUE FOR PERMIT		
3	30.05.2023	ISSUE FOR PERMIT		
4	30.05.2023	ISSUE FOR PERMIT		
5	30.05.2023	ISSUE FOR PERMIT		
6	30.05.2023	ISSUE FOR PERMIT		
7	30.05.2023	ISSUE FOR PERMIT		
8	30.05.2023	ISSUE FOR PERMIT		
9	30.05.2023	ISSUE FOR PERMIT		
10	30.05.2023	ISSUE FOR PERMIT		

PROJECT
 LUNE DARLINGHURST
 3-5 FOLEY STREET, DARLINGHURST NSW
 2010

COVER SHEET
 SCALE: 1:1000
 DRAWN: MJC
 CHECKED: MJC
 DATE: 30.05.2023
 PROJECT NO: M21177
 DRAWING NO: TP-000
 REV: E



01



04



05



02



01



10



09



08



07



06



15



14



13



12



11



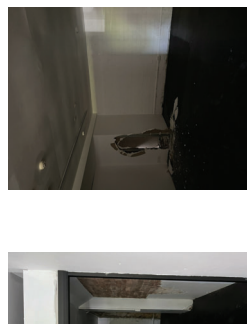
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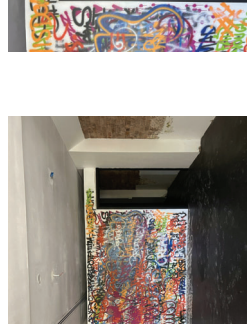
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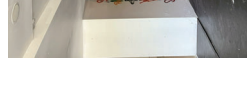
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18



17



16

DATE	DESCRIPTION
A 13/01/2021	ISSUE FOR PERMIT
B 18/02/2021	FOR INFORMATION
C 18/02/2021	FOR INFORMATION
D 18/02/2021	FOR INFORMATION
E 18/02/2021	FOR INFORMATION

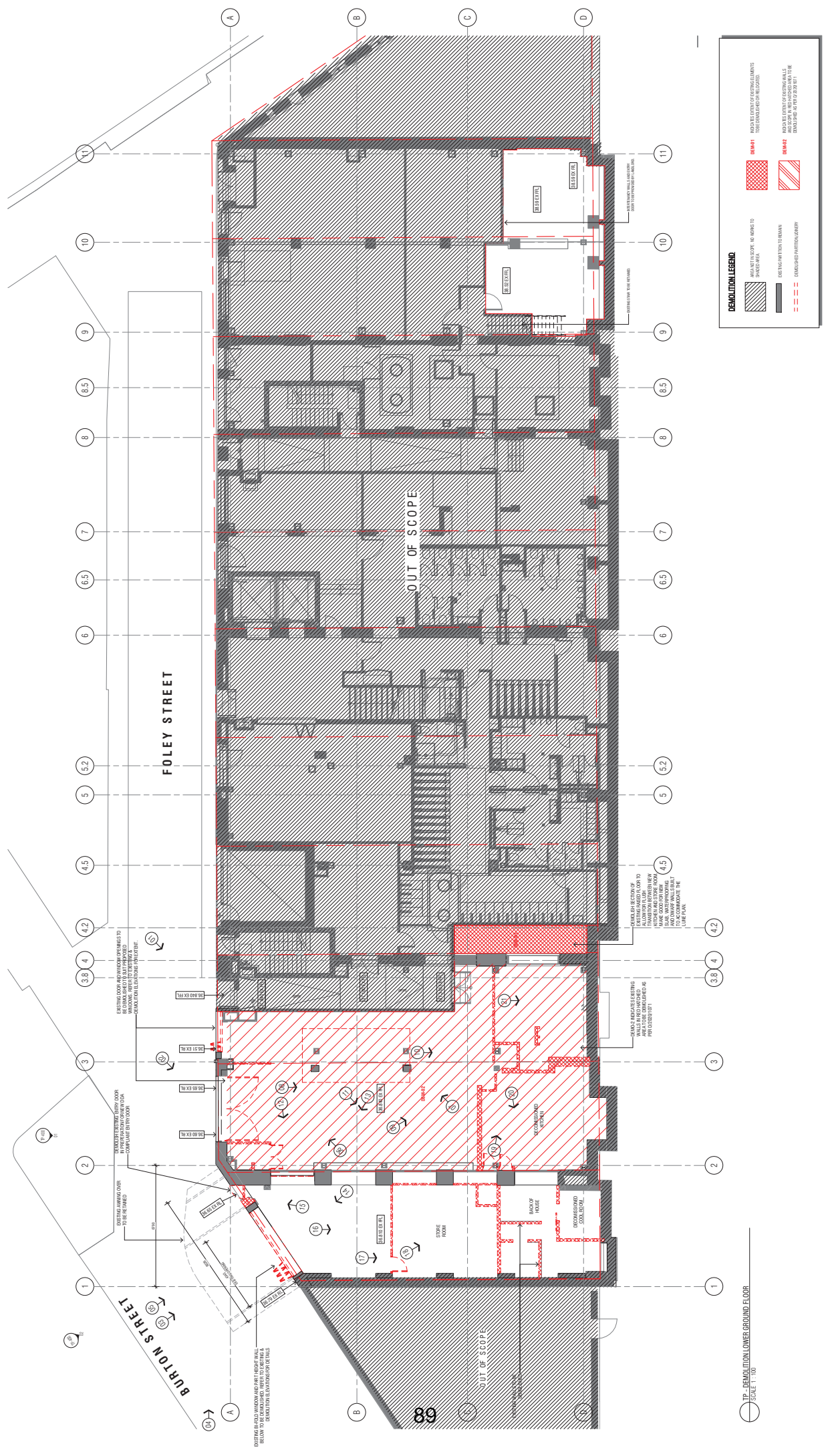
PROJECT
 LUNE DARLINGHURST
 3-5 FOLEY STREET, DARLINGHURST NSW
 2010

DATE: 18/02/2021
 DRAWN BY: M21177
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 SCALE: 1:100
 PROJECT NO: [Blank]

NOTE
 ALL EXISTING PHOTOGRAPHS WERE TAKEN IN DECEMBER 2020 FOR THE PURPOSES OF THE DEVELOPMENT APPLICATION. THE PHOTOGRAPHS WERE TAKEN IN ACCORDANCE WITH DEVELOPMENT APPLICATION 2020/01071.

1. POINTS OF VIEW TO BE MAINTAINED AS FAR AS POSSIBLE.
 2. ANY FUTURE DEVELOPMENT MUST BE IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT PLAN.
 3. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT PLAN.

EWE REAF
 10/11, 14 & 15 FOLEY STREET, DARLINGHURST NSW, VICTORIA AUSTRALIA
 E: info@eweleaf.com.au
 T: (01) 93 986 210
 A.C.N. 611 072 611



DEMOLITION LEGEND

- REMOVE EXISTING... TO ALLOW FOR... (NEW CONSTRUCTION)
- REMOVE EXISTING... TO ALLOW FOR... (NEW CONSTRUCTION)
- REMOVE EXISTING... TO ALLOW FOR... (NEW CONSTRUCTION)
- REMOVE EXISTING... TO ALLOW FOR... (NEW CONSTRUCTION)

TP - DEMOLITION LOWER GROUND FLOOR
SCALE: 1:100

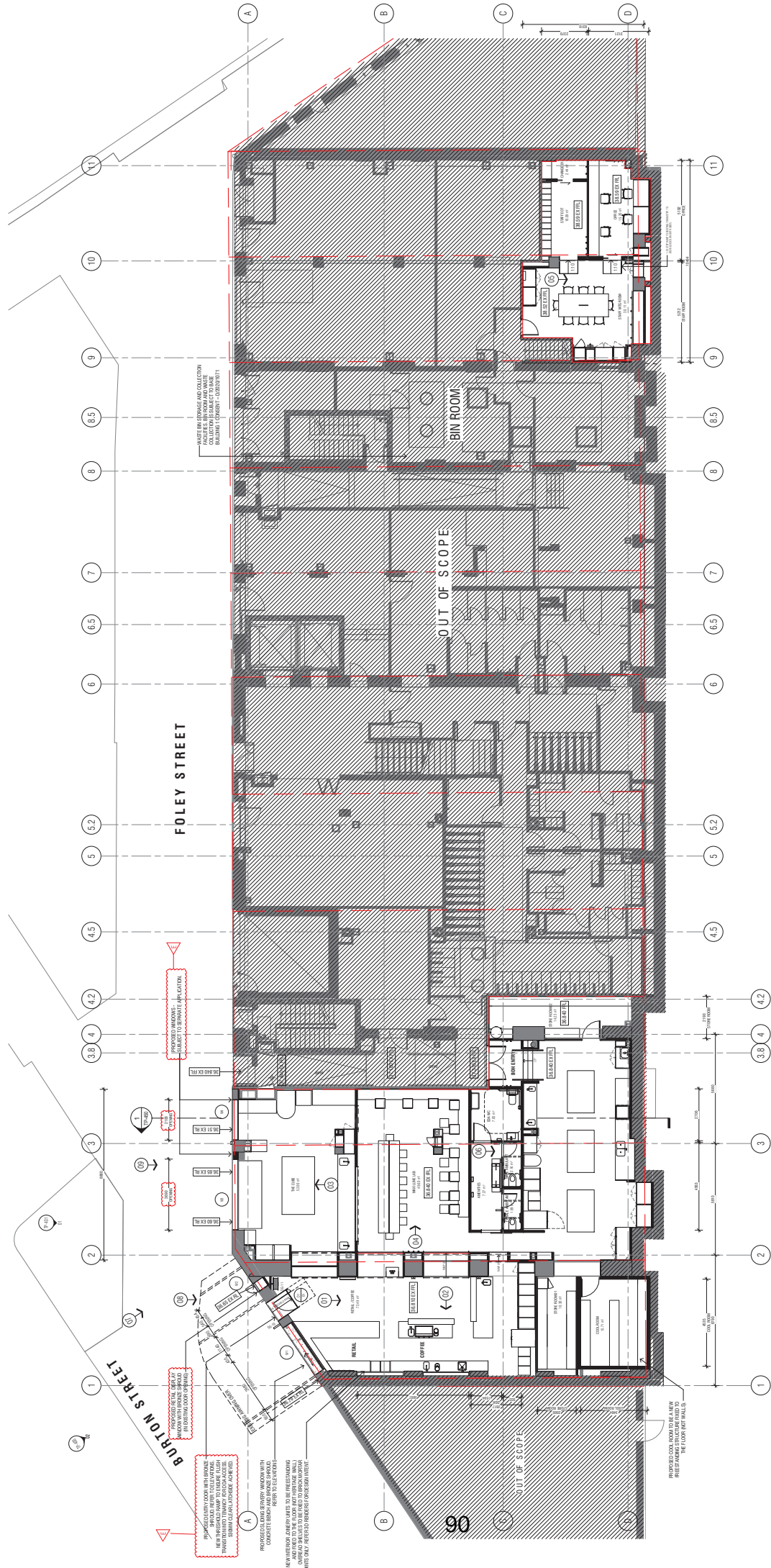
PROJECT	LUME DARLINGHURST 3-5 FOLEY STREET, DARLINGHURST NSW 2010
DATE	11/10
SCALE	1:100
DRAWN BY	DMC
CHECKED BY	M2117
DATE	08/11/20
PROJECT NO.	TP-020
REV	E

NO.	DATE	DESCRIPTION
1	11/10/20	ISSUED FOR PERMIT
2	11/10/20	ISSUED FOR PERMIT
3	11/10/20	ISSUED FOR PERMIT
4	11/10/20	ISSUED FOR PERMIT
5	11/10/20	ISSUED FOR PERMIT
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8	11/10/20	ISSUED FOR PERMIT
9	11/10/20	ISSUED FOR PERMIT
10	11/10/20	ISSUED FOR PERMIT
11	11/10/20	ISSUED FOR PERMIT

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EWERT LEAF
ARCHITECTS
LEVEL 4, 60 FOLEY STREET, DARLINGHURST NSW, VICTORIA AUSTRALIA
E: ewert@ewertleaf.com.au A: 03 9410 0201
T: 0103 988 0710



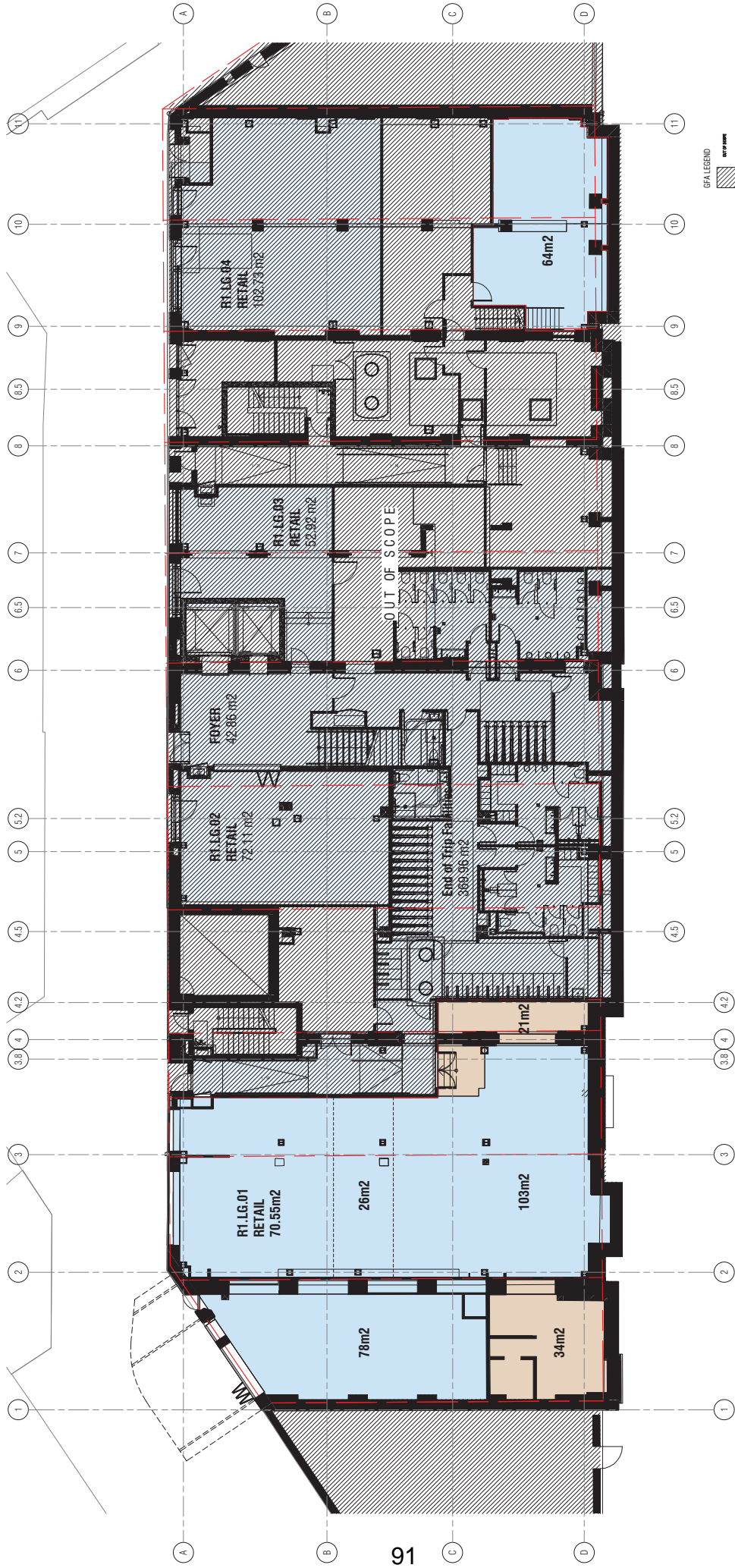
TP - PROPOSED LOWER GROUND FLOOR
SCALE 1:100

TOTAL FLOOR AREA 60m²

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PROJECT DATA
 1. PROJECT NAME: PROPOSED LOWER GROUND FLOOR
 2. CLIENT: [REDACTED]
 3. PROJECT ADDRESS: 3-5 FOLEY STREET, DARLINGHURST NSW 2010
 4. PROJECT START DATE: [REDACTED]
 5. PROJECT END DATE: [REDACTED]

NO.	DATE	DESCRIPTION
1	10/10/2024	ISSUED FOR PERMIT APPLICATION
2	10/10/2024	ISSUED FOR PERMIT APPLICATION
3	10/10/2024	ISSUED FOR PERMIT APPLICATION
4	10/10/2024	ISSUED FOR PERMIT APPLICATION
5	10/10/2024	ISSUED FOR PERMIT APPLICATION



GFA LEGEND

[Hatched Pattern]	EXISTING PERMISSIBLE GFA
[Blue]	NEW PERMISSIBLE GFA
[Orange]	EXISTING EXCLUDED GFA

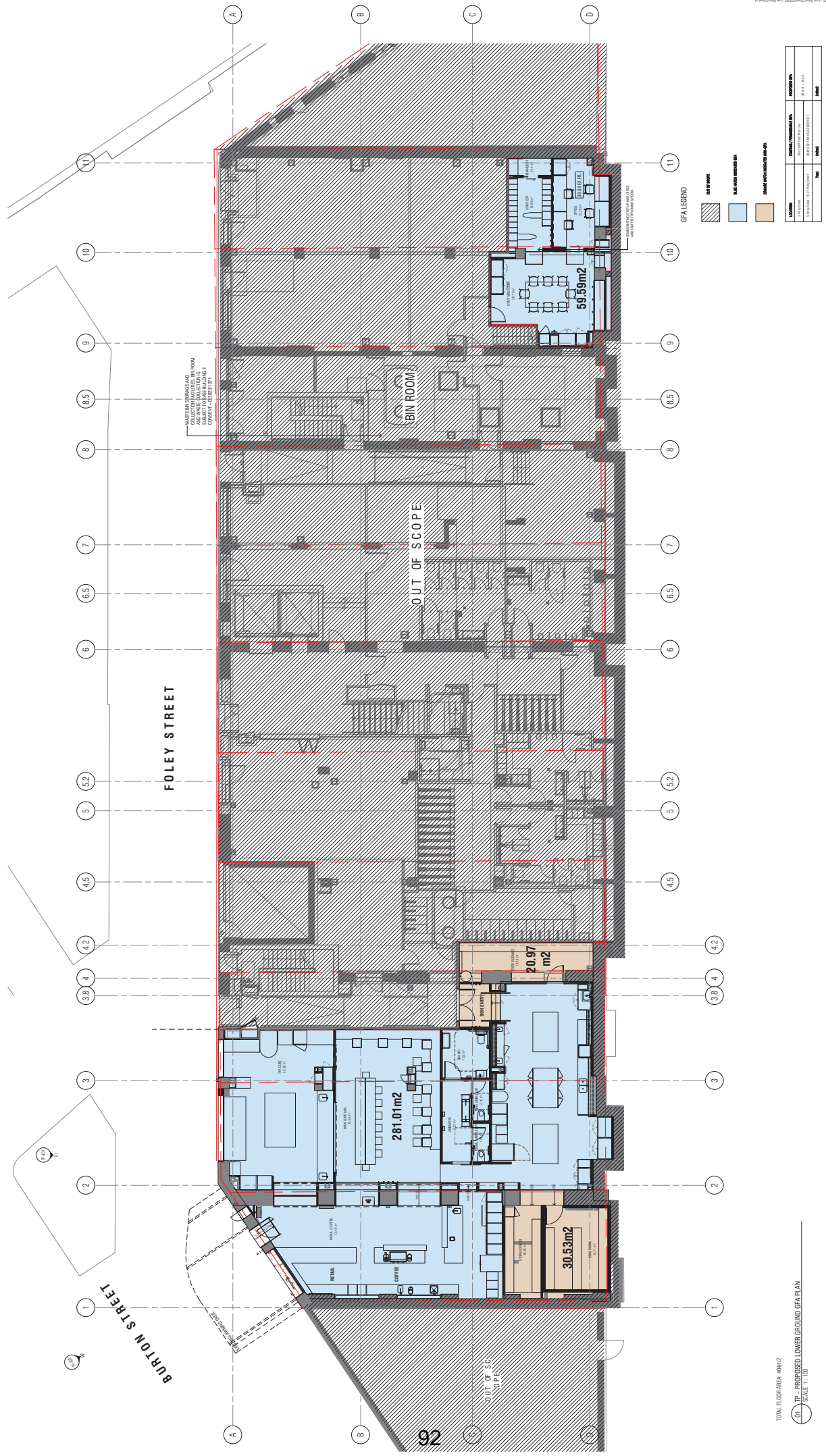
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R1.LG.02	RETAIL	72.11
R1.LG.03	RETAIL	52.92
R1.LG.04	RETAIL	102.73
FOYER	FOYER	42.86
26	RETAIL	26
103	RETAIL	103
78	RETAIL	78
34	RETAIL	34
21	RETAIL	21
64	RETAIL	64

01. TP - EXISTING PERMISSIBLE GFA PLAN
SCALE 1:100

NO.	DATE	DESCRIPTION	BY	CHECKED
1	15/03/2023	ISSUED FOR PERMIT	ER	ER
2	15/03/2023	ISSUED FOR PERMIT	ER	ER
3	15/03/2023	ISSUED FOR PERMIT	ER	ER
4	15/03/2023	ISSUED FOR PERMIT	ER	ER

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TOTAL FLOOR AREA 604m²

01 - TP - PROPOSED LOWER GROUND GFA PLAN
SCALE 1:100

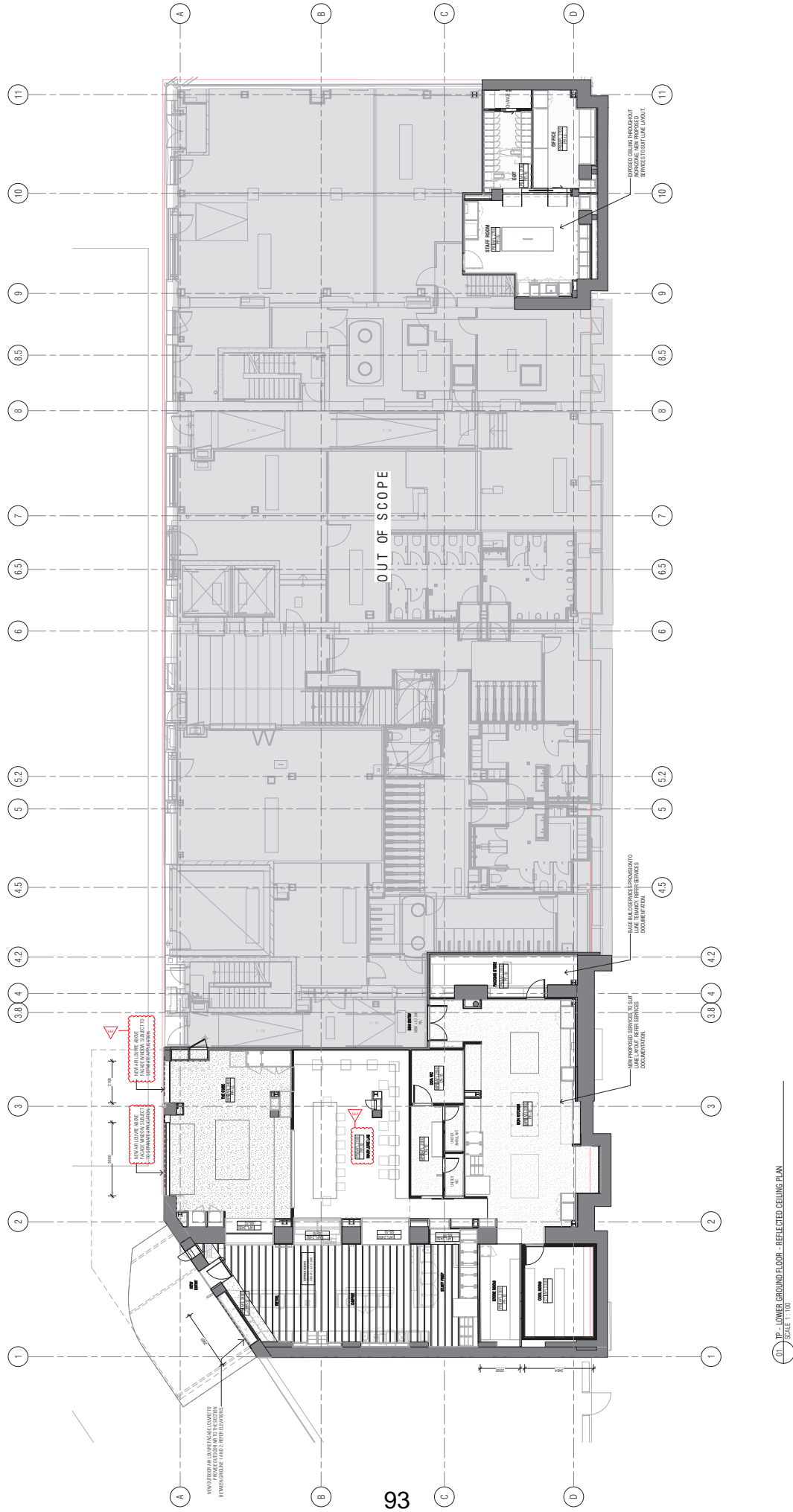
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NO.	DATE	DESCRIPTION	BY	CHECKED
1	10/01/2024	ISSUE FOR PERMIT
2	10/01/2024
3	10/01/2024
4	10/01/2024

PROJECT
 LUME DARLINGHURST
 3-5 FOLEY STREET, DARLINGHURST NSW
 2010

PROPOSED GFA PLAN
 SCALE: 1:100 (MM)
 DRAWN BY: M21177
 CHECKED BY: M21177
 DATE: 06/03/2024
 SHEET NO.: TP-102
 TOWN PLANNING

Category	Area (m ²)	Total
NET GROSS AREA
NET GROSS EXCLUDED AREA
COMMON AREAS EXCLUDED FROM GFA



01. TP - LOWER GROUND FLOOR - REFLECTED CEILING PLAN
SCALE 1:100

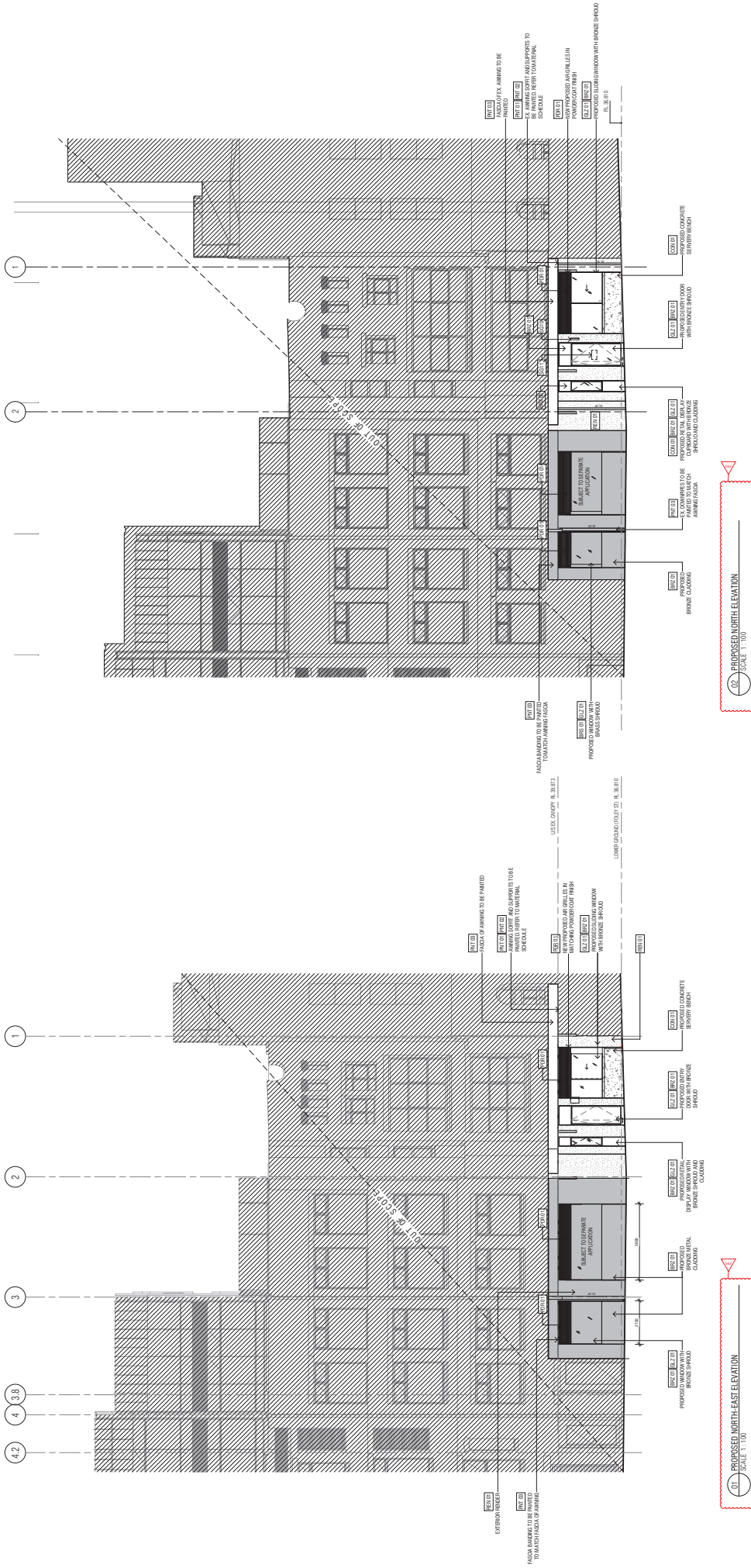
EWERT LEAF
 09/03 4 45 OF SPARK STREET SOUTH MELBOURNE VIC 3000, VICTORIA AUSTRALIA
 E: eric@ewertleaf.com.au
 T: 6103 9998 2700
 A.C.N. 611 027041

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2	10/03/2020	ISSUED FOR PERMIT	MS
3	10/03/2020	ISSUED FOR PERMIT	MS
4	10/03/2020	ISSUED FOR PERMIT	MS
5	10/03/2020	ISSUED FOR PERMIT	MS

PROJECT
 LUME DARLINGHURST
 3-5 FOLEY STREET, DARLINGHURST NSW
 2010

REFLECTED CEILING PLAN - LOWER GROUND FLOOR
 SCALE: 1:100
 DATE: 10/03/2020
 DRAWN BY: M21177
 CHECKED BY: [blank]
 TOWN PLANNING
 TP-300
 REV: E



FINISHES LEGEND

MF01	EXISTING EXPOSED BRICKWORK	CF01	CLAY FLINDS	PF01	PAINTED BRICKS WITH PAINTED FACE
CF02	PAINTED CONCRETE COLUMN FACILITY	MF02	PAINTED CONCRETE COLUMN FACILITY (DARKER TONE)	PF02	PAINTED BRICKS WITH PAINTED FACE (DARKER TONE)
MF03	PAINTED CONCRETE COLUMN FACILITY (DARKER TONE)	CF03	PAINTED CONCRETE COLUMN FACILITY (DARKER TONE)	PF03	PAINTED BRICKS WITH PAINTED FACE (DARKER TONE)

01 PROPOSED NORTH ELEVATION
SCALE: 1:100

02 PROPOSED NORTH-EAST ELEVATION
SCALE: 1:100

NO.	DATE	DESCRIPTION
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9	15/11/2021	REVISED PERMIT CONDITIONS
10	15/11/2021	REVISED PERMIT CONDITIONS



PROPOSED INTERIOR VIEW 01 - RETAIL & COFFEE AREA



PROPOSED INTERIOR VIEW 02 - RETAIL & COFFEE AREA



PROPOSED INTERIOR VIEW 03 - THE CUBE



PROPOSED INTERIOR VIEW 04 - LUME LAB AND SEATING AREA



PROPOSED INTERIOR VIEW 05 - WORK ZONE



PROPOSED INTERIOR VIEW 06 - BATHROOM LOBBY



PROPOSED EXTERIOR VIEW 07 - SHOPFRONT



PROPOSED EXTERIOR VIEW 09 - ENTRY SHOPFRONT



PROPOSED EXTERIOR VIEW 10 - ENTRY SHOPFRONT

UPDATED 3D RENDERS

EWE RT LEAF

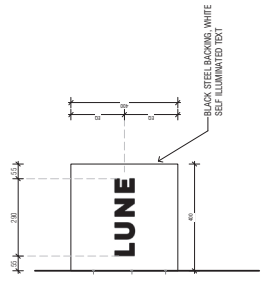
11/07/2024
E. ewe@eweinteriors.com.au
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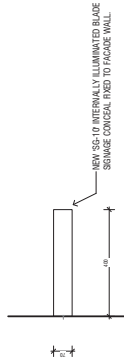
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C	11/07/2024	ISSUE FOR PERMIT	EW	EW
D	11/07/2024	ISSUE FOR PERMIT	EW	EW
E	11/07/2024	ISSUE FOR PERMIT	EW	EW

PROJECT
LUME DARLINGHURST
3-5 FOLEY STREET, DARLINGHURST NSW
2010

DRAWING TITLE
PROPOSED 3D RENDERS
SCALE
DATE
DRAWN BY
M21177
CHECKED BY
EWE
TOWN PLANNING
TP-420
REV
E



01. SG-10 SIGNAGE ELEVATION
SCALE 1:10



02. SG-10 SIGNAGE PLAN
SCALE 1:10



NEW SG-10 INTERNALLY ILLUMINATED BLADE SIGNAGE CONCEAL FIXED TO FACADE WALL. TEXT LUNE FINISH BLACK STEEL BACKINGS, WHITE ILLUMINATED TEXT



LUNE BLADE SIGNAGE REFERENCE (MELBOURNE CBD STORE)

SG10 SIGNAGE DETAILS

CATEGORISATION OF SIGNAGE: Business Identification Signage

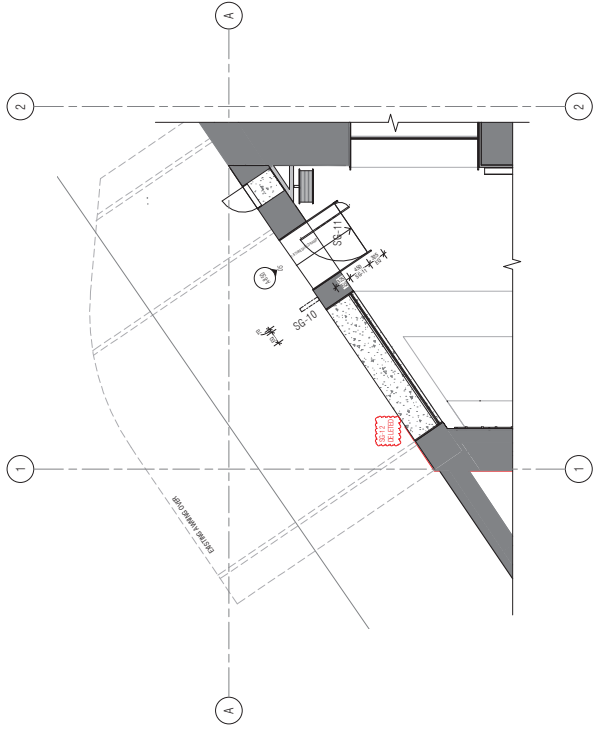
99



01. SG-11 SIGNAGE ELEVATION
SCALE 1:10

SG11 SIGNAGE DETAILS

CATEGORISATION OF SIGNAGE: Business Identification Signage



SIGNAGE PLAN

SCALE 1:50

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REV	DATE	DESCRIPTION	DRAWN BY	CHECKED BY
A	10/01/2025	ISSUE FOR PERMIT	ERWTERLEAF	ERWTERLEAF
B	10/01/2025	DATE OF COMPLETION	ERWTERLEAF	ERWTERLEAF
C	10/01/2025	CONSTRUCTION START	ERWTERLEAF	ERWTERLEAF
D	10/01/2025	CONSTRUCTION COMPLETE	ERWTERLEAF	ERWTERLEAF
E	10/01/2025	CONSTRUCTION DEFECTS	ERWTERLEAF	ERWTERLEAF
F	10/01/2025	CONSTRUCTION DEFECTS	ERWTERLEAF	ERWTERLEAF

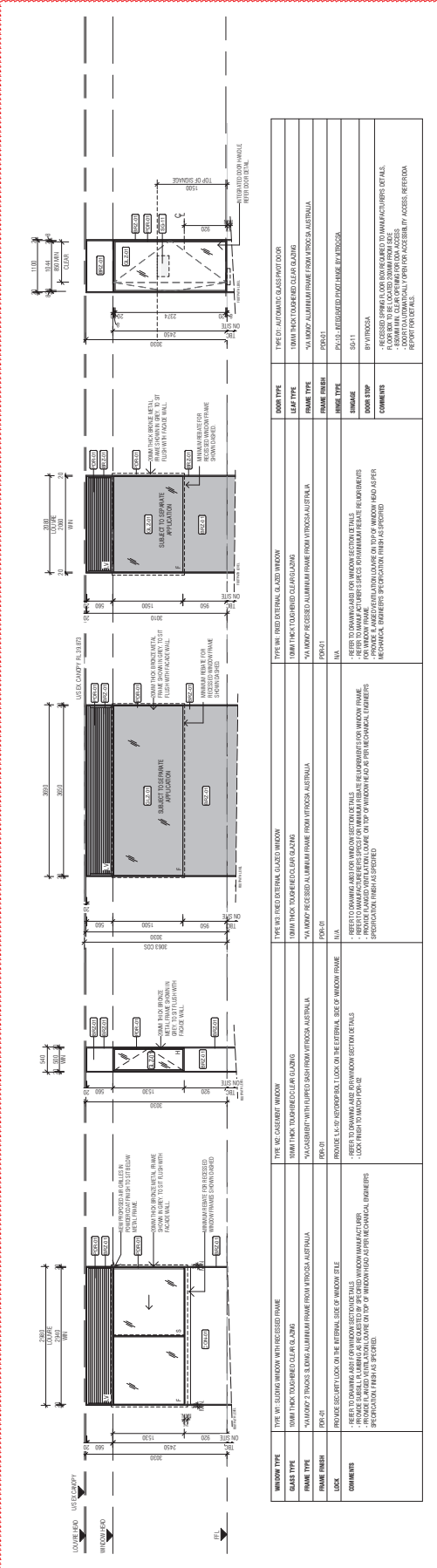
PROJECT
LUNE DARLINGHURST
 3-5 FOLEY STREET, DARLINGHURST NSW
 2010

DRAWING TITLE
SIGNAGE PLAN & DETAILS

SCALE: As shown
 DATE: 10/01/2025
 DRAWN BY: M21177
 CHECKED BY: ERWTERLEAF

TOWN PLANNING
TP-460
 REV: F

10/01/2025 10:00:00 AM - 10/01/2025 10:00:00 AM



WINDOW TYPE	TYPE IN CLERESTORY WINDOW	TYPE IN FIXED WINDOW GLAZED WINDOW	TYPE IN ALUMINIUM GLAZED DOOR
GLAZED TYPE	TEMP TYPE TO BE USED FOR CLADDING	TEMP TYPE TO BE USED FOR CLADDING	TEMP TYPE TO BE USED FOR CLADDING
FRAME TYPE	ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA	ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA	ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA
FRAME FINISH	PER 01	PER 01	PER 01
GLASS	PER 01	PER 01	PER 01
COMMENTS	REFER TO MANUFACTURER'S SPECIFICATIONS FOR WINDOW GLAZING AND FRAME FINISHES. PROVIDE SECURITY LOCK ON THE INTERNAL SIDE OF WINDOW FRAME. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA.	REFER TO MANUFACTURER'S SPECIFICATIONS FOR WINDOW GLAZING AND FRAME FINISHES. PROVIDE SECURITY LOCK ON THE INTERNAL SIDE OF WINDOW FRAME. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA.	REFER TO MANUFACTURER'S SPECIFICATIONS FOR WINDOW GLAZING AND FRAME FINISHES. PROVIDE SECURITY LOCK ON THE INTERNAL SIDE OF WINDOW FRAME. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA. PROVIDE 2 LINES OF ANODIZED ALUMINIUM FRAME FROM VITROCSA AUSTRALIA.

FINISHES LEGEND

PER 01	EXTERNAL EXPOSED BRICKWORK	PER 02	CLEAR GLAZING
PER 02	POURED CONCRETE COLOUR AND FINISH	PER 03	ANODIZED ALUMINIUM FRAME
PER 03	INTERNAL WALLS	PER 04	ANODIZED ALUMINIUM FRAME
PER 04	INTERNAL WALLS	PER 05	ANODIZED ALUMINIUM FRAME
PER 05	INTERNAL WALLS	PER 06	ANODIZED ALUMINIUM FRAME
PER 06	PER 07	PER 08	PER 09

PROJECT
LUME DARLINGHURST
3-5 FOLEY STREET, DARLINGHURST NSW
2010

DATE: 15/02/2024
SCALE: 1:100
DRAWN: M2117
CHECKED: []
DATE: 15/02/2024
SCALE: 1:100
DRAWN: M2117
CHECKED: []

TP-900
TOWN PLANNING
REV F

Attachment C

General Terms of Approval

David Reynolds
Planner
City of Sydney Council
GPO BOX 1591
SYDNEY NSW 2001
By email: dreynolds@cityofsydney.nsw.gov.au

Dear Mr Reynolds

HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL (REVISION NUMBERS AND DATES OF DOCUMENTS)

Integrated Development Application

Address: 56 Oxford Street DARLINGHURST NSW 2010

SHR item: GA Zink & Sons Building, SHR no. 00658

Proposal Fit-out and use of 3-5 Foley Street and 74-76 Oxford Street as a food and drink premises (café) and retail use known as Lune Croissanterie Sydney.

Amended IDA application no: HMS ID 3244, received 13 July 2023

Original IDA application no: HMS ID 1605, approved 7 March 2023

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings prepared by *Ewert Leaf*, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 3-5 Foley St, Darlinghurst, NSW, 2010			
TP-000	Cover Sheet	30.05.23	E

Dwg No	Dwg Title	Date	Rev
TP-011	Existing Conditions Photos	30.05.23	E
TP-020	Existing & Demolition Lower Ground Floor Plan	30.05.23	E
TP-100	Proposed Lower Ground Floor Plan	30.05.23	E
TP-101	Existing/Permissible GFA Plan	30.05.23	E
TP-102	Proposed GFA Plan	30.05.23	E
TP-300	Reflected Ceiling Plan – Lower Ground Floor	30.05.23	E
TP-400	Existing & Demolition Elevations	30.05.23	E
TP-401	Proposed Elevations	30.05.23	E
TP-420	Proposed 3D Renders	30.05.23	E
TP-421	Interior Finishes	30.05.23	A
TP-450	Sections	30.05.23	E
TP-460	Signage Plan & Details	30.05.23	F
TP-900	Window & Door Schedule	30.05.23	F

- b) Letter titled, *Response to Heritage NSW RFI 3-5 Foley Street, Darlinghurst (D/2022/969)*, prepared by Urbis, dated 9 December 2022.
- c) Conservation Management Plan titled *56-76 Oxford Street, Darlinghurst*, prepared by Urbis, dated 19 August 2022.
- d) Heritage Impact Statement titled *3-5 Foley Street, Darlinghurst*, prepared by Urbis, dated 9 September 2022.
- e) Letter titled *Architectural Design Report*, prepared by Ewert Leaf, dated 3 June 2022.
- f) Letter titled, *Re: Request for Additional Information – D/2022/969*, prepared by Ethos Urban, dated 5 June 2023.

EXCEPT AS AMENDED by the following general terms of approval:

HERITAGE CONSULTANT

2. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to

minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

3. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

4. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

COMPLIANCE

5. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

6. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please Caitlin Stevens, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Rajeev Maini

Rajeev Maini

Manager, Assessments Team 3

Heritage NSW

Department of Planning and Environment

As Delegate of the Heritage Council of NSW

21 July 2023