

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