

City of Sydney

ABN 22 636 550 790

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Town Hall House 456 Kent Street Sydney NSW 2000 Australia

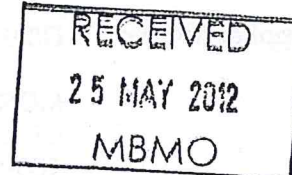
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14 May 2012

MORRIS BRAY ARCHITECTS
C/- Uniting Financial Services
186-188 Willoughby Rd
CROWS NEST NSW 2065



NOTICE OF DETERMINATION – APPROVAL
Application No: D/2010/1932

Dear Sir/Madam

Please find enclosed the Notice of Determination and advisory notes relating to your development application for 1 Newcombe Street, PADDINGTON NSW 2021. A deferred commencement consent has been issued, which means that you will have to first comply with the conditions specified before the consent will operate.

A copy of the planning report by the Council officers, which assessed the proposal is available on Council's website:

<http://www.cityofsydney.nsw.gov.au/Council/MeetingsAndCommittees/SearchMeetings.asp>.

When the search screen appears via the link, type in address and chose the Minutes or Planning Committee agenda for the reports.

However if you would like to purchase a copy please visit Council at one of the following locations:

CBD/One Stop Shop Town Hall House Level 2, 456 Kent Street Sydney; Kings Cross Neighbourhood Service Centre 50-52 Darlinghurst Road Kings Cross; Glebe Customer Service Centre, 186 Glebe Point Rd, Glebe; Redfern Neighbourhood Service Centre 158 Redfern St Redfern.

If further information is required, please contact **Philip Jamieson** ph. **9246 7619**, email **pjamieson@cityofsydney.nsw.gov.au**.

Yours faithfully

A handwritten signature in dark ink, appearing to read "Philip Jamieson".

PHILIP JAMIESON
Senior Planner

City of Sydney

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DEFERRED COMMENCEMENT - APPROVAL issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, in accordance with the provisions of section 80(3)

Development Application No. D/2010/1932

Applicant MORRIS BRAY ARCHITECTS
C/- Uniting Financial Services
186-188 Willoughby Rd
CROWS NEST NSW 2065

Land to be developed 1 NEWCOMBE STREET, PADDINGTON NSW 2021
LOT 2 DP 229630

Approved development New two to three storey building to accommodate a 504sqm retail store, 20 residential apartments and 80 basement car parking spaces (increasing to 113 spaces on market days).

Cost of development \$13,530,000

Determination The application was determined by Council and was granted a deferred commencement **subject to the conditions in Part A and B.**

Other Approvals Before commencing *building work* or *subdivision work*, a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifying Authority for any *subdivision work* under the Act.

Date of determination 14 May 2012

Consent is to operate from Refer to section 80(3) of the Act

Consent will lapse on Five years from the date the consent is to operate from

Reasons for conditions

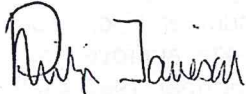
Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

NOTICE OF DETERMINATION – APPROVAL D/2010/1932

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 (the Act) gives you the right to appeal to the Land and Environment Court within 1 year after the date on which you received this notice.

Alternatively, you may request a review of the decision under Section 82A of the Act within 1 year of the date of this notice (N.B. Section 82A is not applicable to integrated or designated development). For further information please contact **Philip Jamieson** on ph. **9246 7619**.



PP **GRAHAM JAHN**

Director - City Planning, Development & Transport

NOTICE OF DETERMINATION – APPROVAL D/2010/1932

PART A

CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING

1. The following deferred commencement conditions must be satisfied prior to the consent becoming operative:
 - (1) That if 79 car parking spaces cannot be provided, free of charge, on market days for stall holders with market stalls located in the school and church premises at 395 Oxford Street, Paddington NSW, during any period of time (including the construction phase), then the equivalent number of car spaces shall be provided, in the same terms, at an alternative site approved by the relevant consent authority and the consent dated 18 December 1987 shall be modified accordingly; or
 - (2) That the development consent dated 18 December 1987 is surrendered and the retail markets located in the school and church premises at 395 Oxford Street, Paddington NSW shall cease forthwith;
 - (3) The development shall be redesigned such that vehicular access to the basement level car parks shall be relocated from Gordon Street to the proposed private lane at the rear of the site. Such amendments are to provide appropriate facilities for servicing the site to Council's satisfaction. The area vacated by the vehicular access on Gordon Street may be amended to accommodate residential; and
 - (4) The applicant obtain approval of the Roads and Maritime Services to agree for vehicular access to the site to be provided from Oxford Street via Newcombe Street
2. Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to the Director City Planning, Development and Transport by 14 May 2015;
3. The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
4. Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

Annexure A: Approved Development Application for Paddington Markets

New South Wales Government



Department of Environment and Planning



Eastside Parish,
Rev. R. Patterden,
P.O. Box 379,
PADDINGTON 2021

Remington Centre
175 Liverpool Street, Sydney 2000
Box 3927 G.P.O. Sydney 2001
OX. 15 Sydney

Telephone: (02) 266 7111 Ext. 7616
Telex: DEP NSW 176826
Fax No. 266 7599

D. Mutton

Contact: 86/0459

Our reference:

Your reference:

30 DEC 1987

Dear Sir/Madam,

Retail Market : Oxford, Elizabeth, Gordon and Newcombe Streets,
Paddington and 24-28 Gordon Street, Paddington.

I refer to the development application for the above proposal, submitted to the Council of the City of Sydney on 27 March 1986 and referred by Council for determination by the Minister under Section 101 of the Environmental Planning and Assessment Act, 1979, on 18 May, 1987.

2. The Minister has received the report of the Inquiry pursuant to Section 119 of the Act concerning the development application. After consideration of the recommendations of the Commissioner of Inquiry, the Minister has determined the application by the granting of consent, subject to the conditions set out in the Instrument of Approval. The reasons for the imposition of the conditions are as set out in the Commissioner's findings.

3. A copy of the Instrument of Approval is attached.

Yours faithfully,

R. L. Pincini
R. L. Pincini,
Secretary
R. L. Pincini

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION

PURSUANT TO SECTIONS 100A & 101

Pursuant to Sections 100A & 101 of the Environmental Planning and Assessment Act 1979, I determine the development application referred to below by granting consent to that application subject to the conditions set out in the Schedule.



BOB CARR
Minister for Planning and
Environment

Sydney, 18 December 1987

APPLICATION

- (a) APPLICANT: VILLAGE COMMUNITY CENTRE
- (b) COUNCIL: CITY OF SYDNEY
- (c) LAND: The development application relates to the land described as follows:
- Area 1 - the land bounded by Oxford Street, Newcombe Street, Gordon Street and Elizabeth Street, Paddington being the land edged in red on the attached plan and described thereon as "Area 1";
- Area 2 - the land known as 24-28 Gordon Street, Paddington being the land edged in red on the attached plan and described thereon as "Area 2".
- (d) PROPOSED DEVELOPMENT: Use of the Church grounds, Church Hall and the School grounds in Area 1 for a retail market and use of Area 2 for associated car parking purposes.

(c) DEVELOPMENT APPLICATION: The development application lodged on 27 March, 1986 in respect of the proposed development.

NOTES

- (1) To ascertain the date upon which the consent becomes effective, refer to Section 93 of the Act.
- (2) To ascertain the extent to which the consent is liable to lapse, refer to Section 99 of the Act.

SCHEDULE

1. The market shall operate on Saturdays only. The hours of operation of the market shall be - 10.00 a.m. to 4.00 p.m. or 5.00 p.m. during daylight saving periods.
2. The number of stallholders shall not exceed 250.
3. The car parking area shall provide car parking, free of charge, for at least seventy nine (79) cars. An attendant shall supervise the parking of cars within the area at all times. The car parking area shall be restricted to the parking of the vehicles of stallholders or traders of the markets. The car parking area shall not open prior to 7.30 a.m.
4. In the event that the car parking area ceases to be available to the applicant for car parking purposes in accordance with these conditions, the use of the school and church premises for markets shall cease forthwith.
5. Six off-street loading spaces shall be provided for the purposes of unloading and loading stallholders' and traders' vehicles. These six spaces include:
 - two spaces located off Newcombe Street
 - two spaces located at the rear of the Manse (Youth Refuge) off Gordon Street
 - two spaces within the Paddington Primary School grounds off Elizabeth Street.
6. The Council of the City of Sydney ("the Council") may, on request, after the expiration of 12 months from the date of a grant of consent, delete the two loading spaces at the rear of the Manse, if it is satisfied that the remaining loading spaces, together with the use being made of the car parking area for unloading purposes on Saturday mornings, and the usage of short term on-street parking for unloading purposes are adequate, subject to any reasonable requirements that the Council may impose on the applicant.
7. Vehicles shall not park in loading spaces except for loading and unloading purposes.
8. No loading or unloading of vehicles shall be carried out before 7.30 a.m. or after 6.00 p.m.
9. The Oxford Street ingress and egress for loading/unloading purposes be deleted and that removable bollards shall be installed to prevent vehicular movement to and from Oxford Street for market purposes. No vehicular access shall be permitted across the Newcombe Street Plaza.

10. No stalls shall be erected in the loading area within the school grounds off Elizabeth Street and the area shall be used for loading purposes.
11. No amplified entertainment shall be conducted on the premises or on the adjacent roadway or pedestrian areas.
12. The activities and use of any equipment or plant associated with the market and the use of the area shall not give rise to an "offensive noise" as defined by the Noise Control Act, 1975.
13. The premises shall be kept clean and tidy at all times and the garbage storage bins shall be stored within the curtilage of the site, in an area provided with suitable screening, for collection no later than the Monday morning after the market operations.
14. All food stalls shall comply with the Council's Temporary Food Premises Code and the licensing requirements of the Council's Health and Community Services Department.
15. All appliances used for public amusement and games and all amusement devices shall comply with the licensing requirements of the Council's Health and Community Services Department.
16. Council may agree to an additional weekday market in the week prior to Christmas each year subject to its reasonable requirements.
17. Permits for stall holders and traders shall contain a condition that the unloading of vehicles between 7.30 a.m. and 9.00 a.m. shall be undertaken in the car parking area unless written exception is granted by the Village Community Centre ("V.C.C.") to the stallholder or trader. These exceptions shall be limited to those instances where a stallholder or trader cannot use the car parking area for this purpose. Non-compliance by stallholders and traders with this condition of permits shall be considered by the applicant as grounds for withdrawal. The V.C.C. shall maintain records for inspection by the Council.
18. The applicant shall provide at least one attendant at each of the on-site loading areas to supervise the unloading of vehicles between 7.30 a.m. and 9.00 a.m. The applicant shall ensure that vehicles waiting to unload do not infringe parking and traffic laws and regulations in Newcombe, Gordon and Elizabeth Streets. Non-compliance by stallholders or traders shall be considered by the applicant as grounds for withdrawal of permit.

