

Resolution of Local Planning Panel

15 April 2020

Item 2

Development Application: 589-591 Elizabeth Street, Redfern - D/2018/774

The Panel:

- (A) upheld the variation requested to Clause 4.3 height of building development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in this instance; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2018/774 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 15 April 2020, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.47:1. For the purposes of the calculation of FSR, the Gross Floor Area of approved development is ~~1,2221.4sqm~~ ***1221.4sqm***.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(11) WASTE/RECYCLING COLLECTION

~~Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street.~~ ***Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.***

(27) PLAN OF MANAGEMENT

- (a) The Plan of Management (POM) checklist accompanying this Development Application has not been approved by this consent.
- (b) A POM must be prepared to address all operational and management procedures to be employed, to ensure that the hotel and licensed café can operate without disturbance to the surrounding locality.
- (c) At a minimum the POM must address the requirements of Section 4.4.8 and Schedule 3 of the Sydney Development Control Plan 2012.
- (d) The POM must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.

(e) *The POM is to include details for managing complaints including:*

- (i) A complaints hotline made available to surrounding residents and adequately staffed by the hotel operator;***
- (ii) The details of the complaints hotline are to distributed to residents within a 50m radius of the subject site prior to the issue of an Occupation Certificate;***
- (iii) A complaint log book must be kept onsite at all times to record the details of all complaints and how the hotel operator responded to such complaints; and***
- (iv) A copy of the complaint log book shall be made available to any Council officer on request and within 24 hours.***
- (f) The POM must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.
- (g) At all times, the use of the premises must be operated in accordance with the approved POM under part (e) (f) of this condition.

(30) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the building requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) Pedestrian access to the hotel by patrons is only permitted via the Elizabeth Street entrance. At no times shall staff or patrons loiter in Elizabeth Lane.***

(33) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) ***the building's Elizabeth Lane frontage;***
 - (iii) all areas within the premise occupied by the public (excluding toilets);
 - (iv) staircases in multilevel premises; and
 - (v) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.

- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(106) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

~~The immediately adjoining neighbours~~ **Properties located within 25m of the subject site** must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reasons for Decision

The application was granted deferred commencement approval as:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site and does not result in unreasonable environmental impacts for the reasons outlined in the report to the Local Planning Panel.
- (B) The requested variation to the height development standard is upheld because the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.3 Height of Building and the B4 Mixed Use zone.
- (C) The development, subject to conditions, is generally consistent with the objectives and provisions of State Environmental Planning Policy (SEPP) No 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (Vegetation in Non-Rural Areas) 2017, SLEP 2012 and Sydney Development Control Plan 2012 (SDCP 2012).
- (D) The proposal is consistent with the objectives of the B4 Mixed Use zone in that the hotel will contribute to providing a mixture of uses in the area supporting the vitality of the area. The proposed development is consistent with the SDCP 2012 'Prince Alfred Park South' locality statement which encourages a mix of building types to reflect diversity of form and mass, and specifically encourages boutique accommodation on Elizabeth Street.
- (E) Subject to the recommended conditions of consent and in the context of a mixed use zone, the proposed development is unlikely to result in unreasonable impacts on the surrounding properties by way of visual and acoustic privacy, solar access, traffic, odour, vibration and reflectivity.
- (F) The proposed siting, bulk, scale, massing, setbacks and materiality of the building is considered to be consistent with the character of the area and respects the heritage significance of the conservation area and adjoining heritage item.

- (G) For the reasons above and as outlined in the report to the Local Planning Panel, the proposed development is in the public interest subject to conditions.
- (H) Condition 3 was amended to correct a typographical error.
- (I) Condition 11 was amended as it was imposed in error as kerbside collection has been assessed as acceptable as detailed in the Local Planning Panel report. The City's standard condition is imposed instead:
- (J) Condition 27 was amended to include details of a complaints management system.
- (K) Condition 30 was amended to discourage loitering in Elizabeth Lane.
- (L) Condition 33 was amended to add monitoring to Elizabeth Lane.
- (M) Condition 106 was amended to increase the number of properties to be notified about excavation works or high noise emission appliances/plant.

Carried unanimously.

D/2018/774