

Resolution of Local Planning Panel

22 February 2023

Item 5

Development Application: 118A Darlinghurst Road, Darlinghurst - D/2022/425

The Panel granted deferred commencement consent to Development Application No. D/2022/425 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(1) CONSERVATION MANAGEMENT PLAN

- (a) Condition No. 119(a), under Consent No. D/2016/476 (as ***may be*** amended), in so far it requires NSW Heritage Council's endorsement of a Conservation Management Plan and the approval of a schedule of conservation works must be satisfied prior to activation of this consent.
- (b) 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 Council within 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the *Environmental Planning and Assessment Act, 1979*.
- (c) 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.
- (d) 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 conditions of consent, as detailed in Part B - Conditions of Consent (Once the Consent is Operational).

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to a deferred commencement consent, will align with the requirements of the whole of site consent, D/2016/476.

- (B) The development, subject to conditions, is consistent with the objectives of the B4 Mixed Use zone.
- (C) The development will not adversely affect the character of the Darlinghurst West locality.
- (D) The development is compatible with and will not adversely impact the State Heritage item (00461) 'St John's Church and Rectory', or the 'Oxford Street and Victoria Street' (C12) Heritage Conservation Area.
- (E) The proposed signage, subject to conditions, is in keeping with the existing signage strategy of the premise and is compatible with the built form and locality.
- (F) The development, subject to conditions, will maintain orderly operations, safety and management of the premise.
- (G) The development, subject to conditions, is identified as an in-demand community service for at-risk persons, which is complementary to existing service providers in the local area.
- (H) The development, subject to conditions, satisfies the requirements of design excellence.
- (I) The development will not unreasonably compromise the amenity of the nearby properties.
- (J) The development accords with objectives of relevant planning controls.
- (K) Condition 1(a) was amended to avoid delays to the conservation works.

Carried unanimously

D/2022/425