

Resolution of Local Planning Panel

17 May 2023

Item 5

Development Application: 169-173 Darlinghurst Road, Darlinghurst - D/2022/911

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted deferred commencement consent to Development Application number D/2022/911 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 17 May 2023, subject to the inclusion of a reason for each condition and the following amendments to deferred commencement condition (1) and condition (5) (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(1) PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and PG WEALTH PTY LTD and JC DECAUX AUSTRALIA TRADING PTY LTD shall be executed and submitted to Council; and
- ~~(b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.~~

Reason

To ensure the community benefit, approved as part of the consent, continues to be delivered.

(5) ~~POSITIVE COVENANT AND ADVERTISING DEED~~

Prior to any Occupation Certificate being issued, ~~a positive covenant, in the form specified in the Planning Agreement, is to be registered on title of the land to which this consent relates requiring all~~ ***the*** operators of the advertisement ***must*** to enter into an Advertising Deed with the Council ***in the form specified in the Planning Agreement.*** ~~The covenant must be created at no cost to Council.~~

Reason

To ensure the community benefit approved as part of the consent continuously used for the approved purpose.

Reasons for Decision

The application was approved for the following reasons:

- (A) The continued use and associated works of the sign relies upon existing use rights that are preserved within the existing development consent. The replacement sign is of similar size and design to the existing sign, it will not result in an increase in the intensity of the use or expansion beyond what was previously permitted. Therefore, the proposed replacement of the sign complies with the existing use requirements of the Environmental Planning and Assessment Act, 1979.
- (B) Conditions of consent are recommended to address the dwell times and the transition of the electronic content to address the visual impact of the sign. Conditions are also recommended regarding the illumination and compliance with the submitted management plan addressing the operation of the sign's content.
- (C) The reasons for all conditions were inserted to correct a drafting error.
- (D) Conditions 1 and 5 were amended in line with requests made by the applicant, retaining the original intent of each of the conditions in relation to ensuring the Voluntary Planning Agreement is binding and its public benefits are delivered accordingly.

Carried unanimously.