

## Resolution of Local Planning Panel

**6 November 2024**

### Item 6

**Development Application: 132-134 Shepherd Street, Darlington - D/2024/615**

The Panel granted consent to Development Application Number D/2024/615 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

### ~~BEFORE ISSUE OF AN OCCUPATION CERTIFICATE~~

### OCCUPATION AND ONGOING USE

#### (4) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Non-residential visitor	3	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Personal lockers	3	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the ***Area Planning Coordinator / Manager*** Registered Certifier ~~confirming~~ prior to ***the community facility being reopened for public use.*** ~~issue of the Occupation Certificate being issued.~~

## Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

### (5) PLAN OF MANAGEMENT

- (a) The Plan of Management dated 8 October 2024 must be amended:
- (i) to be consistent with the conditions of this consent D/2024/615, including those pertaining to hours of operation and waste management and collection;
  - (ii) to implement noise reduction measures recommended **at section 7 of** ~~in~~ the acoustic report titled Operational Noise Emission Assessment, reference: 6498R001.LM.240905, dated 5 September 2024, prepared by Acoustic Dynamics **excluding recommendation 2** that require:
    - ~~1. an acoustic engineer to be engaged to calibrate any speakers that are installed; and~~
    - ~~2. for air conditioning equipment to be serviced regularly to maintain low levels of mechanical services noise;~~
  - (iii) **to outline measures to manage light spill to adjoining premises;**
  - (iv) **to amend recommendation 3 at section 7 of the acoustic report to read as follows: 'Patrons should use the main entrance / exit via Shepherd Street after 10pm to minimise the impact on residences to the north and south of the site;**
  - (v) the amended Plan of Management must be submitted to and approved by Council's Area Planning Coordinator / Manager prior to **the community facility being reopened for public use** commencement of the use or issue of an Occupation Certificate whichever is the earlier.
- (b) The use must always be operated / managed in accordance with the Plan of Management, approved in accordance with the process specified at (a) above. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
- (c) **The Proponent may update and revise the Plan of Management by submitting the updated Plan of Management to Council's Area Planning Coordinator / Manager for approval.**

## Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

## **~~OCCUPATION AND ONGOING USE~~**

### **~~OCCUPATION CERTIFICATE TO BE SUBMITTED~~**

~~An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of the building.~~

#### **Reason**

~~To ensure the site is authorised for occupation.~~

### **(6) HOURS OF OPERATION - SENSITIVE USES**

The hours of operation are regulated as follows:

~~Indoors hours of operation~~

- (a) The hours of operation of ~~the indoor areas of~~ the premise must be restricted to between 7.00am and 10.00pm, Monday to Sunday.
- (b) ***Notwithstanding (a) above, the premises may operate between 10.00pm and 12.00 midnight for a trial period of 1 year from the date of the reopening of the community facility for public use. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au)***
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints and any views expressed by the Police.

#### **Reason**

To ensure the premises operates within the approved hours of operation.

*Remaining conditions to be renumbered accordingly.*

### **Reasons for Decision**

The application was approved for the following reasons.

- (A) The site is located in the Zone R1 General Residential. The development is for a community facility and which is permitted with consent in the zone.
- (B) The development accords with the objectives of the Sydney LEP 2012 and the Sydney DCP 2012.
- (C) The development, subject to the recommended conditions, will not unreasonably compromise the amenity of nearby properties.

- (D) Condition 5 was amended to adopt selected recommendations of the acoustic report pertaining to management procedures for the hours of 10pm and 12 midnight, to minimise noise emissions.
- (E) Condition 5 was further amended to address light spill concerns and clarify the location of sensitive previewer and appropriate noise mitigation measures, and to provide for the Plan of Management to be updated subject to approval of Council's Area Planning Manager.
- (F) As the proposal does not result in a change of building use and therefore an occupation certificate is not required under s6.9 of the *Environmental Planning and Assessment Act 1979*, Condition 6 was deleted and Conditions 4, 5 and 7 amended accordingly.
- (G) Considering the low noise risk from community activities and that the capacity of the premises is limited to 40 people, Condition 7 was further amended to allow for hours of operation of 7am to 12 midnight, Monday to Sunday for both the indoor and outdoor areas of the community facility to provide flexibility for a wide range of community activities.

Carried unanimously.

D/2024/615