

Local Planning Panel

Meeting No 104

Wednesday 25 September 2024

Notice Date 18 September 2024

minutes

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Present

Ms Jan Murrell (Chair), Mr John Bilmon, Ms Elisabeth Peet and Mr David Green.

At the commencement of business at 5.05pm, those present were:

Ms Murrell, Mr Bilmon, Ms Peet and Mr Green.

The Acting Executive Manager Planning and Development was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Item 1 Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 4 September 2024, which have been endorsed by the Chair of the meeting.

Item 3 Development Application: 116 Lang Road, Moore Park - D/2024/139

The Panel granted consent to Development Application Number D/2024/139 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~~):

(3) APPROVED USE

(a) Use of Area 1 and Area 2 within the Entertainment Quarter under this consent is to be limited to those events specified in Categories A-F listed in the table below:

| Category | Proposed Events |
|------------------|---|
| Category A | Film, video and photography production, including live media coverage. |
| Category B | Food and beverage stalls, trucks, cooking exhibitions |
| Category C | Exhibitions, such as art exhibitions |
| Category D | Outdoor/open-air recreation and sporting activities, such as: <ul style="list-style-type: none"> ▪ Mini golf; ▪ Racquet sports (e.g., pickle ball and padel tennis); ▪ Bowling; ▪ Temporary swimming pool (no excavation proposed – above ground temporary structures only); ▪ Electric go-kart; ▪ Outdoor gymnasium; ▪ Squash; ▪ Ice skating; ▪ Mini soccer; ▪ Basketball / mini basketball; ▪ Netball; ▪ Obstacle courses; ▪ or any other use of a like character. |
| Temporary events | |
| Category E | Community markets |

| | |
|------------|--|
| Category F | Community events, including any ceremony, cultural celebration, fete, fair |
|------------|--|

- (b) Any amplified music that is played on the site must be background and ancillary to support the activities specified in ~~Condition 2(a)~~ **Condition 3(a)** and must comply with the relevant noise conditions specified under this consent. No concerts, music events and/or dance parties are permitted or approved.
- (c) All temporary events listed in Categories E and F must not operate for more than 52 days (whether or not consecutive days) in any period of 12 months in each of Area 1 and Area 2.
- (d) No permanent physical works are approved under this consent. The applicant or operator must ensure all necessary approvals or exemptions are obtained from the relevant authorities prior to carrying out the development approved under this consent.

Reason

To ensure the type of events is restricted to those listed above.

(13) PLAN OF MANAGEMENT AND TEMPORARY STRUCTURES GUIDELINES

The use must always be operated / managed in accordance with the Plan of Management, prepared by Que Consulting dated 21 August 2024 (Council Reference: 2024/485329) and the Temporary Structure Guidelines dated 21 August 2024 (Council Reference: 2024/485333) that have been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Entertainment Quarter management is to ensure that all third-party operators are made aware of the requirements of the Plan of Management and Temporary Structure Guidelines and the conditions of this consent.

Should the operator seek to amend the approved plan of management, a Section 4.55 modification application must be submitted to and approved by Council's Area Planning Manager.

Reason

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

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events, which are permitted with consent under the State Environmental Planning Policy (Precincts Eastern Harbour City) 2021.
- (B) The proposal is consistent with the objectives of the State Environmental Planning Policy (Precincts Eastern Harbour City) 2021 by improving and enhancing the cultural and recreational facilities.

- (C) The proposal allows for the orderly and economic development of the land by facilitating the ongoing use of the site for recreation facilities, events and temporary events within an entertainment precinct.
- (D) The proposal complies with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997).
- (E) The proposed development does not include concerts or music events. Any ancillary background music associated with the operation of activities on the subject site is restricted between 10.00am and 10:00pm.
- (F) The development, subject to conditions, will not unreasonably compromise the amenity of nearby properties.
- (G) Condition 3(b) was amended to correct a typographical error.
- (H) Condition 13 was amended to ensure third parties are aware of the noise restrictions.

Carried unanimously.

D/2024/139

Speakers

Michael Hodgson (The Entertainment Quarter) – on behalf of the applicant, and Yvette Car (Ethos Urban) – on behalf of the applicant.

Item 4 Development Application: 68-80 Erskine Street, Sydney - D/2024/395

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/2024/395, 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~~):

PART A

CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING

(A) The consent is not to operate until the following conditions are satisfied:

1) DETAILED FLOOR PLANS

The following is to be submitted to and approved by Council's Area Planning Manager:

- a) A set of detailed floor plans documenting the internal layout of the premises and showing the facilities required by the approved Plan of Management.***
- b) The plans shall amend the layout of the premises so that the ground floor staff room becomes an accessible service room, with a staff room to be relocated elsewhere within the premises.***
- c) Where any works are required to satisfy the above conditions the following is to be provided to Council:***
 - i) a Section 60 approval under the Heritage Act is obtained if required; or***
 - ii) details demonstrating the works are within the Standard Exemptions that apply to the site.***

Reason

To ensure the accurate record of the internal layout of the premises, to provide adequate provision for people with mobility issues, and to ensure the any required approval under the Heritage Act is obtained.

2) UPDATED PLAN OF MANAGEMENT

- a) The Plan of Management is to be updated to include under Section 2.6 a commitment to provide assistance into the premises to people with mobility issues.***
- b) The updated Plan of Management is to be submitted to and approved by Council's Area Planning Manager.***

Reason

To require an updated Plan of Management which provides adequate provision for people with mobility issues.

- (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 in Operation).**

PART B

CONDITIONS OF CONSENT (ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that compliance with the conditions contained in Part A above have been satisfied, the consent will become operative subject to the following conditions and any other relevant conditions that may arise as a result of compliance with Part A.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/395 dated 23 May 2024 **and the plans submitted and approved under *Deferred Commencement Condition 1*** and the following drawings prepared by RFA Architects:

| Drawing Number | Drawing Name | Date |
|----------------|---------------------------|------------|
| A2101—Rev 2 | As-Built Floor Plans | 21/08/2024 |
| A2102—Rev 2 | As-Built Floor Plans | 21/08/2024 |
| A3001—Rev 1 | As-Built Street Elevation | 26/06/2024 |

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

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

(5) PHYSICAL WORKS

No approval or consent is granted for any physical works to the building, with the exception of the installation of CCTV, and duress alarms in work rooms **and any works required to satisfy the deferred commencement conditions.**

Reason

To ensure all parties are aware that no physical works are approved or granted as part of this consent **unless required by condition.**

(12) PLAN OF MANAGEMENT – SEX SERVICES PREMISES

The operation of the premises must be conducted in accordance with **the a** Plan of Management **approved under Deferred Commencement Condition 2** (Council ref: 2024/384858) ~~that has been approved by Council.~~ Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, or change of ownership or management, then the plan of management must be appropriately reviewed and submitted to and approved by Council.

Reason

To ensure appropriate management of the premises.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the objectives of the SP5 Metropolitan Centre Zone.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.
- (C) The proposal is consistent with the relevant objectives of the Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the permissible hours of operation of Section 3.15.4 of Sydney Development Control Plan 2012 and accords with Section 4.4.6 of Sydney Development Control Plan 2012 for sex services premises, subject to conditions.
- (E) Subject to the recommended conditions of consent, the proposed development will maintain the existing level of amenity the site locality and will not result in additional adverse environmental impacts to adjoining sites. Conditions of consent are recommended to ensure the use continues to be managed in appropriate manner in accordance with safe practices and the procedures outlined within the endorsed Plan of Management.
- (F) Deferred Commencement consent was granted as the use should not commence before:
 - (i) additional detail is shown on the floor plans; and
 - (ii) adequate amendments are made to address the issue of reduced mobility access to the premises.

- (G) Part A was inserted to specify the conditions to be satisfied prior to the consent operating, necessitating the proposed Conditions of Consent to be renamed Part B. The Conditions of Consent shown at Part B apply once the consent is in operation, being conditions to be satisfied after activation of the consent.
- (H) Conditions 1, 5 and 12 of Part B were modified as a consequence of the consent being made a deferred commencement consent.

Carried unanimously.

D/2024/395

The meeting of the Local Planning Panel concluded at 6.06pm.

CHAIR