

# **Attachment A**

**Applicant's submission**

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**From:** Matthew Taylor <MTaylor@cityofsydney.nsw.gov.au>  
**Sent:** Thursday, 31 October 2024 4:10 PM  
**To:** Secretariat <Secretariat@cityofsydney.nsw.gov.au>  
**Subject:** Development Application 132-134 Shepherd Street Darlington D/2024/615 - Local Planning Panel 6 November 2024

To the Local Planning Panel

The applicant (Council of the City of Sydney) requests that recommended condition of consent (6) be removed from the development consent for 132-134 Shepherd Street Darlington D/2024/615:

**(6) 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.

The development application seeks consent for the continued use of existing premises and does not seek consent for any construction works.

Section 6.9 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires an occupation certificate for the commencement of a *change of building use* for the whole or any part of an existing building.

"*change of building use*" is defined in the EP&A Act as a change of the use of a building from a use as a class of building recognised by the Building Code of Australia (BCA) to a use as a different class of building recognised by the BCA.

'Section 4.3.5 Building Compliance' of the Statement of Environmental Effects submitted with the development application states that the existing and proposed uses for the building are both 'community centre' (BCA class 9b), and that no change is proposed to the class of building. We therefore believe that in this case an Occupation Certificate is not required by the EP&A Act.

The development application principally seeks to formalise management arrangements pertaining to hours of operation, noise and waste. The procedures relating to these operational matters are already included in the Plan of Management submitted with the development application. It will be difficult for a Principal Certifier to confirm prior to occupation or use of the building that the conditions relating to the operational matters have been met beyond confirming that they are included in the Plan of Management.

Regards

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The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.