

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2014/1614 **DATE:** 14 December 2015
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.9 – Development Application: 251-255
Oxford Street, Paddington (Paddington Reservoir Gardens) – At Council -
14 December 2015

Alternative Recommendation

That the recommendation contained in the Consultant's Planning Report prepared by Helena Miller, MG Planning, shown at Attachment A to the officer's report to the Planning and Development Committee on 8 December 2015, be adopted, subject to the addition of the following new condition to the deferred commencement conditions shown in clause (A) of the recommendation.

(2) SURRENDER OF PREVIOUS CONSENT

Development consent D/2009/1628 must be surrendered prior to the operation of the consent.

Background

At the meeting of the Planning and Development Committee on 8 December 2015, further information was requested with regard to the following matters:

- The location of the waste collection and bump in/bump out;
- Explanation of the Plans of Management which apply; and
- Comparison of recommended approval and previous consents for the site.

Until now, all events and activities at Paddington Reservoir Gardens have required a specific DA approval unless covered by exempt or complying legislation. As the site is heritage listed, exempt or complying is very limited and DAs are generally required. A consequence of the current situation is that minor local events (including those that might be held by the Paddington Society and others) find the DA process too onerous and so these low impacts events are thwarted. Higher impact events suit the one-off DA process, but in some instances higher impact events can create disturbance before, during and after the event.

The subject DA, as recommended and conditioned, is designed to allow minor events from requiring case-by-case DA approval while limiting the use of this community asset to only Type A and B activities.

Location of Waste Collection and Bump in/Bump out

The Committee requested additional information on the collection of waste and the loading and unloading of goods during the bump in/bump out for events. It is intended to utilise a small service lane accessed from Oatley Road within Walter Read Reserve for this purpose.

This lane is secured by locked bollards and access controlled by City staff. The current (and proposed) access arrangement is for City staff to attend the site and allow access as required. Event holders are not given keys to access the service lane.

Condition (15) of the recommendation limits bump in/bump out to between the hours of 8.00am to 11.00pm.

The location of this lane is marked in the figures below.

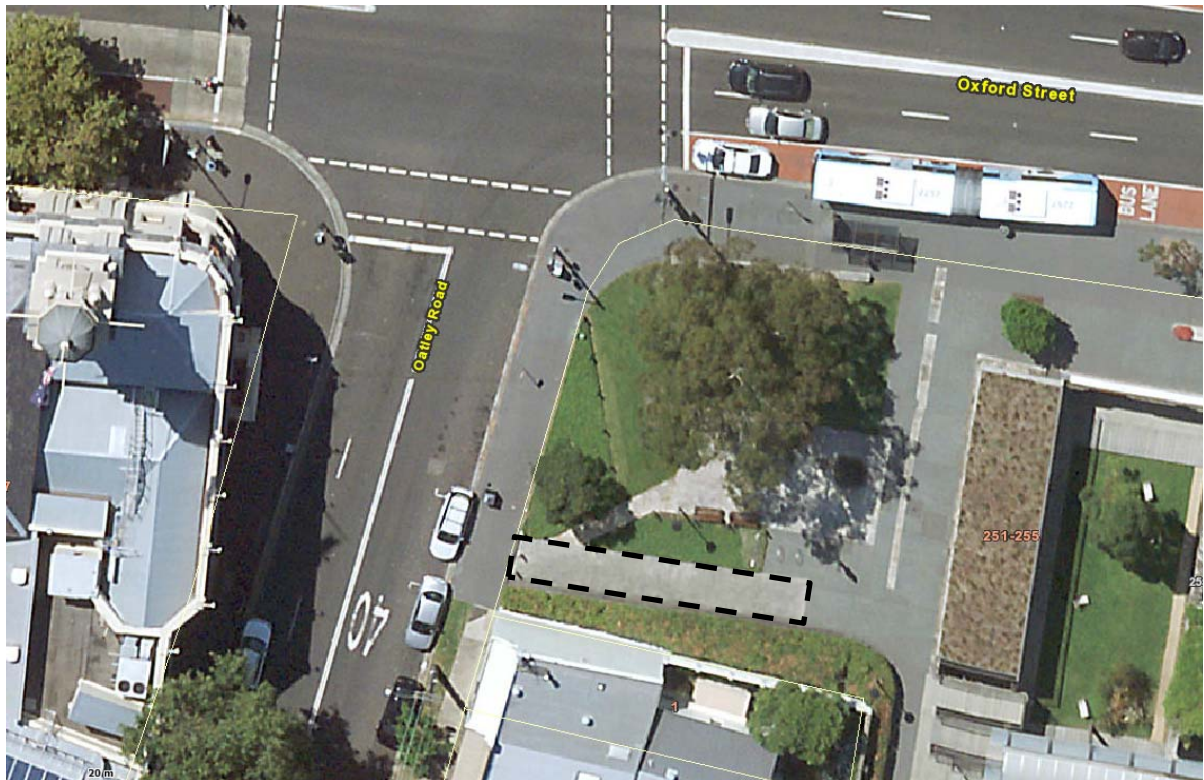


Figure 1: Aerial of site with service lane marked



Figure 2: Service lane viewed from Oatley Road with removable bollards restricting access

Explanation of the Plans of Management which apply

Any amendment of a Plan of Management under the Local Government Act requires exhibition of a draft Plan of Management and community consultation.

The recommended conditions of consent limit the proposed uses such that they are consistent with the uses identified in the currently adopted Plan of Management under the Local Government Act. No change to this umbrella Plan of Management is required to allow the application to be approved, as recommended.

An Operational Plan of Management for the specific uses approved under the subject development application was also submitted with the subject application. A review of this Plan of Management identified a number of areas which required further detail and expansion.

Given the recommended reduction in the uses permitted on the site and the issues with the submitted Operational Plan of Management, it is recommended that it be revised and resubmitted as a deferred commencement condition. The revised Plan of Management will address a number of matters, including the management of: location and type of markets; waste and rubbish; bump in and bump out; and complaints handling.

The City will maintain control of the approval of specific events/uses on the site even if the subject application were to be approved, as recommended. It is possible that a specific event may technically be permitted under the subject application, but not considered appropriate for Reservoir Gardens due to the specific nature of the event and, therefore, not booked for the site.

Comparison of recommended approval and previous consents for the site

The Committee requested a comparison between the previous approvals for events within the site and what is recommended for approval in the subject application.

Prior to the subject application, a development application (D/2009/1628) for the use of the western chamber for up to 12 events (such as temporary art installations, photographic and other exhibitions, temporary staging, and wedding ceremonies) in a 12 month period was approved in March 2010. No approval was given for the use of the eastern chamber.

At the time of this approval, the applicable local environmental plan was the South Sydney Local Environmental Plan (LEP) 1998. Wedding ceremonies were a permitted use on the site within the 6a – Local Recreation zoning which applied under the South Sydney LEP.

In March 2011, this approval was amended to allow the duration of the events to be extended from not more than 10 days to not more than 42 days in a 12 month period. No other changes were made to the existing approval.

To avoid potential uncertainty, it is recommended that the surrender of D/2009/1628 be required as a deferred commencement condition.

The site has also been the subject of single event development applications, with the most recent being the “Elle Style Awards” held on 24 October 2014 (D/2014/1125). This approval allowed for the use of the site for a maximum capacity of 250 persons and included both the eastern and western chamber.

Prepared by: Patrick Quinn, Senior Planner

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Approved

A handwritten signature in black ink, appearing to read 'G. Jahn', is written over a vertical line.

**Graham Jahn, Director City Planning,
Development and Transport**