

Resolution of Local Planning Panel

5 February 2020

Item 7

Development Application: 13-15 Kellett Street, Potts Point - D/2019/1135

The Panel refused Development Application No. D/2019/1135 for the following reasons:

- (A) The proposal is inconsistent with the aims of the Plan under Clause 1.2(h) of the Sydney LEP 2012 to enhance the amenity and quality of life of local communities.
- (B) The proposal is inconsistent with the objectives of the B4 Mixed Use zone of the Sydney LEP 2012 as a restricted premises is not compatible with the residential uses within the building and on adjoining properties.
- (C) The proposal relies on unauthorised works that have been carried out to the premises, and these works do not exhibit design excellence and detract from the significance of the heritage item which is inconsistent with Clause 6.21 (Design Excellence) and Clause 5.10 (Heritage conservation) of the Sydney LEP 2012 and Section 3.9 (Heritage) of the Sydney DCP 2012.
- (D) The application seeks to use the premises as a restricted premises in conjunction with the existing bar and restaurant. Unauthorised works have been carried out to the premises including the removal of the kitchen and the premises is no longer defined as a restaurant.
- (E) The proposed use as an adult entertainment premises is inconsistent with the provisions of Section 4.4.6.1 (Location of Premises) of the Sydney DCP 2012 due to its proximity to residential uses and other sex industry premises.
- (F) The proposal provides inadequate staff facilities and is inconsistent with the provisions of Section 4.4.6.4 (Health, Safety and Security) of the Sydney DCP 2012.
- (G) The proposed hours of operation are inconsistent with the trading hours permitted within the Local Centre and inconsistent with the provisions of Section 3.15 (Late Night Trading Management) of the Sydney DCP 2012.
- (H) The submitted Plan of Management has not adequately addressed the provisions of Section 3.15.5 (Plan of Management Requirements) and Section 4.4.6.6 (Management of Operations) of the Sydney DCP 2012.

- (I) Insufficient information is provided to demonstrate how equitable access can be provided and the proposal does not satisfy Section 3.12 (Accessible Design) of the Sydney DCP 2012.
- (J) Insufficient information is provided addressing the potential social impacts of the proposed use, in particular to adjoining residential uses, in accordance with Section 3.13 (Social and Environmental Responsibilities) of the Sydney DCP 2012.
- (K) Insufficient waste storage information is provided and the proposal does not satisfy Section 3.14 (Waste) of the Sydney DCP 2012.
- (L) The site is not suitable for the proposed development and is inconsistent with Clause 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- (M) The proposal is not in the public interest and is inconsistent with Clause 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2019/1135