

## Resolution of Local Planning Panel

**23 May 2018**

### Item 8

#### **Development Application: 35-37 Bettington Street, Millers Point**

The Panel granted consent to Development Application No. D/2017/1748 subject to the conditions set out in [Attachment A](#) to the subject report.

Carried unanimously.

#### **Reasons for Decision**

The Panel approved the application as:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979, in that it satisfies the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the local Planning Panel.
- (B) The proposal has been amended (changing barrels to tables and chairs) to address concerns raised by Council staff in regards to the daily use of the footway only being possible in association with the consumption of food.
- (C) The event component to use a total of 85sqm of footway split into two areas between 10.00am and 5.00pm will only occur on four days per year, being New Year's Day, Australia Day, ANZAC Day, and Melbourne Cup day; with a total capacity of 20-30 standing patrons which are a redistribution of existing patron numbers, rather than additional patron numbers.
- (D) The Panel has imposed a 12 month time-limited consent to ensure that the proposal can occur without undue impact on the amenity of nearby residents, with performance to be carefully considered should renewal of the consent be sought.

D/2017/1748