

Resolution of Local Planning Panel

31 August 2022

Item 4

Development Application: 114-120 Castlereagh Street, Sydney - D/2022/555

The Panel granted consent to Development Application No. D/2022/555 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~~):

(8) FIRST FLOOR TERRACE

~~Patron access to the first floor terrace must be restricted to between 10.00am and 9.00pm, Monday to Sunday.~~

~~The door between the terrace and the main gaming area on level one must be closed at all times after 9.00pm.~~

The first floor terrace at the rear of the premises must not be used for patrons at any time.

(12) PLAN OF MANAGEMENT

~~The use must always be operated / managed in accordance with the Plan of Management, prepared by City Tattersalls Group, signed and dated May 2022 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.~~

(a) ***The Plan of Management prepared by City Tattersalls Group, signed and dated June 2022, must be amended to:***

- (i) ***delete reference to a smoking terrace under section 8.1;***
- (ii) ***identify that the only area where smoking is permitted is the first floor al fresco area; and***
- (iii) ***note that patron access to the first floor terrace at the rear of the premises is prohibited.***

The amended Plan of Management must be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.

- (b) ***The use must always be operated/managed in accordance with the Plan of Management approved in (a) above.***
- (c) ***In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.***

(26) EMISSIONS

- (a) ***The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.***
- (b) ***Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Clean Air) Regulation 2010.***
- (c) ***Uses that produce airborne particulate matter must incorporate an effective dust collection system.***

Reason

To protect the amenity of the surrounding area.

(27) VENTILATION MINOR WORKS

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.

Reason

To ensure the ventilation system complies with relevant standards.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is consistent with the objectives of the B8 Metropolitan Centre zone contained within the Sydney Local Environmental Plan 2012.
- (B) Subject to conditions, the proposal is consistent with the relevant late night trading provisions in section 3.15 of the Sydney Development Control Plan 2012.
- (C) Issues raised in submissions have been considered and where appropriate have been addressed in the recommended conditions of consent.
- (D) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the proposal is in the public interest because it is consistent with the objectives of the B8 Metropolitan zone and the development standards detailed in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (E) Condition 8 was amended to ensure the first floor rear terrace is not used by patrons, to protect the amenity of neighbouring residents.
- (F) Condition 12 was amended to clarify the areas where smoking is and is not permitted.
- (G) Conditions 26 and 27 were added to protect the amenity of neighbouring residents and ensure the ventilation system complies with relevant standards.

Carried unanimously.

D/2022/555