

## Resolution of Local Planning Panel

**20 March 2024**

### Item 4

#### Development Application: 49-51 Market Street, Sydney - D/2023/984

The Panel granted consent to Development Application Number D/2023/984 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown ***bold italics***, deletions shown in ~~strikethrough~~):

#### (31) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in condition ~~34~~ ***30*** above. The operator must cease providing food/alcohol/entertainment at the premises 15 minutes before the required closing time.

##### Reason

To ensure the development operates within the approved hours of operation.

#### (35) PLAN OF MANAGEMENT

The Plan of Management, prepared by Planning Lab dated 23 October 2023 (TRIM Ref. 2024/122605) has not been approved. A revised Plan of Management must be submitted to Council for approval prior to the issue of any Occupation Certificate. The revised Plan of Management is to address and detail how the premises will host events / functions ***and arrangements for lift access during the hours of operation of the bar.***

The use must always be operated / managed in accordance with the Plan of Management approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

##### Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

## **Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposed development, subject to recommended conditions, is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (B) The development is located within the Late Night Management area. The recommended hours of operation, subject to the imposition of a trial period, are consistent with the objectives and in accordance with the permitted hours for a Category A premises in a Late Night Management Area as identified in the Sydney DCP 2012.
- (C) The development, subject to recommended conditions, is able to operate without unreasonable disturbance or nuisance to surrounding properties.
- (D) Appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of the site.
- (E) The development accords with objectives of relevant planning controls.
- (F) Condition 31 was amended to correct the cross reference.
- (G) Condition 35 was amended to address how functions and private gatherings are managed and provide lift access during bar operating hours.

Carried unanimously.

D/2023/984