

Local Planning Panel

Meeting No 95

Wednesday 20 March 2024

Notice Date 13 March 2024

minutes

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Present

Ms Linda Pearson (Chair), Ms Megan Jones, Mr John Bilmon and Mr Jayden Bregu.

At the commencement of business at 5.03 pm, those present were:

Ms Pearson, Ms Jones, Mr Bilmon and Mr Bregu.

The Executive Manager Planning and Development was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Item 1 Disclosures of Interest

In accordance with clause 4.17 of the Code of Conduct, the recently appointed Local Planning Panel members have lodged an annual Disclosure of Pecuniary Interests written return.

The Disclosure of Pecuniary Interests written returns are received and noted.

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 28 February 2024, which have been endorsed by the Chair of the meeting.

Item 3 Section 4.55(2) Application: 64-68 Macleay Street, Elizabeth Bay - D/2010/763/G

The Panel granted consent to Section 4.55 Application Number D/2010/763/G subject to the conditions in Attachment A to the subject report, with modifications shown in ***bold italics*** (additions) and ~~struck through~~ (deletions), and with the further addition of condition of 8A(b), as follows:

(8A) TRAFFIC MANAGEMENT PLAN

- (a) ***The use must always operate in accordance with the Traffic Management Plan, dated 12 February 2024 in addition to compliance with all other operational conditions of this consent.***
- (b) **All access points and accessible ramps to Fitzroy Gardens are not to be inhibited by bump in and bump out operations and are to be kept clear at all times.**

(Condition inserted 20 March 2024)

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 for the reasons set out in the report.
- (C) The modified development is consistent with the objectives of the RE1 Public Recreation zone.
- (D) The development, as modified, is consistent with the reasons given for the development as originally approved in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (E) The development, as modified, is in the public interest as it is consistent with the objectives of the RE1 Public Recreation zone to provide a range of recreational settings, activities and compatible land uses.
- (F) Condition 8A(b) was added to ensure access points and accessible ramps remain clear.

Carried unanimously.

D/2010/763/G

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

Speakers

Giovanni Cirillo (Planning Lab) – on behalf of the applicant, and Mary Phung (EVT) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 5.33 pm.

CHAIR