

**Item 9.****Development Application: 19 - 29 Martin Place, Sydney - D/2020/1234****File No.: D/2020/1234****Summary****Date of Submission:** 18 November 2020**Applicant:** Lucy Burnitt**Architect:** Woods Bagot**Developer:** Dexus**Owner:** Dexus Funds Management Limited**Planning Consultant:** BBC Consulting Planners**Cost of Works:** \$1,102,499**Zoning:** The site is zoned B8 - Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed use is defined as a food and drinks premises, being a licensed pub. The use is permissible with development consent in the zone.**Proposal Summary:** Consent is being sought for change of use to use tenancies 8.03 and 8.04 on level 8 of the western retail podium as a pub. The proposed patron capacity for the premises is 421.

The proposed indoor trading hours are 11.00am - 2.00am (following day), Mondays to Sundays inclusive. The proposed outdoor trading hours are 11.00am - 1.00am (following day), Mondays to Sundays inclusive.

This application seeks consent for the change of use and trading hours for the premises. However, consent is not sought for the internal fit-out of the premises. The internal fit-out will be subject to a separate development application. The submitted plans demonstrate an indicative layout only, to enable an assessment of the impacts of the use.

The application was notified for 21 days from 26 November 2020 to 18 December 2020 in accordance with the City of Sydney Community Participation Plan 2019. A total of 583 properties were notified. No submissions were received.

Subject to conditions, the proposal is generally consistent with the objectives and applicable planning provisions in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. The site is considered an appropriate location for the proposed use, and the use is unlikely to have adverse impacts on the surrounding locality.

The application is referred to the Local Planning Panel for determination, as the application seeks to operate a new premises with a hotel liquor licence.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act
- (ii) Sydney Local Environmental Plan 2012
- (iii) State Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (iv) Liquor Act 2007
- (v) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

## **Recommendation**

It is resolved that consent be granted to Development Application No. D/2020/1234 subject to the conditions set out in Attachment A to the subject report.

### **Reasons for Recommendation**

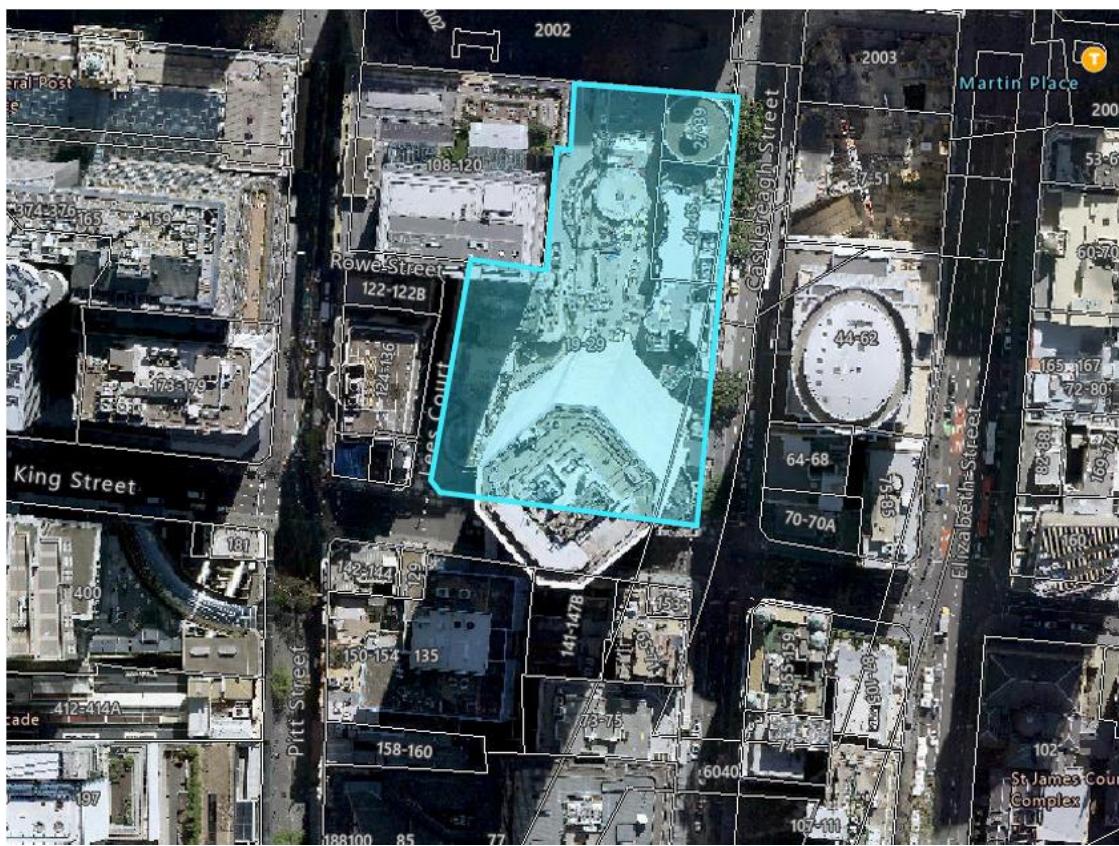
The application is recommended for approval for the following reasons:

- (A) The use is permissible with consent in the B8 Metropolitan Centre zone.
- (B) The use is considered to be in keeping with the area, given its predominantly commercial and retail character.
- (C) The proposal does not detract from the heritage significance of the site or that of adjacent local heritage items.
- (D) The submitted Plan of Management has been assessed as acceptable. It adequately addresses the operational, safety and security requirements of the premises.
- (E) The development is consistent with the objectives of the Sydney Development Control Plan 2012.

## Background

### The Site and Surrounding Development

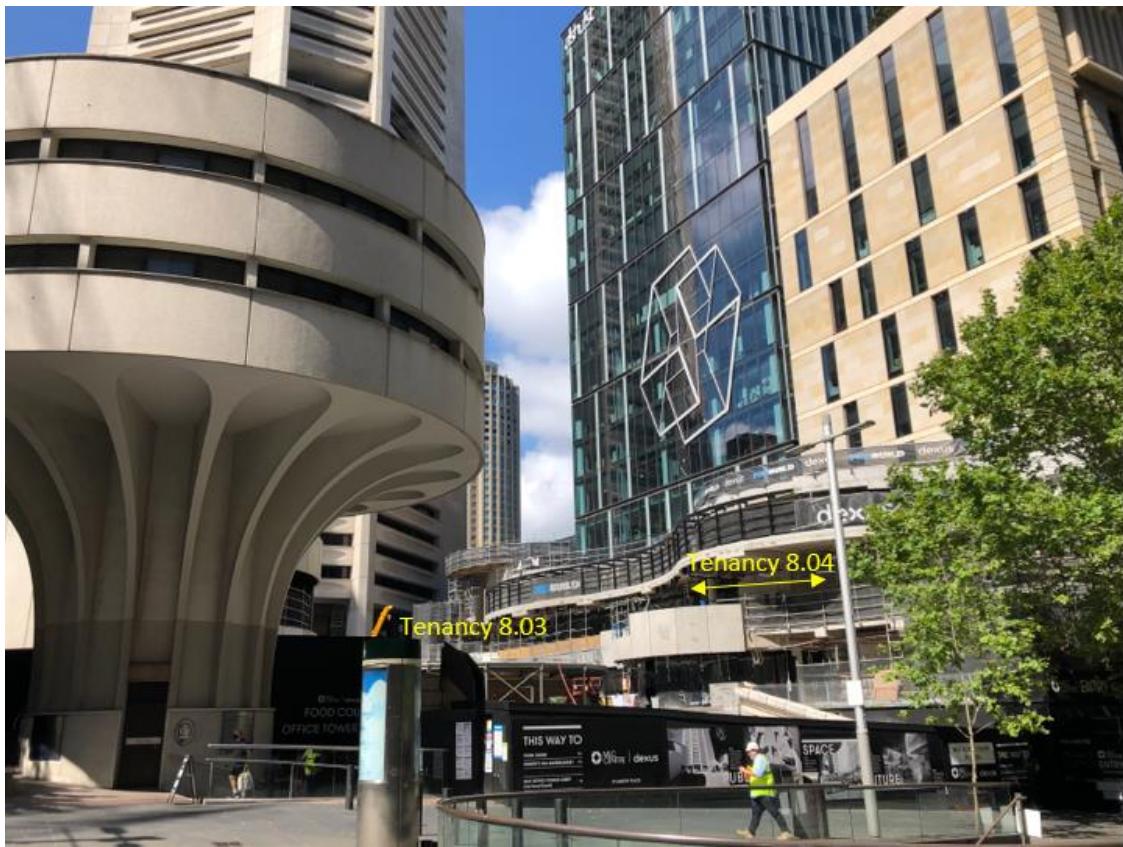
1. The site has a legal description of Lot 1 DP 598704, known as 19 - 29 Martin Place, Sydney. It is irregular in shape with area of approximately 7138sqm. It has a street frontage of 30m to Martin Place. The site extends southwards from Martin Place, and is bound by Castlereagh Street to the east, King Street to the south and Lees Court to the west.
2. The site is known as the MLC Centre. The MLC Centre contains several buildings, including a 67-storey commercial tower, a plaza, podium, retail precinct and sunken food court. The site is usually accessible from Martin Place, Rowe Street, Lees Court, King Street and Castlereagh Street. The numerous access points allow for high pedestrian footfall across the site. However, the site is currently under construction with several new additions being built. As such, public access is currently limited.
3. The surrounding area is characterised by a mixture of land uses, primarily being commercial and mixed use, given the sites location within the heart of the Sydney Central Business District. The site is well serviced by public transport. A passageway to Martin Place train station is located immediately north of the site on Martin Place. A number of bus routes service Castlereagh Street, which borders the site to the east. Meanwhile, the Sydney Metro Martin Place station is currently under construction directly east of the site. The Sydney Metro City and Southwest line is due to open in 2024.
4. The site was approved to be listed as a local heritage item by Council on 14 December 2020. The Sydney Local Environmental Plan 2012 (Amendment No 59) came into force on 29 January 2021. The amended LEP lists the MLC Centre complex as local heritage item I2287. The listing recognises the heritage significance of the MLC Centre as an example of the Modern Movement in Central Sydney. The original buildings were designed by architect Harry Seidler and were constructed between 1972 and 1978. At the time of completion in 1977, the MLC commercial tower was the tallest building in Australia.
5. Whilst the broader site holds substantial historic significance, it is noted that this application affects tenancies 8.03 and 8.04 which are located within the new western wing that is currently under construction. The tenancies are located on level 8 of the development, although it is noted that levels 1 - 5 are basement levels. As such, the location of the tenancies present as being on the third storey from street level.
6. Several local heritage items surround the site. The site is adjoined by Martin Place to the north, which is listed as a local heritage item (I1889). The former Commonwealth Bank of Australia building (I1919) and Rowe Street (I1948) are located immediately west of the site and are both listed as local heritage items.
7. The site is located within the Central Sydney locality. The northern portion of the site is located within the Martin Place special character area. The site is not identified as being subject to flooding.
8. A site visit was carried out on 5 January 2021. Photos of the site and surrounds are provided below:



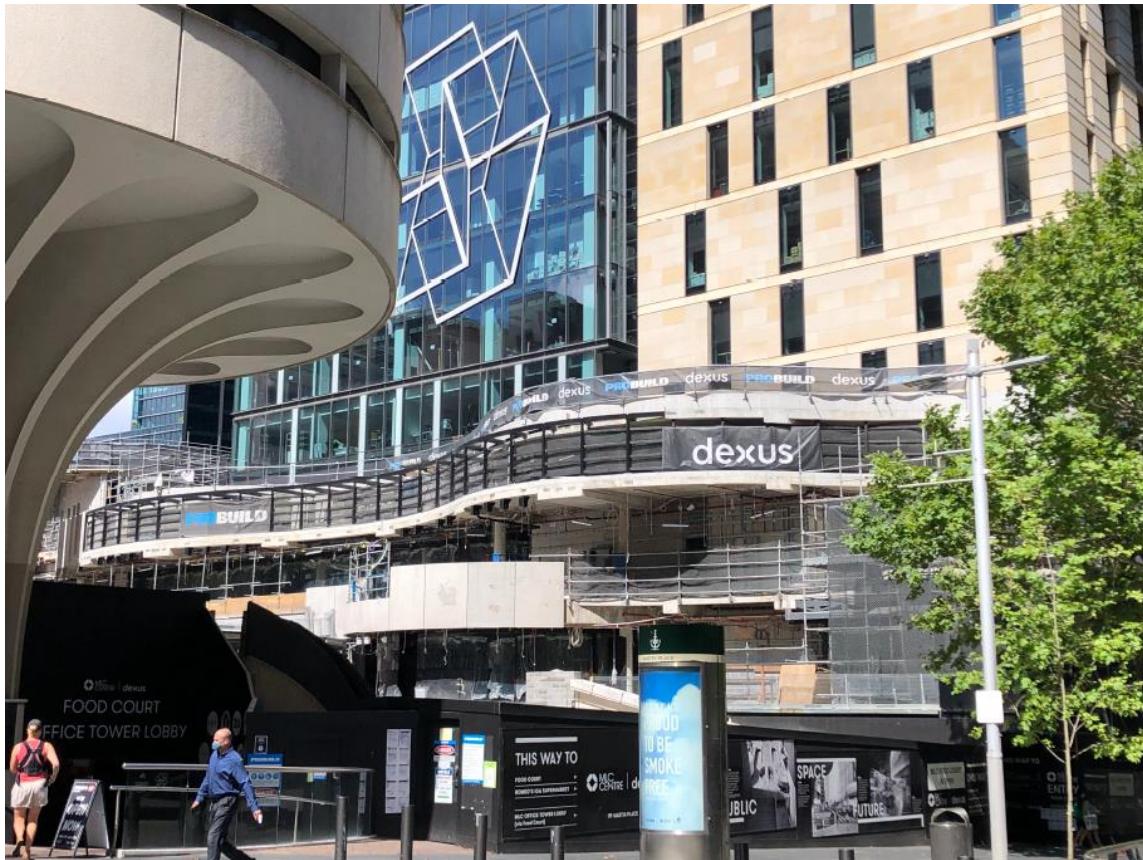
**Figure 1:** Aerial view of site and surrounds



**Figure 2:** MLC Centre as viewed from Martin Place



**Figure 3:** Site viewed from Martin Place, with tenancy locations highlighted



**Figure 4:** Site viewed from Martin Place

## History Relevant to the Development Application

### Development Applications

9. There are several components to the development history of the site, namely the development history of the previous liquor licence, the history of the new build and the numerous applications for pubs that have been lodged in recent months.

#### *Hotel Licence*

10. The applicant intends to transfer an existing dormant hotel liquor licence approved by D/2004/1373 to a new pub located in tenancies 8.03 and 8.04. D/2004/1373 granted development consent on 16 December 2004 to change the existing restaurant licence for shop 14 on level 7 to a Hotelier's licence. The tenancy that held this liquor licence, most recently trading as Ambar Bar, is no longer in operation, and thus the hotel liquor licence remains dormant. The applicant will complete an external application to Liquor and Gaming NSW to amend the boundaries and licensee details for this Hotelier's licence.

#### *Building Additions*

11. The tenancies that are subject to this development application are located in the new western wing addition approved by D/2015/66. D/2015/66 granted consent on 10 September 2015 for substantial alterations and additions to the podium and basement levels of the MLC Centre, modifications to vehicular access to the site, landscaping and public domain works. The approved additions are currently under construction. Since the initial approval in 2015, D/2015/66 has been modified 16 times. These modifications are not directly relevant to this application.
12. No signage was approved as part of D/2015/66 or subsequent modifications. Conditions 3 and 4 of consent required the submission of a signage strategy for the site under a separate development application.
13. A signage strategy for the site was subsequently approved on 28 February 2020 under D/2019/1219.
14. No additional signage is proposed as part of this application.

#### *Licensed Premises Applications*

15. Numerous applications for food and drinks premises have been lodged in recent months for the site. D/2020/501, D/2020/927, D/2020/929, D/2020/935, D/2020/936, D/2020/1232 and D/2020/1343 are relevant to this application.
16. Five applications for new pubs at the site (D/2020/501, D/2020/927, D/2020/929, D/2020/935, D/2020/936) were lodged in June and September 2020. During the assessment of these applications, the developer clarified that the intention was to amalgamate these premises into two licensed pubs, rather than five independent premises as the development applications suggested. As such, it was recommended that the applicant withdraw the five applications and re-submit two new applications that reflected the development intent. All five development applications were subsequently withdrawn on 26 October 2020. On 18 November, D/2020/1232 and D/2020/1234 (this application) were lodged.
17. This development history is summarised below:

<b>Previous Applications</b>				
Development Application	Use	Tenancies	Lodgement Date	Outcome
D/2020/501	Pub	10.01	02/06/2020	Withdrawn 26/10/2020
D/2020/927	Pub	8.04	16/09/2020	Withdrawn 26/10/2020
D/2020/929	Pub	9.01	17/09/2020	Withdrawn 26/10/2020
D/2020/935	Pub	8.05	16/09/2020	Withdrawn 26/10/2020
D/2020/936	Pub	8.03	16/09/2020	Withdrawn 26/10/2020
<b>Current Applications</b>				
D/2020/1232	Pub	8.05, 9.01 and 10.01	18/11/2020	Under Assessment
D/2020/1234 (this D/A)	Pub	8.03 and 8.04	18/11/2020	Under Assessment.
D/2020/1343	Pub	8.05, 9.01 and 10.01	21/12/2020	Under Assessment

18. Both D/2020/1232 (east podium) and D/2020/1234 (this application - west podium) seek consent for use and trading hours, but do not seek consent for the fit-out of the tenancies. The applications state that fit-out consent will be sought under the new applications once prospective tenants for the premises have been identified. The intention of these applications is to provide a degree of commercial confidence to prospective tenants.
19. Following lodgement, tenants were found for the premises identified in D/2020/1232 (eastern podium building - Tenancies 8.05, 9.01 and 10.01). As such, D/2020/1343 was lodged with Council, seeking consent for use as a pub and associated fit-out. The proposed trading hours are consistent with those of this application, being 11.00am - 2.00am (indoor) and 11.00am - 1.00am (outdoor), Mondays to Sundays inclusive. The patron capacity for D/2020/1343 is 878.
20. Consequently, there are currently two active applications for the premises that will occupy Tenancies 8.05, 9.01 and 10.01 (eastern podium building). While Council staff have recommended that the two applications be amalgamated into a single application, the applicant has chosen not to do so and to keep these two applications as lodged. These applications are being assessed concurrently, with separate reports prepared for the Panel's consideration.

21. Therefore, the remaining active applications for pubs on the site is this application D/2020/1234 ( relating to tenancies 8.03 and 8.04 in the western podium) and D/2020/1232 and D/2020/1343 (both affecting tenancies 8.05, 9.01, 10.01 in the eastern podium).

#### Amendments

22. Following a preliminary assessment of the proposed development by Council Officers, several issues were identified with the proposed waste management of the site. Specifically, the submitted Waste Management Plan was an outdated version. This outdated version proposed waste storage areas that were inconsistent with the approved waste management plans for other tenancies on the site. As such, the applicant was requested to submit the updated Waste Management Plan for the site (December 2020 version), which was consistent in terms of proposed waste storage area locations.
23. The applicant responded on 20 January 2021 and submitted the Waste Management Plan. The City's Waste Management Unit consider the revised Plan acceptable, subject to conditions of consent.

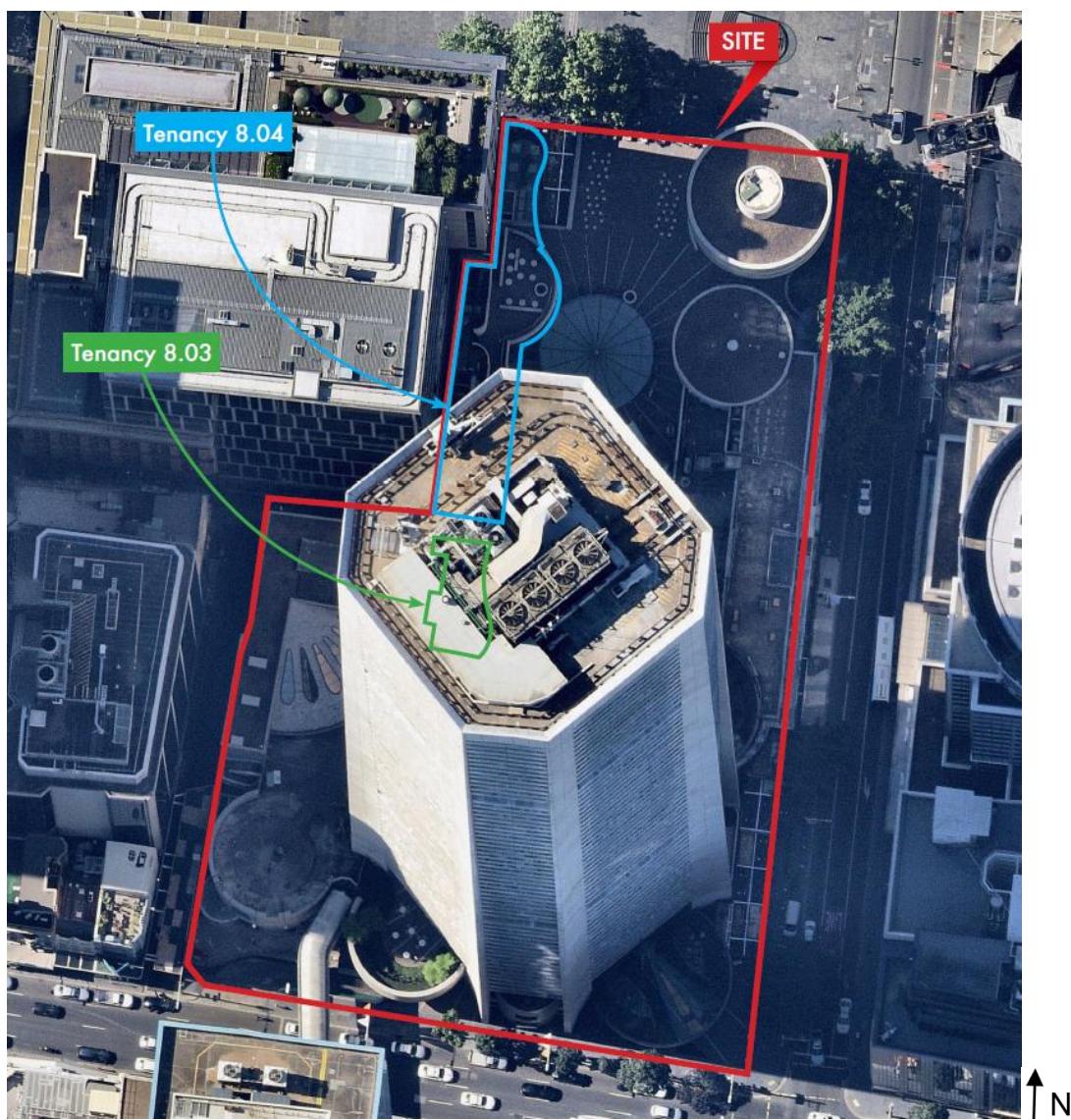
### Proposed Development

24. The application seeks consent for the following:
  - use of tenancies 8.03 and 8.04 on level 8 of western retail podium as a pub;
  - total capacity of 421 (including staff). Specifically, the maximum capacity split across floors will be as follows:

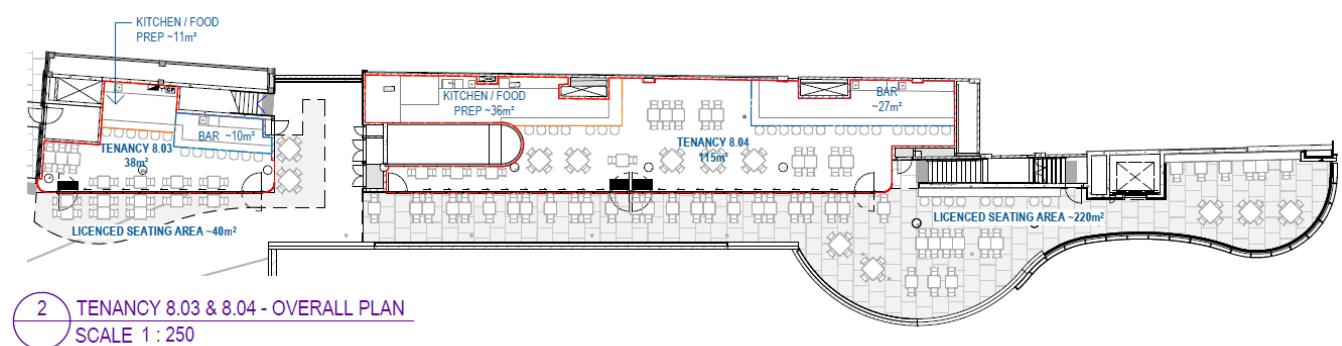
Tenancy 8.03 - 77 (39 indoors, 38 outdoors)

Tenancy 8.04 - 344 (133 indoors, 211 outdoors)

    - indoor trading hours of 11.00am - 2.00am (following day), Mondays to Sundays inclusive; and
    - outdoor trading hours of 11.00am - 1.00am (following day), Mondays to Sundays inclusive.
25. It is noted that this application does not seek consent for internal fit-out of the premises. The internal fit-out will be subject to a separate approval. The submitted plans demonstrate an indicative layout only, to enable the assessment of the use.
26. Plans and elevations of the proposed development are provided below.

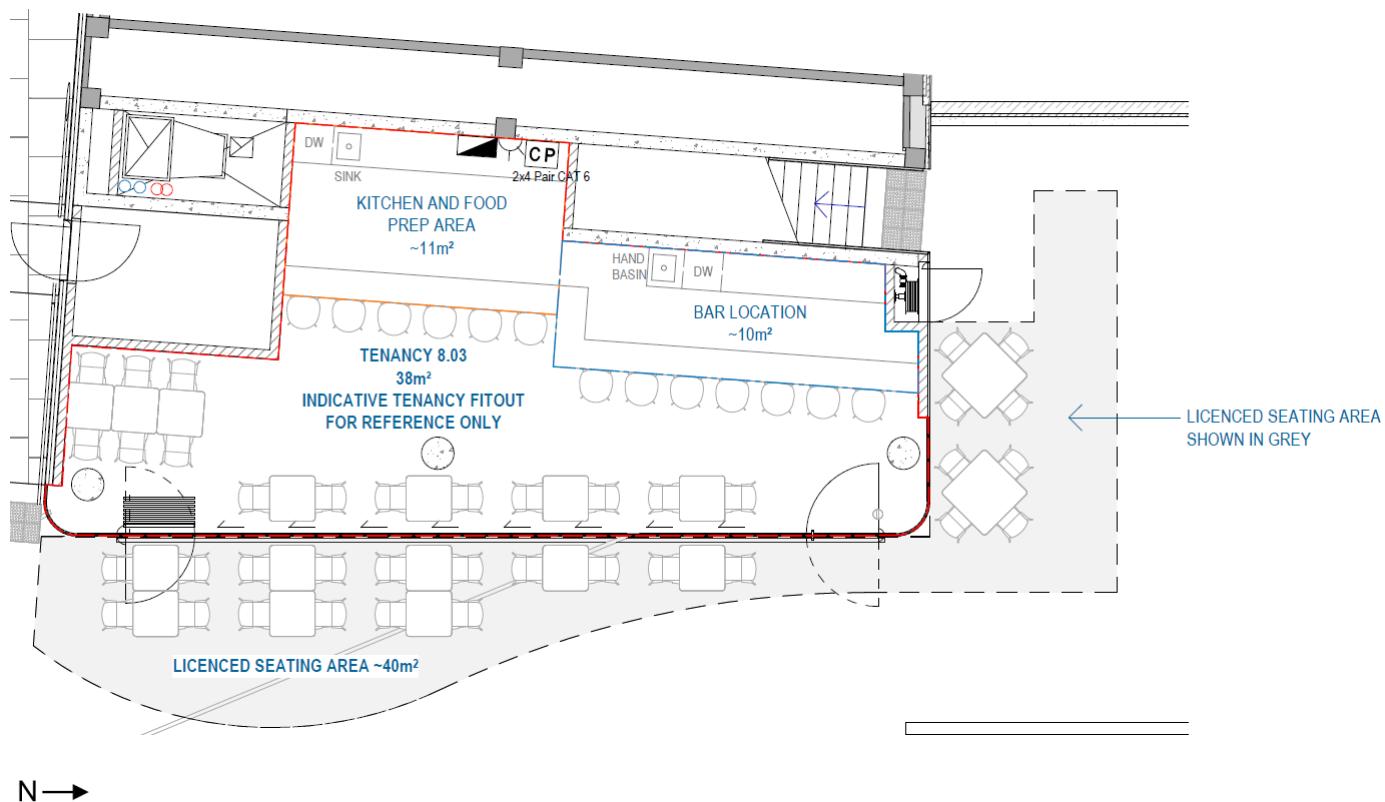


**Figure 5:** Location of 8.03 and 8.04 in relation to broader MLC Centre site

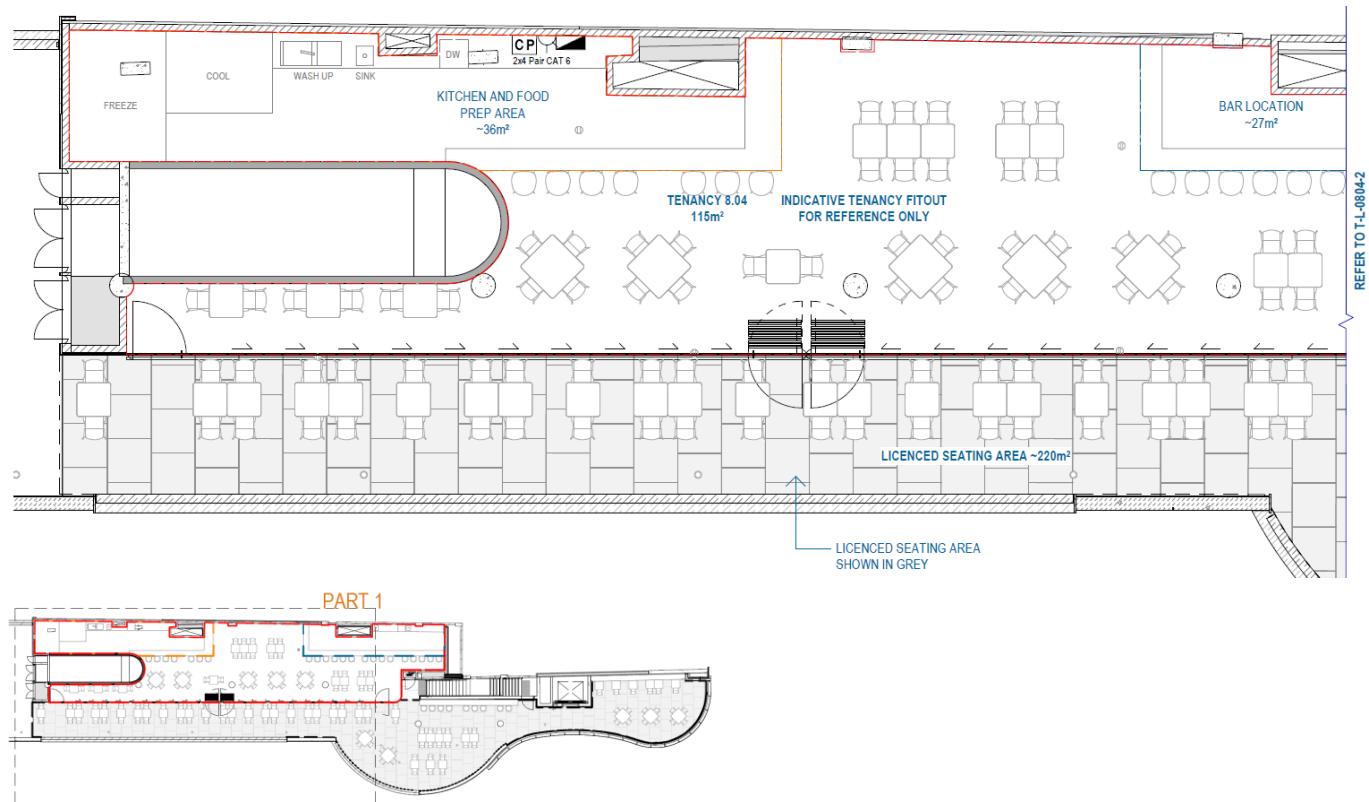


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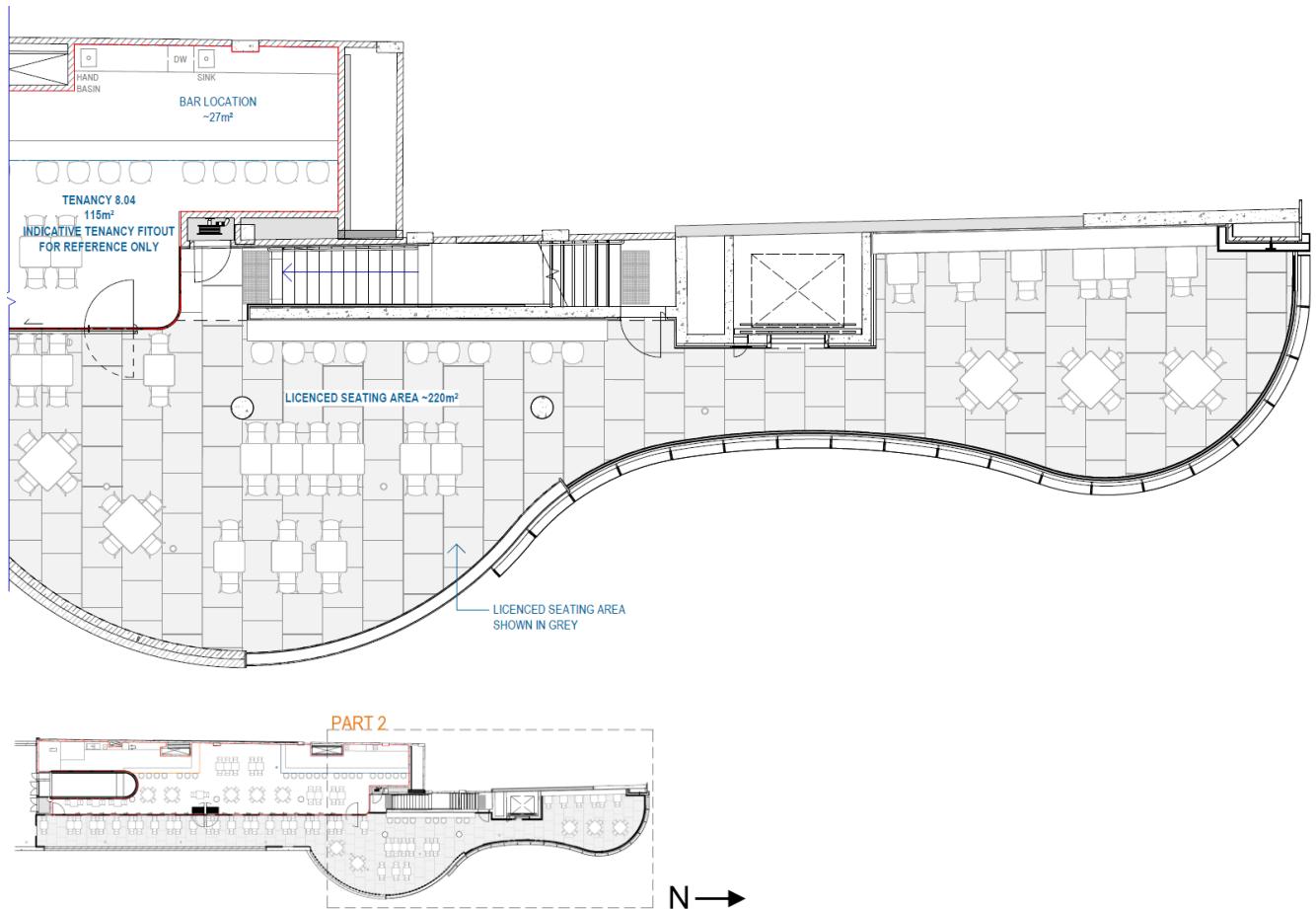
**Figure 6:** Overall indicative tenancy floor plan of 8.03 and 8.04



**Figure 7:** Indicative floor plan of 8.03



**Figure 8:** Indicative floor plan of 8.04 (Part 1)



**Figure 9:** Indicative floor plan of 8.04 (Part 2)

8.03- existing Ambar hotel liquor license  
8.04- existing Ambar hotel liquor license

These tenancies will be leased as one consolidated tenancy



**Figure 10:** Perspective of development, showing location of tenancies 8.03 and 8.04

## Assessment

27. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

28. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
29. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### Liquor Act 2007

30. The site is within the Sydney CBD Entertainment liquor licence freeze precinct. On 1 June 2020, the NSW Government lifted long-standing liquor licence freeze restrictions under Division 1A of Part 4 of the Liquor Act 2007 to support a 24-hour economy for Sydney.
31. The changes mean existing hotels, clubs, licensed public entertainment venues and packaged liquor outlets in the Sydney CBD Entertainment precinct may apply for extended trading hours and can apply for changes to licensed boundaries.
32. The applicant intends to transfer the existing dormant hotel licence approved by D/2004/1373 to the new premises located in tenancies 8.03 and 8.04. This transfer of licence and amendment of boundaries will occur via an external application to Liquor and Gaming NSW.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

33. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

**Part 2 Permitted or prohibited development**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as pub and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

**Part 4 Principal development standards**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of buildings	Yes	The maximum height for the site is determined by the sun access plane. The proposal does not result in an increase in building height.
4.4 Floor space ratio	Yes	The development has an approved FSR of 10.96:1, as approved by D/2015/66/G. No change to gross floor area is proposed.

**Part 5 Miscellaneous provisions**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
5.10 Heritage conservation	Yes	The site was approved to be listed as a local heritage item by Council on 14 December 2020. The Sydney Local Environmental Plan 2012 (Amendment No 59) came into force on 29 January 2021. The amended LEP lists the MLC Centre complex as local heritage item I2287. The listing recognises the heritage significance of the MLC Centre as an example of the Modern Movement in Central Sydney. The change of use occurs wholly within the modern additions currently under construction. The proposal does not detract from the heritage significance of the site.

## Development Control Plans

### Sydney Development Control Plan 2012

34. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

### Section 2 – Locality Statements

35. The northern portion of the site is located within the Martin Place special character area. The proposed development is in keeping with the unique character and the design principles of the Martin Place special character area, in that it maintains the significance of Martin Place as one of Sydney's valued business locations.

### Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed change of use does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.9 Heritage	Yes	The site was approved to be listed as a local heritage item by Council on 14 December 2020. The Sydney Local Environmental Plan 2012 (Amendment No 59) came into force on 29 January 2021. The amended LEP lists the MLC Centre complex as local heritage item I2287. The listing recognises the heritage significance of the MLC Centre as an example of the Modern Movement in Central Sydney. The change of use occurs wholly within the modern additions currently under construction. The proposal does not detract from the heritage significance of the site.
3.11 Transport and Parking	Yes	No parking is proposed in the application. The site is well serviced by public transport, with train, light rail and bus services all existing within walking distance from the premises. Additionally, the Sydney Metro Martin Place station is due to be operational in 2024, which will provide further public transport options. In this respect, the use will be able to manage transport demand in a sustainable manner.

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. The proposal has been accompanied by a Plan of Management, which adequately addresses security and management processes to minimise criminal activity. The proposal involves the use of the outdoor terrace in association with the pub. The use of this elevated terrace will increase opportunities for passive surveillance of the surrounding plaza and public spaces, which is considered a positive CPTED outcome. It is noted that the majority of businesses which front Martin Place operate during standard daytime commercial trading hours. Introducing a late night trading business in the area will increase pedestrian activity during the evening and maximise casual surveillance.</p>
3.14 Waste	Yes	<p>The applicant has submitted the MLC Waste Management Plan which was updated in December 2020. The WMP has been reviewed by the City's Waste Management Unit, and is considered acceptable subject to conditions. A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Partial Compliance	<p>The premises is located in a Late Night Management Area and the use is defined as a category A premises.</p> <p>The proposed indoor trading hours are 11.00am - 2.00am (following day), Mondays to Sundays inclusive. The proposed outdoor trading hours are 11.00am - 1.00am (following day), Mondays to Sundays inclusive. The total capacity including staff is 421. The proposed indoor trading hours are within the extended hours permissible in the DCP 2012.</p>

Provision	Compliance	Comment
		However, the outdoor trading hours are 1 hour beyond the hours permissible at initial application stage. See 'Discussion' section of this report.
3.16 Signage and Advertising	N/A	A retail signage strategy for the site has already been approved by D/2019/1219 - see 'History' section of this report. No additional signage is proposed as part of this application.

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.3.11 Acoustic privacy	Yes	<p>An Acoustic Masterplan has been prepared for the site, with an additional assessment undertaken for the change of use of tenancies 8.03 and 8.04 to the proposed licensed premises. The Masterplan considers the cumulative impacts from all the new food and drink venues within the redeveloped MLC Centre and outlines that the proposal will achieve the criteria stipulated in the City's standard 'Noise- Entertainment' condition. The external areas of the premises propose to have background music playing, which has been incorporated in the assessment methodology of the Acoustic Masterplan.</p> <p>Conditions of consent have been included requiring the premises to comply with the measures included in the Acoustic Masterplan as well as the standard 'Noise - Entertainment' condition. The Acoustic report was reviewed by the City's Environmental Health Specialist, who supported the application.</p>

Provision	Compliance	Comment
4.2.6 Waste and recycling Management	Yes	The applicant has submitted the MLC Waste Management Plan, dated December 2020. A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

## Section 5 – Specific Areas

Provision	Compliance	Comment
Central Sydney	N/A	This proposal is for the change of use of tenancies 8.03 and 8.04, which are confined to the western building addition already under construction. The proposal does not result in any change to existing setbacks or street frontage heights.

## Discussion

### Hours of Operation

36. In accordance with Section 3.15 of the Sydney DCP 2012, the use as a pub is classified as a Category A - High Impact Premises. The site is located within a Late Night Management Area. Table 3.7 in Section 3.15.4 of the Sydney DCP 2012 identifies the following hours for Category A Premises within Late Night Management Areas:

- Indoor base hours: 6.00am - 12.00am midnight
- Indoor extended hours: 24 hours (on a trial basis)
- Outdoor base hours: 10.00am - 10.00pm
- Outdoor extended hours: 9.00am - 1.00am (on a trial basis).

The application proposes the following hours:

- Indoor hours: 11.00am - 2.00am, Mondays to Sundays inclusive
- Outdoor hours: 11.00am - 1.00am, Mondays to Sundays inclusive.

37. The proposed hours are within the extended trading hours stipulated in the Sydney DCP 2012. Section 3.15.4 (6) of the Sydney DCP 2012 states that extended trading hours beyond base hours may be permitted at the initial application stage if Council can determine that the premises will be well managed, including compliance with an approved Plan of Management.
38. The applicant has submitted a Plan of Management with this application. The Plan of Management has been reviewed by the City's Licensed Premises Unit, who consider the proposal satisfactory.
39. Section 3.15.4 (8) of the Sydney DCP 2012 states that premises seeking extended trading hours may be permitted up to two additional operating hours per trial period. It is noted that the premises is seeking outdoor trading hours of 11.00am - 1.00am, which is 3 hours beyond the permitted base hours. Since the application is for a new premises, the DCP 2012 permits an additional 2 hours from 10.00pm for a trial period of 12 months. Once the trial period has been completed and responsible management has been demonstrated, the operator may apply for extended outdoor trading hours until 1.00am.
40. As such, it is recommended that the base hours of 11.00am - 12.00am midnight (indoor) and 11.00am - 10.00pm (outdoor) be approved on a permanent basis. The hours of 12.00am - 2.00am (indoor) and 10.00pm - 12.00am midnight (outdoor) are recommended for approval on a 12 month trial basis.
41. These trading hours are consistent with the hours approved for licensed restaurant and bars at the site under applications D/2020/928 and D/2020/933, and the hours recommended for approval in applications D/2020/1232 and D/2020/1343 which are currently under assessment.

#### Outdoor Trading

42. The proposal involves the use of outdoor seating areas on levels 8 and 9. The application proposes to play background music in these outdoor areas.
43. Council officers raised concern regarding the potential impacts of music in the outdoor terrace areas of the premises. However, upon assessment it is considered acceptable for the premises to operate with background music in the outdoor areas for the following reasons:
  - (a) The applicant has submitted a copy of the Acoustic Masterplan that has been developed for the entire MLC site.
  - (b) The Acoustic Masterplan incorporates an assessment of the noise impacts associated with the change of use of tenancies 8.03 and 8.04 into a licensed premises. The Masterplan outlines design noise targets for each of the proposed tenancies to meet, which are nominated to enable the overall City of Sydney 'Noise - Entertainment' criteria to be met. The assessment included the assumption that music would be played in outdoor areas at background levels. This Acoustic Masterplan was reviewed as acceptable by the City's Environmental Health Officer.
  - (c) No stages or performance areas are proposed for the outdoor areas on both levels 8 and 9.

- (d) The premises is located in a highly commercialised area of the Sydney CBD, with limited noise-sensitive receivers in close proximity to the site. Notably, there are no residential premises within the immediate vicinity.
  - (e) The applicant has submitted a detailed Operational and Security Management Plan, which outlines measures that will be undertaken to ensure the responsible management of the premises.
  - (f) No submissions objecting to the proposal were received from the public or Police.
44. Given the above, it is considered that the premises will be able to operate with background music playing in the outdoor areas without causing unacceptable impacts on the surrounding amenity. It is recommended that conditions of consent be included requiring the premises to operate in accordance with the Acoustic Masterplan as well as the City's standard 'Noise - Entertainment' condition. These recommended conditions specify that music in outdoor areas can be played at background levels only.

## **Consultation**

### **Internal Referrals**

45. The application was discussed with Council's Building Services Unit, Environmental Health Unit, Licensed Premises Unit, Heritage and Urban Design Unit and Waste Management Unit, who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

### **External Referrals**

#### **NSW Police**

46. The application was referred to NSW Police for comment on 26 November 2020.
47. No response was received.

### **Advertising and Notification**

48. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 26 November 2020 and 18 December 2020. A total of 583 properties were notified. No submissions were received.

### **Financial Contributions**

#### **Levy under Section 61 of the City of Sydney Act 1988**

49. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013.

50. However, as this DA is only for a change of use with no associated works (and thus no development cost). A separate DA for the fit out of the same premises will need to be submitted for determination.
51. A condition of consent has been included requiring a development contribution to be paid for the eventual fit-out of the premises associated with the change of use.

### **Relevant Legislation**

52. Environmental Planning and Assessment Act 1979.
53. Sydney Local Environmental Plan 2012.
54. State Regional Environmental Plan (Sydney Harbour Catchment) 2005.
55. Liquor Act 2007.

### **Conclusion**

56. The application proposes the use of tenancies 8.03 and 8.04 as a pub.
57. The proposal is generally consistent with the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Instances where the proposal varies the DCP controls have been assessed as acceptable.
58. The premises is of a scale suitable to the B8 Metropolitan Centre zone and Late Night Management Area and subject to conditions will not cause adverse impacts on the amenity of the surrounding area.
59. The applicant has adequately addressed operational and security measures in the submitted Operational and Security Management Plan. The applicant has adequately addressed noise impacts in the submitted Acoustic Masterplan.
60. The development is therefore in the public interest and is recommended for approval subject to conditions.

**ANDREW THOMAS**

Executive Manager Planning and Development

Marcella Hager, Planner