

Relevant Information for Local Planning Panel

FILE: D/2021/242 **DATE:** 29 June 2021

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 3 – 52 Waterloo Street Surry Hills – D/2021/242

Alternative Recommendation

It is resolved that:

- (A) the variation requested to clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld in this instance; and
- (B) consent be granted to Development Application No D/2021/242, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 30 June 2021, subject to the following amendments (deletions shown in ~~strikethrough~~):

~~(12) NEIGHBOURHOOD AMENITY~~

- ~~(a) Signs must be placed in clearly visible positions within the restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.~~
- ~~(b) The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management is to employ private security staff to ensure that this condition is complied with.~~

~~(13) COMPLAINTS~~

~~Where a noise complaint is received by Council from a place of different occupancy (including commercial premises) and the complaint is substantiated~~

~~by a Council Officer, the Council may employ a consultant to measure noise emanating from the property and to recommend (if necessary) appropriate actions to ensure compliance with the Condition (3) "Noise — Licensed Premises". The consultant must be a full member of the Australian Acoustic Society (AAS), Institution of Engineers Australia (IEA) or the Australia of Acoustical Consultants (AAAC). The cost of such appointment and associated work shall be borne by the operator, who shall also ensure the recommendations of the acoustic consultant are implemented.~~

~~(18) FOOD PREMISES — ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS~~

- ~~(a) The cooking appliances require an approved air handling system designed in accordance with AS1668.1 — The Use of Ventilation and Air-conditioning in Buildings — Fire and Smoke Control in Buildings and AS1668.2 — The Use of Ventilation and Air-conditioning in Buildings — Mechanical Ventilation in Buildings, and must incorporate the following:
 - ~~(i) The discharge exhaust air must be directed in a vertical, or near-vertical direction above the roof, and~~
 - ~~(ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.~~~~
- ~~(b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.~~

~~(19) WASTE/RECYCLING COLLECTION~~

- ~~(a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy — Local Approvals Policy for Managing Waste in Public Places 2017.~~
- ~~(b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.~~

~~(25) STORMWATER AND DRAINAGE — MINOR DEVELOPMENT~~

~~The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website — www.cityofsydney.nsw.gov.au.~~

~~A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.~~

Background

The applicant has requested that a number of conditions contained in the recommendation to the report not be imposed. Refer to letter from applicant dated 24 June 2021 in Attachment A.

The conditions in question are:

- Condition 12 – Neighbourhood Amenity
- Condition 13 – Complaints
- Condition 18 – Food Premises – Additional Ventilation Requirements
- Condition 19 – Water/Recycling Collection
- Condition 25 – Stormwater and Drainage – Minor Development

Having considered the applicant's request it is reasonable that conditions 12, 13, 18, 19 and 25 not be imposed on the consent. This is because these matters are adequately addressed by the parent consent for the restaurant approved under D/2010/1716/D.

Condition 3 of the recommendation to the Local Planning Panel requires the proposed new seating enclosure to fully comply with the operational conditions approved under D/2010/1716/D.

Prepared by: Derek Smyth, Planner

Attachments

Attachment A. Letter from Applicants

Approved



ANDREW THOMAS

Executive Manager Planning and
Development