

Relevant Information for Local Planning Panel

FILE: D/2023/55 **DATE:** 29 August 2023

TO: Local Planning Panel Members

FROM: Stan Fitzroy-Mendis, Acting Manager Planning Assessments

SUBJECT: Information Relevant To Item 6 – Development Application: 644 George Street, Sydney – D/2023/55

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2023/55, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 30 August 2023, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(31) PLAN OF MANAGEMENT

- (a) ***The Plan of Management is to be amended to remove any conflicts between consent conditions 37 and 38 and the Plan of Management. The amended Plan of Management is to be approved by the Area Planning Manager prior to the issue of an Occupation Certificate.***
- (b) ***The use must always be operated / managed in accordance with the approved Plan of Management. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.***

~~***The use must always be operated / managed in accordance with the Plan of Management, prepared by Planning Lab signed and dated 13 June 2023 (Trim reference no: 2023/376241) that has been 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.

(38) QUEUING

No persons are to be permitted to queue outside the ***karaoke and café areas in tenancy 10.41 premises*** at any time. Security officers are to ensure that there is no queue for the ***karaoke and café areas in tenancy 10.41 premises*** and take all reasonable steps to ensure compliance with this condition.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(39) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in condition **26 ~~27~~** 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.

Background

Applicant's request to amend Condition 31 (Plan of Management)

In response to the draft conditions in Attachment A to Item 6 – Development Application: 644 George Street, Sydney – D/2023/55, the applicant has requested changes to Condition 31 (Plan of Management), as the applicant identified conflicts between the draft consent conditions, specifically Condition 37 (Security and Queuing – Category A Licensed Premises) and Condition 38 (Queuing), and the approved Plan of Management (on pages 17, 39 and 41). The requested changes to Condition 31 are provided below.

(31) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Planning Lab signed and dated 13 June 2023 (Trim reference no: 2023/376241) ***or as amended in accordance with this condition***. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. ***The Plan of Management is to be amended to remove any conflicts between the consent and the Plan of Management. The amended Plan of Management is to be approved by the Area Planning Manager prior to the issue of the Occupation Certificate.***

Reason

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

Council's response to amend Condition 31 (Plan of Management)

Council staff agree with the request to change the wording of Condition 31 (Plan of Management) to ensure that the submitted Plan of Management is amended to remove any conflicts with the consent conditions (particularly in relation to queuing and security).

The suggested amended wording of the condition by the applicant is not supported, and instead it is recommended that the condition be amended to require the submission and approval of an updated Plan of Management by Council's Area Planning Manager prior to issue of an Occupation Certificate. This will ensure that there is no ambiguity on the plan being approved and referenced in the condition and will remove all inconsistencies from the document prior to the issue of an Occupation Certificate. The second part of the recommended condition requires ongoing compliance with this approved Plan of Management.

Council's recommendation to amend Condition 38 (Queuing) and Condition (39) Cessation of Service

Condition 38 (Queuing) is recommended to be amended to specifically refer to the karaoke and café areas in tenancy 10.41 when requiring that no persons are to be permitted to queue outside. This specification is sought as the current Plan of Management does not address queuing for both venues.

Condition 39 (Cessation of Service) is also recommended to be amended as the current condition incorrectly states Condition 27 (Maximum Capacity of Persons) when referring to the operating hours of the premises. The amended condition is sought to correctly reference Condition 26 (Hours of Operation).

Prepared by: Mia Music, Senior Planner

Attachments

Attachment A. Email Request from the Applicant

Approved

STAN FITZROY-MENDIS

Stan Fitzroy-Mendis, Acting Manager
Planning Assessments