

Item 6.**Development Application: 2 Watson Road, Millers Point - D/2024/19**

File No.: D/2024/19

Summary

Date of Submission:	30 January 2024 Amended plans received 24 April 2024
Applicant:	The Council of the City of Sydney
Architect/Designer:	N/A
Owner:	The Council of the City of Sydney
Planning Consultant:	Urbis
Heritage Consultant:	Urbis
Cost of Works:	Nil
Zoning:	R1- General Residential Community Facility is permissible with consent in the Zone
Proposal Summary:	<p>The application seeks consent for the use of all three buildings on the site at 2 Watson Road, Millers Point (known as 'Harry Jensen Community Centre', 'Abraham Mott Hall' and 'Abraham Mott Community Space' as a community facility. These buildings have been used as community facilities since the 1950s, and the subject application is seeking to regularise this use.</p> <p>The application seeks consent for operating hours for the community facility between 7am and 12am (midnight), Monday to Sunday.</p> <p>The application has been referred to the Local Planning Panel in accordance with the Local Planning Panel Direction - Development Applications and Applications to Modify Development Consents dated 6 March 2024 as the application represents a conflict of interest because the City of Sydney Council is the applicant and landowner to which the development relates.</p> <p>The application was notified for 28 days in accordance with the City of Sydney Community Participation Plan 2022 and</p>

Schedule 1, Section 9B of the EP&A Act 1979 regarding Council-related development. One submission was received relating to noise impacts from proposed hours of operation.

The proposed hours of operation generally comply with the permitted base hours of operation for this category of premises with the exception of the proposed hours after 10pm (until 12am (midnight)) on Mondays to Sundays. These hours comply with the extended hours which may be permitted under Section 3.15 of SDCP 2012 on a trial period basis. The proposed extended trading hours are considered acceptable on the basis a trial period is undertaken.

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

Development Controls: Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)

Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

State Environmental Planning Policy (Resilience and Hazards) 2021

Attachments:

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

Recommendation

It is resolved that consent be granted to Development Application Number D/2024/19 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 proposed development is permitted in the zone only with consent.
- (B) The proposed use of the site is consistent with the objective of the R1 General Residential zone in that it provides a facility and service to meet the day to day needs of local residents.
- (C) Subject to the imposition of conditions, the potential impacts of the proposed use of the premises and hours of operation can be appropriately managed to ensure the amenity of the surrounding areas is maintained.
- (D) The proposed development is in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 7301 in DP 1163733, and is known as 2 Watson Road, Millers Point. The site is irregular in shape, with a frontage of approximately 70 metres to Watson Road and with a site area of approximately 2117.4 square metres. The site is located close to the intersection of Argyle Street and Kent Street (refer to the aerial site photo in Figure 1, below).
2. The site contains three buildings, being:
 - (a) Harry Jensen Activity Centre, which is situated on the south eastern side;
 - (b) Abraham Mott Hall, which is located to the southern rear end; and
 - (c) Abraham Mott Community space, which is situated on the south western frontage of Argyle Street, next to Nita McRae Park.
3. The surrounding area is characterised by a mixture of land uses, primarily being low to medium density residential and small commercial premises. The site is located at the rear of Sydney Observatory.
4. To the north of the site fronting Kent Street is St Brigid's Catholic Church (see Figure 11) and several residential terrace houses (see Figure 14). On the western side of Kent Street is the Captain Cook Hotel and a row of low scale, two storey shop housing developments (see Figure 13). On the northwestern corner of Kent Street and Argyle Street is the Lord Nelson Hotel and Brewery (see Figure 10).
5. The site includes a local heritage item, being Abraham Mott Hall (Item I940). The site is located within the Millers Point heritage conservation area C35 and is situated within the Millers Point and Dawes Point Village Precinct (Item No. 01682). The site is identified as a contributing building/s.
6. A site visit was carried out on 4 March 2024. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Watson Road

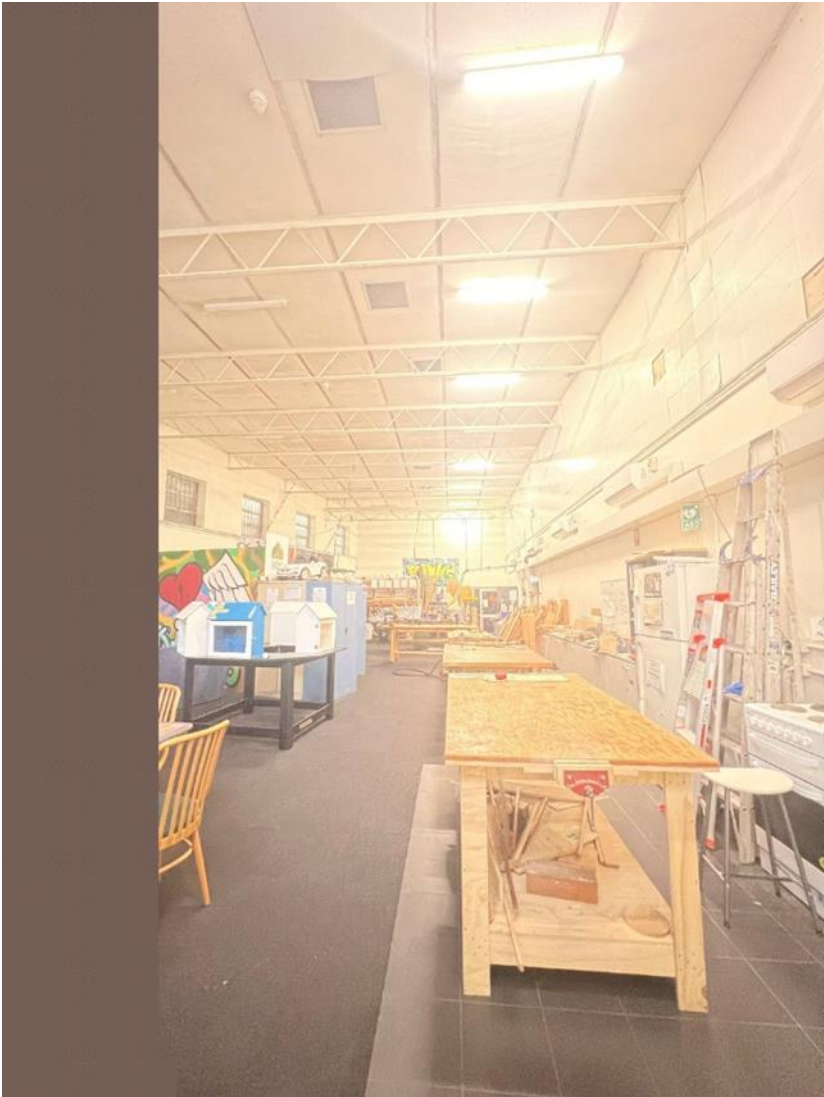


Figure 3: Interior view of Abraham Mott Community Space



Figure 4: Interior view of Abraham Mott Hall



Figure 5: Interior view of Harry Jenson Community Centre



Figure 6: View of side garden between Abraham Mott Hall and Community Centre



Figure 7: View of terrace housing on Argyle Place, viewed from Lower Fort Street



Figure 8: The Garrison Church, viewed from Lower Fort Street



Figure 9: View of terrace housing on Argyle Place, facing east



Figure 10: View of shop-top housing (left) and The Lord Nelson Hotel (right), viewed from Argyle Street



Figure 11: View of Saint Brigid's Church, viewed from western side of Kent Street



Figure 12: View of shop-top, neighbourhood shops, viewed from the eastern side of Kent Street



Figure 13: View of the Captain Cook Hotel, viewed from eastern side of Kent Street



Figure 14: View of terrace housing on Kent Street (rear boundary to subject site), viewed from western side of Kent Street

History Relevant to the Development Application

Development Applications

7. The following applications are relevant to the current proposal:
- **D/2008/2051** – Development Application was granted on 23 December 2008 for the use of Abraham Mott Hall as a Place of Public Entertainment between 9am and 4pm, and 7pm and 11.30pm, Monday to Friday and 7pm and 11.30pm, Sunday. The event is part of the 'Sydney Festival 2009' between 11 January 2009 and 16 January 2009, inclusive.
 - **D/2008/2051/A** – Modification consent was granted on 16 January 2019 to correct an error in condition 21(b) relating to maximum patron capacity and deletion of condition 32(a) relating to emergency fire lighting.
 - **D/2012/1454** – Development consent was granted on 16 October 2012 for the installation of new services door to private courtyard at the Abraham Mott Community Hall.
 - **D/2013/207** – Development consent was granted on 27 May 2013 for installation of solar panels on the roof of the Abraham Mott community facility building.
 - **D/2015/25** – Development consent was granted on 12 August 2015 for public domain improvement works on Argyle Street between Lower Fort Street and Kent Street, this included the upgrade of the footpaths, creation of a shared zone, a new community pocket park, minor external works to the Abraham Mott Hall and Harry Jensen Centre including upgrades to the existing community playground and site accessibility, demolition of the bin storage area and facade improvement works, planting of new street trees, installation of lighting and seating, and associated signage
 - **D/2018/380** – Development consent was granted on 24 May 2018 to upgrade of the existing fire system on site to merge the three buildings fire systems to be linked within the primary address.
 - **D/2018/385** – Development consent was granted on 24 May 2018 to upgrade existing bathroom facilities and provide a new craft room within the Abraham Mott Community Centre.

Compliance Action

8. The site is not subject to any relevant compliance action.

Amendments

9. Following a preliminary assessment, a request for additional information was sent to the applicant on 13 March 2024, requesting the following:
- (a) a self- assessment to determine if the works meet the exemptions under Section 57(2) of the Heritage Act 1977;
 - (b) an Acoustic Report;

- (c) a Traffic Report;
 - (d) an amended Statement of Environmental Effects and Plan of Management; and
 - (e) a Waste Management Plan.
10. The applicant submitted amended and additional information to address the above requirements on 24 April 2024. This amended and additional information is the subject of assessment of this report.

Proposed Development

11. The application seeks consent to regularise the use of the site (and its three buildings) as a 'community facility', as defined by the Sydney Local Environmental Plan 2012. The proposed hours of operation of the community facility are between 7am to 12am (midnight), Monday to Sunday (inclusive).

12. The use of the site as a community facility includes the following within each of the buildings:

Harry Jensen Community Centre:

- community organisation gatherings, workshops, meetings, health and wellbeing classes, small functions, cooking clubs and playgroups;
- common hours of operation being Monday to Friday, 9am to 9pm. Notwithstanding this, the facility can be booked anytime between 7am to 12am (midnight); and
- maximum capacity of 50 persons.

Abraham Mott Community Space:

- community organisation gatherings, workshops, meetings, health and wellbeing classes, rehearsals and after school activities;
- common hours of operation being Monday to Friday, 8.30am to 5pm. Notwithstanding this, the facility can be booked anytime between 7am to 12am (midnight); and
- maximum capacity of 100 persons.

Abraham Mott Hall

- community organisation gatherings, faith group gatherings, workshops, meetings, consultations, health and fitness classes, rehearsals, performances, choir groups, dance sessions, religious practices and private functions;
- common hours of operation being Monday to Sunday 9am to 3pm and Saturday morning. Notwithstanding this, the facility can be booked anytime between 7am to 12am (midnight);

- Friday and Saturday evenings are used for bookings for private functions until 12am (midnight). In the past 12 months, this space has been hired to 12am (midnight) on approximately six occasions; and
- maximum capacity of 180 persons.

13. The breakdown on the available spaces, their size and capacity within the centre are shown in the below table:

Room	Size	Capacity
Abraham Mott Community Space		
Community Space	189m ²	Max 100 pax inclusive of all spaces
Room A	18m ²	
Room B	43m ²	
Foyer	14m ²	
Store A	2m ²	
Amenities	65m ²	
Office	10m ²	
Total	385.64m ²	
Abraham Mott Hall		
Community Hall	227m ²	Max 180 pax inclusive of all spaces
Kitchen	10m ²	
Entry	22m ²	
Store 1	21m ²	
Store 2	7m ²	
Stage	21.6m ²	
Amenities	31m ²	
Total	401.08m ²	
Harry Jensen Community Centre		
Hireable Space	246m ²	Max 50 pax inclusive of all spaces
Amenities 1	42m ²	
Amenities 2	18m ²	
Kitchen	52m ²	
Office	25m ²	
Total	395m ²	

14. Plans and elevations of the proposed development are provided below.

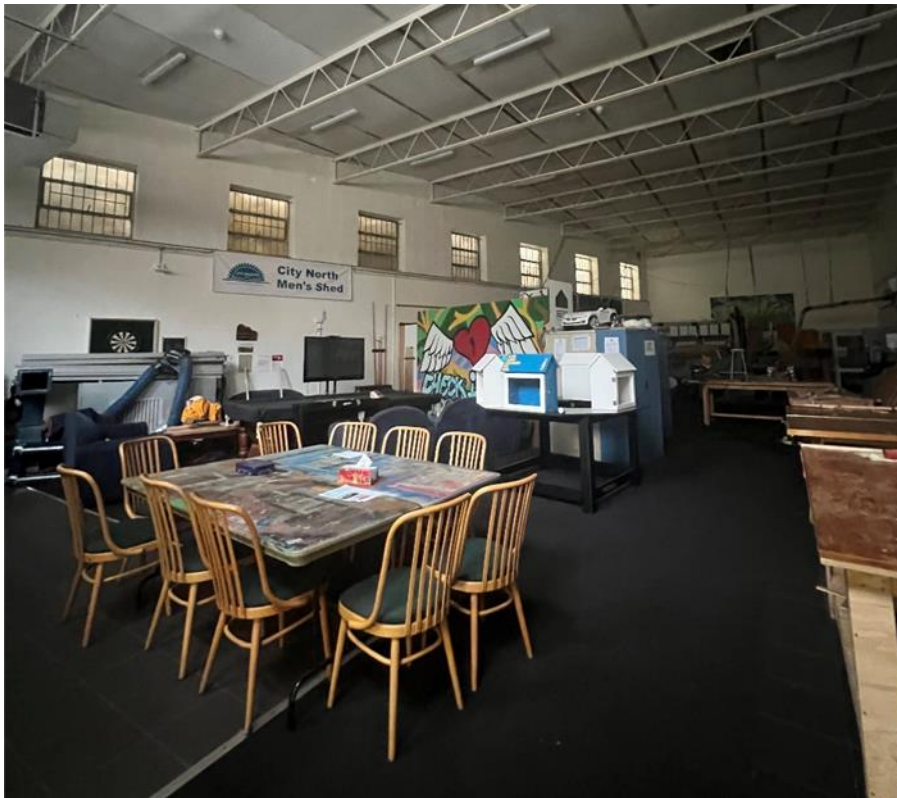


Figure 15: Abraham Mott Community Space

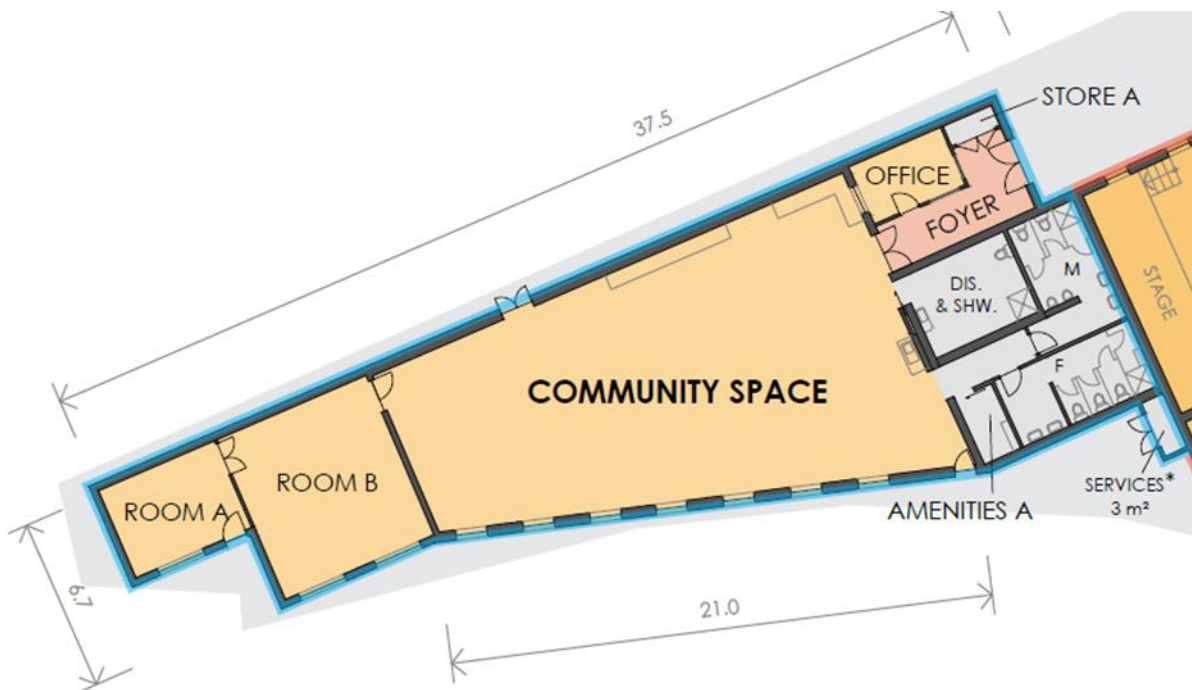


Figure 16: Proposed floorplan for Abraham Mott Community Space, outlined in blue



Figure 17: Abraham Mott Hall

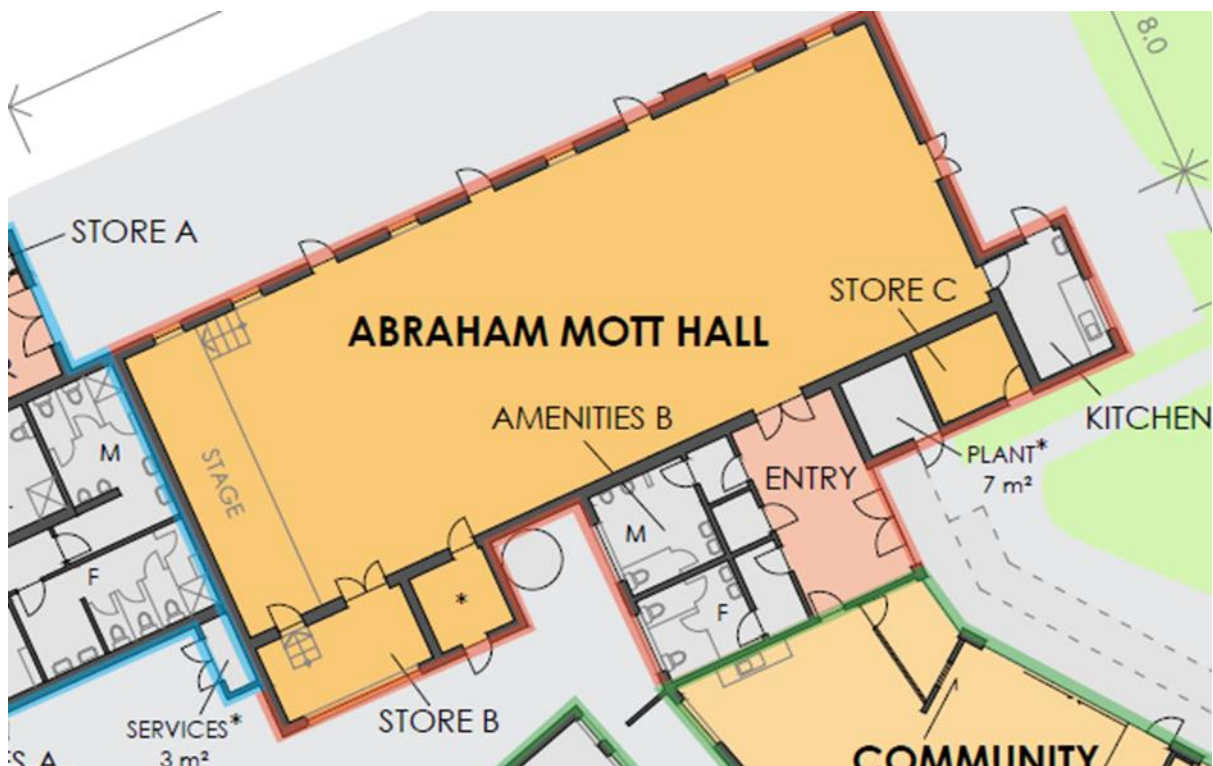


Figure 18: Proposed floorplan for Abraham Mott Hall, outlined in red



Figure 19: Harry Jensen Community Centre

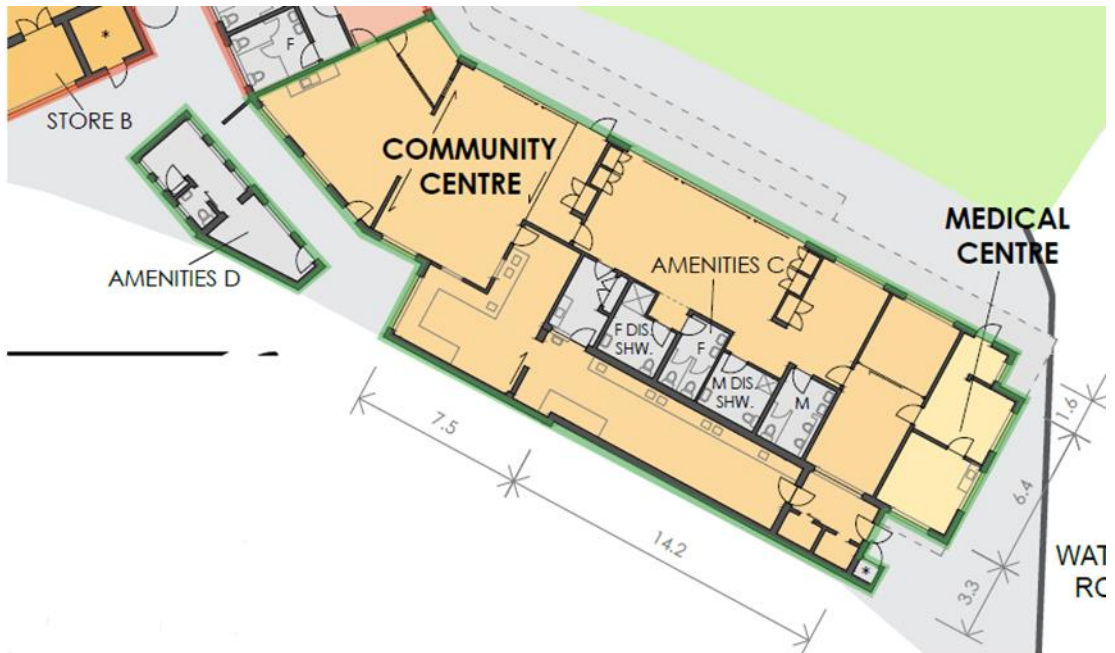


Figure 20: Proposed floorplan for Harry Jensen Community Centre, outlined in green

Assessment

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

Heritage Act 1977

16. The subject site is located within the Millers and Dawes Point Village Conservation Area listed on the State Heritage Register. The site itself is not individually listed on the State Heritage Register.
17. A Heritage self-assessment has been prepared by Urbis, dated 25 March 2024 which has assessed and determined that the proposed use of the site falls within the provisions of the Standard Exemption 21: Change of Use, under Section 57(2) of the Heritage Act 1977. As such, the proposal is considered to be exempt from requiring approval under the Heritage Act 1977, and does not constitute Integrated Development.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Abraham Mott Hall was constructed in the early years of the 20th century and has been used for functions and community uses since then. The Harry Jensen Centre was built later in 1959 and was originally used as a place where older residents could go for company and a midday meal.
34. Whilst the proposal is seeking to regularise the existing use, the proposal does not propose a change of use from the long term use of the site or to a more sensitive land use. Considering the historic land use of the site and a review of the history of the site, the site is low-risk and has been assessed as being suitable for its existing and intended use and as being consistent with the provisions of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

35. The aims of this Policy are to encourage the design and delivery of sustainable buildings, and to ensure consistent assessment of the sustainability of buildings.
36. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:
 - (a) The erection of a new building, or
 - (b) Alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10million or more.

37. The proposal does not consist of a large commercial development but rather a formalisation of a use which has been operating for decades. Further, the application does not propose any building works. Therefore, the proposal does not trigger the requirements of the SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

38. 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

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the R1 General Residential zone. The proposed development is defined as Community Facility and is permissible with consent in the zone.</p> <p>The proposed use is consistent with the zone objectives to enable other land uses that provide facilities or services to meet the day to day needs of residents.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>The site is located within Millers Point Conservation Area identified as 'Area 10' on the Height of Buildings map of the SLEP 2012. As such, height of buildings for this is governed by Clause 6.47 of the SLEP 2012. Refer to discussion under Clause 6.47.</p>
4.4 Floor space ratio	Yes	<p>There are no building works proposed, nor any creation of floor space within any of the 3 buildings. The existing FSR is unchanged.</p> <p>Notwithstanding this, it is noted that FSR for sites in Millers Point is governed by the provisions of Clause 6.47 of the SLEP 2012.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is located within the Millers Point/Dawes Point State Heritage Conservation Area (HCA) C35. The Abraham Mott Hall is also a local heritage item under the SLEP 2012 (Item I940).</p> <p>A heritage impact statement (HIS) has been submitted with the application. The proposal does not include any demolition, buildings works or excavation. The proposal seeks approval to regularise the use of the three existing buildings for a community facility. This HIS concludes that the use would not adversely impact the heritage significance of the item or HCA.</p> <p>The application was assessed by the City's Senior Heritage Specialist who raised no objection to the use (noting it is an existing longstanding use and is seeking continuation/regularisation).</p>
5.21 Flood Planning	N/A	The site is not identified as being subject to flooding.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 5 Site specific provisions		
6.21B Design Excellence Requirements – Application of Division	N/A	The proposed development does not involve the erection of a new building or external alterations and additions to an existing building. As such, the design excellence provisions do not apply.
6.47 Millers Point Heritage Conservation Area	Yes	The site is located within the Millers Point Conservation Area, which is listed on the State Heritage Register (SHR). None of the buildings themselves are individually listed on the SHR. The

Provision	Compliance	Comment
		<p>Abraham Mott Hall is listed as an item of local significance under the SLEP 2012.</p> <p>The proposed use has no impact on the existing built form or heritage significance of the site or the conservation area. The use has been supported by the City's Heritage Specialist.</p> <p>The proposal does not alter the height or floor space from that which exists on site, and is therefore consistent with the provisions of both Clause 6.47(3) in relation to the individually heritage listed building and Clause 6.47(4) for those non-listed buildings.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Division 1 – Car parking ancillary to other development 7.9 Other land uses	Yes	There is no existing car parking on site and the application does not propose any additional on-site parking.
Division 3 Affordable housing Residual Land	Yes	<p>The site is located on an area nominated as 'Residual Lands'.</p> <p>An affordable housing contribution does not apply to the development as the change of use being proposed is not to a residential or tourist and visitor accommodation use.</p> <p>It is also noted that a community facility is an excluded land use in the calculation of Total Floor Area, so would not generate a contribution.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the

Provision	Compliance	Comment
		preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans

Sydney Development Control Plan 2012

39. 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

40. The site is located within the Millers Point locality. The proposed development is in keeping with the unique character and the design principles of the Millers Point locality.
41. The proposal does not involve any buildings works and therefore maintains the historic character of the area. Further, the use of a community centre is consistent with the principles outlined in the Millers Point locality statement.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	Refer to discussion on heritage under the Heritage Act heading or the SLEP 2012 compliance table.
3.11 Transport and Parking	Yes	<p>The proposal is accompanied by a Traffic Assessment.</p> <p>The subject site benefits from a cohesive footpath network for pedestrians.</p> <p>There are three bicycle racks provided in the public domain and the site can be accessed via bicycle on the local, low traffic surrounding streets.</p> <p>A bus stop is located on the Argyle Street frontage which is serviced by a bi-directional bus route.</p> <p>The nearest train station, being Circular Quay and Wynyard, are within 900m of the site.</p> <p>The site does not include any formal service vehicle loading facility, however, there are multiple loading/unloading zones along Argyle and Kent Street as well as 10minute/4hr timed parking zones able to be utilised. Considering the existing use as community facility</p>

Provision	Compliance	Comment
		<p>and no proposed increase in the GFA, City's Transport Planner agrees that the kerbside bus stop, loading and servicing is acceptable.</p> <p>The City's Transport Planner has raised no objection to the proposal noting its formalising the use and not altering the floor space or layout of the site.</p>
3.12 Accessible Design	Yes	<p>The subject site provides accessibility from Argyle Street via a ramp which then allows access to all three building.</p> <p>The site provides adequate accessible bathroom facilities.</p>
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.</p>
3.14 Waste	Yes	<p>The application was accompanied by a Waste Management Report which was reviewed by the City's Waste Team who have no objection, subject to conditions.</p> <p>A condition is 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	Yes	<p>The premises is not located within a late night trading area and the use is defined as a category B- Low Impact Premises. Falling under criteria (iv) where the occupier, on occasion, proposes to sell or supply liquor for consumption on the premises but is not a Category A or C premises.</p> <p>Section 3.15 applies as the application seeks approval for hours of operation, involving a Category B premises proposing hours of operation after 10pm.</p> <p>See further details in the 'Discussion' section below.</p>

Discussion

Late night Trading and Acoustic Impacts

Hours of operation

42. For the purpose of Section 3.15 of Sydney Development Control Plan 2012 the site is located in 'All other areas' in Table 3.8. The Table specifies the permitted indoor base hours are between 7am to 10pm and extended hours (on a trial period basis) between 7am to 12am midnight for Category B premises.
43. The application seeks hours of operation between 7am to 12am midnight, Mondays to Sundays.
44. Extended hours may be considered provided the matters for consideration in Section 3.15.3(1) of SDCP 2012 are satisfied. Further to this, it is noted that the site is located within 750 metres walking distance of Circular Quay Train Station and Ferry Wharf. In this instance, the nature of the proposed use, being a community centre with a relatively small capacity, in its context and location is unlikely to give rise to unreasonable impacts on neighbourhood amenity provided it is appropriately managed.
45. Abraham Mott Community Space shares a boundary with private residential dwellings on Kent Street (28 Kent Street). All spaces can be hired and used from 7am to 12am (midnight), Monday to Sunday, however, there are specific clauses in the hire agreements and lease/licence to minimise disturbance to neighbours.
46. Regardless of the operating model, all tenants and hirers will be responsible for noise associated with the premises including that produced using musical instruments and the operation of mechanical plant and equipment (including sound equipment).
47. Hirers will be advised of additional conditions relating to noise at the time of making a booking and must adhere to these requirements during each booking period, as set out in the special conditions of hire signed by every hirer.

Noise, impacts on amenity and acoustic report

48. The nearest residential neighbours are the rear Kent Street terrace housing on the western side boundary. There are also terraces along Argyle Street, located approximately 60 metres to the southwest. Other surrounding land uses include other neighbourhood shops, Sydney Observatory and Observatory Hill Park to the south, the Western Distributor to the east, St Brigid's Church and the Garrison Church.
49. The amended application was accompanied by an Acoustic Report, prepared by a qualified Acoustic Expert, which assessed the noise impacts from the proposed use, the hours sought and was based on a capacity of 330. This report considered whether the premises could operate within the acoustic criteria established by the City and without adverse impact on the surrounding area. It has considered the impacts on the nearest sensitive receivers (being residential properties located at 10 to 40 Kent Street (west) and 20 to 44 Argyle Place (north)).
50. The acoustic report has been peer reviewed by the City's Environmental Health Officer. The assumptions in which the acoustic report was modelled off included, the ingress & egress of a maximum of 82 people (25 per cent capacity) in 15-minute intervals and maximum capacity of 330 people for 15-minute intervals. As well as several other assumptions within two different testing scenarios.

51. The acoustic report has included recommendations requiring windows and doors to be closed during the evening and night periods (after 6pm) or when especially noisy activities are undertaken.
52. The acoustic report and all recommendation will form part of the consent to ensure any adverse noise impacts are mitigated. The recommendations are summarised below:
 - glass windows/doors to be shut when events and/or classes are on during the night period (i.e. after 6pm) or when internal noise levels are expected to be high;
 - clear signage to advise community users they are not to generate excessive noise when entering/exiting the premises;
 - tenants/hirers monitoring user behaviour (this is also within the lease agreement);
 - no power tools between 6pm and 12am (midnight);
 - restricting the use of low frequency speakers and ensuring all speakers are isolated from building services; and
 - ensuring noise levels from amplified music do not exceed the City of Sydney noise criteria levels during evening/night periods. This is also condition of consent.

Plan of Management

53. In addition to the acoustic report, an updated plan of management has been submitted with this application. This plan outlines a number of management strategies, such as a complaints register and tenant/hirer lease agreements which must be signed and adhered to by any person/organisation who hires any part of the community facility. There are specific clauses in the hire agreements and lease/licence to minimise disturbance to neighbours and all tenants and hirers will be responsible for noise associated with the premises including that which is produced using musical instruments and the operation of mechanical plant and equipment (including sound equipment).
54. The City's Environmental Health Team reviewed the application and the above reports and support the application, subject to conditions of consent requiring on-going compliance with the recommendation of these reports to protect the amenity of the surrounding locality. Conditions have been recommended in relation to maximum noise levels and patron numbers.

Conclusion

55. In accordance with Section 3.15(3) of the SDCP 2012 it is recommended that base hours of operation from 7am to 10pm, Monday to Sunday be supported on a permanent basis for this use. It is recommended that the extended hours beyond 10pm be subject to a trial period. It is recommended that a one-year trial period (commencing from the date of consent) for hours of operation between 10pm to 12am midnight, Monday to Sunday.

Consultation

Internal Referrals

56. The application was discussed with Council's:
- (a) Environmental Health Unit;
 - (b) Late Night Trading Unit;
 - (c) Heritage and Urban Design Unit;
 - (d) Transport and Access Unit; and
 - (e) Waste Management Unit.
57. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

58. In accordance with the City of Sydney Community Participation Plan 2022, the proposed development was notified for a period of 28 days between 6 February 2024 and 6 March 2024. A total of 170 properties were notified and one submission was received.
59. The submission raised the following issue:
- (a) **Issue:** Noise
 - **Response:** Concerns were raised about the noise impacts to the neighbouring residential properties due to the proposed hours of operation.

The application was accompanied by an Acoustic Report, prepared by a qualified Acoustic Expert, which assessed the noise impacts from the proposed use and capacity numbers on the surrounding area.

Further to the above, the Plan of Management submitted with the application outlines a number of management strategies such as a complaints register and tenant/hirer lease agreements which must be signed and adhered to by any person/organisation who hirers the any part of the community facility.

Please refer to the discussion section above for further details.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

Housing and Productivity Contribution

60. The development is not subject to a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Relevant Legislation

61. Environmental Planning and Assessment Act 1979.
62. Heritage Act 1977.

Conclusion

63. Assessment of this Council-related development application has been undertaken in accordance with the management strategy prepared with the application to manage the conflict of interest arising through the ownership of the land by the City.
64. The application seeks to formalise the use of the premises as a community facility, consistent with the relevant definition in SLEP 2012 and to provide greater flexibility for the ongoing use of the premises.
65. The proposed hours of operation are considered acceptable having regard to the permitted base and extended hours of operation in Section 3.15 of SDCP 2012. The proposed extended hours are recommended to be subject to a trial period to ensure that any unanticipated noise impacts are appropriately addressed.
66. The use of the premises, when undertaken in accordance with the submitted Plan of Management and recommended conditions of consent, is unlikely to have an adverse impact on the amenity of the surrounding area.
67. The application was notified for 28 days in accordance with the City of Sydney Community Participation Plan 2022 and Schedule 1, Section 9B of the EP&A Act 1979 regarding Council-related development. One submission was received.
68. The proposed development does not negatively impact the heritage significance of the Millers Point/Dawes Point Heritage Conservation Area.
69. The application is recommended for approval, subject to the conditions of consent outlined in Attachment A.

ANDREW THOMAS

Executive Manager Planning and Development

Kaitlin McCaffery, Specialist Planner