

## Resolution of Local Planning Panel

**5 June 2019**

### Item 3

#### **Development Application: 92 Glebe Point Road, Glebe - D/2019/42**

The Panel granted consent to Development Application No. D/2019/42 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments (additions shown in *bold italics* and deleted text shown in ~~strikethrough~~):

#### **(2) DESIGN MODIFICATIONS**

The design must be modified as follows:

- (a) The plans must be amended to reduce the outdoor dining area along Mitchell Street to accommodate ~~2 4~~ **2 4** tables and ~~4 8~~ **4 8** chairs adjoining the bar/lounge area on the ground floor, accommodating a maximum of ~~4 8~~ **4 8** patrons;

...

#### **(6) EXTERNAL HOURS OF OPERATION - SENSITIVE USES- REAR COURTYARD**

- (a) The external hours of operation for the rear courtyard must be restricted to between 8am and 8pm Monday to Sunday.
- (b) Notwithstanding (a) above, the external areas, namely rear courtyard, may operate between 8am and 10pm Monday to Sunday for a trial period of one year from the date of issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) A further application may be lodged to continue the operating hours outlined in (b) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.
- (d) ***No smoking in the courtyard at any time.***

#### **(7) EXTERNAL HOURS OF OPERATION – OUTDOOR FOOTWAY DINING**

- (a) The footway:
- (i) **on Glebe Point Road** may operate between 8am and 9pm Monday to Sunday; **and**
  - (ii) **on Mitchell Road may operate between 8am and 6pm Monday to Sunday**

for a trial period of one year from the date of issue of the Occupation Certificate.

***The tables and chairs on Mitchell Road should be stored after 6pm.***

Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au)

## **(8) USE OF FOOTWAY SEATING**

The following conditions apply to footway seating:

- (a) The use of the subject area for outdoor seating is only allowed in conjunction with the provision of a simultaneous food service from the associated approved bar/café use.
- (b) The management/licensee/owner of the property must enter into a licence with Council for the use of the subject area of the footway with all legal costs associated with the preparation of the licence being borne by the management/licensee/owner. The licence must be executed prior to the use of the footway for seating.

Note: Should the operator of the premises change at any time, the licence is required to be renewed under the name of the new operator.

- (c) The use of the footway may be suspended to facilitate Council approved special events to be held in the street or for road and services works. No claim for compensation is entitled under such circumstances.
- (d) In addition to Council's daily street sweeping and cleansing operations, the operator of the outdoor café must ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (e) A maximum of ~~68~~ tables, 2 bench seats and ~~4216~~ chairs are approved to be located within the footway area. The number of persons utilising the footway area shall not exceed ~~2024~~ persons.

## **(21) QUEUING**

No persons are to be permitted to drink or queue outside the premises at any time. ***The Plan of Management is*** ~~Security officers are~~ to ensure that there is no queue for the premises and ~~take all reasonable steps~~ ***are taken*** to ensure compliance with this condition.

## **Reasons for Decision**

The application was approved for the following reasons:

- (A) The application is consistent with the objectives of the B2 Local Centre zone applicable under the Sydney Local Environmental Plan 2012.
- (B) The proposed signage complies with the relevant aims, objectives and provisions of the State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64).
- (C) The proposed outdoor dining complies with the relevant aims, objectives and provisions of the Roads Act 1993 and the City's Policy and Guidelines for outdoor dining subject to recommended amendments addressing the amenity of neighbouring properties.
- (D) The proposal is within a Local Centre Area and the recommended hours of operation are consistent with the objectives and in accordance with the recommended hours for this area for Category B premises as identified in the Sydney Development Control Plan 2012.
- (E) The application achieves design excellence in accordance with Clause 6.21 (4) of the Sydney Local Environmental Plan 2012 in that the materials and detailing of the replacement window to Glebe Point Road and signage complements the heritage significance of the building as a local heritage item.
- (F) The effect on the public interest has been mitigated by reducing the capacity and extent of the outdoor dining area. A maximum capacity has been recommended for the rear courtyard and hours of operation consistent with the Sydney Development Control Plan 2012 provisions. Conditions addressing the public submissions have been recommended focusing on improved management practises.
- (G) Conditions 2, 7 and 8 were amended to increase the number of outdoor seats on Mitchell Road by two tables and restrict the use of footway seating on Mitchell Road to 6pm. These amendments were made in response to a submission made by the applicant which sought a minor increase in capacity with a reduction in hours of footway use by three hours. The Panel considered the increased seating for a reduction in hours for the footway use on Mitchell Road to be an appropriate amendment that would serve to protect the amenity of Mitchell Road and neighbouring properties.
- (H) Condition 6 was amended to restrict smoking in the outdoor courtyard of the subject site. This amendment was made in response to a submission made by an adjoining resident to protect the amenity of neighbouring residents.
- (I) Condition 21 was amended to remove reference to 'security officers'. The submitted Plan of Management was considered to be the appropriate mechanism for managing queuing for a venue of this size.

Carried unanimously.

D/2019/42