

5 November 2025

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 134-144 Pitt Street, Redfern - D/2025/670**
- 4. Development Application: 378 and 380 Cleveland Street, Surry Hills - D/2025/410**



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 15 October 2025

Item 3.**Development Application: 134-144 Pitt Street, Redfern - D/2025/670****File Number:** D/2025/670**Summary**

Date of Submission:	17 July 2025
Applicant:	Mohamad Bhashemer
Architect/Designer:	RMA Built
Owner:	Kaymet Corporation Pty Limited & The Trustee for Kaymet Unit Trust
Planning Consultant:	RMA Built
Cost of works:	\$4,000
Zoning:	<p>The site is zoned 'Residential Zone - Medium Density Residential' pursuant to State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021.</p> <p>'Neighbourhood shops' are permitted with consent in the zone.</p>
Proposal Summary:	<p>Development consent is sought for the continued use of the premises as a neighbourhood shop and the installation of one business identification sign. The proposed hours of operation are 8am - 8pm Monday to Saturday and 8am-6pm on Sunday.</p> <p>In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 31 July 2025 and 15 August 2025. A total of 304 properties were notified, and 33 submissions were received.</p> <p>The application is reported to the Local Planning Panel for determination as the application received more than 25 unique submissions by way of objection.</p>
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) SEPP (Planning Systems) 2021
- (ii) SEPP (Precincts – Eastern Harbour City) 2021
- (iii) SEPP (Industry and Employment) 2021
- (iv) City of Sydney Convenience Store Development Control Plan 2004

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/2025/670 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 proposal generally satisfies the objectives and provisions of the SEPP (Precincts – Eastern Harbour City) 2021 and the City of Sydney Convenience Store Development Control Plan 2004. The proposed development is permitted with consent in the Residential Zone - Medium Density zone.
- (B) The proposed development, subject to conditions, is unlikely to result in any significant adverse environmental or amenity impacts on surrounding properties or the public domain, subject to conditions.
- (C) Issues raised in the submissions have been considered in the assessment and conditions of consent have been included in recommended conditions of consent to address these concerns.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Contentious Development.
2. The development application is identified as Contentious Development as the application received more than 25 submissions by way of objection.

Background

3. Development consent was granted in July 2013 by the Planning Assessment Commission for the adaptive reuse of the former Rachel Foster Hospital building for residential purposes, including the construction of three residential flat buildings. Shop 2, the subject of this application, was approved for use as a 'neighbourhood shop'.
4. Shop 2 was subsequently fitted out and roller shutters and signage were installed without consent. Whilst the internal works could have been undertaken via a complying development pathway, a retrospective Complying Development Certificate cannot be issued for completed works. Accordingly, this development application seeks consent for the ongoing use of Shop 2 as a neighbourhood shop and approval for one business identification sign.
5. A Building Information Certificate application was lodged on 31 July 2025 for works carried out without consent, including the installation of three signs, roller shutter doors and internal fit-out works.
6. Following an assessment by Council's Health and Building team, a Notice of Intention to Give an Order was issued on 9 October 2025. The Notice identified the unauthorised installation of one awning fascia sign, one under-awning lightbox sign, one wall sign and external security roller shutters to all glazed openings and required their removal. The unauthorised works (awning fascia sign, one stick on wall sign and one under awning sign and roller shutter doors) have since been removed. The Building Information Certificate for the remaining under-awning sign and internal fit out works is still under assessment.

The Site and Surrounding Development

7. The wider site has a legal description of Lot 1 DP 1286343, known as 134-144 Pitt Street, Redfern. It is rectangular in shape with area of approximately 6,935 sqm. It has a primary street frontage of 95 metres to Pitt Street and a secondary street frontage of 75 metres to Albert Street.
8. The site contains the recently completed former Rachel Foster Hospital redevelopment. The development contains three residential buildings comprising a total of 158 residential apartments and two levels of basement car parking. Two ground floor retail tenancies are located on Pitt Street, on opposite sides of the central courtyard.
9. Shop 2 (subject of this development application) is located on the northern portion of the site with a frontage of 12 metres to Pitt Street and a secondary frontage to the internal courtyard of 5 metres. Shop 2 has a floor area of 43 sqm.

10. To the north and east of the site is low to medium density residential uses. To the south and west are high density residential flat buildings. The land surrounding the site is identified as C56 Redfern Estate heritage conservation area. The site is identified as being subject to flooding.
11. The site is identified as a Redfern- Waterloo Authority site under the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.
12. The southern portion of the site is identified as Item 13 'Five Storey Surgery Building and Part of Two Storey Colonnade Building' under the SEPP (Precincts – Eastern Harbour City) 2021. Shop 2 (subject of this development application) is not identified as a heritage item.
13. A site visit was carried out on 11 September 2025. Photos of the site and surrounds are provided below.

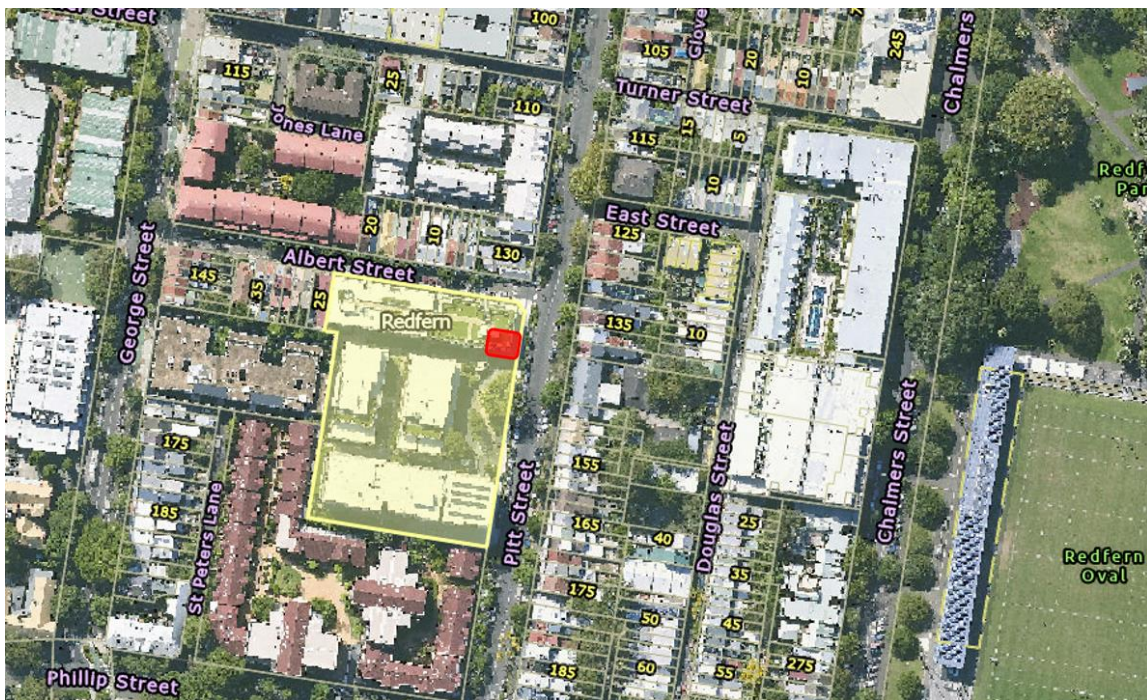


Figure 1: Aerial view of site and surrounds (with approximate location of Shop 2 identified in red)



Figure 2: Site viewed from Pitt Street looking west



Figure 3: Site viewed from the courtyard on Pitt Street looking north

History Relevant to the Development Application

Development Applications

14. The following applications are relevant to the current proposal:

- **State Significant Development Application MP09_0068** – Development consent was granted on 1 July 2013 for the demolition of existing buildings and tree removal, adaptive reuse of the former Rachel Foster hospital building for residential housing and construction of 3 residential flat buildings and 2 basement levels.

Shop 2 (subject of this development application) was approved as a 'neighbourhood retail (shop)'. Construction is completed on site.

Amendments

15. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 31 July 2025. The following information was requested:

- Confirmation of the proposed trading hours.
- Confirmation if the installed signage, roller shutter doors and completed internal fit out works were approved under a complying development certificate.

16. A further request for information letter was sent to the applicant on 6 August 2025, requesting:

- The preparation of a Plan of Management in accordance with the City of Sydney Convenience Store Development Control Plan 2004.

17. The applicant responded to the request on 31 July 2025, 11 August 2025 and 2 October 2025 and submitted the following information:

- The applicant confirmed that the signage (identified on the plans as 'proposed' signage) had already been installed without development consent.
- The applicant confirmed a Building Information Certificate had been submitted for the unauthorised works (signage, roller shutter doors and internal fit out works).
- Submitted a Plan of Management which included proposed trading hours of 8am - 8pm Monday to Saturday and 8am - 6pm on Sunday.
- Submitted amended signage plans with a reduced scale that complies with the provisions of the City of Sydney Convenience Store Development Control Plan 2004.

Compliance Action

18. The site is subject to compliance action which is relevant to the subject application.

19. A Building Information Certificate Application was submitted on 31 July 2025 for works carried out without consent. This includes the installation of three signs, roller shutter doors and internal fit out works.

20. Following an assessment by Council's Health and Building team, a Notice of Intention to Give an Order was issued on 9 October 2025. The Notice identified the non-approved installation of one awning fascia sign, one under awning lightbox sign, one stick on wall sign and external security roller shutters to all glazed windows/openings. It requested the removal of the awning fascia sign, one stick on wall sign and one under awning sign and the roller shutter doors.
21. The unauthorised works (awning fascia sign, one stick on wall sign and one under awning sign and roller shutter doors) have since been removed. The Building Information Certificate for the under-awning sign and internal fit out works is still under assessment.

Proposed Development

22. The application seeks consent for the following:
- Continued use of the premises as a neighbourhood shop.
 - Proposed trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm on Sunday.
 - Installation of one unilluminated awning fascia business identification sign (3m x 0.3m).
23. An elevation plan of the proposed sign is provided below.

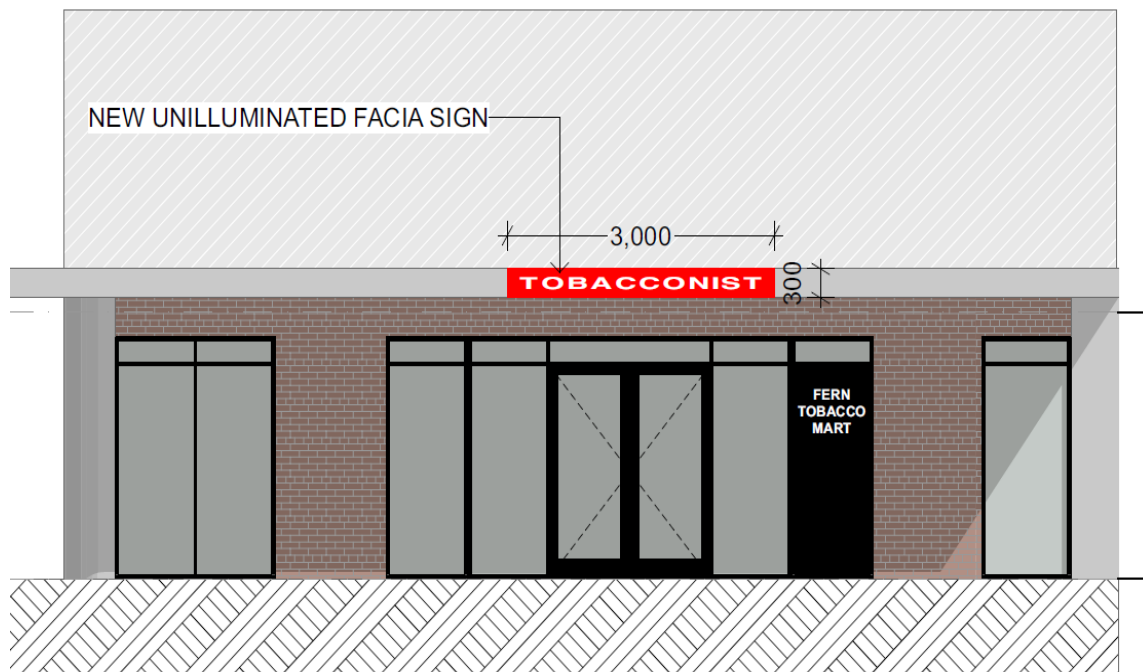


Figure 4: Proposed eastern elevation (viewed from Pitt Street)

Assessment

24. 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

State Environmental Planning Policy (Planning Systems) 2021

25. The proposed development has a capital investment of less than \$10 million on land identified as being within the Redfern-Waterloo sites. Accordingly, the proposal is not classified as State Significant Development and can therefore be determined by Council as the consent authority.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

26. The site is identified as a Redfern- Waterloo Authority site and is subject to the provisions of Appendix 3 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.
27. An assessment of the relevant provisions of Appendix 3 - State significant precinct - Redfern-Waterloo Authority sites is provided in the table below.

Provision	Compliance	Comment
<p>14 Residential Zone - Medium Density Residential</p> <p>(1) The objectives of the Residential Zone - Medium Density Residential are as follows:</p> <p>(a) to provide for a range and variety of housing types in the Zone,</p> <p>(b) to allow for other types of development to provide facilities or services to meet the day-to-day needs of residents in the local area,</p> <p>(c) to enable other development that is compatible with housing,</p> <p>(d) to ensure the vitality and safety of the community and public domain,</p> <p>(e) to ensure that buildings achieve design excellence,</p> <p>(f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.</p>	Yes	<p>The proposed use as a tobacconist/ convenience store falls under the definition of a 'neighbourhood shop'. The proposed use is consistent with the zone objectives.</p>

Provision	Compliance	Comment
<p>(2) Development for any of the following purposes may be carried out on land within the Residential Zone - Medium Density Residential only with development consent -</p> <p>boarding houses; centre-based childcare facilities; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home industries; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; seniors housing; shop top housing; telecommunications facilities; temporary structures.</p>	Yes	The proposed use as a tobacconist/ convenience store falls under the definition of a 'neighbourhood shop' and is permissible with consent in the Residential zone - medium density residential.
<p>22 Design excellence</p> <p>(1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.</p> <p>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</p> <p>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy, and water efficiency,</p> <p>(d) if a competitive design process is held as referred to in subsection (3) in relation</p>	Yes	The proposed business identification sign is consistent with the Section 22 Design excellence provisions. The proposed sign is of an appropriate scale, proportion and form to the existing building and the surrounding context.

Provision	Compliance	Comment
to the development, the results of the competitive design process.		

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

28. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.
29. The proposed business identification signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed sign is generally consistent with the emerging character of the area. The proposed business identification signage is of a moderate scale and appropriately identifies the shop.
2. Special areas	Yes	The proposed sign does not detract from the amenity or visual quality of the locality or the Redfern Estate heritage conservation area. The sign is minor in scale, in keeping with the style of the building, and does not dominate the streetscape.
3. Views and vistas	Yes	The business identification signage is located on the ground floor tenancy and does not obscure or compromise any important views.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion, and form. The proposed awning fascia signage is unilluminated and will not detract from the amenity of the surrounding residents.
5. Site and building	Yes	The scale, proportion, and placement of the proposed signage are considered acceptable. The awning fascia sign is

Provision	Compliance	Comment
		appropriately located within the awning fascia.
6. Associated devices and logos	N/A	Not applicable.
7. Illumination	N/A	The proposed awning fascia sign is not illuminated.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

30. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Sustainable Buildings) 2022

31. Chapter 3 Standards for non-residential development applies to development that involves alterations to an existing building if the estimated development cost is \$10 million or more. The proposed development has an estimated cost of work of \$4,000 and therefore the provisions do not apply.

Local Environmental Plans

Sydney Local Environmental Plan 2012

32. The Sydney Local Environmental Plan 2012 does not apply to land identified as a Redfern- Waterloo Authority site under the Eastern Harbour Precincts SEPP 2021.

Development Control Plans

Sydney Development Control Plan 2012

33. The Sydney Development Control Plan 2012 does not apply to land identified as a Redfern-Waterloo Authority site.

City of Sydney Convenience Store Development Control Plan 2004

34. The City of Sydney Convenience Store Development Control Plan 2004 applies to the site and the development, as the use is for a shop for the primary sale of cigarettes and pre-package food. An assessment of the relevant provisions is provided in the table below.

Provision	Compliance	Comment
<p>Section 4.1.3 Controls for Signage and Illumination</p> <p>Each convenience store is limited to the following signage:</p> <ul style="list-style-type: none"> One unilluminated awning fascia sign with a maximum length of three (3) metres and a width of no greater than the awning fascia. 	Yes	<p>The proposal includes one unilluminated awning fascia sign 3 metres in length. The sign is contained wholly within the awning fascia and does not exceed its width.</p>
<p>Section 4.2 Concentration of convenience stores</p> <p>The minimum distance between convenience stores is 75m.</p>	Yes	<p>There are no convenience stores within a 75 metre radius of the site.</p> <p>Shop 1 (approved under State Significant Development Application MP09_0068) is located 50m from Shop 2 and is currently vacant. A development application for the proposed use as a self-service laundromat (D/2025/819) was withdrawn on 24 September 2025.</p>
<p>Section 4.4 Operation of Convenience Stores</p> <p>Each application for a convenience store is to be accompanied by a Plan of Management that addresses the following:</p> <ul style="list-style-type: none"> A security plan specifying measures taken to address security threats to staff and customers including closed circuit television, internal and external view lines, specifying heights of shelving greater than 1.2m above floor level, internal mirrors, security lighting and staffing. Measures employed to eliminate litter from the merchandise sold, in the vicinity of the store. 	Yes	<p>The application is supported by a Plan of Management that details the following:</p> <ul style="list-style-type: none"> Security measures including security doors to staff only areas and a digital CCTV system. Outlines the responsibilities of the staff, which includes ensuring the aisles and passageways of the shop are kept clear, clean, and unobstructed. <p>Conditions of consent are recommended (Attachment A) requiring the business to be managed in accordance with the Plan of Management and limits the shelving height to 1.2m.</p> <p>Refer to discussion below.</p>

Discussion

Management of the premises

35. The application is accompanied by a Plan of Management (PoM) which sets out operational guidelines and management measures for the day-to-day use of the premises. The PoM ensures that the operation of the premises does not result in unreasonable impacts on the amenity of the surrounding area.
36. The following management practices are detailed in the PoM:
 - (a) Operation limited to the trading hours of 8am- 8pm Monday to Saturday and 8am- 6pm Sundays.
 - (b) Security measures including CCTV, secure cash handling procedures, signage, and maintenance of an incident log.
 - (c) Staff training in safety, customer management, and compliance with emergency procedures.
 - (d) Deliveries and waste removal restricted to operating hours and confined to the designated 'back of shop' area.
 - (e) Store and immediate surrounds to be maintained in a clean and tidy condition.
37. Conditions of consent are recommended (Attachment A) that require the business to be operated and managed in accordance with the PoM. Conditions are also included regarding waste and acoustic management.

Consultation

Internal Referrals

38. The application was discussed with Council's:
 - (a) Safe City Unit
 - (b) Environmental Health
 - (c) Waste Management Unit
39. 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

40. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 31 July 2025 and 15 August 2025. A total of 304 properties were notified and 33 submissions were received.
41. The submissions raised the following issues:

- (a) **Issue:** Oversupply of tobacconists in the area.

Response: The proposed neighbourhood shop is permissible in the zone and consistent with the zone objectives. The City of Sydney Convenience Store DCP 2004 requires a minimum distance of 75m between convenience stores. The proposed neighbourhood shop complies with this requirement.

- (b) **Issue:** Potential increase in crime through illegal vapes.

Response: The sale of products such as illegal vapes is regulated and enforced under separate State and Federal legislation. Compliance with relevant laws is the responsibility of the operator and the relevant enforcement agency.

- (c) **Issue:** Extended trading hours will cause impacts to the surrounding residents.

Response: The proposed trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm on Sunday are considered appropriate for the proposed use and the location of the site.

- (d) **Issue:** Traffic, waste management and acoustic impacts.

- **Response:** The proposal involves a small-scale retail use that is not expected to generate significant traffic, parking demand, waste, or noise impacts beyond typical levels for a neighbourhood shop. Conditions of consent have been recommended that require the tenant to enter into a contract with a licensed waste service provider for the removal of all waste.

Conditions of consent have also been recommended to manage acoustic impacts including noise criteria limits, no speakers/ music outside and operation in accordance with the approved Plan of Management.

- **Issue:** Construction has already commenced on the site.

Response: As noted in the sections above, Council's compliance team have issued a notice of intention to serve an order for the applicant to remove the unauthorised works (being the awning fascia sign, under awning sign and roller shutters. These unauthorised works have since been removed. A Building Information Certificate has been submitted for the internal fit out and under-awning sign at the site.

- **Issue:** Proximity to preschool and social housing - inappropriate for residential area

- **Response:** The proposed use as a neighbourhood shop is permissible in the zone and consistent with the zone objectives. The operation of the shop will be managed through compliance with the Plan of Management and through the recommended conditions of consent provided at **Attachment A**.

- **Issue:** Health and harm minimisation – negative impact on community health and wellbeing

- **Response:** The proposed use as a neighbourhood shop is permissible in the zone and consistent with the zone objectives. Council does not have the ability to regulate the products for sale within an approved shop. The sale of tobacco is

regulated by the Public Health (Tobacco) Act 2008 and the Public Health (Tobacco) Regulation 2022.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

42. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development is for the continued use of a neighbour shop and is excluded from the need to pay a contribution.

Contribution under Redfern-Waterloo Authority Contributions Plan 2006

43. The Redfern-Waterloo Authority Contributions Plan 2006 was repealed by the NSW Government on 2 March 2023.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

44. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

45. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
46. While the site is located with the Greater Sydney region, the development is not a type of commercial development to which the Housing and Productivity Contribution applies.

Relevant Legislation

47. Environmental Planning and Assessment Act 1979.

Conclusion

48. Having regard to all of the above matters, the proposed development will not result in any significant adverse impacts on either the natural and built environment or the locality, is suitable for the site, and is in the public interest, subject to conditions included at Attachment A.
49. The proposed development generally satisfies the relevant objectives and provisions of the applicable planning instruments and policies and is acceptable on this basis.
50. Issues raised in submissions have been considered in the assessment and conditions of consent have been included in Attachment A to address these issues.

ANDREW THOMAS

Executive Manager Planning and Development

Georgia McKenzie, Senior Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/670 dated 17 July 2025 and the following drawings prepared by RMA Built:

Drawing Number	Drawing Name	Date
A3	Site Plan	N/A
A7	Proposed Elevations	N/A

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

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

(2) HOURS OF OPERATION

The approved hours of operation are regulated as follows:

- (a) Between 8am to 8pm Monday to Saturday
(b) Between 8am to 6pm on Sunday.

Reason

To ensure the premises operates within the approved hours of operation.

(3) NO APPROVAL FOR UNAUTHORISED WORKS

For the avoidance of doubt, development consent is not granted for the existing works that have been carried out without consent, including the under awning signage and the internal fit out.

Reason

To clarify the scope of the approved works.

(4) PLAN OF MANAGEMENT

The use must always be operated and managed in accordance with the Plan of Management dated August 2025 (Council's TRIM ref: 2025/485790). 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.

(5) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

Reason

To ensure that waste and recycling is appropriately managed.

(6) ERECTION OF SIGNS

The signs are to be erected in a secure manner to ensure safety and their installation is not to involve measures that would cause irreversible damage to the building.

Reason

To ensure signage installed does not cause irreversible damage to the building.

(7) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

To ensure the public domain is kept free from physical obstructions.

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(8) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s).

A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

OCCUPATION AND ONGOING USE

(9) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(10) SURVEILLANCE CAMERAS – CONVENIENCE STORE/FAST FOOD VENUES

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises during all trading hours with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets)
- (b) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.
- (d) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to ensure repairs to the system are completed as soon as practicable within 24 hours.
- (e) The CCTV recording device must be kept in a secured location.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(11) SHOP FRONTS/ CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

Reason

To ensure an appropriate presentation to the public domain.

(12) NO FOOD PREPARATION (PRE-PACKAGED FOODS ONLY)

This approval does not include the preparation and processing of food at the premises and relates only to the sale of food sold and served in the supplier's original package.

Reason

To restrict the use of food premises without an adequate kitchen.

(13) SCHEDULED COLLECTIONS – COMMERCIAL

Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.

Waste and recycling stream(s) bins must not be placed at the nominated collection point 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 occurring.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(14) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(15) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

SCHEDULE 2

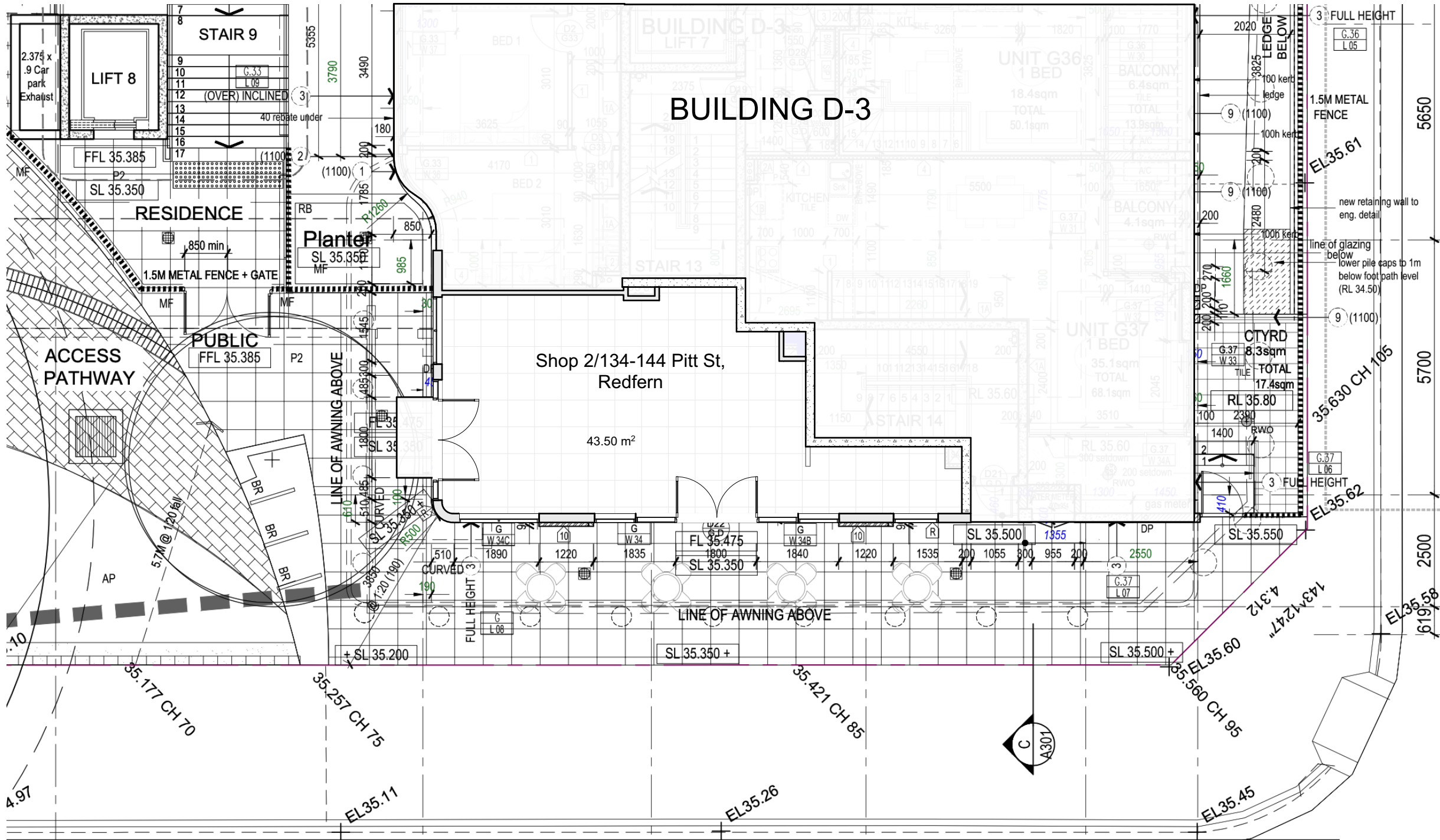
PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development.

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

Attachment B

Selected Drawings



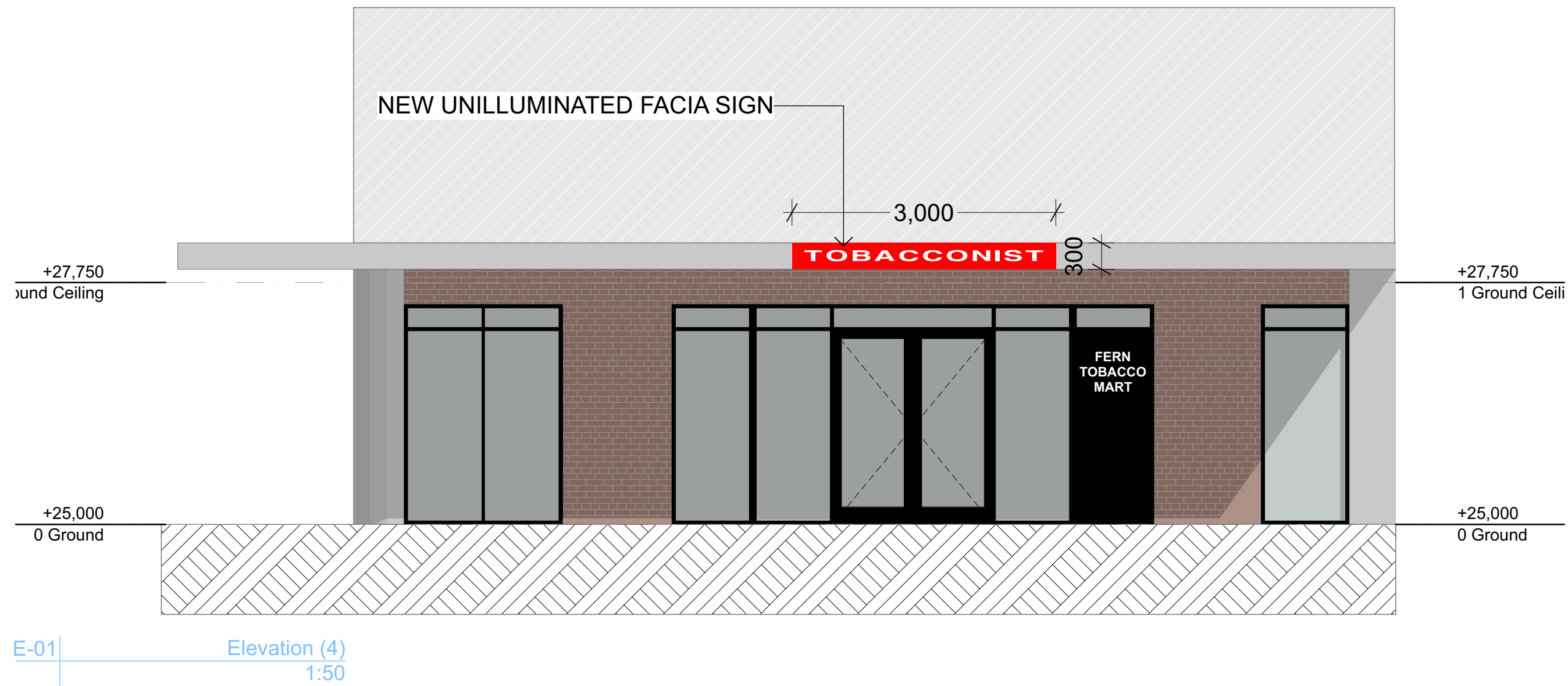
ALBERT STREET

PITT STREET

0. Ground (16)
1:100

ISSUED FOR DA





NOTE: NO ILLUMINATION FROM STORE IS TO BE DIRECTED TOWARDS UPPER LEVELS OF BUILDING.

City of Sydney Convenience Store Development Control Plan 2004

4.1.3 Controls for signage and illumination

Illumination from the convenience store, when measured from any place in the public domain is not to exceed:

- a maximum horizontal illuminance level of 220 lux (includes reflectivity of exterior finishes); and
- for the remainder of the local government area, a maximum horizontal illuminance level of 200 lux (includes reflectivity of exterior finishes); and
- the horizontal illuminance uniformity ratio (Eavg/Emin) of 4:1 to ensure safe movement of pedestrians; and
- the intensity, colour, period of intermittency and hours of illumination of convenience stores and associated signage shall be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area; and
- where nearby residents are located above the level of the store, details are to be provided to show that light is not directed upwards toward such residences.

ISSUED FOR DA

Attachment C

Plan of Management

PLAN OF MANAGEMENT

FOR THE OPERATION OF THE TOBACCONIST/ CONVENIENCE STORE
LOCATED WITHIN THE GROUND FLOOR OF PREMISES
134-144 PITT STREET, REDFERN

SHOP 2/134-144 PITT STREET REDFERN, NSW, 2016

AUGUST 2025

Prepared by Mohamad Bhashemer, Architectural Planner/Drafter.

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Purpose

The purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of the convenience store, located within part of the ground floor level of the residential apartment complex, located at 134-144 Pitt Street, Redfern.

Background and Hours of Operation

1. Application has been made seeking development consent from council for the fit-out and use of the subject ground floor tenancy area (shop 2) as a Tobacconist/ convenience store dated August 2025.
2. The proposed operational hours as outlined in the statement of environmental effects are 8:00am-8:00pm Monday to Saturday and 8:00am-6:00pm on Sundays
3. The Business shall only operate within the approved hours set out within the statement of environmental effects and subsequently the development consent to be issued by council.

Use and Implementation of Plan

1. Management and all staff shall be made familiar with this Plan of Management.
2. Staff meetings (including management) are to be conducted, as required, to discuss any operational problems encountered and the means to address these problems.
3. Management are to liaise with Police, when required, on matters relating to operational and security concerns encountered with encouragement being given to Police having an active role and offering any advice considered appropriate for better security operational procedures.
4. Police are to be notified immediately should any difficulty requiring their expertise be experienced by staff in the carrying out of their duties listed in this Plan.
5. If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the convenience store, that modification shall be made to the plan only with the consent of the City of Sydney Council, which consent shall not be unreasonably withheld

Definitions

1. In this Plan of Management:

- a) **Building** means the property known as 525-529 George Street, Sydney;
- b) **Business** means the operation of the shop at ground floor level of the Building as a convenience store;
- c) **Common Areas** mean those areas of the Property defined as such in any Strata Plan, applicable to the site;
- d) **Conditions of Consent** means the conditions of consent contained within any development approval relating to the use and operation of the premises, issued by the City of Sydney Council;
- e) **Council** means the City of Sydney Council;
- f) **Store Keeper** means the permanent staff member employed to operate the day to day activities of the convenience store;
- g) **Guidelines** means the Health and Safety Guidelines issued by the Work Cover Authority;
- h) **Owner** means the registered proprietor, from time to time, of the Building;
- i) **Patron** means any customer who frequents the convenience store;
- j) **Plan of Management** means the signed copy of this Plan of Management;
- k) **Worker** means an employee of the Business;

Duties of the Store Keeper and for Management

1. Ensure that all staff are fully conversant with emergency procedures relating to fire evacuation, bomb threats and the like. A current list of contact details for Management, Police, Ambulance Fire and Security is to be located and maintained in an appropriate location, as determined by Management in consultation with Council.
2. Ensure that the Business operates in accordance with the conditions of consent.
3. Ensure that the workers are supplied with equipment and materials for safety needs including gloves, detergents, first aid necessities and other reasonable requirements.
4. Ensure that the store is kept in a clean and tidy condition.
5. Ensure that the aisles and passageways of the shop are kept clear and unobstructed at all times to ensure safe usage.

6. Ensure that all staff practices are carried out in compliance with the Guidelines, security standards, requirements and conditions of consent as set down by the relevant authorities.
7. Ensure that staff are adequately trained in how to work in a safe manner in relation to handling difficult customers, handling food products, lifting heavy loads, monitoring security systems and reporting to Management procedures in relation to accessing recorded data, cleaning of equipment, Occupational Health and Safety requirements and emergency evacuation procedures.
8. Ensure that staff training, work procedures and employment management is carried out in a satisfactory manner.
9. Ensure that all staff records, including training and work sheets are maintained in a manner to promote effective operations and a safe and secure work environment.
10. Ensure that patrons do not cause injury to the amenity of the neighbourhood when arriving and leaving the premises.
11. Ensure that emergency procedures, such as evacuation if necessary, are carried out in an orderly manner.
12. Ensure that any identification check of patrons considered necessary to establish age for the purpose of sale of tobacco and similar products is conducted correctly.
13. Ensure that any disagreement between staff and patrons is addressed and resolved in a satisfactory manner.

Duties of the Workers

1. Attend to the reasonable requirements of patrons.
2. Ensure the implementation and application of safe work practices.
3. Ensure that the store is kept in a neat, tidy and safe condition.
4. Report to the Store Keeper any matter of an illegal or improper nature.
5. Report to the Store Keeper any abnormal or malfunction of any equipment, safety installations or security systems.
6. To their best endeavour ensure that they carry out their work in compliance with all Occupational Health and Safety regulations and any other relevant requirements.

Security Measures

1. The Business must provide a secure and safe working environment for the Employees, Workers and Patrons.

2. A safe and secure working environment will be achieved by the installation of the following security management measures:

- The shop is to be attended by at least one members of staff at all times;
- High quality door and window locks are to be fitted to all openings that are accessible by the public;
- A security door is to be fitted to the end of the main counter to assist in restricting unauthorised entry to the staff only area;
- The installed digital CCTV system is to be maintained and be in constant operation covering all entry/exit points and the cash register and the cameras must be fitted so as to capture images of the face of potential offenders that may be wearing caps or hats. The system shall be capable of keeping records for a continuous period in excess of 28 days. The video recordings are to be made available to Police upon request;
- The TV monitors are to be located in a position to enable staff to monitor activities on cameras whilst undertaking their normal duties;
- The CCTV set up is to be located in staff only areas where customers cannot easily access it in order to minimise tampering;
- The quality of the system installed shall be such that the images produced are satisfactory to the Commander of the local Police Command.
- The system shall be maintained in good working order at all times. In the event of any malfunction, the licensee shall use every reasonable endeavour to have it rectified as quickly as possible.
- The system shall operate at all times that the store is open for trade.
- The cash register shall be regularly skimmed to keep the total cash held in the register under \$250 or as minimal as practicable and the skimmed cash must be directly placed in a time-delay safe;
- The installation and specifications of the safe are to be in accordance with the relevant Australian Standards;
- Cash handling procedures are to be varied so that banking times and routes used to the bank do not become routine in order to reduce the risk of opportunistic crime and increase the safety of staff. Staff members are not to count money in view of customers or passers-by;
- Relevant signage is to be installed in conspicuous locations within the store advising patrons that they are under constant video surveillance and that any criminal or anti social activity will be reported to the Police;
- Relevant signage is also to be installed in appropriate locations within the store advising “staff only area”, “time delay safe in use” and “No cash kept on premises”;

- Signage is to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only, as per legislative requirements;
- Staff are to be provided with a secure locker to keep their belongings in whilst at work.

3. Details of any incident occurring within the shop or immediately adjacent to the shop entry shall be accurately recorded by the Store Keeper within an Incident Log Book, kept by Management, which shall be made available to Police or Council upon request.

Health and Safety

1. The Store Keeper will be aware of procedures to be followed to ensure proficiency in responding to any health and safety issues that require immediate action.
2. Health and safety supplies and equipment will be provided free of charge.
3. A First Aid Kit is to be provided in a prominent position and be appropriately stocked in accordance with the requirements of the Occupational Health and Safety Act and Regulations.
4. All accidents are to be reported to the NSW Work Cover Authority in accordance with the Occupational Health and Safety Act.
5. All workers are to report any injury sustained on the premises immediately to the Store Keeper and complete a Notice of Injury Report. Should the injury require medical attention this is to be obtained immediately and the worker shall not be permitted to resume work until such time as that medical attention is obtained. Any injury involving cuts, abrasions, needle sticks and the like must be managed in accordance with appropriate procedures to minimise the possibility of infecting others.
6. Adequate and appropriate hygiene provisions are to be provided to all staff areas including toilets.
7. Staff are not permitted to work whilst under the influence of drugs or alcohol.
8. The use and operation of the premises is to comply with the Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2000.
9. Cabinets have been designed so that shelving above 1.2m (limited to 1.6m and 1.9m) will be capable of supporting the intended load, with sufficient structural integrity to prevent collapse or instability. All taller shelving units are to be securely mounted to walls and floors. Staff are to be briefed on appropriate merchandise to be stored on higher shelves.
10. The management of the Business shall comply with the requirements of the Injury Management and Compensation Act, including:
 - Maintenance of policies of workers compensation insurance;
 - Records of all injuries sustained by workers;
 - Records of all employees and wages maintained for 7 years including records of tax deductions for all employees and workers;
 - Register of all client and community complaints;
 - The non-employment of illegal immigrants.

Amenity of Neighbourhood

1. At all times the management of the store shall consider the amenity of its neighbours and shall take all reasonable measures, including but not limited to, instructing staff accordingly, to ensure that impacts adverse to the amenity of the surrounding area do not occur.
2. The management will take all reasonable measures, including but not limited to, instructing staff accordingly, to ensure that the behaviours of staff and patrons when entering or leaving the store does not detrimentally affect the amenity of the neighbourhood.
3. The operations of the convenience store shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Deliveries and Waste Removal

1. The Management shall, as far as is reasonably possible, ensure that deliveries to the store are made between 8:00 am and 8:00 pm (operating hours) and as permitted by the on-street and kerb-side traffic and parking restraints. Frequency of deliveries is estimated to be once a week via delivery van.
2. Merchandise, rubbish, recycled and reusable packaging materials is to be stored in designated “back of shop” area. See Architectural Plans.
2. The removal of wastes and recyclable materials from the premises shall be made by the Sydney City Council or a recognised contractor. As far as reasonably possible, removals of waste and recyclable materials shall only be made between 8:00 am and 8:00 pm (operating hours).

Maintenance

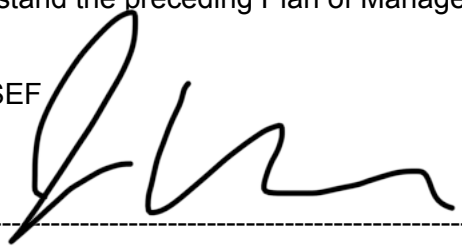
1. The premises shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council both internally and externally.
2. The Store Keeper shall ensure that the building entry, adjoining footpath and surrounds are kept clean and clear of litter at all times./
3. The Store Keeper shall be responsible for the removal of any graffiti from the premises within 48 hours of the graffiti appearing.

Owner/Manager Declaration

I have read and understand the preceding Plan of Management for the convenience store.

NAME: AHMED YOUSEF

DATE: 11/08/2025

SIGNATURE: -----

Attachment D

Submissions

From: [REDACTED] on behalf of [REDACTED]
<[REDACTED]>

Sent on: Sunday, August 3, 2025 4:14:29 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

As a long-term resident of Pitt Street (30 + years) I object strongly to this proposal. It is not in character with this wholly residential strip, being garishly lit and signposted and sited opposite a pre-school. The lights shine into the bedrooms and living areas of a number of nearby houses. There is no need for a tobacconist here - there are already two large tobacconists on Redfern Street, as well as two pubs and a convenience shop all selling cigarettes and vapes less than five minutes walk away. If all levels of government are serious about health and harm minimisation, they should be limiting the number of outlets dispensing harmful products. Given the number of public housing tenants who have been moved into these apartments, the tobacconist seems a cynical exercise in capitalising on a vulnerable group of people. In the limited couple of days I had to take around a petition against the shop, more than 80 people signed with only one local refusing. That is a pretty good indication of the strength of local opposition to this unwanted development.

[REDACTED] [REDACTED]

From: Annabel Blay <[REDACTED]> on behalf of Annabel Blay
<[REDACTED]> <Annabel Blay <[REDACTED]>

Sent on: Monday, August 4, 2025 2:29:58 PM

To: DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Julie,

I wish to object to D/2025/670 for a proposed convenience / tobacconist store with trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm Sunday.

As a resident of Redfern for almost 15 years, and now a property owner, we have seen a lot of change in the local area. The addition of much-needed social/private housing at 134-144 Pitt St Redfern has been an absolute boon to the area, helping the suburb to maintain its mix of old and new residents in a time of massive gentrification and changes to the nearby Waterloo estates. But the addition of yet another tobacco retail outlet to the building at this address is unnecessary and in fact incredibly damaging to local amenity.

- It's been well-publicised how many of these shops are 'fronts' for the illegal cigarette trade at best, and organised crime at worst.
- There are currently 3 dedicated tobacconists in the 2 blocks of Redfern St between Regent St and Pitt St (within 400m of 134-144 Pitt Street REDFERN), plus a convenience store and two newsagents all selling tobacco products. There are two Woolworths stores, an IGA and a FoodWorks within 700m of 134-144 Pitt Street REDFERN - all sell tobacco products. There are also three hotels selling tobacco products. Is it really necessary to add another, when the federal and state governments have active education campaigns discouraging smoking?
- The area around the proposed location is medium density residential and, given the inner-city location, a surprisingly quiet, low-traffic area with various speed-calming devices installed in the road. This development will bring extra foot, vehicle and delivery driver traffic to the area, and significantly increase the noise and light pollution for nearby residents (including and in particular those in the apartments in the same building) up until 8pm six nights a week .
- The SDN Redfern Children's Education & Care Centre is less than 100m away across the road. Many children live in the new apartments at 134-144 Pitt Street. This is an inappropriate location for a tobacco outlet, with its prominent sign already affixed and already normalising this harmful, expensive habit.

I appreciate your time in considering my objection to this proposal. I can be contacted for further information at

Many thanks

Annabel Blay

PO Box 3037

Redfern NSW 2016

From: David Hanson <[REDACTED]> on behalf of David Hanson

<[REDACTED]> <David.Hanson@[REDACTED]>

Sent on: Monday, August 4, 2025 7:36:32 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

- Statement of Environmental Effects - Crime Risk Assessment - Principle 3 “back of shop will not be visible from the front due to the design of the behind the counter cigarette cabinet (Please refer to architectural drawings provided)”. The architectural drawings contradict this assessment. There is an unobstructed view from the front of shop to the back of shop, and a clear line of sight to the back of shop area through the window on the Pitt St facade.
- Signage - the proposed signage exceeds the sizes permissible under Section 4.1.3 of the Convenience Store DCP 2004.
- Signage - the proposed under-awning sign does not comply with the minimum clearance of 2.7m above footpath level as specified in Section 4.1.3 of the Convenience Store DCP 2004.
- Intensity of lighting - the Statement of Environmental Effects is deficient in that it does not include an assessment of the intensity of lighting and light spill as required under Section 4.1.3 of the Convenience Store DCP 2004
- Buildings and places with recognised Heritage or Conservation Significance - The shop is proposed for a heritage conservation area. The proposed bright red signage is not in keeping with the area/streetscape as per Section 4.1.3 of the Convenience Store DCP 2004, and do not reflect the heritage values of the building and of the place as per Section 4.3.2 of the same DCP nor Section 4.2 of the Heritage DCP 2006.
- Deliveries - the application is not accompanied by a Plan of Management as required under Section 4.4.2 of the Convenience Store DCP 2004. The Statement of Environmental Effects is not a substitute for the required Plan of Management as it does not address all the mandatory requirements for the application as specified in Section 4.4.2 of the Convenience Store DCP 2004.
- Neither the Statement of Environmental Effects nor the Construction Waste and Recycling Management Plan addresses Section 4.4.3 bullet point 1 ii) “Measures employed to eliminate litter from the merchandise sold, in the vicinity of the store”.
- Access - the application does not address the requirements of the Access DCP 2004, including the requirement under Section 3.5 for the development application to include “a completed and signed checklist stating that the proposed development complies with the provisions of this plan”.

From: [REDACTED] on behalf of [REDACTED]

Sent on: Monday, August 4, 2025 10:30:00 AM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: council@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Note

We respectfully request that this email remain private in its entirety.

—

Dear Ms Julie Terzoudis,

We are deeply concerned about the alarming nature of this type of business, particularly the safety risks it may pose to the immediate neighbourhood, given its negative reputation for alleged links to criminal activities, as highlighted by the recent spate of arson attacks across Sydney.

So, we would like you to address our following concerns.

01

How can you **assure** us that the subject business/DA will not:

- Sell illicit tobacco and vaping products, primarily through the use of the hidden/secluded 'Back of Shop',
- Sell tobacco and vaping products to minors or engage in other unlawful practices,
- Be used as a front for organised crime, again facilitated by the 'Back of Shop', and
- Become a target for robbery, arson, firebombing, ram raid or other crimes?

02

As you can appreciate, design or planning-wise, we are particularly concerned and suspicious about the 'Back of Shop' area, which is neither visible to the customers in the 'Front of Shop' nor from the public domain.

Could you advise whether you would **support** measures to make this area visually accessible both internally (from the Front of Shop) and externally (from the street)?

—

Thank you very much in advance for your help; we look forward to hearing from you **ASAP**.

—

[REDACTED]
On behalf of a group of local residents

From: Cameron Armstrong (Western Sydney LHD) <[REDACTED]> on behalf of
Cameron Armstrong (Western Sydney LHD) <[REDACTED]> <Cameron
Armstrong (Western Sydney LHD) <[REDACTED]>
Sent on: Monday, August 4, 2025 6:22:16 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Terzoudis,

I have deep concerns about the opening of a tobacconist at this site and am unequivocally opposed to this development application, for the following reasons:

- There are already several tobacconists in the immediate vicinity (ie on Redfern Street, Botany Road and nearby Redfern Station);
- Tobacco shops lessen the environment and should be both limited and largely out of view;
- Tobacco shops encourage uptake of nicotine usage, which increases the likelihood of smoking in public, secondhand smoke inhalation and cigarette litter in the roads and footpaths;
- This tobacco shop appears to be capitalising on its proximity to social housing, which I view as an amoral manoeuvre exploiting vulnerable people more likely to suffer from nicotine use disorder.

Kind regards,

Dr Cameron Armstrong
Consultant Psychiatrist
(and resident of Redfern)

Sent from my iPhone

This email is intended for the addressee named and may contain confidential information. If you are not the intended recipient, you must not disclose, copy or distribute this email. If you have received this email in error, please notify the sender immediately, delete it from your system and destroy any copies.

Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

From: [redacted] <[redacted]> on behalf of [redacted]
[redacted] <[redacted]>

Sent on: Monday, August 4, 2025 9:11:41 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Feedback for application ref: D/2025/670

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/ Madam,

I am writing to formally object to the proposed opening of a tobacco shop within our residential street in Redfern.

Site Address: 134-144 Pitt Street, REDFERN NSW 2016

Application reference: D/2025/670

Please keep my name, address and identity private, thank you.

I strongly believe this type of business is not appropriate for our neighbourhood for the following reasons:

1. Negative Impact on Community Health and Wellbeing

The sale and promotion of tobacco products is contrary to public health goals. Tobacco use is a leading cause of preventable death and disease, and having a dedicated tobacco retailer so close to homes and families sends the wrong message — particularly to young people. This is not aligned with the values of a community focused on wellness and healthy living.

2. Inappropriate for a Residential Area

This location is primarily residential. Introducing a business that is widely considered harmful undermines the character of the area and detracts from efforts to foster a safe, family-friendly environment.

3. Conflict with the Area's Positive Growth

Redfern is an up-and-coming suburb, attracting young families, professionals, and creative industries. A tobacco shop is incongruent with this development. It feels like a step backwards — lowering the tone of the area and potentially discouraging investment in more positive local businesses.

4. Exacerbates Existing Social Issues

Redfern already struggles with drug and alcohol issues. Introducing a business that promotes addiction — even legal addiction — is unwise and potentially harmful. It may contribute to increased loitering, anti-social behaviour, and a general decline in public safety.

5. Worsening of Parking and Traffic Conditions

The street already suffers from a lack of parking and enforcement of permit-only areas. A new commercial premises, particularly one with a potentially high turnover of customers, will increase traffic congestion and reduce available parking for residents.

6. Lack of Community Consultation

To my knowledge, there has been no meaningful community consultation or transparency regarding this proposal. Residents should have a say in what types of businesses are welcomed into their neighbourhood.

This proposal does not support public health, community values, or the positive trajectory of Redfern. I urge

the council to consider the long-term social and cultural implications of approving a tobacco shop in this location and to prioritise the wellbeing of residents over short-term commercial interests.

Kind regards,



Sent from my iPhone

From: [redacted] <[redacted]> on behalf of [redacted]
<[redacted]>

Sent on: Friday, August 1, 2025 1:05:55 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Feedback on DA D/2025/670 – 134-144 Pitt Street REDFERN NSW 2016

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi there, please find my feedback below. Given tobacconists' known links to organised crime figures, I request that you keep my personal details (name and email address) confidential please.

Thank you,
-Beck

Submission in Response to DA D/2025/670 – 134-144 Pitt Street REDFERN NSW 2016

I'm writing to object to the development application for a tobacconist at the above address. I live in the apartment block next door, at 146-152 Pitt Street.

I was excited to see some activity in that shopfront after a long period of being empty, and assumed the space was being brought back to life with something useful or welcoming. Maybe a grocery store or a café. I cannot tell you how completely disappointed I was when the familiar ugly tobacconist sign and ubiquitous V and Monster stickers appeared.

To say this is a cynical outcome is an understatement.

Tobacconists like this aren't just selling legal cigarettes. Everyone knows that every single tobacconist in Sydney is also selling illegal tobacco and vapes. It's not some fringe issue, it's the business model. Despite this open secret there's been almost no enforcement, and these shops keep appearing in areas that can least afford the fallout, or the linked rental increases.

Over the past year, media investigations have made it clear that the illicit tobacco trade is deeply linked to organised crime. With warring for control of the trade playing out on Sydney streets, including the recent shooting in Auburn, these shops introduce a serious criminal element.

They also offer absolutely nothing back to the street or the local community. Businesses like this consistently deliver poor-quality fitouts, disregard basic presentation, and make no attempt to contribute to the amenity or feel of the surrounding area. They degrade the streetscape. Compare that to the positive impact a café, small grocer, or community-oriented retailer could have in the same space.

The timing of this development proposal is curious. The NSW Government just announced a statewide crackdown on illegal tobacco and vape sales, with new laws, major fines, and eviction powers. And yet here I am, responding to a development proposal for a brand-new tobacconist in Redfern. This seems perverse, and underlines how little power communities have in this fight.

I note that the shop isn't open but the fitout is complete and has been for weeks. That suggests the applicant expects approval to be a formality. It's frustrating to see a business so clearly ready to trade before the community has had its say.

I also reviewed the social impact assessment. I write SIAs for a living, so I don't say this lightly: this part of the process appears to have been treated with contempt, lacking even a basic profile of neighbours or impacts. This part of Redfern includes a high concentration of social and community housing, home to people already dealing with complex health and social challenges. A business of this nature is completely out of step with what this neighbourhood needs.

There are nine tobacconists within a 1 km radius, including one just around the corner at George and Redfern Streets that openly sells illegal product. That store is even celebrated on social and mainstream media as a model convenience shop, which only highlights how skewed and unregulated this industry has become. No action has been taken on any of these establishments. That undermines public confidence and now we're being asked to consider yet another.

I think it's also important to highlight that I thought twice about making this submission. Given the concerns around organised crime, it's not easy to speak up. I ask that you hold that in the front of your mind too, that communities are feeling exposed in the face of unchecked organised crime.

This application should be refused. It's the wrong use for this location, it directly undermines the government's public policy stance, and it places our community at unnecessary risk.

From: Richard Tregeagle Jeanette Warth <[REDACTED]> on behalf of Richard Tregeagle Jeanette Warth <[REDACTED]> <Richard Tregeagle Jeanette Warth <[REDACTED]>
Sent on: Monday, August 4, 2025 4:41:01 PM
To: council@cityofsydney.nsw.gov.au
Subject: D/2025/670
Attachments: DA 2025 670 Redfern Tobacconist Objection letter.docx (16.45 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam

I write as a nearby resident to lodge a formal objection to Development Application **D/2025/670** for the establishment of a tobacconist within a residential housing complex in 134-144 Pitt St, Redfern

1. **Oversupply of tobacconists in the immediate area**

There are currently **five tobacconists** operating within a short walking distance of the proposed site. The addition of another such business would lead to an oversaturation that serves no legitimate unmet community need. This is contrary to the principles of balanced and sustainable retail development, and risks concentrating a product with well-documented public health harms in an already heavily serviced area.

2. **Inconsistency with Council's own anti-smoking policies**

The City of Sydney has invested considerable resources in **reducing smoking rates and restricting smoking in public spaces**, including the measures outlined in its "Smoking in Public Places" strategy (City of Sydney, 2022). Approving another tobacconist—particularly one with extended trading hours—directly undermines these initiatives and sends an inconsistent message to the community.

3. **Health and wellbeing concerns in a vulnerable community**

The proposed location is within a mixed socio-economic area, including a high proportion of **social and low-income housing residents**, a group statistically more likely to experience higher rates of smoking and related health issues. Locating another tobacconist here increases accessibility to tobacco products for vulnerable residents, contrary to public health objectives and evidence-based harm reduction strategies.

4. **Extended trading hours exacerbate potential harm**

The proposed opening hours—**8am to 8pm Monday to Saturday, and 8am to 6pm Sunday**—are excessive for a residential complex and increase the risk of encouraging impulse tobacco purchases at all times of day. Long hours also raise amenity concerns, including increased foot traffic, noise, and the potential for loitering near residential entrances.

5. **Inappropriate land use within a residential complex**

The shop will be located in a **housing complex without any other shops**, making it an unsuitable site for a retail business whose sole product is tobacco. This space would be far better utilised as a café, small grocer, or other shop that supports healthy, inclusive community interaction and aligns with Council's vision for liveable neighbourhoods.

6. **Better alternatives to meet community needs**

There is strong potential for the premises to be used for a service or retail outlet that contributes positively to community wellbeing. Cafés, fresh food outlets, or small general stores would serve residents and visitors without the negative health implications of tobacco retail.

Conclusion

The proposed tobacconist will:

- Add to an already oversupplied tobacco retail environment in Redfern/Waterloo.
- Directly contradict the City of Sydney's anti-smoking policies and public health strategies.
- Disproportionately impact vulnerable populations in the area.
- Diminish the amenity of a residential complex and reduce opportunities for positive, health-supportive land use.

For these reasons, I respectfully urge the Council to refuse Development Application D/2025/670.

Yours faithfully,

Jeanette Warth

66/146-142 Pitt St, Redfern

Jeanette Warth
66/146-152 Pitt St
Redfern NSW 2016

4 August 2025

To:

Development Assessment
City of Sydney Council
GPO Box 1591
Sydney NSW 2001

Subject: Objection to Development Application **D/2025/670** – Proposed Tobacconist at 134-144 Pitt St, Redfern

Dear Sir/Madam

I write as a nearby resident to lodge a formal objection to Development Application **D/2025/670** for the establishment of a tobacconist within a residential housing complex in 134-144 Pitt St, Redfern

1. Oversupply of tobacconists in the immediate area

There are currently **five tobacconists** operating within a short walking distance of the proposed site. The addition of another such business would lead to an oversaturation that serves no legitimate unmet community need. This is contrary to the principles of balanced and sustainable retail development, and risks concentrating a product with well-documented public health harms in an already heavily serviced area.

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3. Health and wellbeing concerns in a vulnerable community

The proposed location is within a mixed socio-economic area, including a high proportion of **social and low-income housing residents**, a group statistically more likely to experience higher rates of smoking and related health issues. Locating another tobacconist here increases accessibility to tobacco products for vulnerable residents, contrary to public health objectives and evidence-based harm reduction strategies.

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The shop will be located in a **housing complex without any other shops**, making it an unsuitable site for a retail business whose sole product is tobacco. This space would be far

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Conclusion

The proposed tobacconist will:

- Add to an already oversupplied tobacco retail environment in Redfern/Waterloo.
- Directly contradict the City of Sydney's anti-smoking policies and public health strategies.
- Disproportionately impact vulnerable populations in the area.
- Diminish the amenity of a residential complex and reduce opportunities for positive, health-supportive land use.

For these reasons, I respectfully urge the Council to refuse Development Application D/2025/670.

Yours faithfully,

Jeanette Warth
Nearby Resident, Redfern NSW

From: Louis Goh <[REDACTED]> on behalf of Louis Goh <[REDACTED]> <Louis Goh
<[REDACTED]>
Sent on: Monday, August 4, 2025 2:14:56 PM
To: council@cityofsydney.nsw.gov.au
Subject: D/2025/670 - Proposed convenience/tobacconist

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam,

My feedback is an objection, specifically to the tobacconist part of the store.

In my view, it is inappropriate for a tobacconist business to operate on a residential street. Furthermore, the store is enroute to Redfern Park, which is frequented by many families and young children.

kind regards,
Louis

From: Nigel Ross <[REDACTED]> on behalf of Nigel Ross <[REDACTED]> <Nigel Ross <[REDACTED]>

Sent on: Tuesday, August 5, 2025 9:03:15 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern,

I am a NSW Justice of Peace and long-term resident of Redfern, having lived in the area for over 20 years. I reside next door to the proposed development site, in 146-152 Pitt Street.

I **DO NOT** support this proposed development for the following reasons:

1. A business whose prevalent product is proven to be toxic and harmful to health, in this area is undesirable. The business is advised as a “convenience/tobacconist store”, however the signage that has already been erected clearly demonstrates that this is a tobacconist primarily, which (may) sell additional convenience store items.
2. There are already multiple established businesses offering tobacco products within FIVE minutes walking distance of the proposed development - including at least two supermarket stores of national chains, multiple newsagents and other suppliers of such products.
3. The requested opening hours of the proposed development will interfere with local residents quiet enjoyment of their homes, especially as the proposed development is located within a residential building.
4. The proposed site is directly across the road from a childcare centre.
5. With current organised crime behaviour targeting tobacco-selling enterprises, a further shopfront selling such products introduces an unacceptable level of risk (robbery, armed robbery, arson and such) to the local residents and residential building in which the proposed development is located.
6. There are no facilities for motor vehicle or cycle parking, or public rubbish collection available at the proposed location.

Yours sincerely,

Nigel Ross, JP
Sydney, NSW, Australia

From: Tony <[REDACTED]> on behalf of Tony <[REDACTED]> <Tony <[REDACTED]>
Sent on: Tuesday, August 5, 2025 5:42:06 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>;
DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: Strong Objection to Development Application - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern,

Strong Objection to Development Application - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

I am writing to express my strong objection to the proposed development.

The proposed development is fundamentally unsuitable for its location as it poses significant risks to public health, safety, and community amenity, while also failing to meet planning requirements. Key objections include its inappropriate proximity to a childcare centre and community housing, which would expose vulnerable residents to negative influences. Furthermore, as an isolated commercial operation, it presents a security risk and its proposed neon signage clashes with the area's residential and heritage character. Finally, the application fails to demonstrate a genuine community need for the business, as the area has at least 5 tobacconists within 100-200 meter radius.

My primary objections are as follows:

1. **Inappropriate Proximity to a Sensitive Location:** The proposed site is directly across the street from a childcare centre and is situated in a location that is otherwise exclusively residential. The introduction of a commercial premises with neon signage, advertising for unhealthy products, and the inevitable increase in people smoking in the vicinity is entirely inappropriate and poses a direct negative influence on a vulnerable young demographic.
2. **Public Safety and Security Risks:** As an isolated commercial operation with no other retail presence nearby, the proposed business presents a significant crime and security risk to the community. The application fails to propose any substantive security measures to mitigate the potential for anti-social behaviour, which would pose an unacceptable risk to local residents.
3. **Adverse Public Health and Community Impacts:** The proposal would have a detrimental impact on public health. Its location targets not only the children at the adjacent childcare centre but also residents of the nearby community housing complex. Introducing a tobacconist into this environment contradicts public health goals and disproportionately affects vulnerable community members.
4. **Detrimental Impact on Heritage and Residential Amenity:** The proposed use of prominent, neon-red signage is completely out of character with the residential, heritage conservation area in which the property is located. This would have a significant negative impact on the visual amenity of the neighbourhood and contravenes the established character of the streetscape.
5. **Failure to Meet a Justifiable Community Need:** The application fails to demonstrate that it would "provide facilities or services to meet the day-to-day needs of residents," as per planning guidelines. The local area is already well-served by multiple supermarkets, including a Woolworths just two streets away, which fulfil this role and numerous tobacconists in nearby Redfern St. The intent of state environmental planning policies is to provide for essential daily amenities, a category that a specialty tobacconist does not satisfy.

This proposal is unsuitable for the location, presents numerous risks to the community, and fails to meet key planning principles. I urge you to reject this application.

Sincerely,

T. Lopes

114 Pitt Street

Redfern NSW 2016

From: Henry & Sharon <[REDACTED]> on behalf of Henry & Sharon
<[REDACTED]> <Henry & Sharon <[REDACTED]>
Sent on: Tuesday, August 5, 2025 5:12:21 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Objection to City of Sydney Development Application: D/2025/670
Attachments: Objections to DA2025670.docx (20.01 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Customer Service Team

Attached please find a submission against the proposed development of a convenience/tobacconist store at 134-144 Pitt Street, Redfern, NSW 2016.

Best Regards
Henry Chou

OBJECTION TO CITY OF SYDNEY DEVELOPMENT

D/2025/670

ADDRESS

134-144 Pitt Street REDFERN NSW 2016

APPLICANT

Mohamad Bhashemer

DESCRIPTION

Proposed convenience / tobacconist store with trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm Sunday.

CITY OF SYDNEY CONTACT

Julie Terzoudis

We wish to strongly object to the development of a tobacconist in our neighbourhood for the following reasons:

1. PUBLIC HEALTH CONCERNS

- Promotion of smoking: A tobacconist inherently promotes tobacco use, which is a leading cause of preventable disease and death.
- Second-hand smoke exposure: Increased local smoking may lead to more second-hand smoke in public areas, which can harm non-smokers, especially children, the elderly, and those with health conditions.

2. IMPACT ON CHILDREN AND YOUTH

- Normalising tobacco use: The presence of a tobacconist can make smoking appear more socially acceptable or “normal” to impressionable young people.
- Proximity to public spaces: the proposed shop is near public playgrounds, youth and childcare centres, and it may indirectly encourage underage smoking.

3. COMMUNITY CHARACTER AND VALUES

- Not in line with community values: Many neighbourhoods prioritize health, wellness, and family-friendly environments, which a tobacconist might conflict with.
- Reputation of the area: A tobacconist could be seen as contributing to a less desirable image for the neighbourhood, especially if there are already concerns about antisocial behaviour.

4. AVAILABILITY OF TOBACCO PRODUCTS

- Already available locally: If tobacco products are already sold in supermarkets or petrol stations nearby, a dedicated tobacconist might be redundant and unnecessary.

- Encouraging increased tobacco use: Easier access to tobacco may increase consumption among current smokers and discourage quitting efforts.

5. LITTER AND ENVIRONMENTAL CONCERNS

- Cigarette butt litter: More smokers could lead to more litter in streets, parks, and public spaces.
- Fire hazard risk: Improperly discarded cigarette butts can increase the risk of fires, especially in dry seasons.

6. CONFLICT WITH PUBLIC HEALTH POLICY

- Goes against anti-smoking efforts: Governments at all levels, especially in Australia, have strong tobacco reduction strategies. A new tobaccoist may undermine these efforts.

7. SOCIAL AND ECONOMIC COSTS

- Long-term healthcare costs: Encouraging tobacco use can increase the burden on public healthcare systems.
- Addiction-related impact: Increased access may worsen addiction in vulnerable populations rather than offering support or alternatives.

Submitted by: Henry & Sharon Chou
Owners: 155 Pitt Street, Redfern

From: Adrian Stokes <[REDACTED]> on behalf of Adrian Stokes <[REDACTED]> <Adrian Stokes <[REDACTED]>>
Sent on: Wednesday, August 6, 2025 10:06:27 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Julie,

I am writing to you regarding this application for yet another tobacconist store in Redfern. I firstly want to make it clear that although the application says convenience / tobacconist store, this store is being marketed as a tobacconist, the signage is up and it clearly says tobacconist in bright red text. It's not a convenience store.

I live a few doors up at 114-124 Pitt Street, this application should be rejected. There is social housing in that complex, and around that area. The impact of yet another tobacconist store won't be great for the area and we already have 4 on Redfern Street. We are losing local stores to these tobacconist stores. It's also right across the road from a daycare centre.

How can we allow this application given the current crackdown on tobacconists selling illegal products.

Thanks,
Adrian.

From: Tracie Devlin <[REDACTED]> on behalf of Tracie Devlin
<[REDACTED]> <Tracie Devlin <[REDACTED]>

Sent on: Wednesday, August 6, 2025 11:26:14 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I would like to lodge an objection to the establishment of yet another tobacconist in Redfern. The reasons for my objection:

1. Redfern already has 3 within a 200m walk of the one proposed as well as the availability of tobacco products at Woolworths in Chalmers St and Metro at Redfern Station plus various newsagents on Redfern St. it is just not needed.
2. Promotion of unhealthy products to minors and residents of low socio economic status as the location is opposite SDN Redfern and 100m from the Waterloo housing commission flats.
3. Visual pollution through signage
4. Adds to rubbish in Redfern area as customers discard packets etc in street due to lack of public bins in that area of Pitt St
5. potential risk of vandalism or fire as experienced with other such stores. The location of the proposed business is in a block of residential units opposite a childcare centre in a densely populated part of the city. The impact to human life and property has the potential to be very serious
6. potential to attract undesirable elements to a residential part of Redfern with very limited visibility or police presence

While I acknowledge that tobacco products are legal, the state government has imposed restrictions on vapes and other related products which the proposed store Will undoubtedly sell. I believe that CoS should support the state government attempts to outlaw illegal related products and imports by rejecting this application.

Finally, what happened to the idea of the city of villages in CoS? Redfern had the potential to deliver on this vision before over development in the Regent St/Botany Rd corridor led to a more transient population less committed to building community. We have lost a number of small businesses- bars, bakeries, fruit shops recently- we do not need another tobacco shop.

Regards
Tracie Devlin

M: [REDACTED]

Pronouns: she/her/hers

From: Jane Yahoo <[REDACTED]> on behalf of Jane Yahoo <[REDACTED]> <Jane Yahoo <[REDACTED]>
Sent on: Wednesday, August 6, 2025 1:16:14 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Certainly. Here's a formal objection letter you can submit or adapt for your local council or planning authority:

Jane Balke
146-152 Pitt Street
Redfern, NSW 2016
[REDACTED]

Date: 6 August 2025

To:
Attention Julie Terzoudis
Planning Department
City of Sydney

Subject: Objection to Development Proposal at 134–144 Pitt Street, Redfern NSW 2016

Dear Sir/Madam,

I am writing to formally object to the proposed development of a convenience and tobacco store at 134–144 Pitt Street, Redfern NSW 2016.

This development is inappropriate and unnecessary for the following reasons:

1. Oversaturation of Tobacco Retailers

There is already a significant oversupply of tobacco outlets and convenience stores in close proximity to the proposed location:

- Redfern Tobacconist – open 8 am to 11 pm daily, located just 450 metres away
- Blue Label Tobacconist, Waterloo – open 7 am to 10 pm (6 days), 8 am to 10 pm Sundays, located 1 km away
- Ziads Single Cigarettes Convenience Store – open 6 am to 11:30 pm daily, just 240 metres away

- Woolworths Redfern – a full supermarket with tobacco sales, open 7 am to 10 pm daily, 400 metres away

In addition to these, there are at least six more outlets selling tobacco within a 2km radius. The introduction of another store offering the same products contributes to market saturation without providing any meaningful community benefit.

2. Proximity to a Children’s Education Facility

The proposed location is directly across the road from SDN Redfern Children’s Education and Care Centre (141–145 Pitt Street), which operates weekdays from 7:30 am to 6 pm. A tobacco/convenience store in such close proximity is wholly inappropriate. It poses risks to the health messaging and wellbeing of children and families, and undermines community efforts to discourage smoking and prevent early exposure to tobacco products.

3. Inappropriate in a Residential Area

Pitt Street is a predominantly residential street. The addition of a tobacco/convenience outlet would increase pedestrian and vehicle traffic, potentially attract antisocial behaviour, and disrupt the residential character and safety of the area—especially for families with young children.

4. Extended Operating Hours Are Not Justified

The proposed trading hours (8 am to 8 pm five days per week, and 8 am to 6 pm Sundays) extend well into the evening. These hours are excessive for a small residential street and may result in increased noise, loitering, and public nuisance, particularly without adequate oversight or security.

For the reasons listed above, I strongly urge Council to reject the application for this development. The proposed business does not meet the needs of the local community, poses risks to children, and adds to an already saturated and problematic retail category in the area.

Thank you for considering this objection. Please notify me of any updates or decisions regarding this proposal.

Yours sincerely,

Jane Balke

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From: [redacted] <[redacted]> on behalf of [redacted] <[redacted]>
Sent on: Wednesday, August 6, 2025 10:05:20 AM
To: council@cityofsydney.nsw.gov.au
Subject: DA: 134-144 Pitt St Tobacconist

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello, my name is [redacted] and I am a resident at 134-144 Pitt St Redfern.

I'd like any of my details including my name and email address to be kept private.

I wanted to give input about the proposed tobacconist at 134-144 Pitt St Redfern NSW 2016.

This complex consists of alot of public and social housing (which me and my children are part of). It seems highly inappropriate to have a tobacconist in a public housing building. We have alot of vulnerable people housed here and it seems like it would encourage smoking in already vulnerable people, as well as likely create more people hanging around and affecting our apartments with 2nd hand smoke which is a danger to our community especially the children living here.

People in public and social housing are already at greater risk from smoking as you can see in this article:
<https://academic.oup.com/ntr/article/27/7/1186/7749667>

Surely a community agency or even convenience store would be more appropriate than a tobacconist?

Thank you,

[redacted]

From: [redacted] <[redacted]> on behalf of [redacted] <[redacted]>
<[redacted]>

Sent on: Wednesday, August 6, 2025 3:46:31 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please redact my name and email from public record

Hi Julie,

Thank you for taking the time to consider public submissions regarding this development application,

As a local resident, I object to the development application for a tobacconist at Shop 2, 134–144 Pitt Street, Redfern. This proposal raises substantive concerns regarding health, safety, amenity, over-saturation of similar businesses, and inconsistency with planning objectives. The following submission outlines these concerns based on evidence, planning principles, and public interest considerations.

Oversaturation of Similar Retailers

Redfern already contains a significant concentration of convenience stores and tobacconists, including the well-known Redfern Convenience Store approximately 430 metres away, and Redfern Tobacconist on Redfern Street. Business directories and mapping tools reveal more than a dozen similar outlets within a 1.5–2km radius. This level of retail duplication does not represent a net community benefit and suggests commercial oversupply.

Local government bodies such as Inner West Council have moved to restrict the spread of tobacconists in their areas, citing both social impacts and planning concerns. Their actions reflect a broader trend of regulating high-risk retail categories that do not align with long-term urban health and safety objectives. The City of Sydney should similarly consider whether permitting another tobacco-focused retailer in Redfern—especially outside the designated commercial core—meets the intent of balanced, sustainable urban development.

Public Health and Amenity Risks

The Australian Government's *National Tobacco Strategy 2023–2030* has set clear targets to reduce smoking rates and limit tobacco's presence in public life. A new tobacconist directly conflicts with those aims by increasing the visibility and accessibility of tobacco products. While sales to minors are illegal, visibility of such shops can still influence youth perception and normalise smoking behaviour.

Many modern tobacconists also sell products like colourful confectionery and vapes, which can be displayed in ways that appeal to younger audiences. Even if compliant with packaging laws, the cumulative impact of tobacco signage and adjacent marketing can erode the intent of harm minimisation policy. Approving this DA may weaken efforts to create a healthier streetscape and ignore Council's role in supporting the broader health outcomes of the community.

Waste, Litter, and Street Impact

Cigarette butt litter remains the most common and persistent form of waste on NSW streets, with the NSW EPA estimating over 1.3 billion butts are discarded annually. Tobacconists inherently contribute to this waste stream, as customers often smoke near the shop entrance and improperly dispose of butts in nearby gutters, grates, and gardens.

This degrades the physical environment and adds pressure on council cleaning services.

Convenience-style stores also generate notable volumes of commercial waste from packaging, delivery cartons, and product restocking—often requiring daily collection. If adequate on-site waste storage is not provided, bins may spill onto footpaths or obstruct pedestrian access. This is particularly problematic on narrower residential streets such as Pitt Street. Additionally, smoke drift from customers gathering at the entrance may negatively affect air quality for residents above or adjacent to the premises.

Traffic and Crime Risk

Tobacconists and small convenience stores tend to attract brief customer stops, which can lead to illegal or unsafe parking in busy or poorly monitored areas. Pitt Street is constrained in terms of parking availability, and the building frontage is adjacent to residential entrances. Without off-street loading or short-term parking provisions, customers may double-park or stop in No Standing zones, creating pedestrian hazards and traffic disruption.

There is also a proven risk of criminal targeting of tobacconists. Multiple incidents across Sydney have involved ram raids and theft due to the high value of cigarettes and cash on-site. These stores often use blocked windows to comply with advertising restrictions, reducing street visibility and weakening natural surveillance—contrary to Crime Prevention Through Environmental Design (CPTED) principles. This can make the shop and surrounding footpath less safe, particularly during evening hours, and can discourage passive pedestrian activity.

Inconsistency with Planning Objectives

The site is zoned B4 Mixed Use under the City of Sydney Local Environmental Plan 2012. While retail is permitted, zoning objectives require land uses to be compatible with surrounding residential and commercial activity and to support established commercial centres. A tobacco retail outlet does not strengthen the role of Redfern Street as the designated retail core, nor does it enhance the walkability or mixed-use character of this section of Pitt Street.

Additionally, this site is part of the former Rachel Forster Hospital redevelopment and is in proximity to heritage-significant elements. Council policies on signage and façade treatment seek to ensure that new uses respect the visual character of heritage areas. Tobacconist shops often feature illuminated signage or partial window coverage, which can detract from the streetscape and be out of character with surrounding development. This application does not demonstrate how it would avoid that outcome.

Parliamentary Inquiry Into Illegal Tobacco Trade

A **current Parliamentary inquiry** into the **illegal tobacco trade** in New South Wales has been underway since **7 May 2025**, conducted by the Legislative Council Portfolio Committee No. 5 – Justice and Communities. The **Terms of Reference** include examining links between tobacconists and organised crime, money-laundering, impacts on communities and small businesses, landlord liabilities, enforcement regimes, and adequacy of current legislation and resourcing (parliament.nsw.gov.au).

Given that this inquiry is **ongoing** and submissions remain open until **mid-August 2025**, approving a **new tobacco-oriented retail outlet** at this site **before the inquiry's findings are released**—particularly relating to public health, crime risk, and regulatory efficacy—would be **premature and potentially imprudent**. It would be remiss of Council to grant approval without insight into:

- Whether current frameworks for licensing and enforcement are sufficient;
- How newly identified risks (e.g. links to organised crime or money laundering via tobacconists) might alter appropriate policy settings;
- Whether further legislative changes or moratoria may result from the inquiry.

Proceeding to approve a shop of this nature **before** the Parliament has had the opportunity to consider and act on these issues would run counter to the **public interest**, especially in light of the uncertain status of licensing regimes and enforcement capacity across NSW.

Conclusion

The proposed tobacconist is inconsistent with local planning objectives, introduces public health and safety risks, and lacks demonstrable benefit to the Redfern community. In light of over-saturation, crime risk, amenity impacts, and the active NSW parliamentary inquiry, Council should refuse the application on policy, strategic planning, and public interest grounds.

Thank you for considering this submission.

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>

Sent on: Thursday, August 7, 2025 3:53:37 PM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: FW: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

-----Original Message-----

From: trent tame <[REDACTED]>

Sent: Wednesday, 6 August 2025 12:34 PM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern.

As a local I oppose the opening of the tabbacco store there is one on every corner A MacDonalds was not approved due to not being healthy, causing riff raff to be around.

I mean how many of these shops do we need in Redfern it's beyond a joke

You can't squash McDonalds because of the reasons then open another tobacco shop you need to stay consistent and fair.

Let's open more healthy options for this community

Cheers Hunter Chippindall
[REDACTED]

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>

Sent on: Thursday, August 7, 2025 5:09:06 PM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: FW: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

-----Original Message-----

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, 6 August 2025 8:23 PM
To: DSubmissions <DSubmissions@cityofsydney.nsw.gov.au>
Cc: Aniruddha Kadam <[REDACTED]>
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Concerns Regarding Tobacco Retail Store Location Opposite Kindergarten and Childcare Centre at 134-144 Pitt Street REDFERN NSW 2016

Dear Julie Terzoudis

I am writing to express serious concerns about the operation of a tobacco retail store located directly opposite a kindergarten and childcare centre in Redfern. This proximity raises significant community safety and public health concerns that I believe warrant immediate attention and review.

Primary Concerns

1. Child Safety and Exposure

The location of this tobacco store directly opposite educational and childcare facilities is inappropriate and potentially harmful. Young children are regularly exposed to tobacco advertising and products during their most formative years, which:

- * Normalizes tobacco use from an early age
- * Contradicts public health messaging about tobacco dangers
- * Creates an environment where harmful products are prominently displayed near vulnerable populations

2. Community Safety Risks

Tobacco stores have historically been targets for criminal activity, including robbery and vandalism. The proximity to a childcare facility raises concerns about:

- * Potential security incidents occurring near children and families
- * The risk of property damage or more serious incidents affecting the safety of the educational facility
- * Creating an unsafe environment for parents, children, and staff

3. Public Health Impact on Disadvantaged Communities

The Redfern area has faced significant socioeconomic challenges, and the strategic placement of tobacco retailers in such communities can:

- * Disproportionately target vulnerable populations
- * Enable and perpetuate addiction among those with limited resources for cessation support
- * Contribute to health inequities already affecting the community

4. Regulatory Compliance

This situation may contravene existing regulations regarding tobacco retail proximity to educational facilities and child-focused venues.

Requested Action

I respectfully request that your office:

1. Investigate the appropriateness of this tobacco store's location relative to current zoning laws and health regulations
2. Review the licensing conditions and consider whether relocation would better serve community interests
3. Assess whether additional restrictions on tobacco retail locations near childcare and educational facilities are needed
4. Engage with the community to understand broader concerns about this issue

Community Impact

This matter affects not only the immediate safety and wellbeing of children attending the nearby facilities but also reflects broader questions about how we protect vulnerable communities from industries that profit from addiction and health harm.

I believe that appropriate action on this matter would demonstrate a commitment to prioritizing child welfare and community health over commercial interests that may be detrimental to our neighborhood's wellbeing.

I would welcome the opportunity to discuss this matter further and provide additional information if required. I look forward to your prompt response and appropriate action to address these legitimate community concerns.

Thank you for your attention to this important matter.

Yours sincerely,

Aniruddha

From: Nada L <[REDACTED]> on behalf of Nada L <[REDACTED]> <Nada L <[REDACTED]>
Sent on: Friday, August 8, 2025 9:23:23 AM
To: council@cityofsydney.nsw.gov.au
Subject: Strong Objection to Development Application - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern,

Strong Objection to Development Application - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

I am writing to express my strong objection to the proposed development.

The proposed development is fundamentally unsuitable for its location as it poses significant risks to public health, safety, and community amenity, while also failing to meet planning requirements. Key objections include its inappropriate proximity to a childcare centre and community housing, which would expose vulnerable residents to negative influences. Furthermore, as an isolated commercial operation, it presents a security risk and its proposed neon signage clashes with the area's residential and heritage character. Finally, the application fails to demonstrate a genuine community need for the business, as the area is has at least 5 tobacconist within 100-200 meter radius.

My primary objections are as follows:

- 1. Inappropriate Proximity to a Sensitive Location:** The proposed site is directly across the street from a childcare centre and is situated in a location that is otherwise exclusively residential. The introduction of a commercial premises with neon signage, advertising for unhealthy products, and the inevitable increase in people smoking in the vicinity is entirely inappropriate and poses a direct negative influence on a vulnerable young demographic.
- 2. Public Safety and Security Risks:** As an isolated commercial operation with no other retail presence nearby, the proposed business presents a significant crime and security risk to the community. The application fails to propose any substantive security measures to mitigate the potential for anti-social behaviour, which would pose an unacceptable risk to local residents.
- 3. Adverse Public Health and Community Impacts:** The proposal would have a detrimental impact on public health. Its location targets not only the children at the adjacent childcare centre but also residents of the nearby community housing complex. Introducing a tobacconist into this environment contradicts public health goals and disproportionately affects vulnerable community members.
- 4. Detrimental Impact on Heritage and Residential Amenity:** The proposed use of prominent, neon-red signage is completely out of character with the residential, heritage conservation area in which the property is located. This would have a significant negative impact on the visual amenity of the neighbourhood and contravenes the established character of the streetscape.
- 5. Failure to Meet a Justifiable Community Need:** The application fails to demonstrate that it would "provide facilities or services to meet the day-to-day needs of residents," as per planning guidelines. The local area is already well-served by multiple supermarkets, including a Woolworths just two streets away, which fulfil this role and numerous tobacconists in nearby Redfern St. The intent of state environmental planning policies is to provide for essential daily amenities, a category that a specialty tobacconist does not satisfy.

This proposal is unsuitable for the location, presents numerous risks to the community, and fails to meet key planning principles. I urge you to reject this application.

Sincerely,

N. Lopes

114 Pitt Street

Redfern NSW 2016

From: Jen Lin <[REDACTED]> on behalf of Jen Lin <[REDACTED]> <Jen Lin <[REDACTED]>

Sent on: Saturday, August 9, 2025 4:30:33 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Julie,

We strongly oppose the proposal to allow the tobacconist to operate after hours in our neighbourhood.

The initial decision to approve its opening was already a point of concern for us as residents. In particular because the council did not consult properly with the community beforehand. This lack of engagement makes us as residents feel ignored and disempowered regarding decisions that directly affect the safety and character of our area and community.

Allowing extended trading hours now only compounds the issue. Late-night operations are known to attract antisocial behaviour and potentially criminal activity. We recently already experienced someone trespassed into our house in which the police were involved and arrests were made. The extended hours will attract more criminal and anti social behaviour and impact the entire community and increase the burden on council services. These problems are highly concerning given the proximity of a children's daycare directly across the road, where families expect a safe and peaceful environment.

With at least five similar businesses already operating within a 5–10 minute walk, there is no valid justification for after-hours trading. We urge the council to reconsider this proposal and take seriously the concerns of us as residents who want to preserve the safety, livability, and community-focused nature of our neighbourhood.

Thank you for reviewing our comments.
Angela

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From: Kate Dennison <[REDACTED]> on behalf of Kate Dennison <[REDACTED]> <Kate
Dennison <[REDACTED]>

Sent on: Sunday, August 10, 2025 12:54:37 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern

We don't need another tobacconist in Redfern, there's already multiple tobacconist and convenience stores on Redfern St alone. Something useful and not existing to the area would be way better like a book shop, gift shop etc.

Thank you

[Yahoo Mail: Search, organise, conquer](#)

From: Carl St. Leon <[REDACTED]> on behalf of Carl St. Leon <[REDACTED]> <Carl St. Leon <[REDACTED]>
Sent on: Sunday, August 10, 2025 4:16:23 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis
Attachments: 20250810_122649.jpg (657.46 KB), 20250810_122612.jpg (431.72 KB), 20250810_122604.jpg (419.85 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Terzoudis,

Development application D/2025/670
Proposed convenience & tobacconist store – 134-144 Pitt Street, Redfern
Applicant: Mohamad Bhashemer

I received Council's notification letter in relation to the above development application last week, and wish to register my strenuous objection to the proposal.

Timing of application for consent

Council's records show that the proponent's development application was lodged on 21 July 2025. This came as rather a surprise to me, given that the shop appears to have been fitted out and had its external signage installed by mid-May 2025 at the very latest.

Whether the proponent was either not aware that development consent would be required, or made a calculated decision that seeking forgiveness made more commercial sense than asking for permission, it seems very curious that consent was not sought prior to spending money on fit-out and signage for an obviously contentious proposed use.

Permissibility of development in medium density residential zone

134-144 Pitt Street is zoned medium density residential, and the proponent appears to be relying on the 'neighbourhood shop' use which is permitted in the zone, with consent. The use is defined as:

"neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises."

It is a considerable stretch to suggest that the "day-to-day needs of people who live or work in the local area" are catered to by a retail outlet which – according to the signage already installed on the premises – will sell 'tobacco accessories, confectionery, cigars, shisha and American snacks'.

Character of neighbourhood

134-144 Pitt Street is situated on a quiet, residential stretch of Pitt Street between Redfern Street to the north, and Phillip Street to the south. Other than a handful of restaurants and cafés immediately adjacent to the Redfern Street retail precinct, there are no retail premises on Pitt Street between Redfern Street and McEvoy Street at all.

The proposed tobacconist store is completely out of character with the local area. It lies directly across the road from a childcare centre, and is otherwise surrounded by low- and medium density residential development. Empirical evidence suggests that prevalence of smoking in the immediate vicinity of the proposed shop is low, given the dominant demographic of young professionals, families and children.

Smokers' needs are well catered for in the neighbourhood, with several outlets selling tobacco products on Redfern Street, and a Woolworths Metro store a few hundred metres away.

Impacts of proposed development

If approved, the operation of the proposed tobacconist will impact negatively on the local area in a number of ways:

Traffic and parking

The proponent's *Statement of Environmental Effects (SEE)* acknowledges that no customer parking will be provided. The SEE goes on to say that "it is assumed potential customers will need to find parking along Wellington Road or within the vicinity of the shop where public parking is permissible".

I do not know where Wellington Road is. Presumably the SEE is simply a cut-and-paste exercise recycled from a previous job, with little consideration or attention given to local specifics. In any event, the childcare centre across the road already generates considerable traffic during the morning and afternoon peak times, and the section of Pitt Street between Turner Street and Phillip Street is quite narrow. The angle-parking arrangements outside the childcare centre mean that parents parking there to drop off or pick up their children invariably stop traffic in both directions as they manoeuvre into the limited number of car spaces available. This situation will only worsen with additional traffic generated by the proposed tobacconist.

Parents and young children also frequently cross Pitt Street on foot as they arrive at or depart from the childcare centre – again, directly across the road from the proposed shop. Additional vehicular traffic will cause further potential hazards to pedestrians.

Visual amenity

The proponent's SEE suggests that the "sitting [sic], design and external appearance of the shop is considered to be appropriate" for the area. There is nothing appropriate about the external appearance of the shop, which features heavy-duty black roller shutters and cheap, unappealing plastic signage.

The SEE states that the 5.5-metre sign installed to the Pitt Street awning will be "non illuminated". As you will note from the attached photographs, the sign is connected to the electrical supply of the premises, and I observed it to be lit – extremely brightly – on a number of occasions during May 2025. This would be an extreme annoyance to neighbours on the eastern side of Pitt Street at night-time, in an area where general light pollution is quite low.

The SEE also states that "a brightly artificially lit interior will also assist in maximising visibility of activity within the shop from the outside". Not only will this particular attribute cause irritation to neighbours particularly in the winter months (noting that the proposed operating hours are 8am to 8pm Monday to Saturday – well after sunset for many months of the year), but it will also serve to ensure that the young children attending the childcare centre across the road will have a clear view of sugary snack foods, vapes, tobacco accessories and patrons exiting the premises with (and almost certainly lighting up) cigarettes.

Crime risk & harm (reduction)

The SEE makes little more than passing reference to the possible impact of the proposed development on criminal activity in the area. Tobacconists across the country have been experiencing a very significant and well-publicised increase in incidences of arson attacks and other criminal interference with their businesses in recent years. Government imposts upon legal cigarettes have resulted in a massive expansion of the illegal tobacco industry, and that industry now appears to be under the de-facto control of a handful of large, well-organised criminal enterprises.

'Disputes' over the control of distribution and sale of illegal tobacco have led to the violent destruction of many tobacconists' stores – the vast majority of which are located in commercial or industrial precincts which are largely devoid of people (and therefore the risk of possible injury) during the hours of night when such attacks typically occur. Siting a tobacconist's shop in the middle of a quiet residential area poses an unacceptable risk to the safety of local residents. The high price of legal cigarettes also inevitably leads to an increased risk of petty theft and shoplifting.

My objection to the proposed development centres largely on amenity and the fact that the proposed shop is totally out of keeping with the character of the local area. However, there are obvious public health considerations which I hope Council will also take into account. There has been an explosion in the number of tobacconists' stores across New South Wales in recent years, and the State government's new licensing scheme is currently being rolled out, in an apparent attempt to rein in rogue operators. Access to tobacco and activities which promote smoking are to be limited, rather than encouraged. Quiet, suburban residential streets which are otherwise devoid of retail activity, are not the place to be selling cigarettes.

I thank you for your consideration of this objection, and I would be happy to elaborate further on any aspect of it, if required.

Yours sincerely,

Carl St Leon
73/146-152 Pitt Street
REDFERN NSW 2016

TOBACCONIST

FERN TOBACCO MART
TOBACCO ACCESSORIES - CONFECTIONERY
CIGARS - SHISHA - AMERICAN SNACKS

FERN TOBACCO MART
TOBACCO ACCESSORIES - CONFECTIONERY
CIGARS - SHISHA - AMERICAN SNACKS

FERN TOBACCO MART

TOBACCO ACCESSORIES - CONFECTIONERY
CIGARS - SHISHA - AMERICAN SNACKS

TOBACCONIST



From: Suzanna So <[REDACTED]> on behalf of Suzanna So <[REDACTED]> <Suzanna So
<[REDACTED]>
Sent on: Tuesday, August 12, 2025 1:55:25 PM
To: dasubmission@cityofsydney.nsw.gov.au
CC: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Complaint for reference number D/2025/670 Site address 134-144 Pitt Street Redfern NSW 2016

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Ms Terzoudis,

Re : Proposed development ref: D/2025/670

I would like to express my deeply concerned for above proposed development.

Firstly, in nearby areas within 5 to 10 minutes' walk got more than four to five tobacco shops, and they all located on main streets, not right in the residential area. The above proposed development business on 134-144 Pitt Street surrounded by mostly residential properties. The above proposed development will create a potential misconception to the youth or even children of smoking. While our government keep putting heavy tax of tobacco and keep advertising the harms of tobacco around the country, but as a local council allowing more tobacco shops to open and even extending the trading hours, that's seems like encouraging people to smoke.

Secondly, 134-144 Pitt Street surrounded by mostly residential properties, and right opposite side got a Child Care Centre which is very popular with a lot of locals parents, the tobacco shops will create another potential threats to their children, health concerns are part of it and the tobacco shops might cause any problems for thefts or crimes, allowing extended trading hours now only make up more safety issues. Late-night operations are known to attract potentially criminal activity and those issues will affect to all families and their children.

As a local council should place the local residents benefits and concerns on the first priority and the nature of all local businesses will affect the image of the areas.

Best regards/Suzanna So (159 Pitt Street Redfern NSW 2016)

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From: Michael Swindin <[REDACTED]> on behalf of Michael Swindin <[REDACTED]> <Michael Swindin <[REDACTED]>

Sent on: Wednesday, August 13, 2025 12:03:46 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Julie,

As a resident of Pitt Street, I strongly object to the opening of a Tobacco store on the road.

These are for the following reasons:

1. Since the development of the flats, parking has become a real issue with many cars over staying their allowed time or parking without permit. Opening the tobacco store is likely to increase this burden to local residents who pay for permits but then cannot park.
2. It will almost certainly encourage the gathering of people outside and there are already issues with noise, litter and antisocial behaviour.
3. There are already several tobacco shops on Redfern Street (less than 5minutes walk), there is no need for further stores locally.
4. It is out of keeping with the ongoing regeneration of the area.

Please reconsider the approval for this store.

Thanks

Michael Swindin

From: [redacted] <[redacted]> on behalf of [redacted]
<[redacted]> <[redacted]>

Sent on: Wednesday, August 13, 2025 10:22:09 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: [redacted]

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Julie Terzoudis,

I am a local resident living on Pitt Street, and I have two young children aged 2 and 5 who attend the childcare centre directly opposite the proposed tobacconist. I am writing to **strongly oppose** the application of the proposed tobacco retail store located at 134-144 Pitt Street, Redfern.

My primary concerns are as follows:

1. In appropriate location adjacent to a childcare centre

The proposed store is directly opposite a childcare centre (SDN Redfern, 141-145 Pitt Street, Redfern). This is highly inappropriate and concerning to child safety via exposure to second-hand smoke and potential crime (see point 2 below). Furthermore, the huge signage and neon lighting (which has already been erected despite not having permission), along with advertisements for tobacco and junk food, normalises harmful habits and behaviours at a formative age and undermines public health messaging. It is unacceptable to have such a retail operation so close to a place designed for children's safety and development.

2. Crime and Security Concerns

With violent crime associated with tobacconists in Sydney rising, I am very concerned with this proposed tobacconist attracting criminal activity including violent crime, theft and vandalism. There are several reasons why I think this risk is extremely high for this particular proposal:

- The application does not proposal any meaningful security measures, only cameras which may be switched off
- The application includes very long opening hours 7 days a week
- There are no security guards included in the proposal, at any time of day or on any day of the week
- Its location is in a fully residential area, with no other retail shops in its immediate vicinity (which may provide some level of security via people being around)
- Its location is on one of the only two way through streets for north / south travel in Redfern. Vehicles are able to travel quickly and easily through the suburb in multiple directions with no impediments such as speed bumps or cul-de-sacs to slow or restrict access. This makes it a target for theft and associated violence
- Its location has no parking directly outside the proposed store on Pitt Street, providing ample space for cars to pull up / make quick getaways.

I am very concerned about the potential criminal activity that may be attracted to our residential neighbourhood and the risks this poses to families and residents.

3. Health and Community Safety Risks

The area already faces socioeconomic challenges, and additional tobacco outlets provide no benefit to the community. There are already several stores within a five-minute walk selling similar products, making this proposal unnecessary. It poses health risks to vulnerable residents, including children and those living in community housing, and encourages the normalisation of smoking and other harmful behaviours.

4. Heritage Impacts

The overly large and bright signage and neon signage already erected (despite no approval) is undermining the heritage character of the street. Other than this site, the street is entirely a heritage conservation area of Victorian terrace houses, and the signage of this store is not in keeping with the character of the neighbourhood.

5. Rubbish

The application does not detail how rubbish will be dealt with (other than some construction materials). There are already issues with rubbish on Pitt Street (from both people littering and ineffectual rubbish collection), and I'm concerned that another tobacconist will create even more litter, detracting from the area's appeal.

6. Another tobacco retailer is not needed for "daily amenity"

There are over 10 tobacco retailers already in Redfern, including at least five within a five minute walk of this proposed location. I do not believe that another tobacconist is needed to "provide facilities or services to the day to day needs of residents in the local area". The volume of similar stores within a 5 minute walk are more than sufficient to meet "the daily amenity" of local residents. I certainly do not need / want any of the products of this proposed tobacconist.

The application reads as a "rinse and repeat" with multiple errors (including references to Wellington Street which is in the next suburb) and does not consider the unique context of this location.

Given these serious concerns, I strongly urge your office to deny this development application. It is not appropriate for this location and does not support the health, safety, or well-being of the community.

Regards,

[Redacted]
[Redacted]

Redfern NSW 2016

From: [redacted] on behalf of [redacted]
<[redacted]>

Sent on: Wednesday, August 13, 2025 10:32:52 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Feedback on development application D/2025/670

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney

I am submitting feedback on development application D/2025/670 for site address: 134-144 Pitt Street, Redfern NSW 2016. I wish to keep the following information private and confidential: my name and email address.

The application for a tobacconist store in this location is unwarranted and dangerous for several reasons. The first is that the immediate vicinity already offers numerous tobacconist stores (e.g. 5 tobacconists in a very short walking distance of a few hundred metres, including a few in Redfern St, just 100's of metres away). As is public knowledge, smoking has extensive health-related adverse outcomes. Whilst acknowledging people's right in a choice to smoke, the targeted offering in the same building that has social housing residents (who already may be at risk of adverse health outcomes through socioeconomic circumstances) is highly concerning. There are already numerous tobacconist shops to offer smoking options. The further offering in this proposal does nothing but detract from community health and well-being, with people's right to choose to smoke already very well catered for.

Secondly, the location immediately opposite a busy day-care facility is also inappropriate. It's inappropriate to advertise smoking in front of children (not just the younger children in day-care, but their older school-aged siblings who attend drop-off/pick-up). The advertisement is not just in the bright red sign, but the people buying and smoking from the store in front of the day-care. Children do not need any second-hand smoke either.

Thirdly, the council should consider the true motivation of the convenience store part versus the tobacconist store part of this application. It is easily conceivable that the convenience part of the store is designed to attract community acceptance during such development applications, with the ulterior motive and main offering in real-time of such a development residing in the tobacconist part. Furthermore, the offering of sweet treats and snacks may lure children under 18 years into such stores where they are further exposed/tempted to obtain tobacco products.

There is nothing that further enhances a community need or benefit in this application, and rather, only downsides are presented.

Kind regards,
Concerned community member

From: Richard Tregeagle <[REDACTED]> on behalf of Richard Tregeagle
<[REDACTED]> <Richard Tregeagle <[REDACTED]>
Sent on: Wednesday, August 13, 2025 4:34:02 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: D/2025/670 : Objection to DA

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam

I write as a nearby resident to lodge a formal objection to Development Application **D/2025/670** for the establishment of a tobacconist within a residential housing complex in 134-144 Pitt St, Redfern, NSW.

1. **Multitude of tobacconists in the immediate area:** There are currently five (5) tobacconists operating within a short walking distance of the proposed site. The addition of another tobacconist would result in an oversaturation that serves no legitimate unmet community need, contrary to the principles of balanced and sustainable retail development, and risks concentrating a product with well-documented public health harms in an already over-serviced area.
2. **Inconsistency with City of Sydney Council's anti-smoking policies:** The City of Sydney has invested considerable resources in reducing smoking rates and restricting smoking in public spaces, including, but not limited to, the measures outlined in its "Smoking in Public Places" strategy (City of Sydney, 2022). Approval of yet another tobacconist, particularly one with extended trading hours, would directly undermine these City of Sydney Council initiatives and also sends inconsistent messaging to the community.
3. **Health and wellbeing concerns in a vulnerable community:** The proposed location is within a mixed socio-economic area, including a high proportion of residents in social housing and low-income households, being a group statistically more likely to experience higher rates of smoking and related health issues. Locating yet another tobacconist in this area can only increase accessibility to tobacco products for such vulnerable residents, which is contrary to public health objectives and harm reduction strategies.
4. **Extended trading hours exacerbate potential harm:** The proposed opening hours of 8am to 8pm Monday to Saturday, and 8am to 6pm Sunday, are excessive for an otherwise purely residential complex and increase the risk of encouraging tobacco purchases at all times of day. These proposed extended trading hours also raise amenity concerns, including increased foot traffic, noise, and the potential for loitering near residential entrances.
5. **Inappropriate land use within a residential complex:** The proposed tobacconist would be located in a housing complex without any other shops, making it an unsuitable site for a retail business whose sole product is tobacco. This space would be far better utilised as a café, or other shop that supports healthy, inclusive community interaction and aligns with City of Sydney Council's vision for liveable neighbourhoods.

In summary, the proposed tobacconist would:

- i. Add to an already oversupplied tobacco retail environment in Redfern/Waterloo, and
- ii. Directly contradict the City of Sydney's anti-smoking policies and public health strategies, and
- iii. Disproportionately impact vulnerable populations in the area, and
- iv. Diminish the amenity of a residential complex and reduce opportunities for positive, health-supportive land use.

For all the above reasons, I urge City of Sydney Council to refuse Development Application D/2025/670.

Yours faithfully,

Richard Tregeagle
Unit 66, 146-152 Pitt Street, Redfern, NSW

From: Alan Z <[REDACTED]> on behalf of Alan Z <[REDACTED]> <Alan Z <[REDACTED]>

Sent on: Thursday, August 14, 2025 12:42:52 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I object in the strongest possible terms to a tobacconist shop for the following reasons:

- it is out of place in a residential block in an area where no other commercial premises are found.
- it is opposite a child care centre
- the low socio-economics of the surrounding area
- a narrow street

Many thanks,

Alan Zurvas
[REDACTED]
[REDACTED]

147/134-144 Pitt St
Redfern NSW 2016

Postal:
Alan Zurvas
Parcel Locker 10013 39672
219-241 Cleveland Street
REDFERN NSW 2016
Australia

From: Peter Thomas <[REDACTED]> on behalf of Peter Thomas <[REDACTED]> <Peter Thomas <[REDACTED]>
Sent on: Thursday, August 14, 2025 9:53:20 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi team at City of Sydney,

I am very concerned about the planned tobacconist store on Pitt Street. The reasons are as follows:

- As highlighted in the media, there is a surge of tobacconists due to the illegal cigarette trade. Not only are a growing number of stores selling illegal products, they are often the subject of crime, including direct attacks such as firebombings.
- This proposed store is at the base of community housing. If, as is highly likely, this store is home to illegal cigarette trade, then the consequences of 'tobacco wars' in this location could be serious. I doubt residents with more agency would allow this store to be in their block. It is clear from the plans and branding that the non tobacco products are an afterthought. The City of Sydney would be complicit in the illegal cigarette trade, which is a tax dodge, bad for community health and encourages organised crime.

All new stores selling tobacco should be seen as high risk. A condition of this store, if approved, is that there is no illegal product sold, and if so, they need to close immediately - no second chances.

Thanks

Pete

--

Peter Thomas
[REDACTED]
[REDACTED]

From: Rod Nadwie-Smith <[REDACTED]> on behalf of Rod Nadwie-Smith <Rod.Nadwie-[REDACTED]>
Sent on: Friday, August 15, 2025 12:19:49 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Renee Padovan <[REDACTED]> Raquel Bkassini <[REDACTED]>
Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Planning Officer,

I am writing to formally object to the Development Application (DA) for the tobacconist shop located at 134-144 Pitt Street Redfern NSW 2016, directly opposite SDN Children Services and SDN Early Learning Centre, Redfern.

Grounds for Objection:

1. Proximity to a Childcare Centre
 - The proposed tobacconist is situated directly across the road from a centre-based childcare facility. This raises serious concerns about the exposure of young children to tobacco-related signage, products, and potential second-hand smoke.
 - According to the Child Care Planning Guideline and the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, developments near childcare centres must consider compatibility with neighbouring land uses and potential health or safety risks to children and staff¹.
2. Public Health and Safety
 - Tobacco retailing laws in NSW prohibit the sale of tobacco products to minors and regulate advertising and display. However, the presence of a tobacconist in such close proximity to a childcare centre undermines public health efforts to reduce smoking uptake among youth and normalizes tobacco use in a sensitive environment.
3. Community Impact
 - The location of this business may negatively affect the perception and desirability of the childcare centre for current and prospective families. It may also impact the broader community's efforts to promote a child-friendly and health-conscious neighbourhood.
4. Planning and Zoning Concerns
 - I request that Council review whether this DA complies with local zoning regulations and the Environmental Planning and Assessment Act 1979, particularly Section 4.15(e), which requires consideration of the public interest.

Request for Action:

I respectfully urge Council to:

1. Reassess the appropriateness of this location for a tobacconist shop and refuse application
2. Engage with the NSW Department of Education for concurrence, given the proximity to a childcare facility.
3. Notify all affected residents and stakeholders of any amendments to the DA.

I am available to speak further on this matter and would appreciate being kept informed of any developments or hearings related to this application.

Sincerely,

rod

Rod Nadwie-Smith
Head of Services

[REDACTED]

Level 3, 19-37 Greek Street, Glebe NSW 2037



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From: Anna Goschin <[REDACTED]> on behalf of Anna Goschin

<[REDACTED]> <Anna Goschin <[REDACTED]>

Sent on: Friday, August 15, 2025 3:35:48 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Julie,

I have tried to call your office earlier but was informed that you were not available. I would like to make a submission against the proposed development for the following reasons.

- The site is across from a childcare centre
- Pitt Street is a quiet residential street; the proposal states that the shop will have "bright lights" for safety - this does not sound like a suitable addition to a quiet street with period houses
- The shop does not have parking - parking on our street is limited and it is hard to find a spot for residents
- There are a number of tobacco shops in the area including on Redfern Street
- Admits enquiries into illicit business and rising numbers of tobacco stores, is this really the kind of business that should be the only store in a residential street?

I was disappointed to get a DA approval for a business across the road from my period home when the business is already ready to open. It has a very large sign that has been commented on by a number of people and is definitely not in keep with our beautiful street.

Thank you for your consideration.

Anna Goschin

[REDACTED] 2

From: [REDACTED] on behalf of [REDACTED]
<[REDACTED]>

Sent on: Friday, August 15, 2025 9:22:43 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Terzoudis

I write to formally object to Development Application D/2025/670, which proposes a convenience store/tobacconist at 134–144 Pitt Street, Redfern. I live at [REDACTED], Redfern and consider myself directly and adversely affected by the proposal.

1. Strategic intent and land-use objectives

Even if a small neighbourhood shop can be permissible with consent, Council must consider whether the use advances zone objectives and meets the day-to-day needs of residents without undermining public interest and health outcomes. A premises whose primary commercial focus is tobacco products is difficult to reconcile with the objectives for a residential/local centre context and with the City's broader social and health policy settings. At a minimum, the applicant has not demonstrated that tobacco sales would be clearly ancillary to a general convenience retail use (stock mix, floor area allocation, and merchandising have not been evidenced).

2. Sensitive receivers and public health impacts

The site is within easy walking distance of multiple sensitive receivers (schools and childcare). The Statement of Environmental Effects (SEE) contains no proper assessment of youth exposure, normalisation risks, or harm-minimisation measures beyond statutory minimums. There is no strategy for youth deterrence (for example, blind-front merchandising, no A-frames, no language or imagery attractive to minors, staff training and ID protocols). Without a rigorous assessment and enforceable mitigation, the proposal is not in the public interest.

3. Streetscape, signage, and evening amenity

The drawings indicate new fascia and illuminated under-awning signage and additional window vinyls. There is no targeted assessment against the City's signage controls for residential/local streets. Illuminated under-awning lightboxes and large opaque window vinyls would erode the fine-grain residential character and contribute to visual clutter and light spill. In addition, the proposal contemplates external roller shutters, which deaden the streetscape and increase graffiti risk; City policy generally discourages them. Any security measure should be internal, recessive, and open-grille if required at all.

4. Crime prevention (CPTED)

Although CPTED is referenced, the fit-out shown (dark ceiling/walls, tall display islands, extensive window vinyls, and bulk behind-counter storage) will reduce internal visibility from the street, undermining natural surveillance and passive oversight. A compliant CPTED approach requires clear glazing, low fixtures near the frontage, considered lighting (avoiding glare to the public domain), CCTV locations, and incident procedures. These matters have not been resolved.

5. Waste, servicing, and deliveries

The Operational Waste Management Plan is a template rather than an actual plan: it omits bin types and sizes, storage area dimensions, transfer routes, and collection logistics. In a mixed residential setting, unmanaged kerbside presentation and ad-hoc collections will compromise safety and amenity. Likewise, there is no delivery/servicing plan identifying vehicle types, hours, loading locations, and trolley movements. Tobacco retail typically involves frequent small deliveries; without a delivery management plan, footpath obstruction and noise are foreseeable.

6. Acoustic impacts and hours of operation

The proposed hours (8 am–8 pm Monday–Saturday, 8 am–6 pm Sunday) extend into the more sensitive evening period for a residential street, yet no acoustic assessment or management plan has been submitted. Noise from late customer arrivals, door chimes, refrigeration/compressors, after-hours cleaning, delivery drop-offs, and shutter operation has not been assessed or mitigated.

7. Internal layout and compliance with NSW tobacco laws

NSW law prohibits display of tobacco and non-tobacco smoking products. The indicated layout (glass counter displays, open shelving near the customer area) requires explicit confirmation that no tobacco/vape products or regulated accessories will be visible at any time and that restocking will not cause incidental display. The SEE does not include a compliance plan (approved non-transparent, self-closing cabinets; restocking protocols; staff training; required NSW Health signage).

8. Documentation quality and planning analysis

The SEE contains assertions of compliance but does not provide a proper clause-by-clause assessment against the relevant planning controls, a locality/character analysis for Redfern–Waterloo, or any cumulative impact assessment. Key claims (for example, “not out of keeping,” “meets objectives”) are unsupported. Signage, CPTED, acoustic, waste, and servicing are either unassessed or inadequately addressed.

Requested determination

For the reasons above, the application should be refused due to inconsistency with zone objectives, inadequate information, unacceptable public health risks to sensitive receivers, streetscape and CPTED concerns, and unresolved waste/servicing and acoustic impacts. If, contrary to the above, Council is minded to grant consent, I request that the following minimum conditions be imposed:

- Use and trading: the primary use must be a general convenience store; tobacco sales are strictly ancillary and limited by stock-mix and floor-area percentages; maximum trading hours 8 am–6 pm seven days; no queuing on the footpath.
- Signage and shutters: no illuminated under-awning lightboxes; a single modest fascia sign only; prohibit external roller shutters (permit internal open-grille only if strictly necessary); prohibit large opaque window vinyls that obstruct passive surveillance.
- CPTED: maintain clear shopfront glazing; keep display heights low within the first metres of the frontage; provide a CPTED plan prepared by a qualified practitioner, including lighting, CCTV locations, and incident procedures.
- Tobacco compliance: all tobacco and regulated accessories to be stored out of sight in compliant, self-closing cabinetry; approved NSW Health signage; written staff ID-check and refusal-of-sale protocols; no external product imagery or descriptors attractive to minors.
- Waste and servicing: submit a compliant waste plan (bin numbers/sizes, storage dimensions, transfer paths, collection point, management responsibilities); submit a delivery and servicing plan with restricted hours (e.g., 9 am–3 pm weekdays only), trolley management, and no kerbside obstruction.
- Acoustic: provide an Acoustic Management Plan addressing internal plant, doors, roller mechanisms, after-hours cleaning, and deliveries; prohibit any external speakers or amplified sound.
- Plan set updates: amend drawings and schedules to reflect the above conditions, including materials/finishes consistent with a residential streetscape.

I confirm I have not made any gifts or donations to City of Sydney Councillors, employees, or contractors.

The proposal, as lodged, fails to demonstrate that it satisfies the planning framework or protects residential amenity, safety, and public health. I therefore request refusal. If approval is contemplated, the enforceable conditions outlined above are essential to mitigate the identified impacts and align the use with the area’s character and the public interest.

I would be grateful if any identifying personal information contained in this submission could please be redacted prior to online posting.

Best regards



From: [redacted] on behalf of [redacted]
<[redacted]>
Sent on: Friday, August 15, 2025 1:06:45 PM
To: council@cityofsydney.nsw.gov.au
Subject: Objection to Development Proposal D/2025/670 – Submission of Signed Resident Letter
Attachments: objection to development proposal.pdf (90.01 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney Development Assessment Team,

I am writing to lodge a formal objection to Development Proposal **D/2025/670**.

Please find attached a letter signed by residents of 134–144 Pitt Street, Redfern, outlining our collective concerns regarding this proposal.

For privacy reasons, I request that the names, unit numbers, and signatures contained in the attached letter are not made visible on the City of Sydney website. The document should be retained for internal assessment purposes only.

I attempted to upload this letter via the online submissions link provided, but was unable to do so due to technical difficulties. I am therefore submitting it by email.

Please confirm receipt of this objection and attachment at your earliest convenience.

kind regards,

[redacted]

on behalf of some of the residents at 134-144 Pitt Street, Redfern, Sydney, 2016

Wednesday, 13 August 2025

To: City of Sydney Council

RE: Objection to Development Application D/2025/670 – Proposed Tobacconist at 124–144 Pitt Street, Redfern, NSW 2016

We, the undersigned tenants of 134–144 Pitt Street, Redfern, strongly object to the proposed development of a tobacconist at the above address. As residents of public housing, we raise the following objections in accordance with planning and public interest considerations:

1. Increased Exposure to Harm for Vulnerable Populations

The proposed tobacconist would be located directly in front of a public housing complex whose residents include individuals on low incomes, and those experiencing mental health conditions or substance dependence—populations known to have disproportionately high smoking rates. Such proximity increases the risk of relapse for residents attempting to quit and exacerbates existing health inequalities, contrary to public health objectives.

2. Inconsistency with Public Health Policies

Local, state, and federal governments have committed significant resources to reducing smoking prevalence, particularly in disadvantaged areas such as Redfern. Establishing an additional tobacco outlet here is incompatible with these policy goals and undermines ongoing community health programs aimed at prevention and cessation.

3. Negative Impact on Children and Young People

Our housing complex includes families with children, and many residents' children visit regularly. The presence of a tobacconist at close range increases the visibility and normalisation of smoking, making young people more susceptible to future tobacco use. This is inconsistent with the objectives of the *NSW Tobacco Strategy* and other youth prevention initiatives.

4. Equity and Social Justice Concerns

The clustering of tobacco retailers in low-income communities represents a form of environmental and health injustice. Such concentration is far less common in wealthier suburbs, where residents are afforded greater protection from the harms of tobacco retail exposure. Allowing another tobacconist here would deepen this inequity.

5. Detracts from Positive Community Development

Planning principles encourage retail uses that support safe, vibrant, and healthy neighbourhoods. A tobacconist offers no positive contribution to community wellbeing, and its presence may deter family-friendly or health-promoting businesses from establishing in the area, limiting opportunities for positive urban renewal.

6. Unnecessary Duplication of Services in an Already Well-Served Area


Sound planning requires that new retail uses address an identified community need. Within Redfern, there are already at least three established tobacconists—Redfern Tobacconist (158 Redfern Street), The Smoke Shop (153 Redfern Street), and TSG Redfern (Abercrombie Street, Darlington). The closest, Redfern Tobacconist, is approximately 100 metres from 134–144 Pitt Street. The proposed tobacconist would not meet any unmet demand and would instead contribute to the over-concentration of tobacco outlets, contrary to best-practice planning and public health recommendations.

Conclusion

For the reasons outlined above, the proposed development would have a detrimental impact on the health, safety, and amenity of residents, fails to address any genuine community need, and is inconsistent with both planning principles and public health objectives. We therefore urge Council to refuse Development Application D/2025/670.

Sincerely,

The Undersigned Tenants of 134–144 Pitt Street, Redfern





Makrina Poljakova

From: [REDACTED] <[REDACTED]>
Sent: Friday, 20 June 2025 3:36 PM
To: Clover Moore
Subject: Tobacconist on Pitt Street Redfern

Follow Up Flag: Follow up
Flag Status: Flagged

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Clover,

Local residents are furious about signage which has gone up for a "tobacconist" in the apartment building at 134-144 Pitt Street - the old Rachel Forster building. Although the business has not opened yet, the signage - no less than three bright red and white neon signs - is already there, glaring into the bedrooms of houses opposite and making sure everyone passing by can see it - including children and parents from the child care opposite. I have been told the Health Department should be our point of protest, so in taking a petition around, I have found absolute fury and anger that council seems to be doing nothing about it. Pauline Lockie has explained to me that it is not in your jurisdiction but I think some noise-making by council - as Darcy Byrne has done for the Inner West - would be very welcome and should help change the regulations if councils joined forces. There are two tobacconists on Redfern Street, two pubs, a convenience store and two nearby supermarkets which all sell tobacco, all within a few minutes away. This "tobacconist" is on an entirely residential stretch and given the Melbourne experience, we are not confident that this will be a peaceful and entirely legitimate business. We would welcome leadership from the City.

Regards,

[REDACTED]

From: Andrew Braithwaite [REDACTED] on behalf of Andrew Braithwaite

[REDACTED] <Andrew.Braithwaite@cityofsydney.nsw.gov.au>

Sent on: Friday, August 15, 2025 4:17:00 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016 - Attention Julie Terzoudis

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern.

I am writing to oppose the proposal for a tobacconist on Pitt St.

It's the last thing we need. Within 100 metres there are already three that I am aware of, not including the convenience stores and supermarkets that also sell cigarettes.

I'm sure you are aware of the narrative that these places over index on selling illegal vapes and import cigarettes at best, and becoming the victims of organised crime (including a history of fire bombing attacks) at worst.

I'm sure you are also aware of the scrutiny that the Inner West council is currently under... Including taking direct response today after the Sydney Morning Herald reported about tobacconists targeting kids with labubu characters.

This may very well be a completely legitimate business... But the current state of tobacconists suggests otherwise... And even if it were, we aren't exactly lacking places to buy ciggies in the area.

Thanks,

[REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au> on behalf of Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au> <Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>>
Sent on: Wednesday, August 20, 2025 1:38:19 PM
To: Natalie Bamber [REDACTED]
DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: RE: Query: D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

Hi Natalie,

Thank you for your email and comments.

I will forward the comments on to the planning administration team so they can be registered as a submission.

[@DASubmissions](#) please could you register the submission below.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



Telephone: +612 9246 7650
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Natalie Bamber [REDACTED]
Sent: Wednesday, 20 August 2025 1:30 PM
To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>
Subject: Query: D/2025/670 - 134-144 Pitt Street REDFERN NSW 2016

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I live at 146-152 Pitt St, adjacent block to this building.

There are already plenty of tobacconists/'convenience' stores in Redfern and it is pretty obvious at least some are likely shopfronts to sell illegal cigarettes.

Secondly, this 'shop' is in a residential building. Having a shop that is highly likely to sell cheap illegal cigarettes does not benefit the residents and is more likely to fuel the nicotine addiction of the people from disadvantaged socioeconomic groups residing in the area. You only need to look at the people drinking and smoking outside the convenience shop at the corner of Cope and Raglan St for what it could end up being like. And what about the recent firebombings of other shops like these? In a residential building, this is simply too dangerous.

Please don't let this go ahead. The location is much more suited to a cafe or beauty parlor that could become a positive community hub.

Thank you

Natalie Bamber
Unit 12, 146-152 Pitt St, Redfern.

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Item 4.**Development Application: 378 and 380 Cleveland Street, Surry Hills - D/2025/410****File Number:** D/2025/410**Summary****Date of Submission:** 12 May 2025**Applicant/Owner:** MAK Surry Hills (378 CS) Pty Ltd**Architect/Designer:** Richards Stanisich**Planning Consultant:** SJB Architecture**Heritage Consultant:** John Oultram Heritage and Design**Cost of Works:** \$8,419,932**Zoning:** MU1 Mixed Use zone - The proposed restaurant use is permissible with consent in the zone.**Proposal Summary:** Development approval is sought for alterations, additions and a change of use of a 2-storey building to a restaurant.

The development includes internal works, a rear addition on the first floor to comprise a commercial kitchen, a minor in-fill development to the existing side breezeway, a change of use from 2 retail premises and 3 residential units to a restaurant with bar areas, and an associated loading zone, waste storage areas and staff bicycle parking.

The entrances of the proposed restaurant are via Cleveland Street and Marlborough Street. No direct access onto Goodlet Lane is proposed for staff or patrons.

The application is referred to the Local Planning Panel for determination due to the site containing two different floor space ratio development standards. The 380 Cleveland Street portion of the site proposes an 18% departure from the floor space ratio development standard. This variation exceeds 10%, triggering determination by the Local Planning Panel. The 378 Cleveland Street portion of the site complies with the floor space ratio development standard.

In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 28 days between 14 May 2025 and 12 June 2025. 271 surrounding property owners and occupiers were notified. 19 submissions were received which included 16 objections, 2 submissions of support and 1 general comment.

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

Development Controls: Sydney Local Environmental Plan 2012
Sydney Development Control Plan 2012
SEPP (Biodiversity and Conservation) 2021
SEPP (Housing) 2021
SEPP (Transport and Infrastructure) 2021
Environmental Planning & Assessment Act 1979
(Section 7.32)

Attachments: A. Recommended Conditions of Consent
B. Selected Drawings
C. Clause 4.6 Variation Request - Floor Space Ratio
D. Plan of Management
E. Acoustic Report
F. Submissions

Recommendation

It is resolved that:

- (A) the request to vary the floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application number D/2025/410 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 proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012.
- (C) The development is permissible with consent in the MU1 Mixed Use Zone and is consistent with the objectives of the zone.
- (D) The proposal has been assessed against the aims, objectives and provisions of the relevant planning controls. Where appropriate, conditions of consent have been recommended to ensure ongoing compliance with the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and the applicable Environmental Planning Instruments.
- (E) The proposal will not unreasonably compromise the amenity of the surrounding area and has been recommended for approval with respect to trading hours in accordance with the Sydney DCP 2012 and relevant Council policies, controls and legislation.
- (F) The proposal will not detrimentally impact upon the heritage significance of the heritage item, the Goodlet Street Heritage Conservation Area or the Cleveland Street Special Character Area.
- (G) The proposed development demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.

- (H) The proposed reduction of affordable housing has been assessed against relevant planning instruments and policies and is compliant provided a Section 7.32 contribution is payable in accordance with the recommended condition.
- (I) The proposal is in the public interest subject to the recommended conditions.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Departure from Development Standards - 4.4 Floor Space Ratio
2. The development application falls within the category of Departure from Development Standard as:
 - (a) The 380 Cleveland Street portion of the site permits a floor space ratio of 1.25:1. The development proposes a floor space ratio (FSR) of 1.48:1. This presents an 18.25% variation from the FSR development standard. The Local Planning Panel determines applications where more than a 10% variation from a development standard is proposed.
 - (b) The site is subject to two different FSR development controls. The 378 portion of the site is compliant with the floor space ratio development standard. The development standard permits a floor space ratio of 1.5:1. The proposed development is 1.32:1.
 - (c) Holistically the site, 378-380 Cleveland Street, is subject to a 4.17% variation to the permissible floor space allowed on the site.

The Site and Surrounding Development

3. The site has a legal description of Lot 3 in DP 618947, known as 378-380 Cleveland Street, Surry Hills. It is rectangular in shape with an area of approximately 307.7 sqm. It is a corner allotment with a primary street frontage of 10.3 metres to Cleveland Street, a secondary side street frontage of 29 metres to Marlborough Street and a rear frontage of 10.8 metres to Goodlet Lane.
4. The site contains two historic late-19th century two storey buildings that have undergone alterations and additions. The site was previously split between two allotments. 378 Cleveland Street was originally a residential terrace house and later converted to various retail and residential uses. 380 Cleveland Street was a bank which was then followed by pharmacy and residential uses until 2023. Since then it has been vacant.
5. The surrounding area is characterised by a mixture of land uses, primarily residential and commercial retail premises.
6. The 380 Cleveland Street portion of the site contains a heritage item under the Sydney LEP 2012 known as the "Former Matis Pharmacy including interior" (Item 1478). The 378 portion of the site does not contain a heritage item. 378 and 380 Cleveland Street both contain buildings that are identified as contributing to the Goodlet Street Heritage Conservation Area (C63).
7. The site is located within the Cleveland Street special character area and is identified as being subject to flooding.
8. A site visit was carried out on 23 June 2025.

9. Photos of the site and surrounding area are provided below:





Figure 3: Site viewed from Marlborough Street facing west



Figure 4: Site viewed from corner of Marlborough Street and Goodlet Lane facing south-west



Figure 5: Ground floor former pharmacy at the front of 380 Cleveland Street

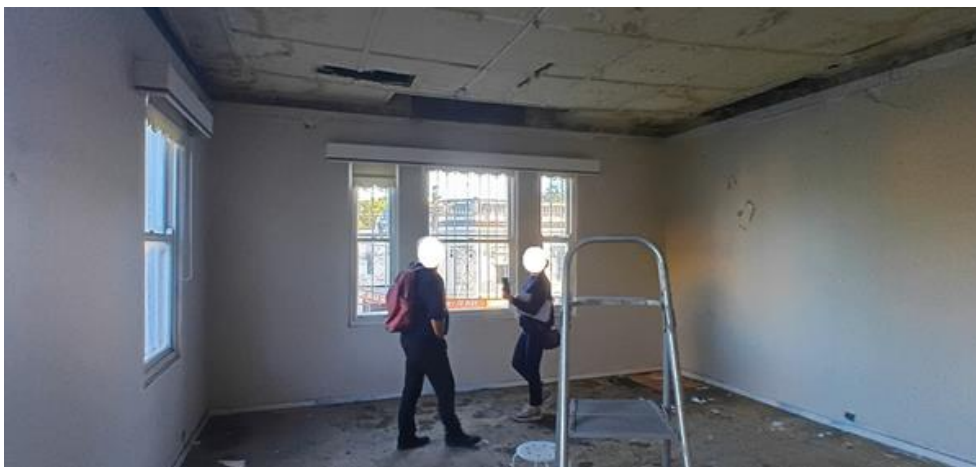


Figure 6: First floor residential living room at the front of 380 Cleveland Street



Figure 7: Ground floor corridor of 378 Cleveland Street with Marlborough Street in the background



Figure 8: View of the 380 Cleveland Street rear and the side breezeway facing south



Figure 9: View of the 378 Cleveland Street rear facing south-west



Figure 10: 378 Cleveland Street rear courtyard facing north-west



Figure 11: Eastward view of neighbouring properties from rear, facing Marlborough Street



Figure 12: Northward view from rear, with 107 Marlborough Street on the opposite side of Goodlet Lane



Figure 13: Westward view from rear, with the backyards of residential properties abutting Goodlet Lane

History Relevant to the Development Application

Development Applications

10. The following applications are relevant to the current proposal:

- 378 and 380 Cleveland Street were both constructed around 1889 and served various retail and residential uses over time.
- **44/86/1003** – Development consent was granted on 24 July 1986 for the use of the front portion of the ground floor tenancy within the 380 Cleveland Street portion of the site for use as a gift, video and electrical shop.
- **Z88/01643** – Development consent was granted on 18 November 1988 for the use of the front portion of the ground floor tenancy within the 380 Cleveland Street portion of the site for use as a food and clothing shop.
- **D/2014/800** – Development consent was granted on 28 August 2014 for internal alterations to the front portion of the ground floor tenancy within the 380 Cleveland Street portion of the site for use as a licensed cafe.
- **D/2014/800/A** – Modification to a development consent was granted on 9 June 2015 to modify trading hours of the licensed cafe to between 7:00am and 10:00pm Monday to Sunday with a maximum capacity of 20 people including patrons and staff.
- **HWC/2024/181** - Heritage works exemption application was issued on 24 July 2024 for the removal of selected floor finishes, ceilings and joinery to explore and investigate the condition of concealed elements of the building.

Amendments

11. Following a preliminary assessment of the proposed development by Council Officers, a request for the following additional information and amendments was sent to the applicant on 18 July 2025 and 21 July 2025:

- Provide amended plans to:
 - retain more internal heritage fabric
 - provide a more heritage sympathetic and higher quality design for the rear kitchen addition and other locations
 - address rising damp
 - mitigate termite damage
 - reflect the design recommendations from specialist consultant reports lodged in support of the application
 - address flood risks at the rear by blocking the rear gate facing Goodlet Lane, redesigning the rear yard or another solution to mitigate flooding
 - provide additional mechanical ventilation details

- provide a new long section and a colours, materials and finishes schedule
 - provide an amended Clause 4.6 variation, acoustic report, plan of management and NCC Building Compliance Report
 - provide rental ledgers for the site over the last 5 years to clarify whether any approved affordable housing dwellings would be lost.
12. The applicant adequately responded to the requested information on 19 August, 20 August and 25 August 2025.

Proposed Development

13. The proposed amended development seeks consent for the following:

Internal

- Change of use from two retail stores and three residential units to a two-storey restaurant with bar areas to operate under an on-premises license with a primary service authorisation.
- The proposed development will comprise a bar, kitchen, seating areas, bathrooms, bicycle staff parking, storage rooms, waste areas and a loading zone.
- Demolition and installation of new walls, doors, floors, windows, ceilings and staircases.

External

- New first floor kitchen addition with light coloured natural zinc standing seam cladding.
- New ground floor bathroom addition at the rear.
- New Lysaght Corrugated Custom Orb profile sheeting to the garage door, the new first floor kitchen roof, the DDA bathroom roof and the roof adjacent the new operable glazing skylight.
- Paint part of existing building render light blue, with cream-coloured timber window frames.
- Remove security bars from selected windows.
- New first floor window W02 and rear in-fill.
- New glazed operable skylight and roof.
- New wall rendering at the rear and bricking up of the Goodlet Lane entry gate.
- New mechanical ventilation features.

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

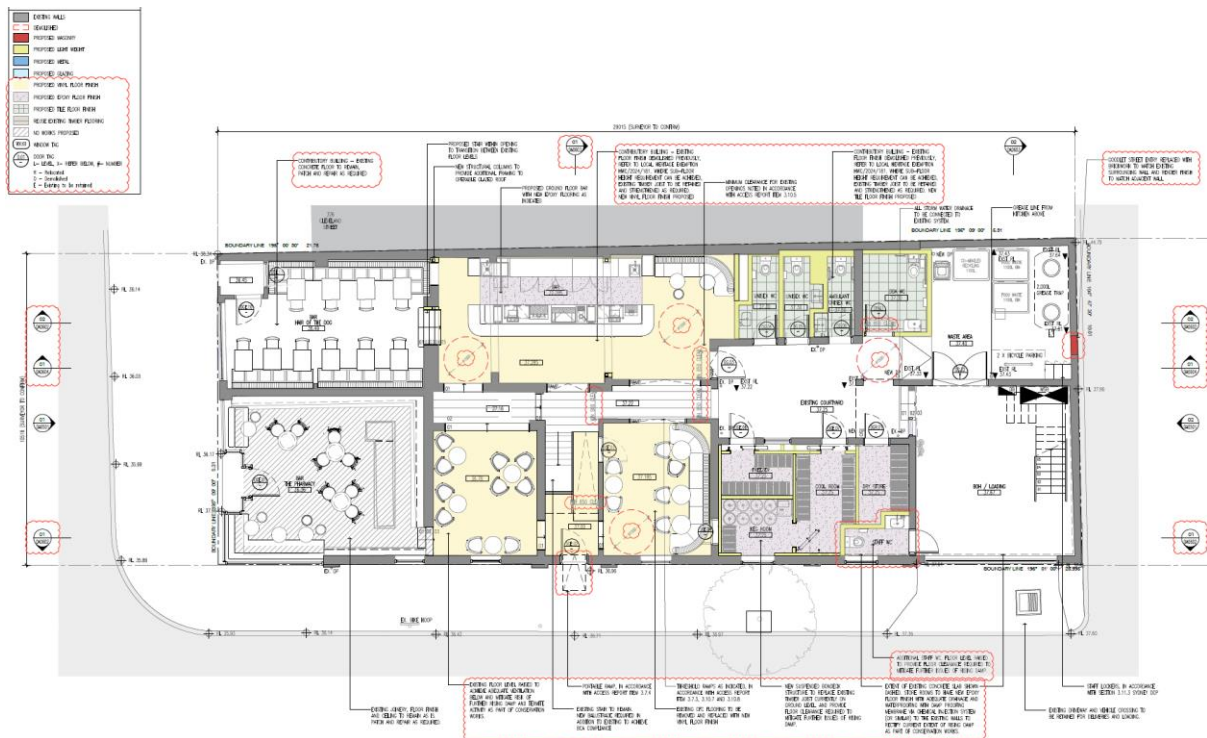


Figure 14: Proposed ground floor plan

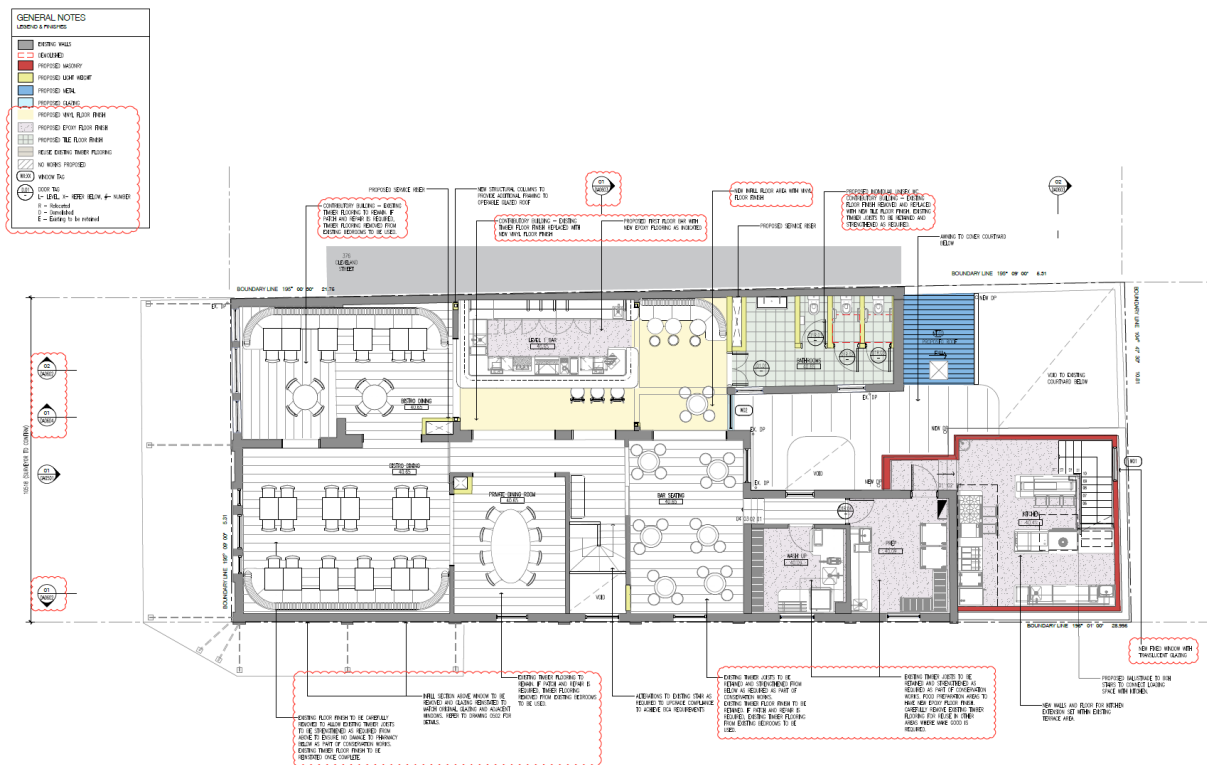
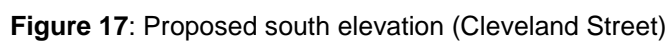
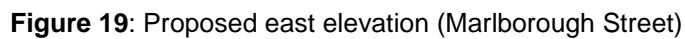
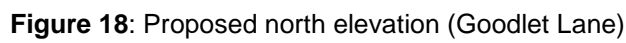


Figure 15: Proposed first floor plan





15. 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

State Environmental Planning Policy (Housing) 2021

Part 3 Retention of existing affordable rental housing

16. Part 3 of the SEPP addresses the reduction in the availability of low rental residential accommodation arising from a development.
17. The Environmental Planning and Assessment Act 1979 defines affordable housing as 'housing for very low-income households, low-income households or moderate-income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument'.
18. The SEPP requires Council to consider the NSW Guidelines for Retention of Existing Affordable Housing which reiterates that any dwellings that were rented for a much lower rental cost compared to the median in the local area for that building type is considered affordable housing where rents can be discerned. This applies regardless of its prior vacancy status or attainment of development consent to operate as an affordable rental property such as a boarding house. The change of use which results in the removal of the affordable housing dwelling is included in this policy.
19. Council records show there are no boarding house approvals for the site. Rental records show, the 1-bedroom unit was last rented for \$390 per week until it was vacated on 2 June 2023. The 2-bedroom unit had been converted to commercial uses before 2020. The 3-bedroom unit was owner-occupied until an unknown date which was sometime prior to November 2023.
20. The 1-bedroom unit was last rented for \$390 per week until 2 June 2023 where the median for 1-bedroom flats/units in the City of Sydney local government area for the September 2023 quarter was \$685 (43% less than the median). On this basis, this unit is classified as a low-income dwelling by Council's affordable housing program.
21. An assessment of the proposed loss of the 1-bedroom unit rental against the relevant provisions of Section 7.32 of the Environmental Planning and Assessment Act 1979 and Chapter 2 Part 3 of the SEPP (Housing 2021) "Retention of existing affordable rental housing" is provided below and applies as it is located in the Eastern Harbour City and involves the loss of an affordable housing unit by a change of use to a non-residential use.
22. Clause 14 requires Council to accept that there is a need for affordable housing in the area which is the case for Surry Hills. Clause 15 requires Council to consider a list of criteria before imposing a condition relating to the Retention of Affordable Housing under Section 7.32 of the Environmental Planning and Assessment Act 1979. From clauses 15(a-g), the affordable housing contribution under Section 7.32 is appropriate.
23. Clause 47 provides that when granting development consent the consent authority must take into account a number of matters which have been addressed in the table below. Clause 48 specifies requirements relating to conditions requiring a contribution that are imposed on a consent that will result in the loss of low rental accommodation.

Provision	Compliance	Comment
Clause 47(2)(a) whether the development reduces the amount of affordable housing in the area.	No (s7.32 contribution recommended)	A 1-bedroom low-income dwelling is proposed to be removed.
Clause 47(2)(b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation.	Yes	There has been a 103.6% increase in affordable rental housing dwellings since 2012 in the Sydney LGA for 1-bedroom flats/units in the City of Sydney local government area.
Clause 47(2)(c) whether the development is likely to result in adverse social and economic effects on the general community.	Yes	The 1-bedroom unit is unlikely to cause issues with meeting the demand of affordable housing in the area as it has been vacant since June 2023 and has not been recently put on the rental market.
Clause 47(2)(d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation.	Yes	The unit has been vacant since June 2023.
Clause 47(2)(e) the extent to which the development will contribute to a cumulative loss of affordable housing in the City of Sydney local government area.	Yes	There is a positive trend with the delivery of affordable housing in the Sydney LGA according to the City of Sydney's Housing Audit 2024. As a result, the loss of a 1-bedroom unit, which has been vacant since June 2023 is considered to not result in a cumulative loss of affordable housing across the LGA.
Clause 47(2)(f) whether the building is structurally sound including the extent to which the building complies with relevant fire safety requirements and the estimated cost of carrying out works necessary to ensure the building is structurally sound and complies with relevant fire safety requirements.	No	Most of the site is in a state of disrepair. Alterations and renovations to meet habitable, structural and fire safety compliance requirements is proposed.
Clause 47(2)(g) whether the imposition of an affordable	Yes	An affordable housing contribution is recommended to support Council

Provision	Compliance	Comment
housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development.		supply additional affordable housing elsewhere in the local government area.
Clause 47(2)(h) for boarding houses - the financial viability of the continued use of the boarding house.	Yes	There is no evidence that the site operated as a boarding house and no such development consent had been obtained in the past.
Clause 48 Contributions for affordable housing.	Yes	Clause 7.32 of the Environmental Planning & Assessment Act 1979 (NSW) allows a monetary contribution to be paid where there is a need for affordable housing in an area which includes as a consequence of affordable rental housing being lost as part of a development. The contribution has been calculated on the basis of the loss of a 1x bedroom affordable rental unit based on its June 2023 weekly rental price. This contribution applies as June 2023 is within 5 years since the lodgement of this development application.

24. See further discussion under the 'Section 7.32 Contribution for the reduction of affordable housing' section below.

State Environmental Planning Policy (Transport and Infrastructure) 2021

25. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.119 – Development with frontage to classified road

26. The application is subject to Clause 2.119 of the SEPP as the site has a frontage to Cleveland Street which is a classified road. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent as vehicular access to the site is not provided from the classified road, and as the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

Clause 2.120 – Impact of road noise or vibration on non-road development

27. The site is adjacent to Cleveland Street which is likely to have more than an average of 20,000 vehicles passing through it each day. However, the application is for a commercial development which is a use that is not considered likely to be sensitive or adversely affected by road noise or vibration. As a result, the implications of Clause 2.120 of the SEPP do not apply.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

28. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP 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 SEPP are not applicable to the proposed development.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

30. An assessment of the proposed amended 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	The site is located in the MU1 Mixed Use zone. The use proposed with the development is defined as a restaurant with bar areas which is permissible with consent in the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A building height of 12 metres is permitted. The highest point of the existing building is 9.5 metres. The highest point of the proposed work is 8.71 metres above ground level.
4.4 Floor space ratio	No (Clause 4.6 variation submitted)	The proposed development does not comply, in part, with the maximum FSR development standard. The site is split

Provision	Compliance	Comment
		<p>between two different FSR development standard controls.</p> <p>The 378 Cleveland Street portion of the site permits a maximum FSR of 1.5:1 and proposes an FSR of 1.32:1 (171 sqm) and is compliant.</p> <p>The 380 Cleveland Street portion of the site permits a maximum FSR of 1.25:1 and proposes an FSR of 1.48:1 (263 sqm) which is a 18.25% variation from the development standard. The existing FSR of the 380 portion of the site is 1.33:1 (or 236 sqm) which is also an exceedance.</p> <p>A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted and is supported. See further details on the Clause 4.6 variation in the 'Discussion' section below.</p>
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standard prescribed under Clause 4.4. An amended Clause 4.6 variation request has been submitted with the application and is supported. See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site contains contributory buildings to the Goodlet Street heritage conservation area (C63). The 380 Cleveland Street portion of the site is listed as a local heritage item known as the 'Former Matis Pharmacy including interiors' (Item 1478).</p> <p>The first-floor rear kitchen addition was amended to utilise materials and colours that improve its compatibility with the built elements of the site and surrounding area whilst being clearly</p>

Provision	Compliance	Comment
		<p>discernible from the original built form of the site.</p> <p>The timber pharmacy cabinetry has been retained as part of the proposal on the front ground floor premises of 380 Cleveland Street to enhance the conservation of the heritage item and display this significant fabric from the public domain. An appropriate condition requiring its retention is recommended.</p> <p>Subject to the recommended conditions including the requirement to submit a schedule of conservation works and have a heritage consultant engaged with the project during the construction phase, the proposed amended development will have acceptable impacts on the heritage significance of the item and the contributory buildings in the heritage conservation area.</p>
5.21 Flood planning	Yes	The site is identified as being subject to flooding. Council's public domain team reviewed the amended application and confirm the proposal would not be impacted by flooding due to the amended plans which brick up the existing Goodlet Lane gate where the site is significantly flood prone.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The amended proposal is considered to exhibit design excellence. The rear kitchen addition on the first floor is of a high standard and uses materials and detailing compatible with the existing development along the street. As such, it will not adversely impact the character of the heritage item, heritage conservation area or streetscape.</p> <p>Other minor repair works and design amendments are also recommended for</p>

Provision	Compliance	Comment
		<p>approval that complement the heritage item and contributory buildings in the heritage conservation area.</p> <p>The development also achieves the principle of ecologically sustainable development by retention the majority of the building fabric. The proposal does not result in any significant view impacts, and subject to conditions, will have acceptable environmental impacts to the amenity of the surrounding area and future occupants.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises	Yes	<p>Vehicle parking</p> <p>A maximum of 7 on-site car parking spaces are permitted for retail premises within the Category E public transport access level zone. The proposal does not include any on-site car parking spaces which is consistent with the Sydney LEP 2012, the Sydney DCP 2012 and Council's Neighbourhood Parking Scheme 2018 that discourages private car use.</p> <p>Reduced car parking typically results in significantly less patrons driving to the premises which would result in less traffic and parking issues and increased arrivals by foot, bus and light rail services, all of which service the local area well.</p> <p>Delivery truck loading/service parking</p> <p>The rear garage contains 1 car parking space for loading and delivery vehicles. This parking space and its design was reviewed and is supported by Council's Access & Transport team.</p>

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.27 Active Street Frontages	Yes	The site is not identified as requiring an active street frontage on any frontage.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

32. The site is located in the Cleveland Street special character area which is within the Waterloo and Redfern locality (2.13.1). The amended proposal is in keeping with the unique character and design principles of the locality as the development:
- Promotes commercial and retail uses to increase greater pedestrian activity. The proposed restaurant is further encouraged in the locality statement as it has a ground floor frontage.
 - Retains east-west vistas when viewed from the public domain with the proposed bulk not concealing any city views from the public domain.
 - Complements and improves the restoration of the heritage item and heritage conservation area subject to the recommended conditions.
 - Improves the streetscape by restoring an older corner building which would enhance the streetscape.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposed development complies as it provides an active use on the ground floor level that addresses the street. Appropriate conditions are recommended to ensure the public domain is protected during the construction stages.
3.7 Water and Flood Management	Yes	The site is subject to flood risks at the rear which has been addressed by the removal of the Goodlet Lane entry gate and replacement with a sealed brick wall by way of amended plans. Standard

Provision	Compliance	Comment
		conditions are recommended for stormwater drainage to comply with Council's requirements.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	A search of the records of Council and the NSW Government clarifies 378 and 380 Cleveland Street have been consolidated into one lot since at least 1981.
3.9 Heritage	Yes	See further discussion under Clause 5.10 of the Sydney Local Environmental Plan relating to heritage conservation.
3.10 Significant Architectural Building Types	Yes	<p>Subject to conditions, the proposed development will comply with the controls by retaining significant elements of the building including the historic pharmacy and former residential parts of the building. Similarly, the significant design elements of the facade will be retained and repainted where necessary to sensitively restore the building. In turn, this would not detract from the heritage significance of the item, conservation area or streetscape in accordance with the controls.</p> <p>378 Cleveland Street was erected around 1889 originally as a residential terrace house being part of a row spanning 374 to 378 Cleveland Street. It later underwent significant facade alterations at around 1928 where it has since been used for retail and residential purposes. It is a contributing building to the Goodlet Street heritage conservation area with a shopfront that is well over 50 years old.</p> <p>380 Cleveland Street was constructed around 1889 and was originally a bank. Shortly after in 1894 it became a pharmacy with supplementary residential uses where these continued until recently. Historic evidence is limited but its design suggests the shopfront was constructed around 1923 which is historically significant given that is more than 50 years old and the building remains largely intact. This portion of the</p>

Provision	Compliance	Comment
		site is within the curtilage of a local heritage item, is a contributing building within the Goodlet Street heritage conservation area and is a prominent corner building.
3.11.3 Transport and Parking	No	<p>Visitor bicycle parking</p> <p>Table 3.5 of the Sydney Development Control Plan 2012 requires five on-site bicycle parking spaces for patrons. None have been proposed but are acceptable in this instance due to the size constraints of the site and bicycle rails being available on nearby streets. This non-compliance was supported by Council's Access & Transport team.</p> <p>Staff bicycle parking</p> <p>Table 3.5 of the Sydney Development Control Plan 2012 requires two on-site staff bicycle parking spaces for the restaurant. Two staff bicycle parking spaces are proposed. The two bicycle parking spaces are unlikely to cause a nuisance or generate significant traffic for the surrounding area. The provision of two staff bicycle parking spaces was supported by Council's Access & Transport team.</p>
3.12 Accessible Design	Yes	Accessible design requirements must be complied with at the certification stages. The Construction & Building Unit reviewed and supported the submitted access report which includes design treatments that support accessibility for all people.
3.14 Waste	Yes	Appropriate conditions are recommended to ensure the proposed development complies with the relevant provisions of the approved Waste Management Plan that was submitted with the application, the City of Sydney Guidelines for Waste Management in New Development, and the Sydney Development Control Plan 2012.

Provision	Compliance	Comment
3.15 Late Night Trading Management	Yes	<p>The food and drink premises is defined as a Category B low impact premises and is not located in a late-night trading area. The proposed trading hours are 12:00 noon to 12:00 midnight, Monday to Sunday.</p> <p>The hours between 12:00 noon and 10:00pm Monday to Sunday are recommended for approval on a permanent basis as they are within the recommended base hours under the Sydney DCP 2012.</p> <p>The hours between 10:00pm and 12:00 midnight are recommended for a two-year trial period as they are within the extended hours recommended under the Sydney DCP 2012.</p> <p>The 2-year trial duration is consistent with the first trial of extended operating hours under the Sydney DCP 2012. Appropriate conditions are recommended to safeguard noise and other potential amenity impacts.</p> <p>The proposed maximum capacity at any one time is 186, comprising 156 patrons and 30 staff members. This is supported subject to the recommended conditions.</p>
3.16 Signage and Advertising	Yes	No new signage is proposed in this application. A separate DA is required for any signs other than exempt and complying development.
3.18 Acoustic Amenity	Yes	<p>Noise level testing was carried out for the site to alleviate noise impacts for sensitive residential and commercial developments in the surrounding area. The acoustic report demonstrates the proposed restaurant use will have compliant noise entertainment levels from its operations. This was reviewed and supported by Council's environmental health specialist.</p> <p>Assumptions which are listed in Section 6.1.1 of the Acoustic Report were used when conducting acoustic testing from</p>

Provision	Compliance	Comment
		<p>the premises. A condition is recommended requiring compliance with these measures including for all windows and doors to be kept closed at all times except when doors are in use for entry and exiting by patrons.</p> <p>The glazed operable skylight is recommended by condition to be kept closed after 8:00pm daily, in accordance with the approved acoustic report. The 8:00pm closure time for the glazed operable skylight is consistent with the base outdoor hours for Category B premises that is outside of a late-night trading area pursuant to the Sydney DCP 2012.</p> <p>The rear outdoor courtyard will not be used by patrons except to access bathroom amenities. Other appropriate conditions are recommended alongside relevant legislation and council policies to safeguard the acoustic amenity of the surrounding area.</p>

Section 4 – Development Types

Provision	Compliance	Comment
4.1.3.1 Solar access	Yes	The living room window and private open space of 382 Cleveland Street will continue to achieve more than 2 hours of direct sunlight between 9am and 3pm during the mid-winter solstice. No other sensitive areas of neighbouring sites will be affected by the proposal.
4.1.3.6 Visual privacy	Yes	<p>The north facing kitchen window has been amended to be fixed and translucent to avoid privacy impacts for 107 Marlborough Street which is in close proximity to the new rear kitchen addition.</p> <p>No work is proposed to the rear north-western portion of the site which assists to alleviate privacy impacts for 376 Cleveland Street.</p>

Provision	Compliance	Comment
		The proposed works are largely setback from other neighbouring sites that are on the opposite side of Cleveland Street and Marlborough Street.
4.2.9 Non-Residential Development in the MU1 Mixed Use Zone	Yes	The amended proposal will not impact the amenity of nearby residential properties through its built form or ongoing restaurant operations subject to the recommended conditions.

Discussion

Clause 4.6 Request to Vary a Development Standard

33. The proposed development does not comply, in part, with the maximum FSR development standard as the site is split between two applicable FSR development controls.
34. The 378 Cleveland Street portion of the site permits a maximum FSR of 1.5:1 and proposes an FSR of 1.32:1 (171 sqm) and is compliant with the FSR development standard.
35. The 380 Cleveland Street portion of the site permits a maximum FSR of 1.25:1 and proposes an FSR of 1.48:1 (263 sqm) which is an 18.25% variation from the development standard. The existing FSR of the 380 Cleveland Street portion of the site is 1.33:1 (or 236 sqm) which is also an exceedance.
36. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ established potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary. The first test is that the objectives of the development standard are achieved where compliance with the development standard would then be unnecessary.
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

37. The applicant seeks to justify the contravention of the floor space ratio development standard under Clause 4.4 of the Sydney LEP 2012 on the following basis:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

- (i) **4.4(1)(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future.**
 - The proposed floor space ratio exceedance would provide sufficient floor space to support the use of the site as a restaurant.
 - (ii) **4.4(1)(b) to regulate the density of development, built form and land use intensity, and to control the generation of vehicle and pedestrian traffic.**
 - The proposed variation including the density, built form and intensity of the proposal is appropriate.
 - The proposed addition is low-scale, subservient to the existing building and complementary to the heritage conservation area and heritage item on the 380 Cleveland Street portion of the site.
 - The additions retain the two-storey height instead of adding an additional storey, is modest in form, set down from the adjoining parapet and setback behind the existing terrace walls. The submitted traffic and transport report demonstrates the proposal would not result in adverse traffic impacts within the locality.
 - (iii) **4.4(1)(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.**
 - The proposal will not result in increased strain on existing or planned infrastructure as demonstrated in the submitted traffic and transport report.
 - (iv) **4.4(1)(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.**
 - The proposed development is appropriate for the desired character of the Cleveland Street special character area within the Waterloo and Redfern locality as:
 - i. The proposal responds to and complements the heritage item, its fabric and facade with few complementary additions to the rear of the site which are low-scale and subservient to the original building.
 - ii. The proposed restaurant use will restore and activate the building and streetscape in support of the small commercial strip in the area that connects Redfern and Surry Hills.
 - iii. The proposal will contribute to the mix of building types reflecting the diversity of the built form and massing within the locality.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard. The applicant submits the proposed variation:

- will provide sympathetic and modest additions to the building which in part is listed as a local heritage item and will not adversely impact the conservation area
- will provide opportunities for the adaptive reuse and revitalisation of the site for use as a restaurant with the orderly and economic redevelopment of the land
- the proposed additional built form is appropriately setback from the side boundaries and of a scale and height consistent with surrounding properties
- the proposal would not diminish neighbouring solar access, and subject to conditions, will comply with acoustic privacy for neighbouring properties from both patron noise and traffic impact resulting from delivery and service vehicles

Consideration of Applicant's Written Request - Clause 4.6(3)

Development consent must not be granted unless the consent authority is satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

(a) Does the written request adequately address those issues at Clause 4.6(3)(a)?

The applicant has demonstrated that compliance with the development standard is unreasonable and unnecessary given the circumstances of the proposed development in that the floor space exceedance is required for the proposed restaurant use to have sufficient floor space, is a relatively minor departure from the floor space ratio development standard which is already exceeded and it would not have other unacceptable impacts relating to heritage conservation, height and bulk through providing a modest complementary and subservient rear addition, and does not result in unacceptable levels of traffic generation or noise impacts in accordance with the Sydney LEP 2012 and the Sydney DCP 2012.

(b) Does the written request adequately address those issues at Clause 4.6(3)(b)?

The applicant has demonstrated that there are sufficient environmental planning grounds for justifying the standard in that other objectives of the standard are complied with, the proposed development is suitable for the site, and the proposed exceedance does not impact detrimentally upon the height, bulk or scale of the site. Subject to conditions, the development will not result in any unreasonable amenity impacts to neighbouring properties or adverse heritage impacts to the heritage building or contributory buildings within the heritage conservation area.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Consultation

Internal Referrals

38. The application was discussed with several units and teams of Council listed below:

- (a) Access and Transport
- (b) Cleansing and Waste
- (c) Construction and Building
- (d) Environmental Health - Food Premises
- (e) Environmental Health - Noise
- (f) Heritage
- (g) Land Surveyor
- (h) Licensed Premises and Late Night Trading
- (i) Public Domain
- (j) Urban Design

39. The above internal units of Council advised that the proposal is acceptable with some recommending conditions that, where appropriate, have been recommended in the attached Notice of Determination at Attachment A.

External Referrals

NSW Police

- 40. The NSW Police supported the proposed late night trading hours for a 1-year trial period.
- 41. However, a two-year trial period is recommended for the proposed extended hours as it is considered a low impact use and the trial is consistent with the Sydney DCP 2012 which supports a 2 rather than 1-year trial period for the first trial period for premises seeking extended trading hours.
- 42. The NSW Police recommended a condition for the installation of CCTV surveillance cameras, but this is not supported as the development is low impact.
- 43. Compliance with the submitted Plan of Management was recommended by the NSW Police and is included as a condition of consent.

Advertising and Notification

44. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 28 days between 14 May 2025 and 12 June 2025. A total of 271 properties were notified and 19 submissions were received. 16 submissions objected to the proposal, 2 submissions supported the proposal and one submission provided a comment.
45. The submissions raised the following issues and comments:
- (a) **Issue:** There have been several amenity and behavioural issues in the past from the site and adjacent outdoor dining areas including late night noise, littering and anti-social behaviour. Security officers should be required.
 - **Response:** Appropriate conditions are recommended to mitigate amenity issues, including a 2-year trial period imposed for late night trading hours between 10:00pm and 12:00 midnight in accordance with the Sydney DCP 2012. The approved Plan of Management requires security staff on Friday, Saturday and Sunday nights and nights preceding a public holiday. Security measures including CCTV are recommended based on the scale and amenity risk level of the site.
 - (b) **Issue:** Previous restaurant operators on the premises and a party that occurred when the site was purchased several years ago was very noisy and inconsiderate to the neighbours.
 - **Response:** The new restaurant operators would be subject to a trial period for late night operating hours in accordance with the Sydney DCP 2012. Ongoing non-compliances are investigated by Council's compliance unit.
 - (c) **Issue:** The proposed open-air roof would cause additional noise issues.
 - **Response:** An acoustic report has been reviewed and supported by Council demonstrating the glazed open air roof skylight would be compliant with Council's noise controls, has an ability for the Level 1 bar noise levels to be lowered, and the skylight to be closed after 8:00pm to reduce noise.
 - (d) **Issue:** The proposed restaurant is not desirable as the area is largely family oriented. The previous chemist and cafe uses were more appropriate.
 - **Response:** Restaurant uses are permissible with consent in the zone and is generally consistent with the objectives and provisions of relevant legislation and planning controls.
 - (e) **Issue:** There are an excessive number of restaurants in the local area and Surry Hills.
 - **Response:** There are no planning controls that place restrictions on the number of restaurants. All applications for restaurants are assessed on their merits and whether they can comply with the relevant controls and objectives.
 - (f) **Issue:** The proposal will result in the loss of 20 bedrooms for residences and a communal courtyard space.

- **Response:** The change of use of the premises to commercial is permissible with consent in the zone. The loss of one affordable housing unit that has been vacant since June 2023 is subject to a monetary contribution in accordance with the Environmental Planning & Assessment Act 1979 and SEPP (Housing) 2021.
- (g) **Issue:** The rear first storey addition should be designed with rendered brick to better complement the character of the area and surrounding built environment.
- **Response:** The amended proposal has a more complementary design and lighter colour which is consistent with the surrounding area and subject building's proposed paint colours. The non-brick form that was submitted with the amended plan provides a clearer juxtaposition between the original and later parts of the building.
- (h) **Issue:** The proposal will cause additional privacy concerns for surrounding properties.
- **Response:** See Section 4.1.3.6 of the Sydney Development Control Plan 2012 section above.
- (i) **Issue:** The first-floor extension would cause additional overshadowing onto 382 Cleveland Street.
- The living room window and private open space of 382 Cleveland Street will continue to achieve more than 2 hours of direct sunlight between 9am and 3pm during the mid-winter solstice. No sensitive areas required to receive solar access by the Sydney DCP 2012 would be made non-compliant by the proposal.
- (j) **Issue:** The proposal will result in unacceptable construction noise.
- **Response:** Appropriate conditions are recommended in accordance with Council's policies in relation to construction noise and hours.
- (k) **Issue:** The garbage trucks will be noisy and should only be permitted to service the site at certain times of the day to alleviate congestion.
- **Response:** Appropriate conditions are recommended to ensure waste collection is in accordance with Council's policies and guidelines. The removal of the Goodlet Lane rear door with external access encourages waste collection to be diverted through Marlborough Street.
- (l) **Issue:** It is likely the rear laneway would be blocked by the restaurant's delivery and waste vehicles like the previous food and drink premises on the site.
- **Response:** The existing garage would serve as delivery and service vehicles. The larger garage size allows delivery and service vehicles of many sizes which takes parking demand away from the street and relocates delivery noise and operations to within the garage space of the site. The swept path analysis (submitted on the stamp approved site analysis plan) demonstrates vehicles using the on-site garage parking space can efficiently drive out of the premises.
- (m) **Issue:** The proposal will generate additional traffic and add further strain to the limited parking in the vicinity. No on-site parking is proposed putting added pressure to street parking. More traffic and noise will also result from people being picked up and dropped off.

- **Response:** The availability of parking spaces typically encourages more people to drive to the premises which contrasts Council controls that discourages private car use. Operational conditions are recommended to alleviate traffic noise including loitering and anti-social behaviour during the dropping off and picking up of patrons.
- (n) **Issue:** Several properties within Council's Affected Properties Report did not receive a notification letter.
- **Response:** Council records indicate all properties were notified for 28 days in accordance with Council's Community Engagement Strategy and Participation Plan 2025. Issues with the receipt of letters would have been an issue with Australia Post. It is understood several neighbours discussed the proposal amongst themselves. This allowed for a larger number of submissions to be received allowing for an analysis of a substantial range of potential issues arising from the proposed development. All late submissions were accepted.
- (o) **Comment:** The pharmacy cabinetry being retained is positive.
- **Response:** Noted. No change is proposed to the pharmacy cabinetry and a condition is recommended requiring its retention.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

46. The development is not subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015 as the proposal does not result in a net population increase (refer to contribution calculator at Council Reference: 2025/546048).

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

47. The site is located within the Residual Lands affordable housing contribution area. As the development is for purposes other than residential accommodation that will result in the creation of less than 60 square metres of new gross floor area, the development is excluded and is not subject to a Section 7.13 contribution. The gross floor area is proposed to increase by 32 square metres.

Contribution under Section 7.32 Contribution for the reduction of affordable housing

48. Section 7.32 of the Environmental Planning & Assessment Act 1979 outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.
49. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area and:
- (i) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or

- (ii) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
 - (iii) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
 - (iv) the regulations provide for this section to apply to the application.
50. Clause 222B of the Environmental Planning Assessment Regulation 2021 provides that Section 7.32 of the Act applies to a development application to carry out development in the City of Sydney local government area.
51. An affordable housing condition may be reasonably imposed under Section 7.32(3-4) of the Act subject to consideration of the following:
- (i) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (ii) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (iii) the condition requires a reasonable dedication or contribution, having regard to any other dedication or contribution required to be made by the applicant under this section or section 7.11, and
 - (iv) any land or sum of money the applicant has previously dedicated free of cost or previously paid for the purpose of affordable housing.
52. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable.
53. An assessment has been made in the SEPP (Housing) 2021 section above justifying the loss of a 1-bedroom affordable rental housing as part of this development application. The loss of the single 1-bedroom unit is only included in the calculation for this contribution. The contribution calculation is as follows:

$$C = L \times R \times 0.05$$

where:

- C is the contribution payable.

- L is the total number of bedrooms in a low-rental dwelling and boarding rooms that will be lost by the proposed development.

- R is the replacement cost calculated as the average value of the first quartile of sales of strata properties in the local government area in which the development is to take place, as specified in the 4 most recent editions of the Rent and Sales Report. This was calculated as an average of the Strata sale prices in the City of Sydney LGA from the June 2024, September 2024, December 2024 and March 2025 quartiles which was \$754,250.

$$C = 1 \times 754,250 \times 0.05$$

$$C = \$37,712.50$$

54. A condition of consent is recommended requiring the payment of an affordable housing contribution in the amount of \$37,712.50 prior to the issue of a construction certificate.
55. See further discussion relating to this contribution under the 'SEPP (Housing) 2021' section above.

Housing and Productivity Contribution

56. The development is subject to a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Ministerial Order 2024 as the proposed development involves alterations, additions and the enlargement of a building resulting in an increase of 357.54 sqm of commercial floor space. This was calculated as 431.305 proposed commercial floor space minus 73.765 sqm of existing commercial floor space.
57. A condition relating to this development contribution is included in the recommended conditions of consent. The contribution payable is \$11,566.49 which is calculated at \$32.3502 per additional square metre of commercial gross floor area. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Relevant Legislation

58. Environmental Planning and Assessment Act 1979.

Conclusion

59. Approval is sought for the provision of a two-storey restaurant involving a change of use and associated alterations and additions.
60. The application has been assessed in accordance with section 4.15(1) of the Act and is considered satisfactory subject to the recommended conditions of consent at Attachment A.
61. The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
62. The proposal has been assessed against the aims, objectives and provisions of the relevant planning controls. Where appropriate, conditions of consent have been recommended to ensure ongoing compliance with the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and the applicable Environmental Planning Instruments.

63. Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012.
64. The development is permissible with consent in the MU1 Mixed Use Zone and is consistent with the objectives of the zone.
65. The proposal will not unreasonably compromise the amenity of the surrounding area and has been recommended for approval with respect to trading hours in accordance with the Sydney DCP 2012 and relevant Council policies, controls and legislation.
66. The proposal will not detrimentally impact upon the heritage significance of the heritage item, the Goodlet Street Heritage Conservation Area or the Cleveland Street Special Character Area.
67. The proposed development demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.
68. The proposed reduction of affordable housing has been assessed against relevant planning instruments and policies and is compliant provided a Section 7.32 contribution is payable in accordance with the recommended condition.
69. The proposal is in the public interest subject to the recommended conditions.

ANDREW THOMAS

Executive Manager Planning and Development

Costa Dantos, Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application D/2025/410 lodged on 9 May 2025 and the following drawings prepared by Richards Stanisich that have been stamp approved by Council:

Drawing Number	Drawing Name	Revision
DA-0001	Site Analysis	14/04/2025
DA-0051	Existing & Demolition Plan – Ground Floor	15/08/2025
DA-0052	Existing & Demolition Plan – First Floor	15/08/2025
DA-0053	Existing & Demolition Plan – Roof	15/08/2025
DA-0201	General Arrangement Plan – Ground Floor	15/08/2025
DA-0202	General Arrangement Plan – First Floor	15/08/2025
DA-0203	Roof Plan	15/08/2025
DA-0401	Reflected Ceiling Plan – Ground Floor	15/08/2025
DA-0402	Reflected Ceiling Plan – First Floor	15/08/2025
DA-0501	Elevations	15/08/2025
DA-0502	Elevations	15/08/2025
DA-0601	Section – Sheet 01	15/08/2025
DA-0602	Sections – Sheet 02	15/08/2025
DA-0603	Sections – Sheet 03	15/08/2025
DA-0604	Sections – Sheet 04	15/08/2025
DA-0605	Section Details	15/08/2025
DA-0710	Material Schedule	15/08/2025

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

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

(2) HOUSING CONTRIBUTION – RESIDUAL LAND – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a construction certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.

- (b) The contribution is **\$37,712.50** (indexed at 1 March 2025). This is calculated by calculating the average of the last four first quartile sale prices for Strata properties in the City of Sydney LGA and in accordance with Clause 48 of the SEPP (Housing) 2021. The average sale price during the last four quartiles was \$754,200.
- (c) If the contribution is paid after the indexation period in which the consent is granted, the above contribution will be adjusted according to the Sydney LGA median strata sale dwelling price using the following formula:

Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$ where:

- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
- (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at time of indexation of the equivalent monetary contribution rate; and
- (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate.

Contact Council's Planning Assessment Unit for written confirmation of the amount payable, with indexation as necessary, prior to payment at planningsystemsadmin@cityofsydney.nsw.gov.au.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(3) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$11,566.49
Transport project component	Nil
Total housing and productivity contribution	\$11,566.49

The HPC (indexed at March 2025) must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act, 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act, 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2026.

Reason

To require contributions towards the provision of regional infrastructure.

(4) GENERAL HERITAGE

- (a) The existing timber pharmacy cabinetry in the front room of 380 Cleveland Street must be retained and remain in its existing location.
- (b) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the original fabric of 380 Cleveland Street which is listed as a heritage item and to the original fabric of external areas of both buildings which are listed as contributory to the heritage conservation area.
- (c) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (d) All conservation and adaptation works to the 380 Cleveland Street portion of the site are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (e) New services on the 380 Cleveland Street portion of the site are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric and where possible, new services must use existing service runs. New fixings should be kept to a minimum with the reuse of existing fixing points where possible.
- (f) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (g) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (h) All proposed works must be carried out on a like-for-like basis unless otherwise approved.
- (i) All new repairs and works for making good, are to match the existing in terms of colours, finishes, sizes, profiles and properties as closely as possible unless otherwise approved.

- (j) Unless shown on the approved plans as being removed, no additional demolition works to the building are approved without being submitted to and approved by Council prior to the issue of a construction certificate.

Reason

To ensure that the development does not result in adverse heritage impacts.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(5) COMPLIANCE WITH THE ACOUSTIC REPORT

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by PWNA, dated 18 August 2025, ref. 240097 - Revision 5, titled 'The Boxing Bear, Surry Hills', (Council Reference 2025/502228) must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.
Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).
- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

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

(6) HERITAGE ITEMS – WORKS TO BE CONSISTENT WITH CONSERVATION MANAGEMENT PLAN AND HERITAGE IMPACT STATEMENT

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the Heritage Impact Statement (dated May 2025) and Addendum to the Heritage Impact Statement (undated) prepared by John Oultram Heritage & Design, must be submitted to and approved by Council, prior to a Construction Certificate being issued.

- (b) The conservation work schedule must detail how the following recommendations will be undertaken as outlined in Section 11.3 and 11.4 of the Addendum to the Heritage Impact Statement and include detailed drawings and outline specifications of works required to support any schedule of conservation works.

The work schedule must be implemented to the satisfaction of Council's Urban Design and Heritage Manager or Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

To ensure the works are carried out in an appropriate manner that protects the heritage of the site and building.

(7) HERITAGE CONSERVATION WORKS SCHEDULE

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager or Area Planning Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance/ value including but not limited to the following: the internal shop interiors, door and window joinery, stair and balustrade, glazing, ceilings and flooring, hardware, tiles, roof plumbing, roofing and painting.
- (c) A methodology for a non-invasive protection of surfaces within the shop interiors (by means of glass top counters, for example) is to be included as part of the Schedule and is to be implemented into the works for the use of the place as a bar/restaurant.
- (d) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

Reason

To ensure the carrying out of appropriate heritage conservation works.

(8) HERITAGE INTERPRETATION PLAN

- (a) A heritage interpretation plan for the building at 380 Cleveland Street must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

- (b) The interpretation plan must detail how information on the history and significance of the early shop interior will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to the issue of an occupation certificate, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager or Area Planning Manager.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

(9) REDUCTION OF RISING DAMP AND SALT ATTACK IN BUILDINGS CONSTRUCTED PRIOR TO 1920

To avoid potential damage caused by rising damp and migrating salts, the following is to apply to the internal ground floor concrete slab:

- (a) A new damp course, either chemical or physical, must be professionally installed in the course of brickwork immediately above the new reinforced concrete slab that is to be laid directly on a compacted sand base within the building.
- (b) A waterproofing coating must be applied to the face of brickwork prior to installation of the expansion joints, from below top of slab level extending as far down as practicable prior to placement of the compacted sand base.
- (c) Expansion joints must separate the new concrete slab from all internal brick walls.

Advisory note: Where there is evidence of rising damp, it is recommended that any old lime mortar render on the wall is removed, and replaced with new render, to remove salts. Paint should be acrylic and permeable, to permit dampness in the wall to dry. Walls should not be treated with a sealant, as this will force dampness and dissolved salts higher up the wall.

Reason

To avoid potential damage caused by rising damp and migrating salts.

(10) HERITAGE BUILDING WORKS TO COMPLY WITH NCC

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/ approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

(11) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Service vehicle spaces (B99 space, existing)	1
Total	1

Reason

To ensure the allocation of parking is in accordance with Council's Development Control Plan.

(12) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Staff / Employee	2	Spaces must be Class 2 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	3	

- (b) All bicycle parking spaces and end of trip facilities must be provided on private land. The public domain cannot be used to satisfy this condition.

- (c) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with the Australian Standards and the Council's DCP.

(13) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 46 square metres of asphalt on Cleveland Street and 84 square metres of asphalt on Marlborough Street must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The Council's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the Council prior to an approval for demolition being granted or any construction certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with Council.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(14) DILAPIDATION REPORT – PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's Public Domain Manual is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(15) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on Cleveland Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
 - (i) all costs associated with the works are to be borne by the developer.
 - (ii) damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
 - (iii) where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
 - (iv) all new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
 - (v) Council approval is required before kerbs are removed.
 - (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
 - (vii) stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(16) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(17) STORMWATER AND DRAINAGE

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Reason

To ensure the drainage system meets relevant Council requirements.

(18) AIR-CONDITIONING CONDENSER UNITS

Any approved A/C condenser units must:

- (a) Not reduce the structural integrity or fire resistance level of the building.
- (b) Be adequately waterproofed if any opening is created to the building or roof.
- (c) Be designed to not operate:
 - (i) During peak time, at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, and
 - (ii) During off peak time, at a noise level that is audible in habitable rooms of adjoining residences.

Reason

To ensure approved A/C condenser units do not cause unacceptable environmental impacts and they accord with relevant legislation, regulations and controls.

(19) PREPARATION OF CONSTRUCTION AND FIT OUT PLANS FOR FOOD AND DRINK PREMISES

Prior to the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person in accordance with the following and submitted to and approved by Council:

- (a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment.
- (b) Food Act 2003 and Food Regulation 2015.
- (c) Australian Standard 4674 - 2004 – Design, Construction and Fit-out of Food Premises.
- (d) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.

- (e) Sydney Water commercial trade wastewater requirements for food premises, and
- (f) Any relevant Water Services Association of Australia codes of practice guidelines, policies and requirements.

Note: Codes, standards, regulations and requirement listed above must refer to editions in force on the date of determination.

Reason

To ensure detailed construction and fit out plans are submitted which comply with the relevant standards prior to the issue of a Construction Certificate.

(20) PREPARATION OF MECHANICAL VENTILATION PLANS

Prior to the issue of a Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person and submitted to and approved by Council. The plans must be in accordance with the following:

- (a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and
- (b) Ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - (i) cause a nuisance to persons within or nearby to the premises; or
 - (ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.

Reason

To ensure that detailed professional plans of the approved mechanical ventilation system are submitted prior to the issue of a Construction Certificate.

BEFORE BUILDING WORK COMMENCES

(21) USE OF HERITAGE CONSULTANT – MINOR DEVELOPMENT

- (a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence and details of the above commission on the above terms are to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to commencement of work on site.
- (b) The heritage consultant must sign off the completed project and submit a final report to Council's Area Coordinator Planning Assessments / Area Planning Manager specifying how the heritage conditions are satisfied prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

Reason

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.

(22) FLASHINGS TO BOUNDARY WALLS

Stormwater from the property must not flow over the existing boundary walls onto 376 Cleveland Street, Surry Hills. A flashing may be required to prevent this water run-off.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

Reason

To prevent water entering between the walls of adjoining properties.

(23) ON-SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

The on-site service vehicle space must be made available for all servicing and delivery purposes, including removalist vehicles, bulky goods deliveries, and similar activities. The manager of the premises is to ensure delivery/waste vehicles do not frequently arrive simultaneously.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(24) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed changes to the vehicle footway crossing or for the removal of any existing crossing and any replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure appropriate approval is obtained.

(25) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(26) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the Roads Act, 1993 must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Reason

To protect the amenity of the public domain and obtain relevant approvals.

(27) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to Council's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation, 2017*).

Reason

To ensure relevant applications are made for construction works.

(28) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure all proposed works are contained within the property boundaries of the subject site.

DURING BUILDING WORK

(29) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(30) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on-site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on-site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on-site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(31) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(32) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(33) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

Reason

To protect the amenity of the public domain.

(34) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(35) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

Prior to the issue of an Occupation Certificate, Council must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason

To enable Council to ensure compliance with the consent when the business is operating.

(36) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

Reason

To ensure all proposed works are contained within the property boundaries of the subject site and to verify the property boundaries.

OCCUPATION AND ONGOING USE

(37) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(38) COMPLIANCE WITH THE PLAN OF MANAGEMENT

- (a) The use must always be operated / managed in accordance with the Plan of Management titled 'Boxing Bear – Operational Plan of Management' dated 15 August 2025 (Council Reference: 2025/502242).
- (b) The trading hours that have been approved are stipulated under the "Trading Hours" condition of this consent.
- (c) The approved Plan of Management can be updated at any time by submitting a revised Plan of Management to Council for endorsement by Council's Area Planning Manager without the need for a Section 4.55 modification application.

Reason

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

(39) COMPLIANCE WITH THE WASTE MANAGEMENT PLAN - COMMERCIAL

The Operational Waste Management Plan prepared by Waste Audit & Consultancy Services (Council Reference: 2025/274684) accompanying the development application has been approved by this consent which is responsive to the architectural plans.

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(40) COPIES OF CONSENTS AND MANAGEMENT PLANS

A copy of the current development consent(s) for the operation of the licensed premises, and any approved Plan of Management must be kept on-site and made available to Authorised Officers.

Reason

To ensure all relevant approved documents are available on-site upon request.

(41) TRADING HOURS

- (a) The permitted trading hours are restricted to between 12:00 noon and 10:00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the premises may trade between 10:00pm and 12:00 midnight Monday to Sunday for a trial period of 2 years from the date of this consent.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council at least 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 NSW Police and Liquor & Gaming.
- (d) The glazed operable skylight must be kept shut after 8:00pm, Monday to Sunday.

Reason

To ensure the premises trades within the approved trading hours to mitigate noise and other amenity impacts for surrounding properties.

(42) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 186 (comprising 156 patrons and 30 staff).
- (b) The manager is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in-letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the premises.

Reason

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(43) NO MUSIC OR SPEAKERS OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(44) GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(45) SIGNAGE NOT PROPOSED - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

(46) CONTROL OF LIGHT INTO THE ENVIRONMENT

Any lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS/NZS 4828.

Reason

To ensure external lighting is designed in accordance with the Australian Standards.

(47) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 5.2 metres.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(48) NOISE FROM ENTERTAINMENT ACTIVITIES

During ongoing use of the premises, the cumulative emission of noise from any entertainment activities must comply with Requirement 3, NOISE FROM ENTERTAINMENT ACTIVITIES, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(49) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure waste and recycling is appropriately managed throughout all phases of the development.

(50) SCHEDULE WASTE COLLECTION - COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.
- (b) Waste and recycling stream(s) bins must not be placed at the nominated collection point 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 occurring.
- (c) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for Managing Waste in Public Places to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(51) STORAGE AND DISPOSAL OF WASTE MATERIALS DURING ONGOING USE

During the ongoing use of the premises:

- (a) An adequate number of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All waste and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from waste.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.

- (e) Liquid waste shall be stored within a building or in a covered and bunded area in appropriate containers.
- (f) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) a contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request.

Reason

To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises.

(52) MECHANICAL VENTILATION – ONGOING MAINTENANCE AND CLEANING

- (a) A written Maintenance and Cleaning Plan of Management must be kept on the premises and be available to an officer of Council upon request. This plan must be produced detailing the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean condition, and in satisfactory working order. The maintenance and cleaning management plan must include the following:
 - (i) What type of maintenance and cleaning procedures are to be followed, and at what frequency; and
 - (ii) Emergency maintenance and risk management associated with a failure in the system; and
 - (iii) The contact person/s details for emergency maintenance.
- (b) A service log that shows compliance with the written Maintenance and Cleaning Plan of Management in (a) above regarding the cleaning and maintenance of the filtration and odour control system(s) must be produced and completed accordingly when maintenance and servicing occurs. This service log must be kept updated and kept on the premises at all times and be available to an officer of Council upon request.

Reason

To protect the amenity of the surrounding area.

(53) NO CHARCOAL OR SOLID FUEL COOKING

No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition, solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal, etc.

Reason

To restrict the provision of charcoal or solid fuel cooking on the premises.

(54) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed works can encroach onto the adjoining properties.

Reason

To ensure the proposed works do not encroach onto neighbouring properties.

(55) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach over the public way.

Reason

To ensure the proposed works do not encroach onto the public way.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation, 2021* which apply to the development.

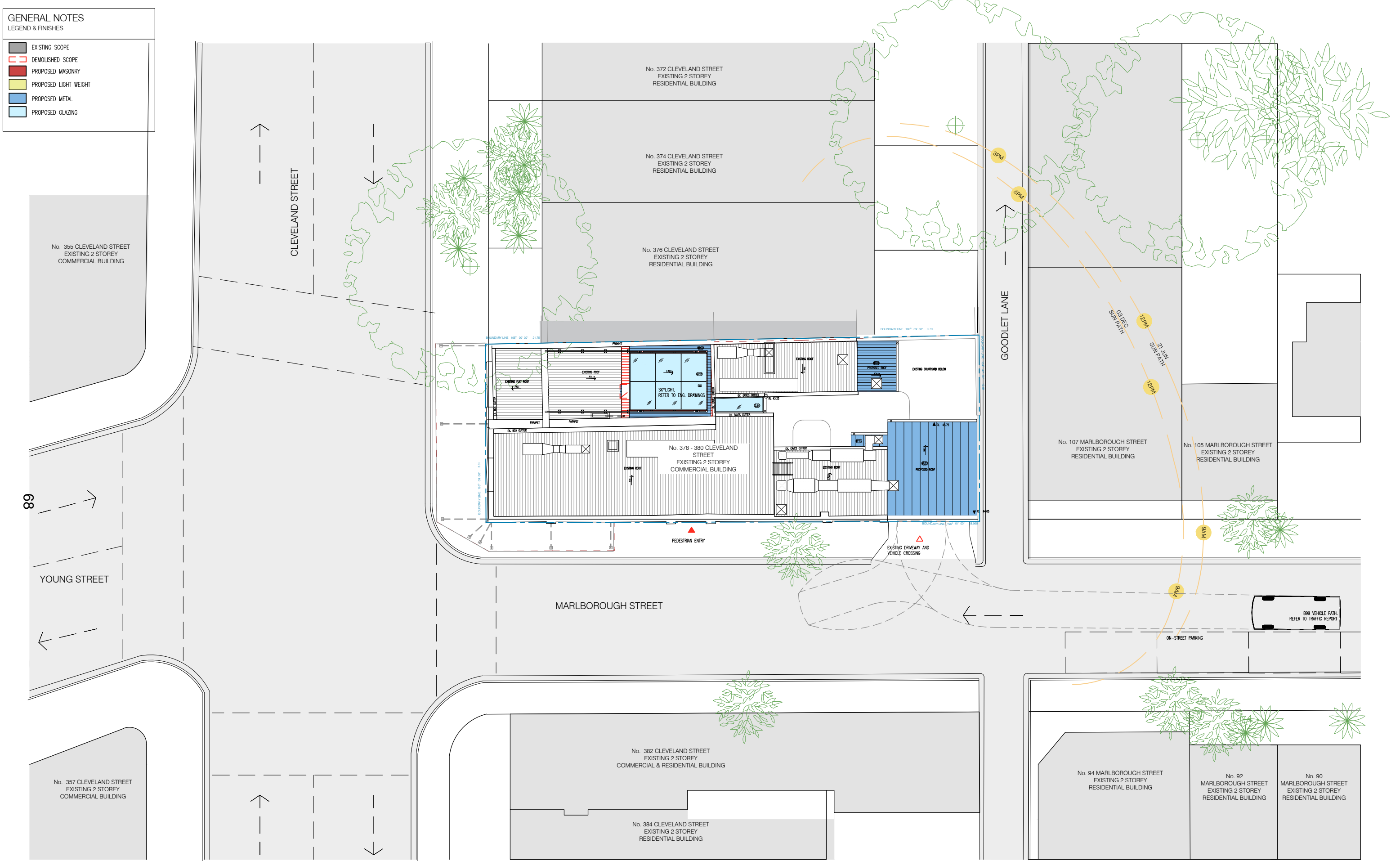
Refer to the New South Wales State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation, 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>.

Attachment B

Selected Drawings

GENERAL NOTES
LEGEND & FINISHES

- EXISTING SCOPE
- DEMOLISHED SCOPE
- PROPOSED MASONRY
- PROPOSED LIGHT WEIGHT
- PROPOSED METAL
- PROPOSED GLAZING



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Rev. No.	Date	Revision	By	Chk.	Rev. No.	Date	Revision	By	Chk.	Project	Date	Scale	Sheet Size
A	14.04.25	Issue for DA	KR	KS						The Boxing Bear 378-380 Cleveland Street	14.04.25	1:500	@ A3
										Drawing	Reg No.	Drawn	Chk.
										Site Analysis		KR	KS
											Job No.	Drawing No.	Revision
											86034	DA-0001	A

DA

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Surry Hills NSW 2010

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GENERAL NOTES
LEGEND & FINISHES

EXISTING WALLS

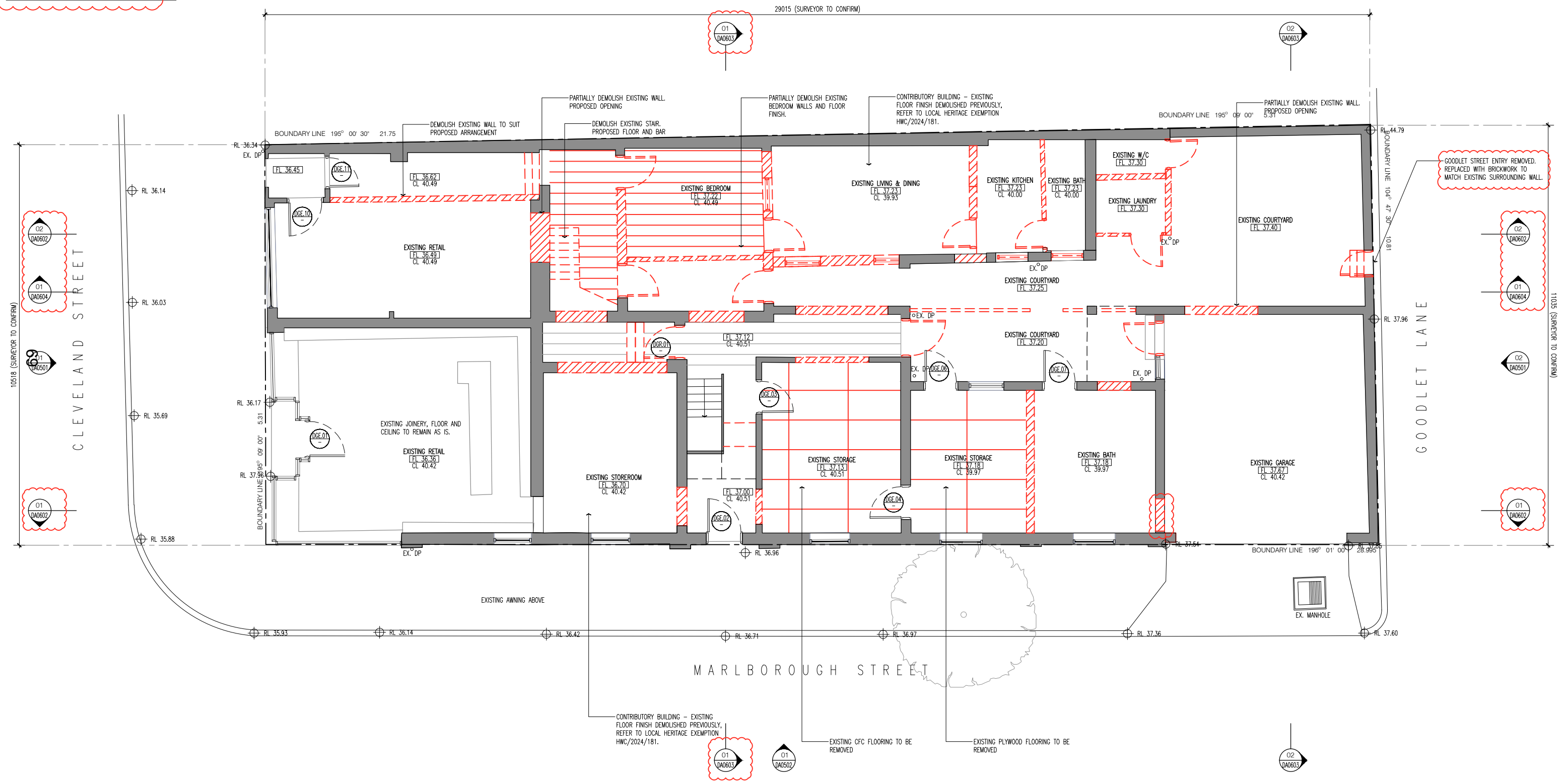
DEMOLISHED WALLS / FLOOR FINISH

EXISTING TIMBER FLOOR FINISH

EXISTING CFC / PLYWOOD FLOOR FINISH

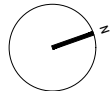
EXISTING PLYWOOD FLOOR FINISH

DOOR TAG
L- LEVEL, X- REFER BELOW, #- NUMBER
R - Relocated
E - Existing to be retained
Note: Demolished doors shown red and without door tag



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Rev. No.	Date	Revision	By	Chk.
A	16.05.24	Issue for Information	KR	KS
B	06.08.24	Issue for Information	KR	KS
C	18.11.24	Pre DA Amendments	KR	KS
D	14.04.25	Issue for DA	KR	KS
E	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Existing & Demolition Plan
Ground Floor

Date
15.08.25

Scale
1:100

Reg No.
KR

Job No.
86034

Drawn
DA-0051

Sheet Size
@ A3

Chk.
KS

Revision
E

DA

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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

DEMOLISHED WALLS / FLOOR FINISH

EXISTING TIMBER FLOOR FINISH

EXISTING CFC / PLYWOOD FLOOR FINISH

EXISTING PLYWOOD FLOOR FINISH

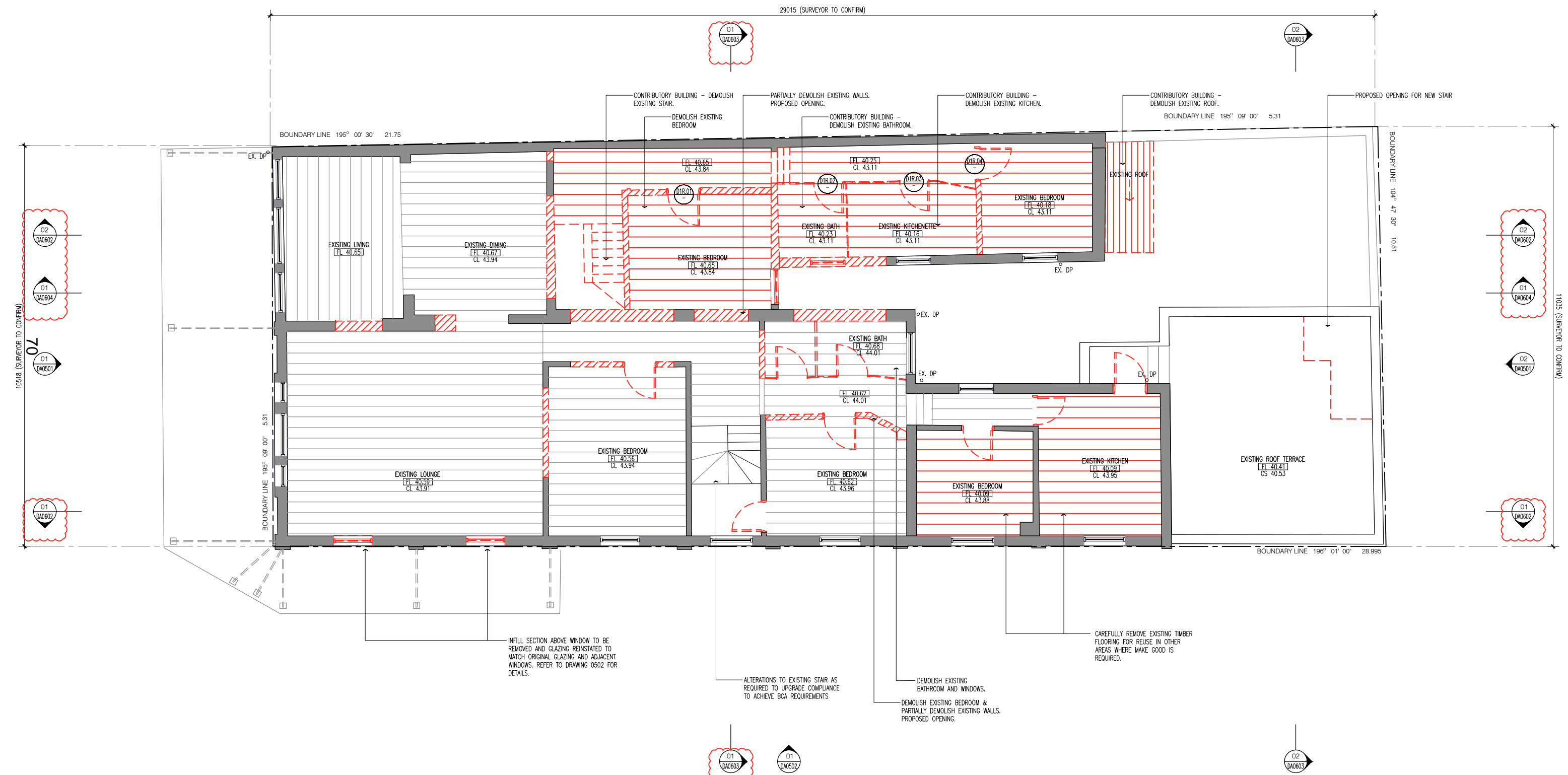
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Date

Revision

By

Chk.

A

16.05.24

Issue for Information

KR

KS

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06.08.24

Issue for Information

KR

KS

C

18.11.24

Pre DA Amendments

KR

KS

D

14.04.25

Issue for DA

KR

KS

E

15.08.25

DA RFI

KR

KS

Rev. No.

Date

Revision

By

Chk.

Rev. No.

Date

Revision

By

Chk.

Project

The Boxing Bear

378-380 Cleveland Street

Drawing

Existing & Demolition Plan

First Floor

Date

15.08.25

Scale

1:100

Sheet Size

@ A3

Reg No.

Drawn

Chk.

KS

Job No.

86034

Drawing No.

DA-0052

Revision

E

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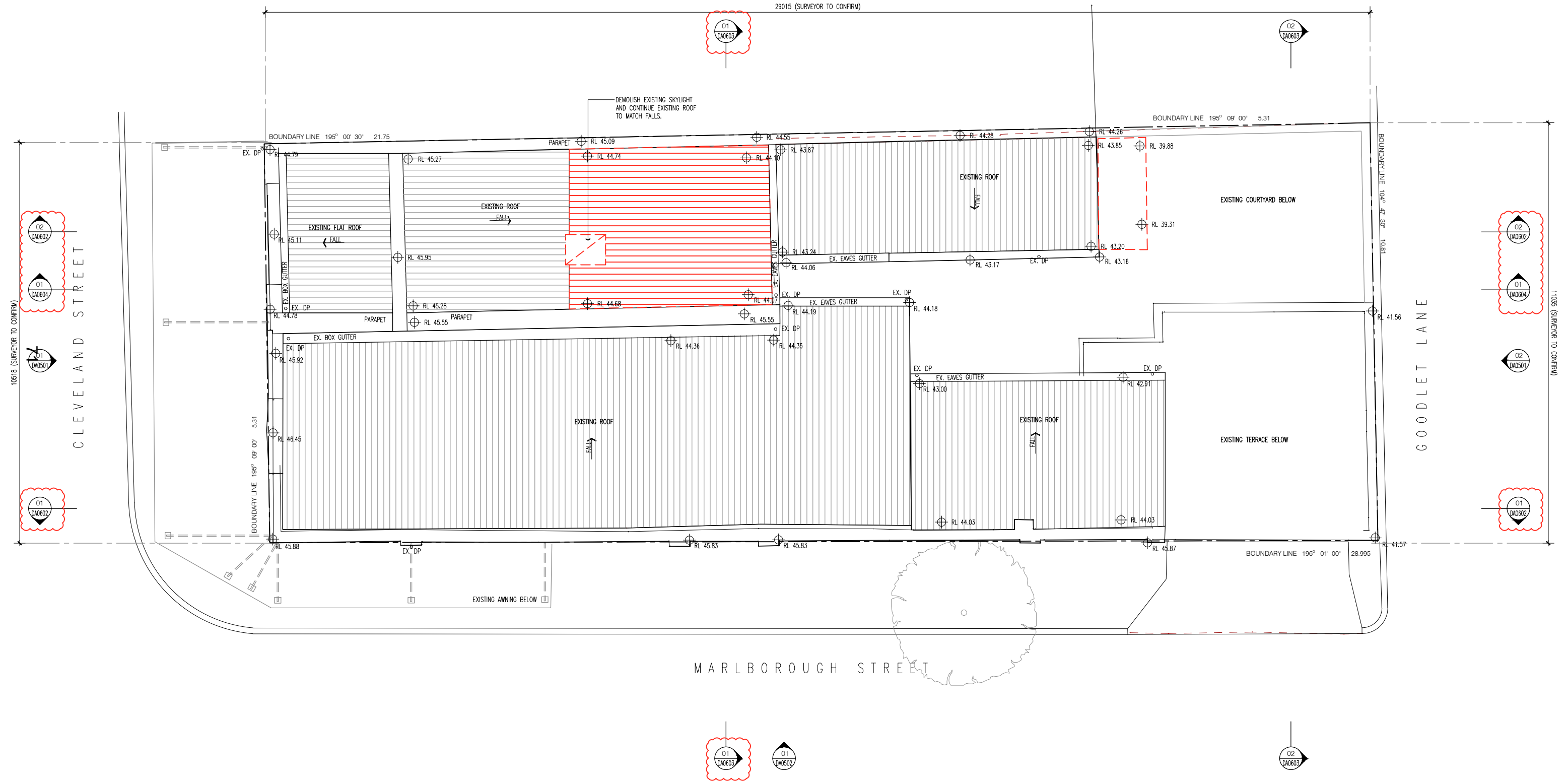
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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

DEMOLISHED WALLS / FLOOR FINISH



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D	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Existing & Demolition Plan
Roof

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0053	D

DA

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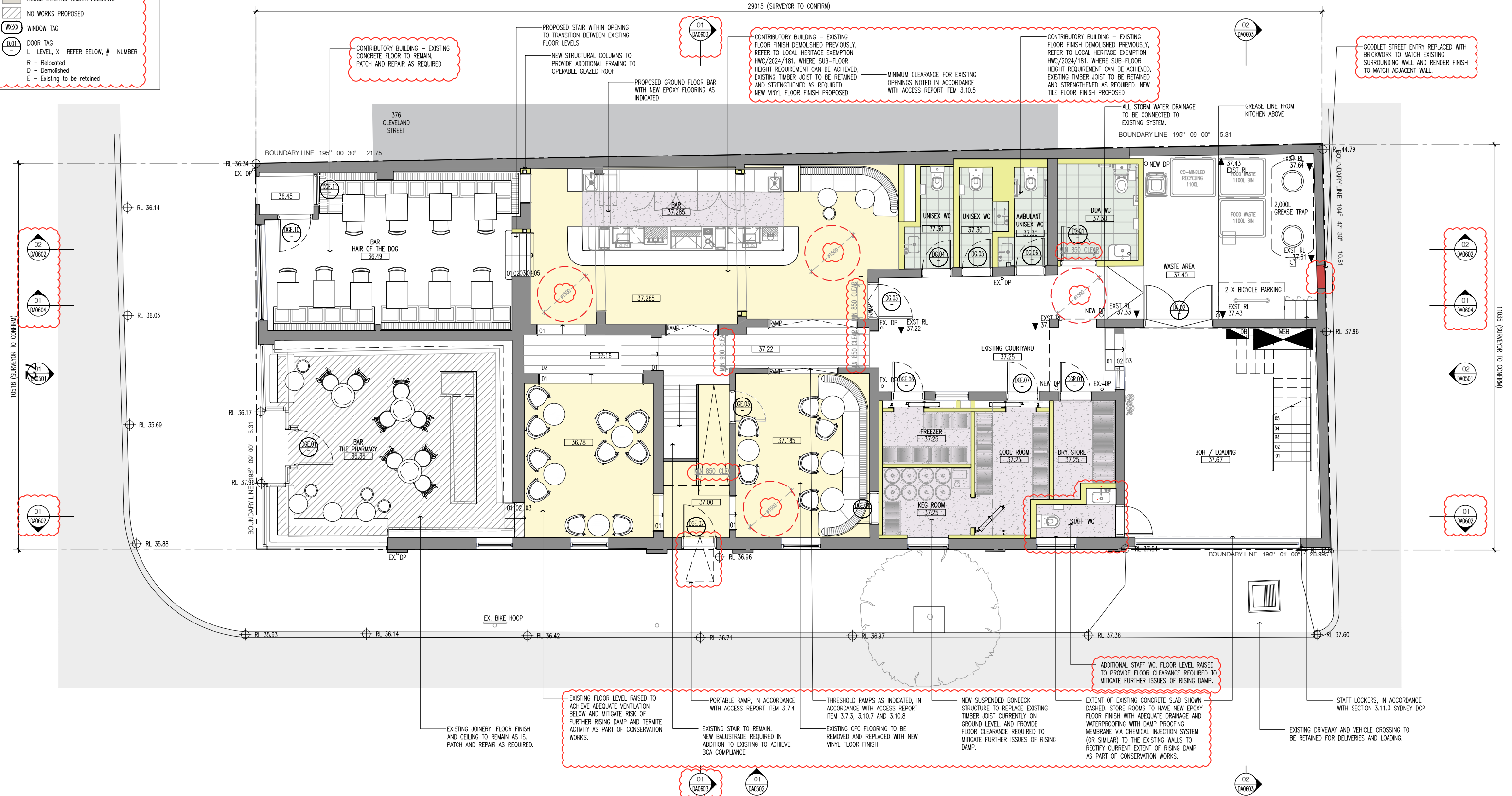
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STANISICH

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GENERAL NOTES

LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED
- PROPOSED MASONRY
- PROPOSED LIGHT WEIGHT
- PROPOSED METAL
- PROPOSED GLAZING
- PROPOSED VINYL FLOOR FINISH
- PROPOSED EPOXY FLOOR FINISH
- PROPOSED TILE FLOOR FINISH
- REUSE EXISTING TIMBER FLOORING
- NO WORKS PROPOSED
- WINDOW TAG
- DOOR TAG
- L - LEVEL, X - REFER BELOW, # - NUMBER
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Rev. No.	Date	Revision	By	Chk.
A	16.04.24	Issue for Information	KR	KS
B	24.06.24	Issue for Information	KR	KS
C	17.07.24	Issue for Information - Pre DA	KR	KS
D	06.08.24	Issue for Information	KR	KS
E	18.11.24	Pre DA Amendments	KR	KS

Rev. No.	Date	Revision	By	Chk.
F	14.04.25	Issue for DA	KR	KS
G	15.08.25	DA RFI	KR	KS

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
General Arrangement Plan
Ground Floor

Date
15.08.25

Scale
1:100

Sheet Size
@ A3

Reg No.
KR

Drawn
KS

Job No.
86034

Drawing No.
DA-0201

Revision
G

DA

Level 2 / 480 Crown St
Surry Hills NSW 2010

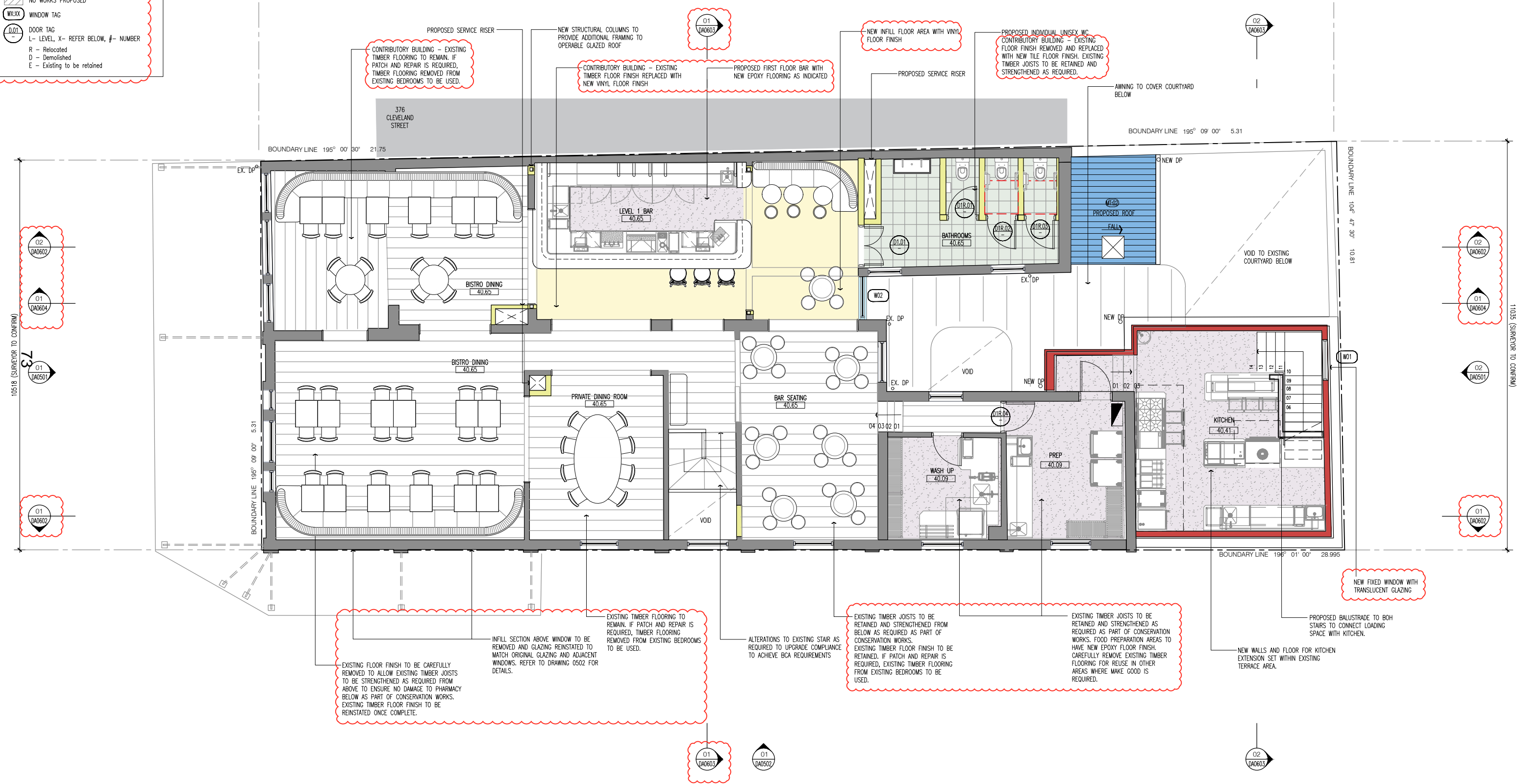
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STANISICH**

GENERAL NOTES

LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED
- PROPOSED MASONRY
- PROPOSED LIGHT WEIGHT
- PROPOSED METAL
- PROPOSED GLAZING
- PROPOSED VINYL FLOOR FINISH
- PROPOSED EPOXY FLOOR FINISH
- PROPOSED TILE FLOOR FINISH
- REUSE EXISTING TIMBER FLOORING
- NO WORKS PROPOSED
- WXXX WINDOW TAG
- D.01 DOOR TAG
- L- LEVEL, X- REFER BELOW, #- NUMBER
- R - Relocated
- D - Demolished
- E - Existing to be retained



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D	06.08.24	Issue for Information	KR	KS
E	18.11.24	Pre DA Amendments	KR	KS

Rev. No.	Date	Revision	By	Chk.
F	14.04.25	Issue for DA	KR	KS
G	15.08.25	DA RFI	KR	KS

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
General Arrangement Plan
First Floor

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0202	G

DA

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RICHARDS
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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

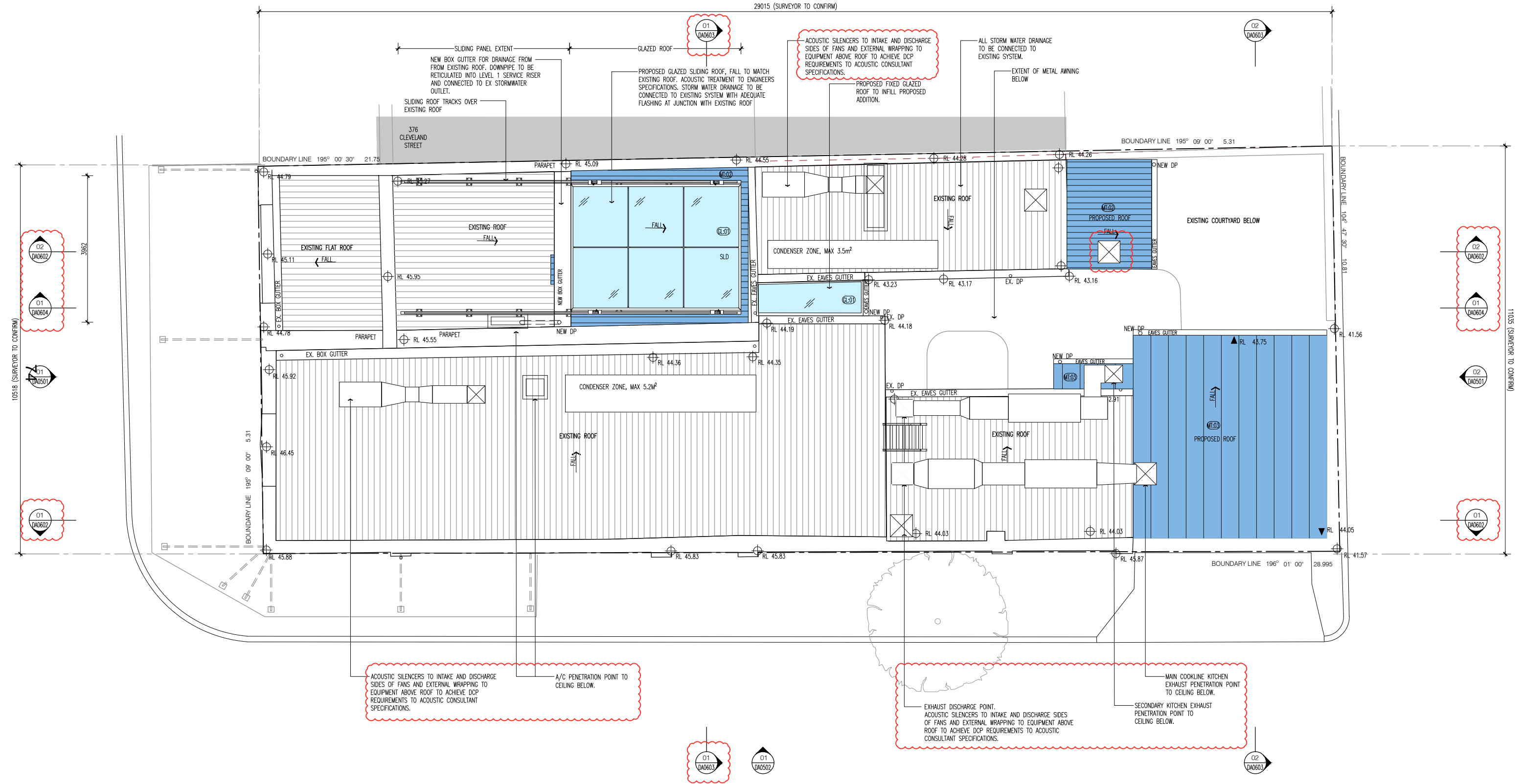
DEMOLISHED

PROPOSED MASONRY

PROPOSED LIGHT WEIGHT

PROPOSED METAL

PROPOSED GLAZING



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Rev. No.

Date

Revision

By

Chk.

A

06.08.24

Issue for Information

KR

KS

B

14.04.25

Issue for DA

KR

KS

C

15.08.25

DA RFI

KR

KS

Rev. No.

Date

Revision

By

Chk.

Rev. No.

Date

Revision

By

Chk.

Project

The Boxing Bear

378-380 Cleveland Street

Drawing

Roof Plan

Date

15.08.25

Scale

1:100

Sheet Size

@ A3

Reg. No.

Drawn

Chk.

KS

Job No.

86034

Drawing No.

DA-0203

Revision

C

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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

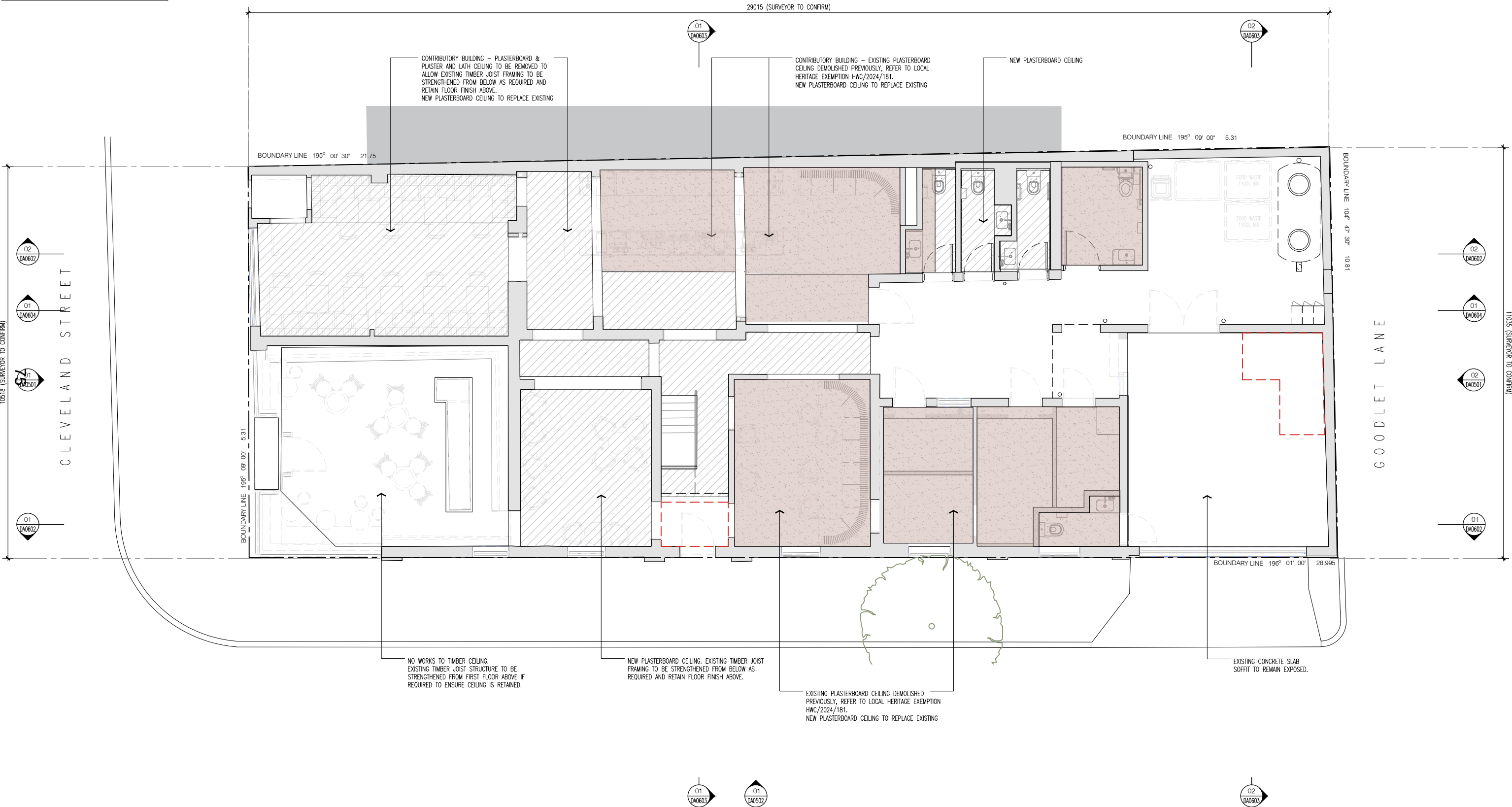
DEMOLISHED WALLS

PROPOSED PLASTERBOARD CEILING TO REPLACE ALTERNATE FINISH – REFER TO HERITAGE IMPACT STATEMENT FOR EXISTING FINISH.

PROPOSED GLAZING

EXISTING CEILING PATCH & REPAIR OR REPLACE WITH LIKE FOR LIKE

PROPOSED PLASTERBOARD CEILING TO REPLACE EXISTING LIKE FOR LIKE.



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Rev. No.	Date	Revision	By	Chk.
A	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project

The Boxing Bear
378-380 Cleveland Street

Drawing

Reflected Ceiling Plan
Ground Floor

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn KR	Chk. KS
Job No.	Drawing No. 86034 DA-0401	Revision A

DA

Level 2 / 480 Crown St
Surry Hills NSW 2010

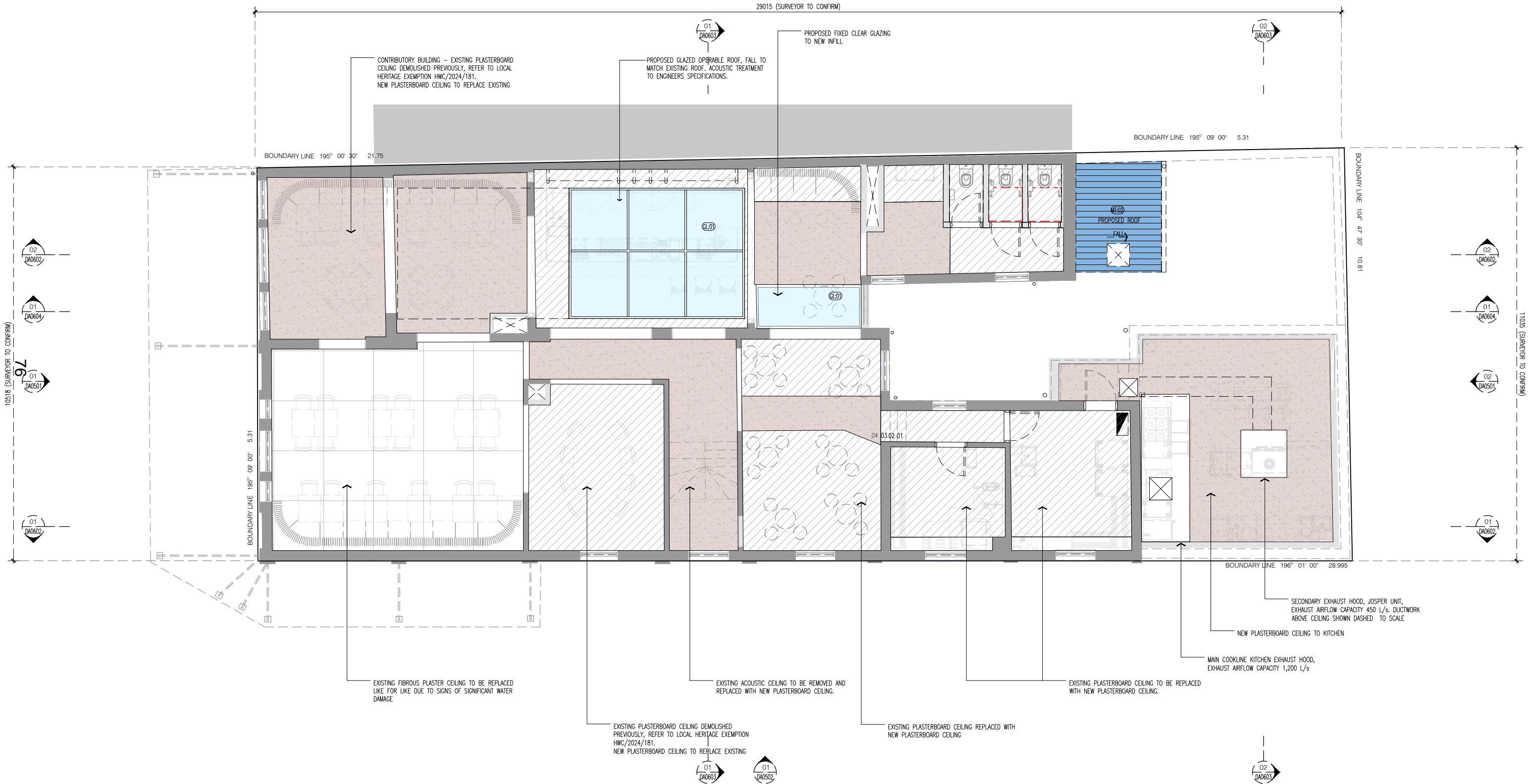
Tel: 2 0010 0220
rich@richardsstanisch.com.au

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GENERAL NOTES

LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED PLASTERBOARD CEILING TO REPLACE ALTERNATE FINISH – REFER TO HERITAGE IMPACT STATEMENT FOR EXISTING FINISH.
- PROPOSED GLAZING
- EXISTING CEILING PATCH & REPAIR OR REPLACE WITH LIKE FOR LIKE
- PROPOSED PLASTERBOARD CEILING TO REPLACE EXISTING LIKE FOR LIKE.



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Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Reflected Ceiling Plan
First Floor

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0402	A

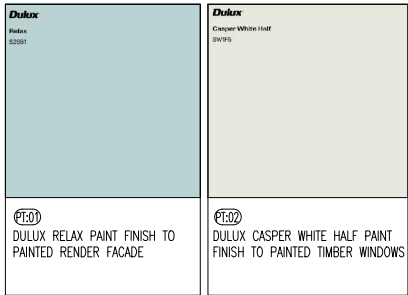
DA

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rich@richardsstanisch.com.au

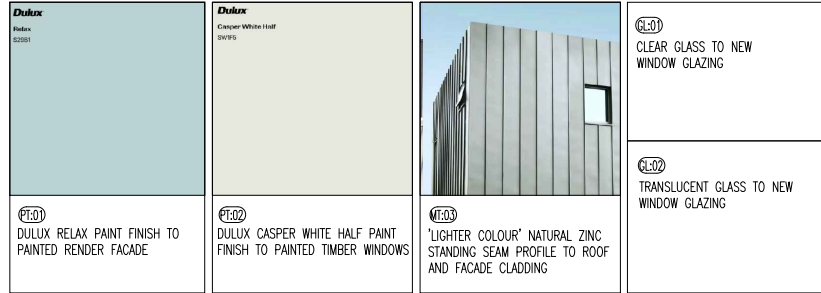
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GENERAL NOTES
LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED MASONRY WALL
- PROPOSED LIGHT WEIGHT WALL
- PROPOSED METAL
- PROPOSED GLAZING
- NEIGHBOURING BUILDING



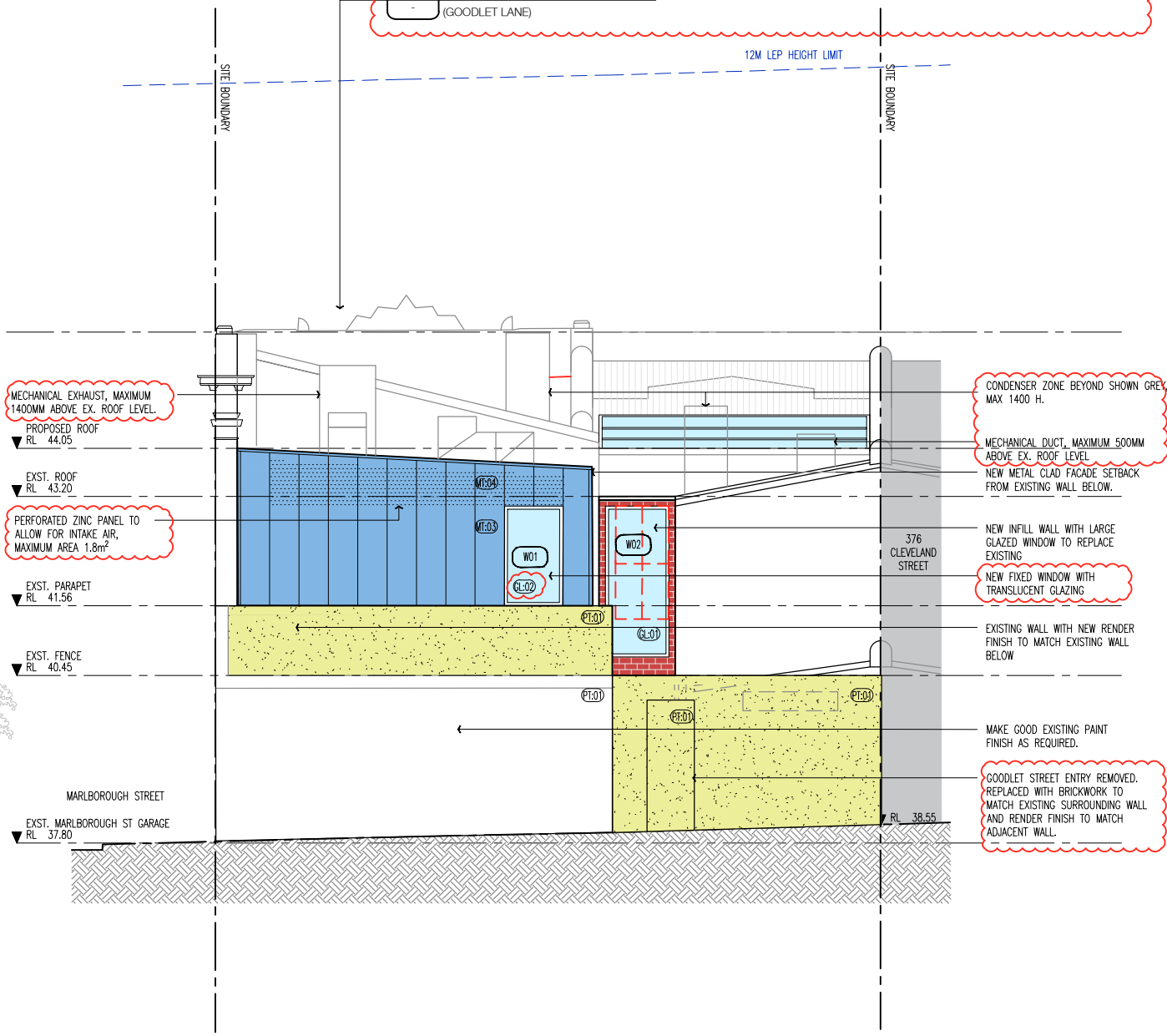
03 MATERIAL PALETTE
(CLEVELAND STREET)



04 MATERIAL PALETTE
(GOODLET LANE)



01 ELEVATION
South
(CLEVELAND STREET)
1:100



02 ELEVATION
North
(GOODLET LANE)
1:100

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A	16.05.24	Issue for Information	KR	KS
B	06.08.24	Issue for Information	KR	KS
C	14.04.25	Issue for DA	KR	KS
D	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Elevations

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0501	D

DA

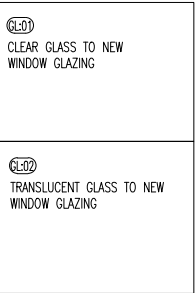
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GENERAL NOTES
LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED MASONRY WALL
- PROPOSED LIGHT WEIGHT WALL
- PROPOSED METAL
- PROPOSED GLAZING
- NEIGHBOURING BUILDING



02 MATERIAL PALETTE
(MARLBOROUGH STREET)

03 MATERIAL PALETTE
(MARLBOROUGH STREET)

12M LEP HEIGHT LIMIT

EXST. PARAPET
RL 45.89



INFILL SECTION ABOVE WINDOW
TO BE REMOVED AND GLAZING
REINSTATED TO MATCH ORIGINAL
SIZE.

8 NEW PAINT FINISH TO EXTERNAL
FACADE. PREPARE EXISTING
SURFACE AND MAKE GOOD AS
REQUIRED.

EXISTING SHOPFRONTS 378 &
380 TO REMAIN. MAKE GOOD AS
REQUIRED FOR SECURITY,
ACOUSTICS AND SAFETY.

EXST. MARLBOROUGH ST GARAGE
RL 37.67

EXST. MARLBOROUGH ST ENTRY
RL 37.00

RL 36.17
EXST

CLEVELAND STREET

01 ELEVATION
East
(MARLBOROUGH STREET)

1:100

PROPOSED ROOF
44.05 RL

EXST. PARAPET
41.56 RL

41.41 FFL

GOODLET LANE

NEW METAL GARAGE DOOR FOR
LOADING DOCK

NEW PAINT FINISH TO EXTERNAL
FACADE. PREPARE EXISTING
SURFACE AND MAKE GOOD AS
REQUIRED.

NEW PAINT FINISH TO WINDOW
FRAMES. PREPARE EXISTING
SURFACE AND MAKE GOOD AS
REQUIRED FOR SECURITY &
SAFETY.

NEW PAINT FINISH TO EXISTING
DOOR.

REMOVE SECURITY BARS FROM
ALL EXISTING WINDOWS

Rev. No.	Date	Revision	By	Chk.
A	16.05.24	Issue for Information	KR	KS
B	06.08.24	Issue for Information	KR	KS
C	14.04.25	Issue for DA	KR	KS
D	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Elevations

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0502	D

DA

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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

DEMOLISHED WALLS

PROPOSED STRUCTURE

PROPOSED MASONRY WALL / FLOOR

PROPOSED LIGHT WEIGHT WALL / FLOOR

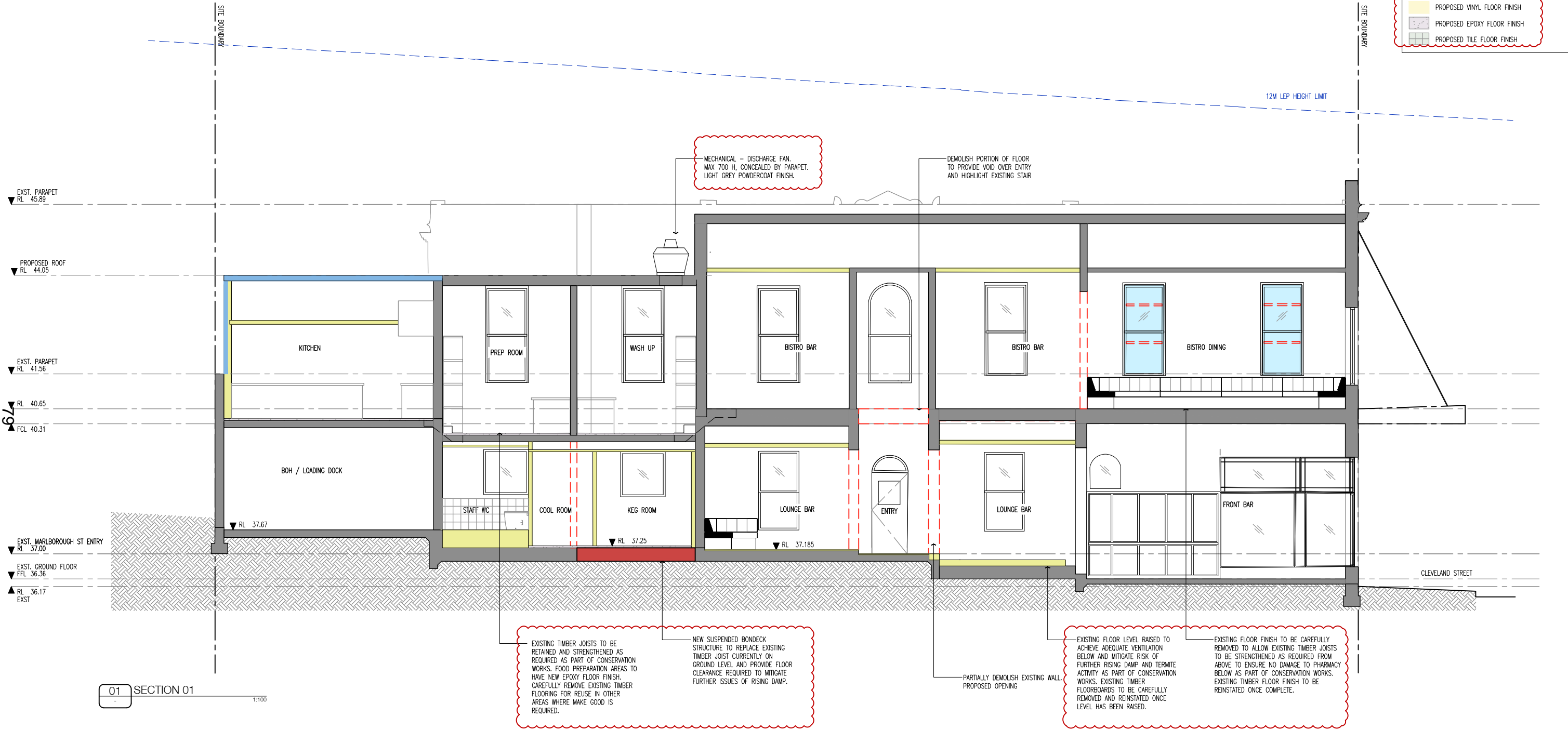
PROPOSED METAL

PROPOSED GLAZING

PROPOSED VINYL FLOOR FINISH

PROPOSED EPOXY FLOOR FINISH

PROPOSED TILE FLOOR FINISH



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C	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project

The Boxing Bear
378-380 Cleveland Street

Drawing

Section
Sheet 01

Date

15.08.25

Scale

1:100

Sheet Size

@ A3

Reg No.

Drawn

Chk.

86034

DA-0601

Job No.

Drawing No.

Revision

86034

DA-0601

C

DA

Level 2 / 480 Crown St
Surry Hills NSW 2010

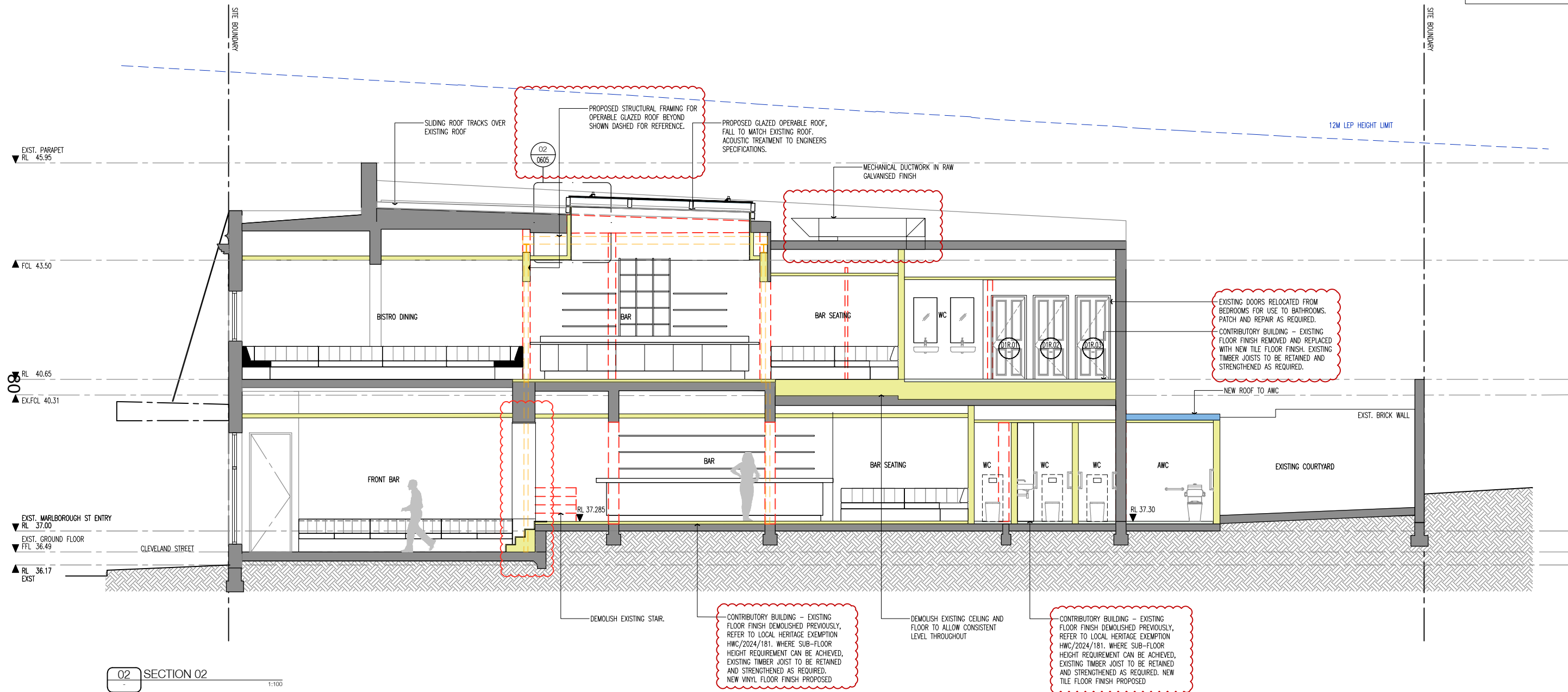
15.08.25

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GENERAL NOTES
LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED STRUCTURE
- PROPOSED MASONRY WALL / FLOOR
- PROPOSED LIGHT WEIGHT WALL / FLOOR
- PROPOSED METAL
- PROPOSED GLAZING
- PROPOSED VINYL FLOOR FINISH
- PROPOSED EPOXY FLOOR FINISH
- PROPOSED TILE FLOOR FINISH



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C	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Sections
Sheet 02

Date	Scale	Sheet Size
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Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0602	C

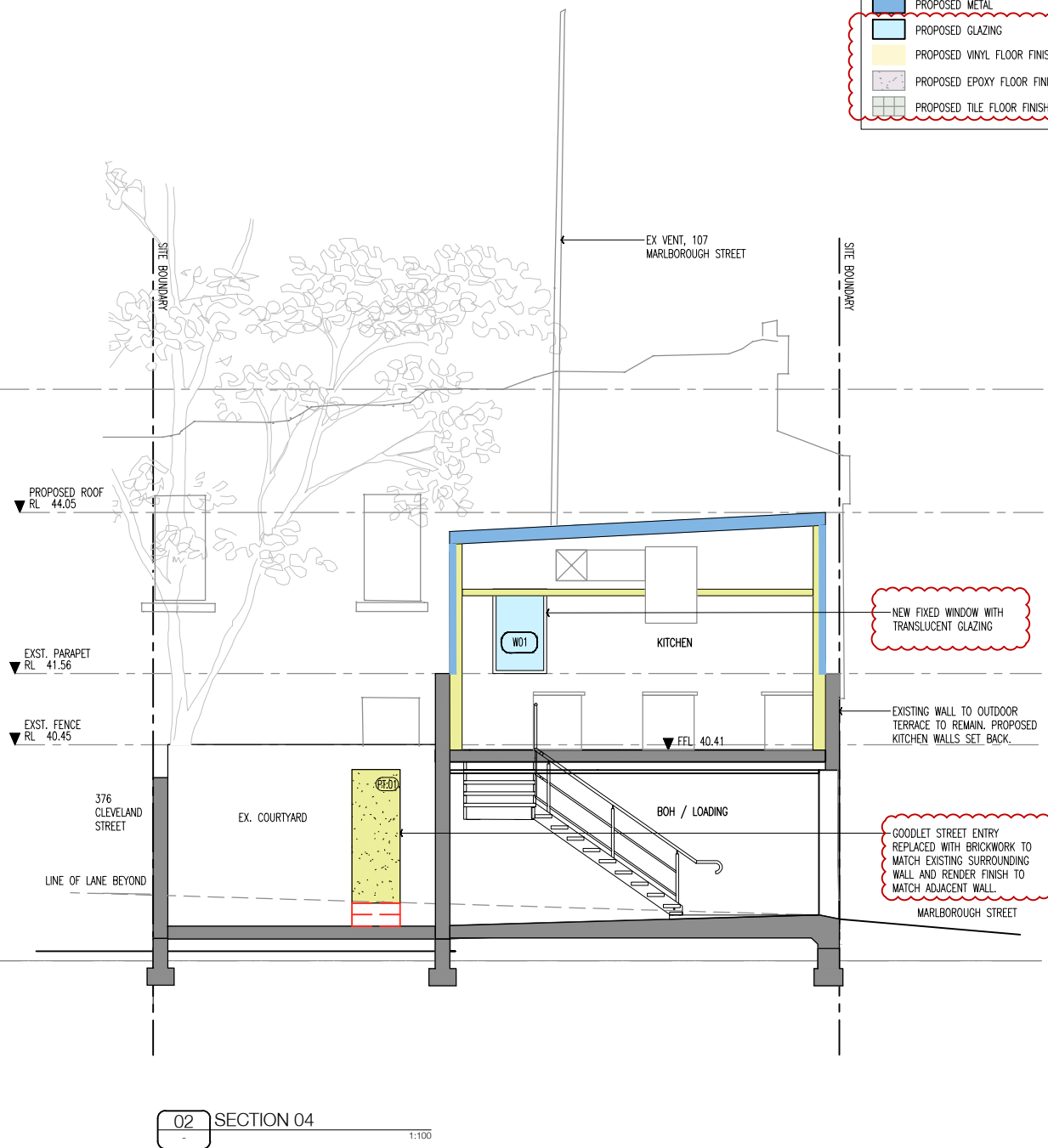
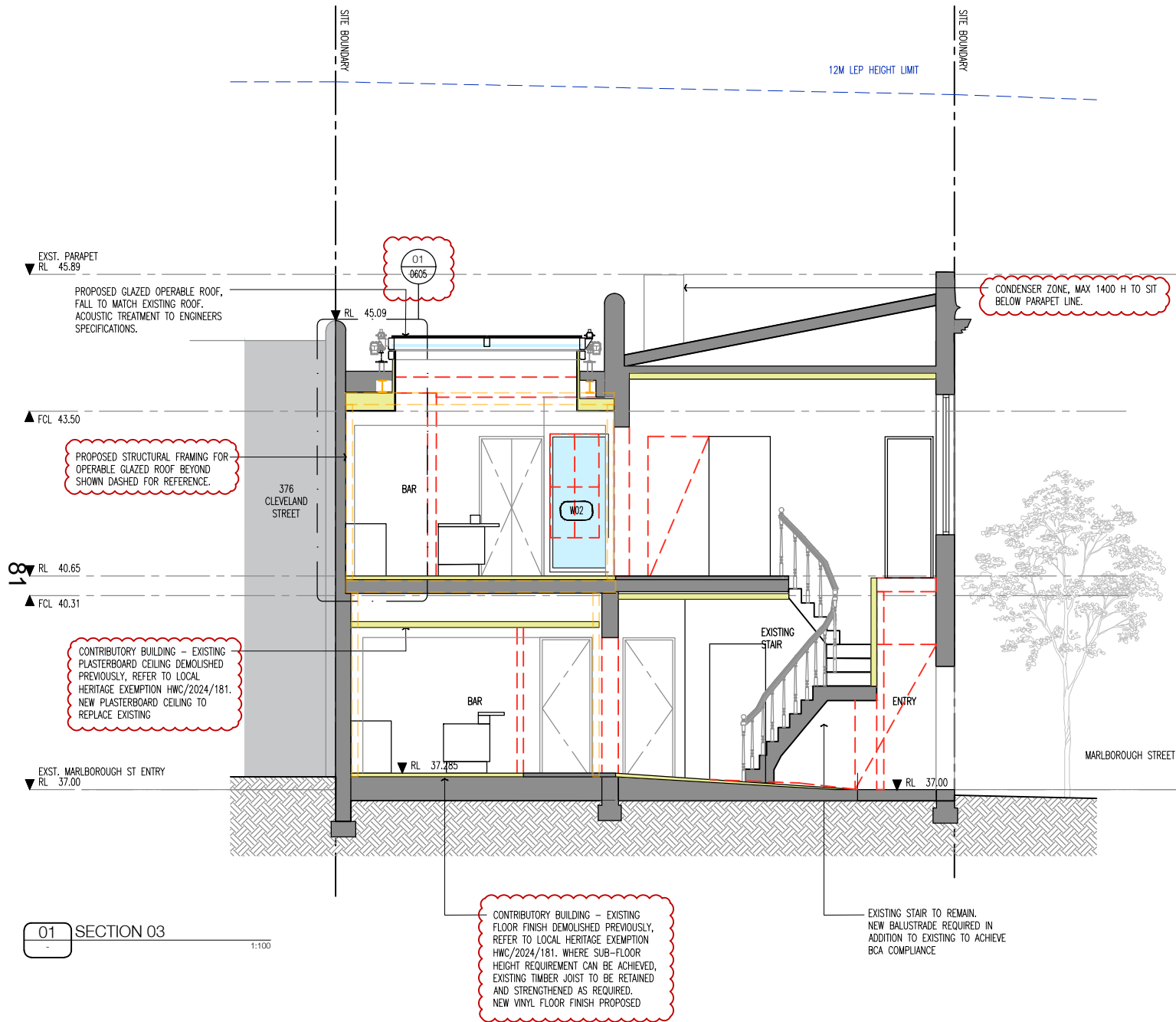
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GENERAL NOTES
LEGEND & FINISHES

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED STRUCTURE
- PROPOSED MASONRY WALL / FLOOR
- PROPOSED LIGHT WEIGHT WALL / FLOOR
- PROPOSED METAL
- PROPOSED GLAZING
- PROPOSED VINYL FLOOR FINISH
- PROPOSED EPOXY FLOOR FINISH
- PROPOSED TILE FLOOR FINISH



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C	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear
378-380 Cleveland Street

Drawing
Sections
Sheet 03

Date	Scale	Sheet Size
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Reg No.	Drawn	Chk.
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Job No.	Drawing No.	Revision
86034	DA-0603	C

DA

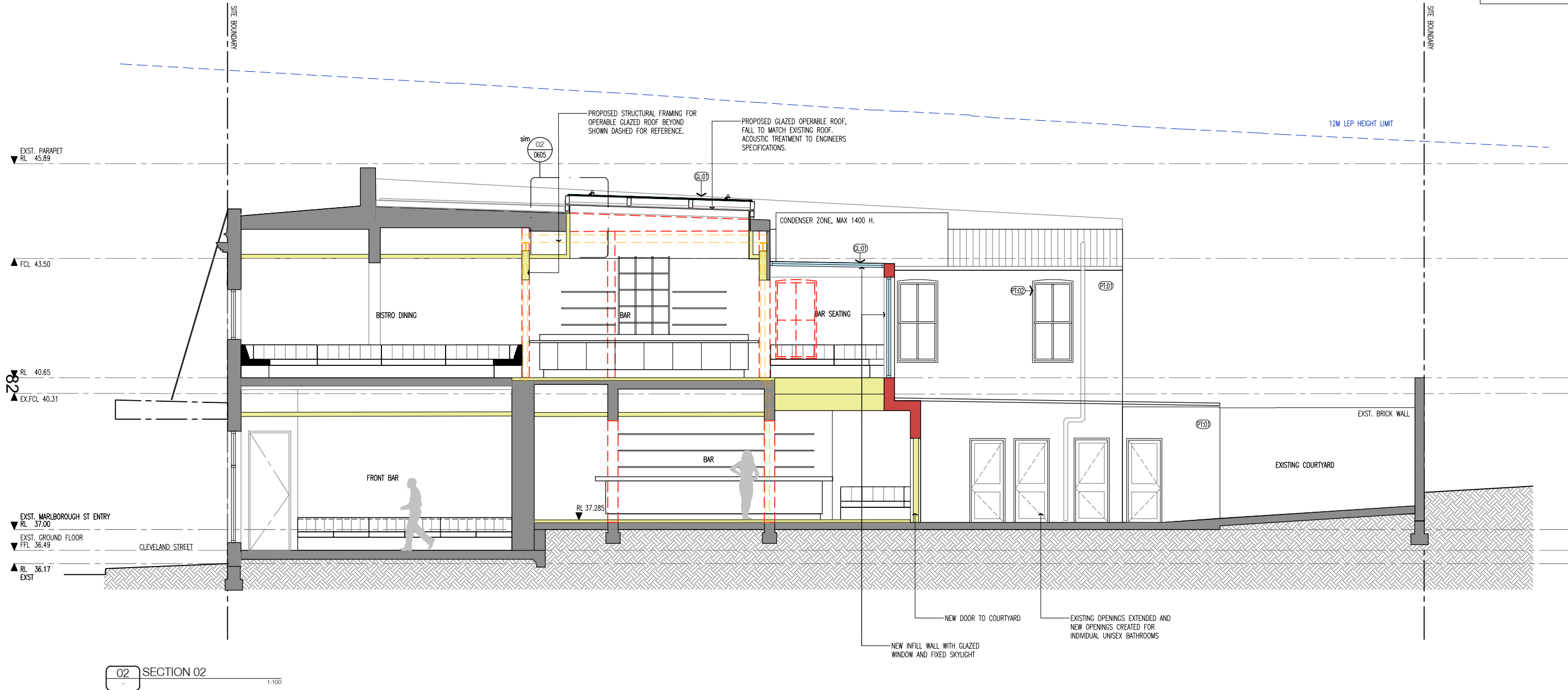
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GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

DEMOLISHED WALLS

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Rev. No.	Date	Revision	By	Chk.
A	15.08.25	DA RFI	KR	KS

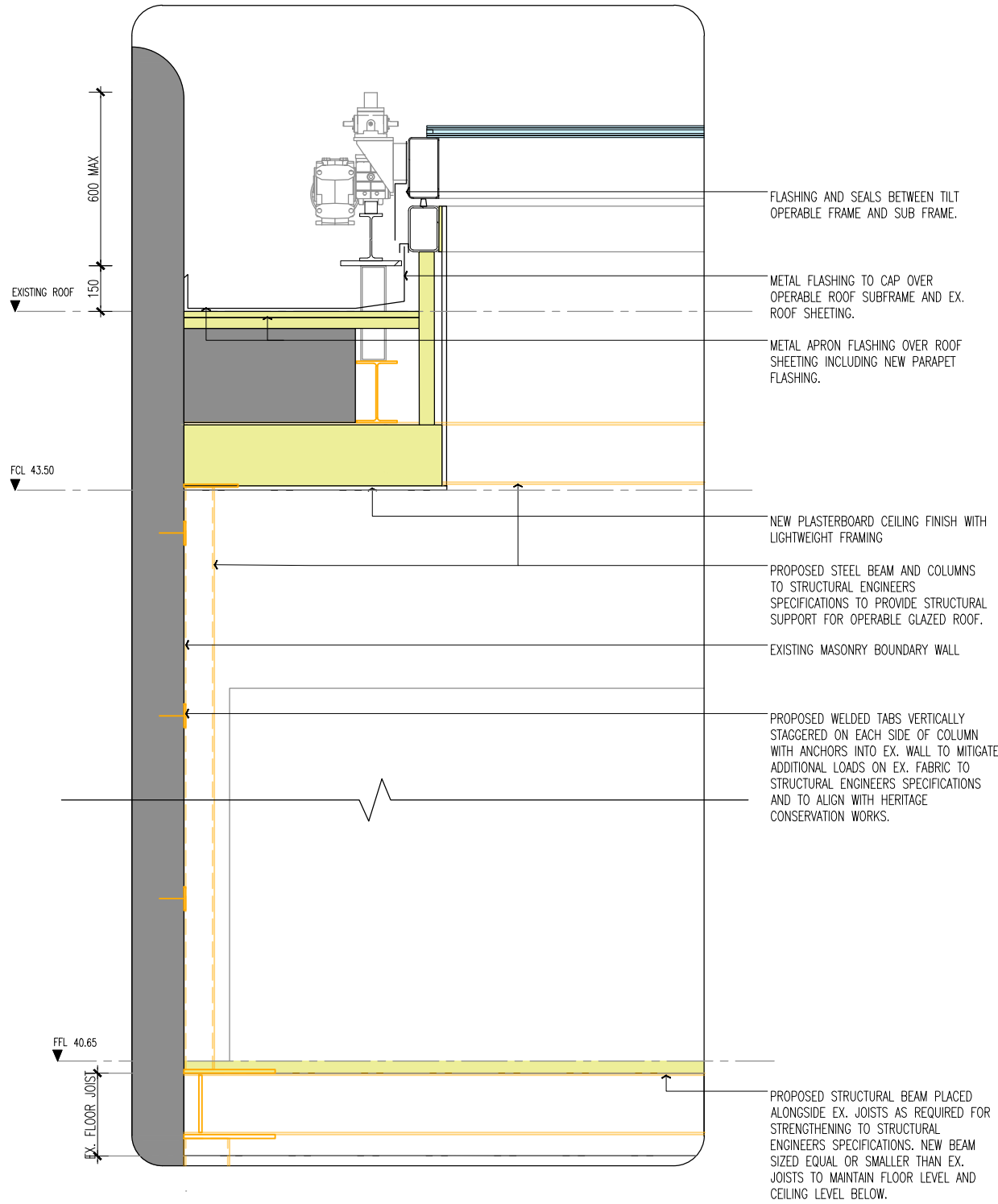
Rev. No.	Date	Revision	By	Chk.

Project	Date	Scale	Sheet Size
The Boxing Bear 378-380 Cleveland Street	15.08.25	1:100	@ A3
Drawing	Reg No.	Drawn	Chk.
Sections Sheet 04		KR	KS
	Job No.	Drawing No.	Revision
	86034	DA-0604	A

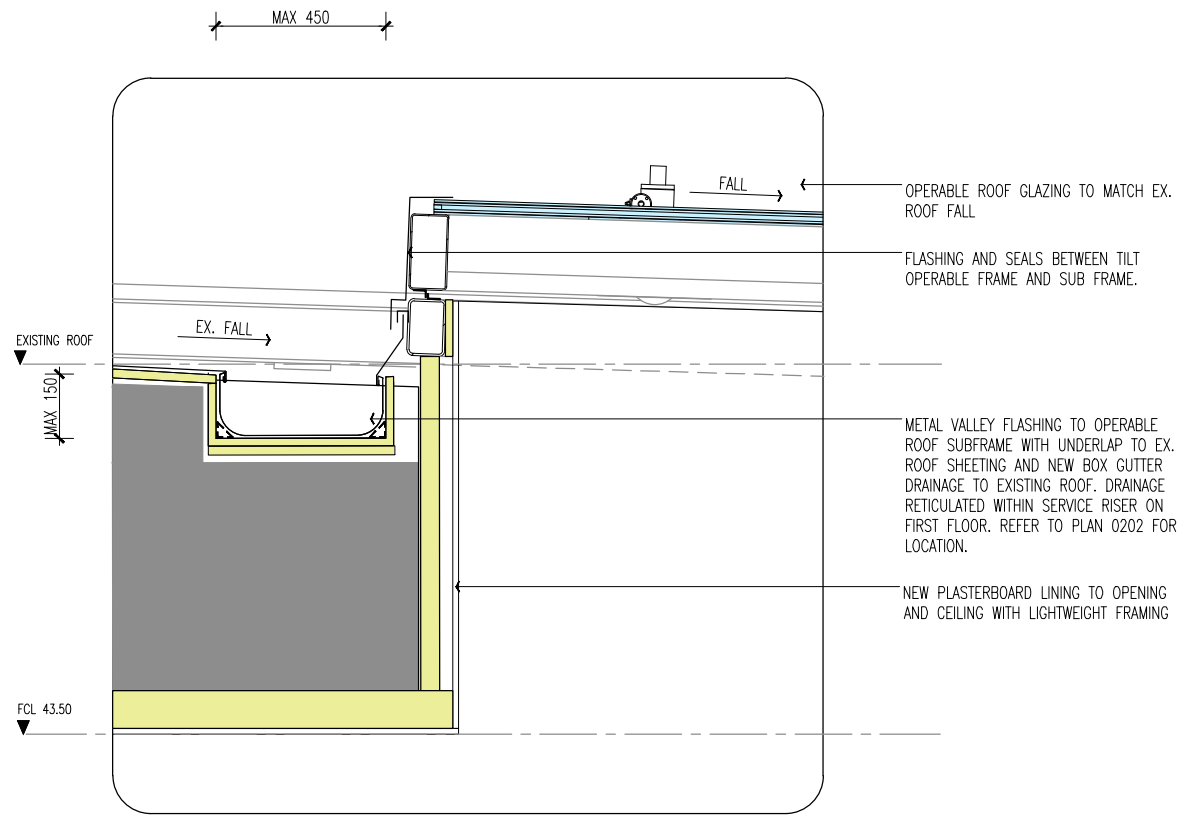
DA

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01 DETAIL SECTION
0603 Operable Roof Glazing & Additional Structure 1:20



02 DETAIL SECTION
0602 Operable Roof Glazing & Drainage 1:20

GENERAL NOTES

LEGEND & FINISHES

EXISTING WALLS

DEMOLISHED WALLS

PROPOSED STRUCTURE

PROPOSED MASONRY WALL / FLOOR

PROPOSED LIGHT WEIGHT WALL / FLOOR

PROPOSED METAL

Rev. No.	Date	Revision	By	Chk.
A	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project	Date	Scale	Sheet Size
The Boxing Bear 378-380 Cleveland Street	15.08.25	1:100	@ A3
Drawing	Reg No.	Drawn	Chk.
Section Details		KR	KS
	Job No.	Drawing No.	Revision
	86034	DA-0605	A

DA

Level 2 / 480 Crown St
Surry Hills NSW 2010

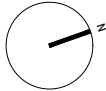
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<div>CL01</div> <div>CLEAR GLASS TO NEW WINDOW GLAZING</div>	<div>Dulux</div> <div>Casper White Half SW1F5</div>	<div>MT03</div> <div>LYSAGHT CORRUGATED CUSTOM ORB PROFILE SHEETING IN SHALE GREY FINISH TO GARAGE DOOR</div>	<div>MT02</div> <div>LYSAGHT CORRUGATED CUSTOM ORB PROFILE ROOF SHEETING IN HERITAGE GALVANISED FINISH TO ROOF</div>
<div>CL02</div> <div>TRANSLUCENT GLASS TO NEW WINDOW GLAZING</div>	<div>Dulux</div> <div>Relax S29B1</div>	<div>MT03</div> <div>'LIGHTER COLOUR' NATURAL ZINC STANDING SEAM PROFILE TO ROOF AND FACADE CLADDING</div>	<div>MT04</div> <div>'LIGHTER COLOUR' NATURAL ZINC PERFORATED PANEL TO FACADE TO ALLOW FOR AIR INTAKE. PERFORATION SHAPE ROUND.</div>
	<div>Dulux</div> <div>PT02</div> <div>DULUX CASPER WHITE HALF PAINT FINISH TO PAINTED TIMBER WINDOWS</div>		

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Rev. No.	Date	Revision	By	Chk.
A	15.08.25	DA RFI	KR	KS

Rev. No.	Date	Revision	By	Chk.

Project
The Boxing Bear 378-380 Cleveland Street
Drawing
Material Schedule

Date	Scale	Sheet Size
15.08.25	1:100	@ A3
Reg No.	Drawn	Chk.
	KR	KS
Job No.	Drawing No.	Revision
86034	DA-0710	A

DA

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Attachment C

Clause 4.6 Variation Request

Floor Space Ratio

Clause 4.6 – Exceptions to Development Standards

Request to vary Clause 4.4 – Floor Space Ratio in Sydney Local Environmental Plan 2012

Address: 378-380 Cleveland Street, Surry Hills (Lot 3 in DP618947)

Proposal: Alterations and additions including change of use

Amended Date: 19 August 2025

1. Introduction

This document is a written request submitted under Clause 4.6 of the Sydney Local Environmental Plan (SLEP) 2012 to vary the Clause 4.4 Floor Space Ratio (FSR) development standard applying to the proposed development at 380 Cleveland Street, Surry Hills.

The Development Application (DA) relates to both 378 and 380 Cleveland Street, Surry Hills. Both buildings are located on one, shared lot (Lot 3 in DP618947) as shown at Figure 1.



Figure 1: Aerial site photo (Source: SixMaps)

Site area

The site was previously located on two lots, which were amalgamated in 1981. However, the buildings are subject to separate development controls, including differing FSR.

As per the Deposited Plan (DP) DP618947, the site now has a total site area of 306.5m². Each building also has a separate site area for the purposes of calculating their differential FSR development standards. Based on information provided in the previous (now superseded) DP438837, the site area of 380 Cleveland Street is 170.7m². As such, the site area of 378 Cleveland Street is 135.8m².

The current and previous Deposited Plans are included at Attachment 1 for further detail.

2. Description of the environmental planning instrument, development standard and proposed variation

2.1. What is the name of the environmental planning instrument that applies to the land?

The Sydney Local Environmental Plan (SLEP) 2012.

2.2. What is the zoning of the land?

The land is zoned MU1 Mixed Use.

The objectives of the zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure land uses support the viability of nearby centres.
- To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

2.3. What is the development standard being varied?

The development standard being varied is Floor Space Ratio (FSR).

2.4. Is the development standard a performance-based or numerical control?

The FSR development standard is a numerical control.

2.5. Under what Clause is the development standard listed in the environmental planning instrument?

Clause 4.4 of the SLEP 2012 establishes the maximum FSR for land within the Sydney LGA as identified on the FSR Map.

2.6. What are the objectives of the development standard?

The objectives of the development standard are:

- To provide sufficient floor space to meet anticipated development needs for the foreseeable future.

- To regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic.
- To provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- To ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.

2.7. What is the numeric value of the development standard in the environmental planning instrument?

As demonstrated at Figure 1, the site comprises two buildings with separate FSR controls, despite being located on the same lot. The FSR controls are 1.5:1 for 378 Cleveland Street, and 1.25:1 for 380 Cleveland Street, as shown at Figure 2.

Averaged across the site, a maximum FSR of 1.36:1 is allowable.



Figure 2: Floor Space Ratio Map (Source: SLEP 2012)

2.8. What is the proposed numeric value of the development standard in the development application?

At 380 Cleveland Street, an FSR of 1.47:1 is proposed. It is important to note that the existing building already exceeds the control for the site, with a current FSR of 1.29:1.

Across the whole site, an FSR of 1.38:1 is proposed, exceeding the allowable 1.36:1 by 0.02:1 or 1.47%. A breakdown of the FSR for each building, and the site as a whole, is provided at Table 1.

Property	Control	Existing	Proposed	Variation
378 Cleveland Street	1.5:1	1.15:1	1.26:1 (171m ²)	No
380 Cleveland Street	1.25:1	1.29:1	1.47:1 (251m ²)	Yes – 17.6%
Both properties (whole site)	1.36:1	1.23:1	1.38:1 (422m ²)	Yes – 1.47%

Table 1: Site area and FSR breakdown

Area of Proposed Variation

The proposed increase FSR at 380 Cleveland Street, and across the site as a whole, primarily results from the proposed first floor rear addition, which will function as the kitchen for the proposed restaurant, providing sufficient floorspace on the site for the use. The area of the proposed variation is shown at Figure 3.

Some minor internal alterations at 378 Cleveland Street also result in increased GFA (across the ground and first floors), but do not exceed the FSR control for that portion of the site. These minor increases contribute to the overall exceedance, across the whole site.

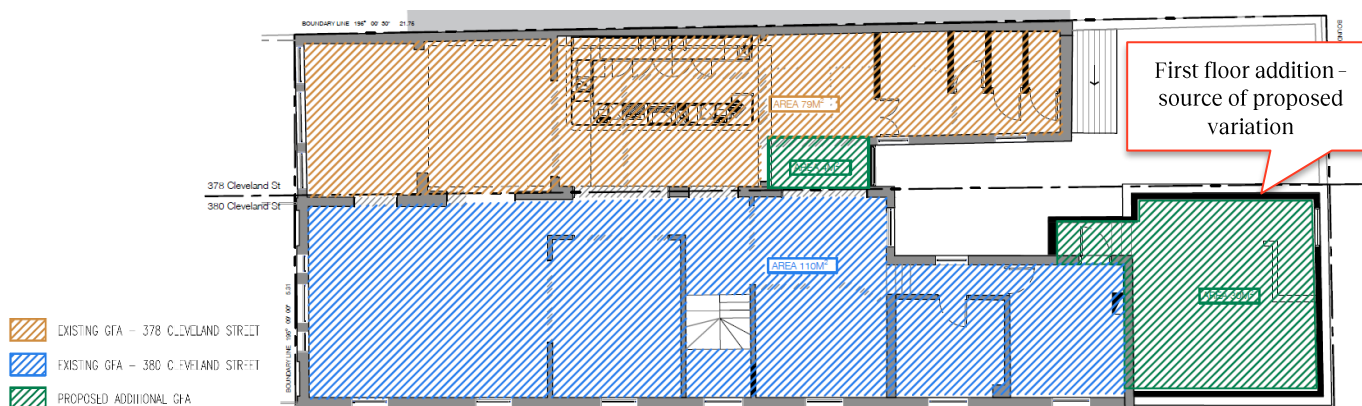


Figure 3: Existing and proposed gross floor area plan (first floor) (Source: Richards Stanisch, Drawing No. DA-0011)

2.9. What is the percentage variation (between the proposal and the environmental planning instrument)?

Technically, the proposal exceeds the maximum FSR development standard at 380 Cleveland Street (1.25:1) by 0.22:1, which represents a variation of 17.6%.

However, the whole site exceeds the maximum FSR available (1.36:1) by 0.02:1, which represents a minor variation of 1.47%.

3. Justification of the Proposed Variation

3.1. Clause 4.6 Exceptions to Development Standards

Clause 4.6 establishes the framework for varying development standards in an environmental planning instrument.

Clause 4.6(3)(a) and 4.6(3)(b) require that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

- "(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standards."*

This written request has been prepared in accordance with the *Guide to Varying Development Standards* published by the NSW Department of Planning and Environment in November 2023, and has regard to the following judgements:

- *Winten Property v North Sydney Council* (2001) NSW LEC 46;
- *Wehbe v Pittwater Council* (2007) NSW LEC 827;
- *Four2Five Pty Ltd v Ashfield Council* (2015) NSW LEC 90;
- *Randwick City Council v Micaul Holdings Pty Ltd* (2016) NSW LEC 7;
- *Moskovich v Waverley Council* (2016) NSW LEC 1015;
- *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSW LEC 118;
- *Bringham v Canterbury-Bankstown Council* (2018) NSW LEC 1046;
- *Initial Action Ltd v Woollahra Municipal Council* (2019) NSW LEC 1097;
- *RebelMH Neutral Bay Pty Limited v North Sydney Council* (2019) NSWCA 130;
- *SJD DB2 Pty Ltd v Woollahra Municipal Council* (2020) NSW LEC 112;
- *WZSydney Pty v Ku-ring-gai Municipal Council* (2023) NSW LEC 1065;
- *Sioud v Canterbury-Bankstown Council* (2023) NSW LEC 1171;
- *Big Property Group Pty Ltd v Randwick City Council* (2021) NSW LEC 1161; and
- *Denny v Optus Mobile Pty Ltd* (2023) NSW LEC 27.

3.2. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The five common ways to establish whether compliance with the development standard is unreasonable or unnecessary have been summarised in *Wehbe v Pittwater Council* [2007] NSWLEC 827.

This written request relies on the first test described in *Wehbe*, in that objectives of the development standard are achieved notwithstanding the non-compliance. An assessment of the proposal against the relevant objectives of the development standard contained at Clause 4.4(1) is provided below.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard.

(1)(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future

The proposal provides sufficient floor space to meet the development needs of the site. The proposed variation of the FSR control will allow the achievement of sufficient floor space to support the use of the site as a restaurant.

For this reason, the proposal is consistent with objective (1)(a).

(1)(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic

- The proposed variation including the density, built form and intensity of land use of the whole proposal is appropriate for the site as it is consistent with the building envelopes controls set out by SLEP 2012 and the Sydney Development Control Plan (SDCP) 2012.
- The proposal will retain the two-storey form, which is compliant (and lower than) the three-storey height of building control for the site under SDCP 2012.
- The proposal is consistent with the envisioned intensity of land use for the site. The traffic and transport report lodged in support of the DA confirms that the proposal will not result in any adverse traffic impacts within the locality.
- The proposed addition is low-scale and subservient to the main building at 380 Cleveland Street, which is considered appropriate for the scale of built form on the site, the immediate locality and the Heritage Conservation Area (HCA), as outlined in the Heritage Impact Statement (HIS) submitted in support of the DA.

- The proposed addition is of a built form scale considered appropriate for a rear lane addition, as shown at Figure 4. The addition is smaller and lower in height than other nearby rear lane additions, for example the recently completed addition along Goodlet Lane, shown at Figure 5.

For these reasons, the proposal is consistent with objective (1)(b).



Figure 4: Photomontage of the proposed addition (Source: DA-0701 of the Amended Architectural Plans)



Figure 5: Recently completed rear addition along Goodlet Lane, near the site (Photo taken: April 2025)

(1)(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure

- The proposal provides an intensity of development appropriate for the site as it is generally consistent with the locality statement in SDCP 2012, and compliant with the other applicable development standards of SLEP 2012.
- The proposal will not result in increased strain on existing or planned infrastructure, as demonstrated in the traffic and transport report lodged in support of the DA.

For these reasons, the proposal is consistent with objective (1)(c).

(1)(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality

- The proposed development is appropriate for the desired character of the Cleveland Street area as outlined in the Locality Statement because:
 - The proposal is responsive to, and complements, the heritage status of the site by reinvigorating the façade, retaining significant heritage fabric (the pharmacy shopfront and fit out) and proposing a contemporary addition to the rear lane which is low-scale and subservient to the original building.
 - The proposal retains and restores the corner building, introducing a new commercial use which will activate and enliven the streetscape.
 - The proposed restaurant use will activate to the street front.
 - The proposed addition will contribute to the mix of building types, reflecting diversity of form and massing throughout the locality.
 - The proposal will strengthen the existing ‘activity cluster’ at the intersection of Marlborough and Young Streets with Cleveland Street, which contributes to the linking of activity and retail offerings between Redfern and Surry Hills.

For these reasons, the proposal is consistent with objective (1)(d).

3.3. Are there sufficient environmental planning grounds to justify contravening the development standard?

As outlined below, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard, because:

- The proposed variation facilitates the orderly and economic redevelopment of the land.
- The proposed variation provides opportunity for the adaptive reuse and revitalisation for use of the site as a restaurant.
- The proposed variation will not have adverse heritage impact, as concluded in the HIS submitted in support of the DA, for the following reasons:
 - The HIS concludes that the proposed addition “is very modest and is sympathetic, with a skillion form and materials. The roof of the addition is set below the parapet to Marlborough Street and the addition is subservient to the primary form”.
 - The addition is set 1.84m below the parapet. The walls of the new addition are also setback behind the existing terrace walls, which assists in the addition being read as low-scale and subservient.
 - The HIS concludes that the proposal is a well-considered response to the heritage significance of the place, its current poor condition and the level of intactness. The proposed variations will not result in adverse heritage impact to the fabric of the buildings, or to the HCA.
- The proposed variation results in a built form that is contextually compatible with the Cleveland Street Locality and the HCA, with varying heights and contemporary, sympathetic rear lane additions.

- The proposed variation results in a built form which is consistent with the desired scale of the surrounding development and streetscape, below the maximum 3 storey height limit under SDCP 2012.
- The proposed variation results in a built form which is consistent with the desired built form envelope as set by SLEP 2012 and SDCP 2012.
- Non-compliance with the development standard does not contribute to adverse environmental impacts in terms of solar access, acoustic or traffic impacts, outlined below.
 - Solar Access - There are two residential tenancies at 382 Cleveland Street, directly opposite the site, which have windows fronting Marlborough Street. The shadow elevations demonstrate that the proposed addition will not overshadow any windows on the Marlborough Street façade. As such, the proposal will not have any solar access impact to these units.
 - Refer to the solar access diagrams and elevations within the architectural drawings for further detail.
 - Acoustic Impact- The acoustic report demonstrates that the proposal will have no adverse impact to the acoustic privacy of nearby residential properties, subject to recommended operational and design requirements.
 - Traffic Impact - In summary, the proposal will not result in any adverse traffic impacts. Deliveries and servicing of the site will occur during the day and utilise the loading area in the existing garage. Swept path analysis demonstrates that a standard B99 vehicle can easily manoeuvre in and out of the garage and will not cause and traffic impacts on Marlborough Street.

4. Conclusion

Development standards are a means of implementing planning purposes for a development or area.

A development strictly complying with the numerical standard would not have any positive social, environmental or economic impacts. As demonstrated in this submission, it would be unreasonable for strict compliance with the FSR control to be enforced.

It is concluded that the variation the development standard is well founded as compliance with the standard is both unnecessary and unreasonable in the circumstances of this case.

Attachment D

Plan of Management

Boxing Bear - Operational Plan of Management

378-380 Cleveland Street, Surry Hills NSW City of Sydney



Prepared by: Boxing Bear

Management

Issue Date: 15/08/2025

Revision B

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1.0 Introduction

- 1) The purpose of this Plan of Management ('the Plan') is to establish performance criteria for various aspects of the operations of Boxing Bear ('the bistro/ bar') having regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 and any relevant Regulation under that legislation.
- 2) All staff involved with the sale or supply of liquor or security, shall be made familiar with the contents of this Plan upon induction.
- 3) The Licensee is responsible for maintaining all of the requirements set out in this plan.
- 4) A copy of this Plan shall be available on-site at all times and immediately produced for inspection, upon request by Police or Council Officers. Copies of the relevant development consents and The Liquor License shall be kept on-site with this Plan and produced upon a request by a Police Officer, an Inspector from Liquor & Gaming NSW or a Council Officer.
- 5) A floor plan of the bistro/ bar is provided in Section 2 of this Plan of Management.
- 6) The management team for Boxing Bear will meet amongst themselves and with the Licensing Unit of the NSW Police Force, The Surry Hills Local Area Command on a monthly basis where possible. Management procedures and this Plan are reviewed regularly to address on-going matters as they arise and to ensure contingency plans are in place.
- 7) The Licensee or their representative will become a member of the Sydney City Liquor Accord (<https://www.sydneycityliquoraccord.com.au>).
- 8) Through the local Liquor Accord Boxing Bear will attempt to deal with the concerns of the local community in addition to any concerns expressed directly to the bistro/ bar in accordance with the complaint's provisions of this Plan.
- 9) The venue is located at 378-380 Cleveland Street, Surry Hills NSW 2000 and is intended to function as a bistro/bar serving the community.

2.0 Operational Details

2.1 Hours of Operation

- 10) The venue will operate for the following trading hours:

Trading Hours	
Monday to Saturday	10:00am to 12:00am the following day, six days a week
Sunday	10:00am to 11:00pm

Monday to Sunday	Level 1 bar operable roof will be closed at 8:00pm
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- 11) Staff may remain on the premises outside of these hours for the purpose of cleaning the premises, basic maintenance and like duties.

2.2 Floor Plan of Boxing Bear

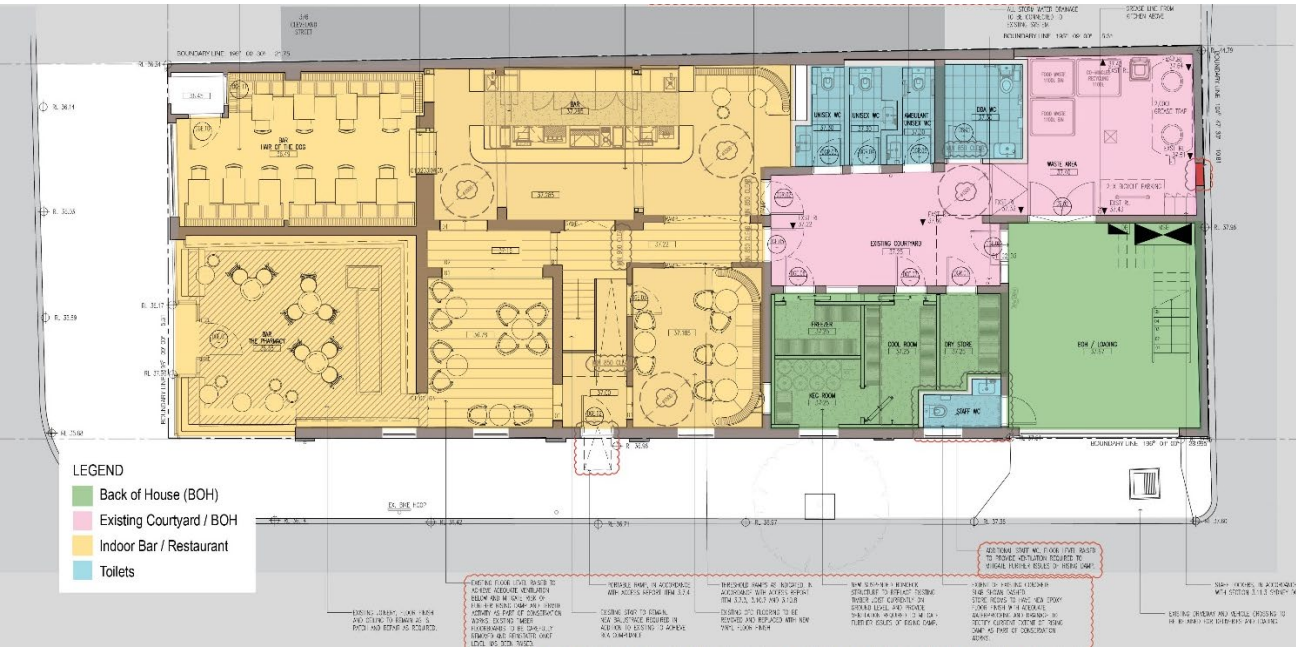


Figure 1: Boxing Bear – Ground Floor Plan

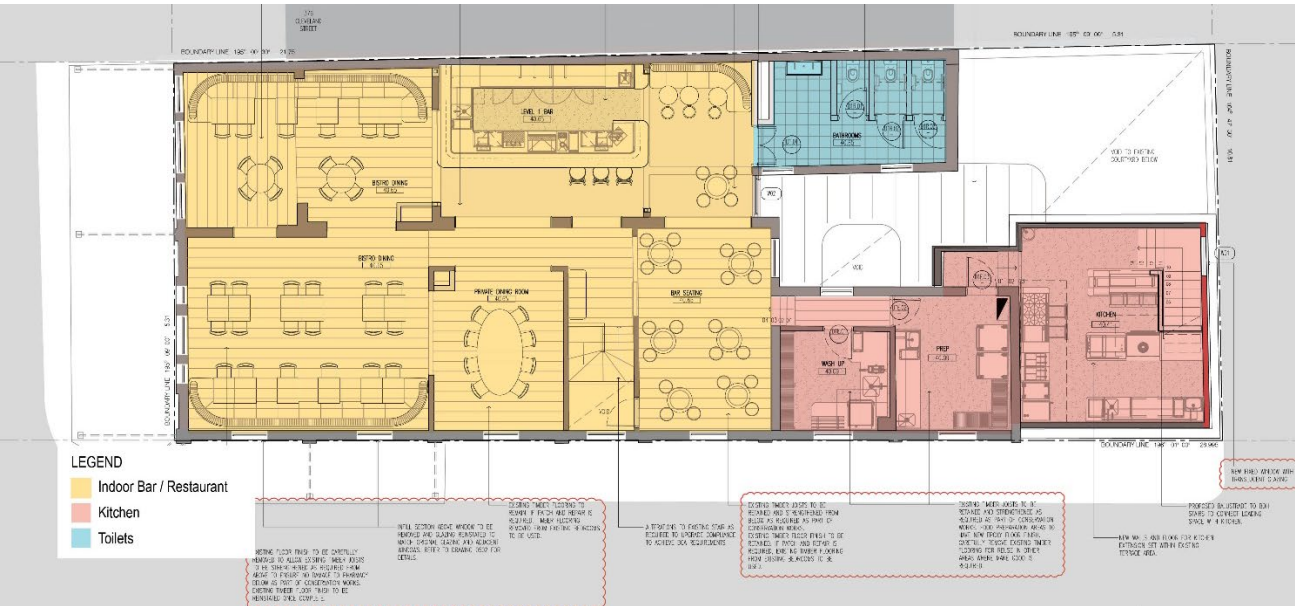


Figure 2: Boxing Bear – First Floor Plan

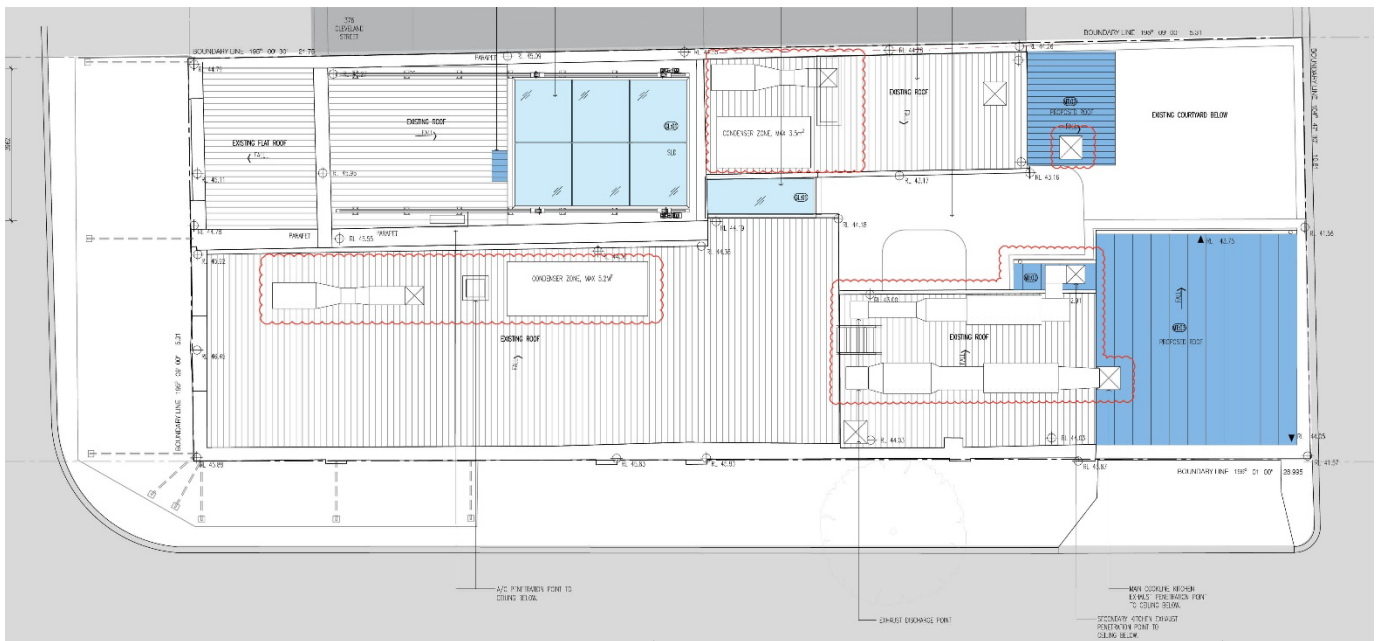


Figure 3: Boxing Bear – Roof Plan

2.3 Capacity of the Bistro and Bar

12) The capacity of the bistro/ bar is restricted to 156 patrons. The distribution of patrons within the different areas of the bistro/ bar will be as follows:

- Ground Floor Hair of The Dog Bar – 22 Patrons
- Ground Floor The Pharmacy Bar – 16 Patrons
- Ground Floor Bar – 26 Patrons
- Level 1 Bistro Dining – 48 Patrons
- Level 1 Bar Seating – 36 Patrons
- Level 1 Small Dining – 8 Patrons

13) The staff members will be 30, which will be inclusive of bar staff, cooks and kitchen hands. The venue will have security present on Fridays and Saturdays for nightly service.

14) Total capacity of the venue inclusive of patrons and staff will be 186.

2.4 The Responsible Service of Alcohol

15) The PSA license (LIQXXXXXXXXXX) granted in respect of the premises shall be exercised – at all times – in accordance with the provisions of the Liquor Act 2007.

16) The following operational policies for the responsible service of alcohol shall apply with the

“Liquor Promotion Guidelines”:

- (a) The Licensee will maintain a register containing copies of the certificates showing the satisfactory completion of the Responsible Service of Alcohol course undertaken by the Licensee and all staff required to complete that course. That register shall be made available for inspection on request by a NSW Police officer or an Inspector from Liquor & Gaming NSW.
 - (b) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
 - (c) The Licensee shall not sell or serve alcohol to any person who is intoxicated.
 - (d) Any person who is intoxicated shall be denied entry to the premises.
 - (e) The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons on the premises. Any person causing such a disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period determined by the Licensee.
 - (f) No person under the age of 18 years shall be admitted to the premises except within an authorised area and whilst in the company of a responsible adult. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
 - Photo driver's license;
 - Current passport;
 - NSW Photo Card issued under the Photo Card Act 2005;
 - Proof of Age Card issued by a Public Authority of the Commonwealth or another State or Territory;
 - Any other class of document prescribed by the Liquor Regulation from time to time.
- 17) The Licensee and all staff involved in the sale, supply and service of liquor are to carry the relevant competency cards issued by Liquor and Gaming NSW and make them available on request.
- 18) Food must be available whenever liquor is consumed on the licensed premises.
- 19) In respect of all approvals to sell liquor at a function to be held on premises other than the licensed premises to which the license relates the following additional conditions are imposed:
- (a) All liquor supplied at the function must be opened by staff.
 - (b) The Licensee or a Duty Manager who has completed the approved responsible service of alcohol course must be in attendance for the duration of the function to supervise the sale and supply of liquor.
- 20) The bistro/ bar will arrange for taxis to collect any patron from the premises upon receipt of a request from the patron to do so.

- 21) The bistro/ bar will promote the service of non-alcoholic beverages and food.
- 22) The Licensee or their representative will become a member of the Sydney City Liquor Accord. The Licensee (or their representative) will participate in the meeting conducted by the Accord.

3.0 Management Measures

3.1 General Amenity

- 23) The Licensee shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the business does not impact adversely on the surrounding area. These measures will include erecting signage in the building (in accordance with part 3.2), conducting regular security patrols (in accordance with part 4.1) and by regularly cleaning in accordance with part 4.2.
- 24) The Licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the bistro/ bar does not detrimentally affect the amenity of the neighbourhood. These measures will include erecting signage in the building (in accordance with part 3.2) and by regularly cleaning in accordance with part 4.2.
- 25) The bistro/ bar shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by the emission of noise, vibration, smell, fumes, vapour, steam, smoke, soot, ash, dust, wastewater, waste products, grit, oil, or otherwise.
- 26) The Licensee shall use their best endeavours to ensure that the entry points and the immediate vicinity are kept clean and tidy during the bistro/ bar's hours of operation by cleaning the immediate vicinity of the building at least hourly in accordance with part 4.2.
- 27) The Incident Register is to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately.
- 28) Any recurring complaints should be dealt with, if attributable to the bistro/ bar through new management procedures and incorporated into this Plan.

3.2 Signage

- 29) All signage required by Liquor and Gaming NSW will be displayed at all times and kept up to date.
- 30) A clearly visible sign is to be erected at each entry/exit point to the building indicating that patrons should leave in a quiet and orderly manner with due respect to the quiet and good order of the neighbourhood.
- 31) Signage will be displayed at a prominent position adjacent to the principal entry of the bistro/ bar providing information on the public transport options available within the immediate locality, including location of bus and light rail stops, metro station as well as QR codes to relevant timetables.

3.3 Waste Management and Deliveries

- 32) The Licensee shall use his or her best endeavours to ensure that deliveries to the bistro/ bar are made between 8.00am and 5.00pm on weekdays or Saturdays. No deliveries shall be made on Sundays, other than fresh produce supplies (for example milk, bread, seafood, etc.).
- 33) All waste shall be stored in approved containers located in the bistro/ bar's waste holding

area (**Figure 4**) before being removed for disposal by appropriate contractors.

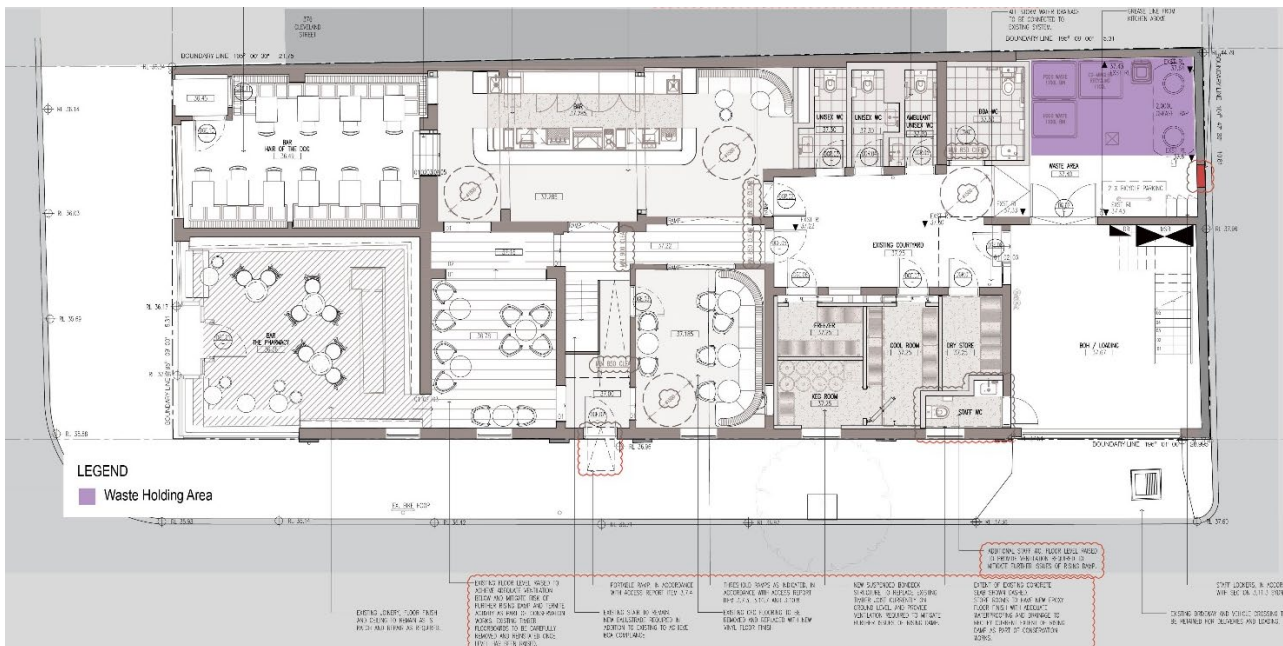


Figure 4 – Boxing Bear – Waste Holding Area

- 34) All waste is to be separated into designated waste containers (general, glass and cans, and cardboard and paper). Waste containers and storage area are to be kept clean at all times.
- 35) The collection of waste and recycling must only occur after 8.00am daily. Glass bottles specifically must only be removed between 8.00am and 4.00pm, daily.
- 36) Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.
- 37) Adequate bins are to be provided in smoking areas and outside the bistro/ bar adjacent to doorways for patrons to properly dispose of cigarette butts.

3.4 Noise Criteria

- 38) Noise likely to result from the operation of the bistro/ bar, includes noise from patrons entering and leaving, patrons smoking on the footpath, mechanical plant and from the removal of waste. Noise levels from the bistro/ bar have been verified by a qualified acoustic consultant to ensure it does not have an adverse impact on the amenity of neighbours with respect to noise emanating from the licensed areas of the bistro/ bar and mechanical plant.
- 39) The removal of waste will occur primarily during business hours in accordance with clause 3.3 of this Plan.
- 40) The use of the bistro/ bar is subject to the following noise related restrictions, in accordance with the Acoustic Assessment prepared by Pulse White Noise Acoustics Pty Ltd (PWNA) (5 May 2025):

- The number of patrons should be limited to the numbers listed in the assumptions in Section 6.1.1;
 - The loudspeakers should not be located near or facing towards doorways but should be orientated so as to focus sound away from the weakest path of noise transmission and minimise noise breakout.
 - Appropriately manage noisy patrons at the project site.
 - Avoid shouting and minimise unnecessary bump out activities during the night period.
 - Use information board with relevant details about the “House Policy”, hours of operation and regular information updates.
- 41) Notwithstanding the above, the bistro/ bar’s operations must not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.

3.5 Complaints and the Incident Register

- 42) The Licensee or manager shall ensure that details of the following are recorded in the bistro/ bar’s Incident Register:
- i) Any incident involving violence or anti-social behaviour occurring in the venue;
 - ii) Any incident of which the Licensee is aware, that involves violence or anti-social behaviour occurring in the immediate vicinity of the bistro/ bar and that involves a person who has recently left, or been refused admission to, the bistro/ bar;
 - iii) Any person refused entry to, or turned out of the bistro/ bar:
 - (a) for being intoxicated, violent, quarrelsome or disorderly;
 - (b) whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., minors;
 - (c) who smokes within an area of the bistro/ bar that is a smoke-free area; or
 - (d) who uses, or has in his or her possession, while in the bistro/ bar any substance suspected of being a prohibited plant or prohibited drug.
 - iv) Any incident that results in a patron of the bistro/ bar requiring medical assistance;
 - v) Any incidents that occurred either in the bistro/ bar’ or in the immediate vicinity, which have involved the committing of a crime, or required the intervention of security;
 - vi) Any complaints made directly to the management or staff of the bistro/ bar by local residents or business people, about the operation of the bistro/ bar or the behaviour of its patrons; and
 - vii) Any visits by any NSW Police Officers, OLGR Special Inspectors and Council Officers noting their agencies or departments, reasons for the visits and results of the visits.
- 43) The Licensee shall make the Incident Register available to NSW Police Officers and OLGR Special Inspectors on request. If directed, NSW Police Officers and OLGR Special Inspectors are to be permitted to make copies of or remove the Incident Register from the bistro/ bar.

- 44) The following details of complaints made to the bistro/ bar are to be recorded in the Incident Register:
- (a) Date and time of the incident;
 - (b) Nature of the complaint;
 - (c) Address and contact details of the complainant;
 - (d) Any actions proposed to deal with the complaint; and
 - (e) The actions taken and the time and date when that was reported to the complainant.
- 45) Management is to provide a 24 hour a day contact phone number that residents can use to contact the bistro/ bar, in order to make a complaint. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow- up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed.

4.0 Security

4.1 Security Staff

- 46) On Fridays, Saturday and Sunday nights or any night preceding a public holiday there will be security personnel on duty.
- 47) The responsibilities of any security person shall be nominated by the licensee or duty manager prior to the start of the shift. Security shall also monitor the activity of patrons and persons in the vicinity of the Hotel and act as required, within the scope of their powers in a public place.

4.1 General Security Measures

- 48) The licensee shall require any security personnel employed at the bistro/ bar to:
- i) Be dressed in readily identifiable uniform so that they may be highly visible to patrons, displaying identification as a security guard and to be appropriately licensed.
 - ii) Fill in a time sheet (with start and finish times) which is to be initialed by the manager/licensee on duty.
 - iii) Report to the manager/licensee to obtain a briefing on any specific duties to be addressed before commencing duty.
 - iv) Ensure that persons entering the bistro/ bar are suitably attired in accordance with the venue's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean. No person wearing any clothing, jewelry or accessories indicating association with any gang, including colours, patches, abbreviations, etc.
 - v) Prevent any person, detected as intoxicated, entering the bistro/ bar and bring to notice of the Licensee or manager, any person on the bistro/ bar who might be considered to be in,

or approaching, a state of intoxication.

- vi) Prevent patrons leaving the bistro/ bar with glasses or other opened drinking containers.
 - vii) Prevent patrons entering the bistro/ bar with alcoholic drinks.
 - viii) Monitor patron behaviour in, and in the vicinity of, the bistro/ bar until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
 - ix) Collect any rubbish in the vicinity of the building that may be associated with the bistro/ bar's business. The footpath must be cleaned at least hourly and within 30 minutes of closure of the bistro/ bar.
 - x) Co-operate with the Police and any other private security personnel operating in the vicinity of the bistro/ bar.
 - xi) Patrol all toilets, at random intervals, notifying the Licensee or management of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.
 - xii) Ensure that all fire escapes and stairways are kept clear of person(s) and/or objects at all times.
 - xiii) In the event of an incident, clearly identify themselves as security belonging to the bistro/ bar and attempt to rectify the problem.
 - xiv) Continually apply a "hands off policy". Patrons are only to be asked to leave at the direction of management and forced removal from the bistro/ bar must only occur at the direction of management and with reasonable force only. Immediate hands on action may still be used in self-defense or in the defense of another patron.
 - xv) Make a written note with details of any incidents in the bistro/ bar's Incident Register, as required by this Plan. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register at the end of the shift.
- 49) The following actions will be undertaken during "wind-down" periods prior to closing time;
- (a) 30 minutes prior to closing the staff will inform the patrons of the closing time and ask them to finish their drinks and prepare to leave the premises.
 - (b) The staff shall take all reasonable steps to control the behaviour of the patrons of the premises as they leave and remind patrons to be quiet when they leave.
 - (c) After the completion of each business day, a complete patrol will be conducted of the area surrounding the premises to ensure premises are secure and all rubbish is cleared.
- 50) For the purpose of this Plan of Management, the description, "the vicinity of the premises" shall be the footpath area immediately adjoining the bistro/ bar to Marlborough Street, Cleveland Street and Goodlet Lane up to a distance of 10 metres beyond the boundary of the bistro/ bar.

4.2 Footpath Management

- 51) During peak periods entry will usually be by queue. Patrons are to be permitted entry into the bistro/ bar as quickly as possible to avoid congregation on the footpaths surrounding the entry. Queuing will assist in ensuring that all patrons are vetted for intoxication and age verification prior to entry, as well as to ensure that the maximum capacity of the premises is not exceeded.
- 52) All patrons waiting outside to enter the bistro/ bar shall queue in the immediate frontage of the bistro/ bar building, along the footpath. The queuing area shall be maintained in a quiet and orderly manner by security personnel
- 53) Security is to endeavour to ensure at all times that any queue that forms and that any patrons smoking on the footpath maintains a thoroughfare of at least two (2) metres for pedestrians.
- 54) Any patrons not smoking are to be asked to return inside the bistro/ bar if the smoking areas are becoming congested or to leave the immediate vicinity of the bistro/ bar if they do not intend on returning to the bistro/ bar.

4.3 Behaviour of Patrons

- 55) The Licensee and staff shall take all reasonable steps to control the behaviour of the patrons of the bistro/ bar as they enter, whilst present at, and when leaving. To this effect this, the Licensee shall:
 - (a) erect signs at the exits to the bistro/ bar requesting patrons to leave quietly; and
 - (b) ensure that patrons, in leaving the vicinity of the bistro/ bar, do so promptly and as quietly as is reasonably possible.
- 56) The Licensee and staff shall take all reasonable steps to ensure that there is no loitering by persons who are seeking admittance or who have been refused admittance to the bistro/ bar.
- 57) All staff members (including security contractors) will be made aware of their right to refuse to admit or turn out from the bistro/ bar any person:
 - (a) Who is intoxicated, violent, quarrelsome or disorderly;
 - (b) Whose presence renders the Licensee liable to a penalty under the Liquor Act;
 - (c) Who smokes on any part of the licensed premises;
 - (d) Who has in their possession any prohibited plant or prohibited drug.
- 58) Any person refused admission or turned out of the bistro/ bar, must leave the bistro/ bar's premises. Failure to leave the bistro/ bar on request is an offence by the customer pursuant to Section 77 the Liquor Act. Further, a reasonable degree of force as may be necessary may be used in the removal of the person from the bistro/ bar.

- 59) Any person who has been refused admission to, or turned out of the bistro/ bar's premises is not to re-enter or attempt to re-enter the licensed premises within 24 hours of being refused admission or being turned out.
- 60) Any person refused admission or turned out must leave the vicinity of the bistro/ bar (at least 50-metres from the boundary of the licensed premises) and must not re-enter the vicinity of the premises within 6 hours of being refused admission or being turned out. If an excluded person does not comply with these requirements, Police have power to move them on and to issue a penalty notice.
- 61) The Licensee and staff shall ensure patrons using the outdoor areas of the bistro/ bar do not cause any undue disturbance to the quiet and good order of the local community.

4.4 Closed Circuit Television

- 62) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (a) All principal entrance/s and exits (including fire doors);
 - (b) All areas within the premises occupied by the public (excluding toilets);
 - (c) All footpaths adjacent to the premises are to be monitored by CCTV;
- 63) Suitable and clearly visible signage shall be displayed at the principal entries to the premises (in lettering not less than 50 mm high) with words "Closed Circuit Television in use on these premises". The same signage is to be displayed in a prominent position on each respective level of the premises.
- 64) CCTV recording equipment discs and or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. Discs or hard drives must be handed to Council, Police or special inspectors upon request. Recordings onto disc or hard drive must include the premise's CCTV software.
- 65) All video equipment and cameras are to be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the subject premise.
- 66) CCTV recording equipment shall be able to be reproduced to a CD or hard drive copy of recorded footage within 24 hours of a written request from Council, Police Officers or Inspectors from Liquor & Gaming NSW.
- 67) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Owner/Licensee shall record this daily activity in the premises incident register or a book that meets the standards by Police and Council.
- 68) All CCTV recording devices and cameras shall be operated during all trading hours and (30) thirty minutes after closure of the premise.
- 69) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

5.0 Other Relevant Matters

5.1 Crime Scene Standard Operating Procedures

- 70) Immediately after the Licensee or Duty Manager becomes aware of an incident involving an act of violence causing injury to a person on the premises, that person must undertake the following actions:
- (a) IMMEDIATELY contact the Commander (or their representative) at Surry Hills Police Station PH: 02 9265 4144.
 - (b) Determine the size of the scene,
 - (c) Remove all persons from within that scene detaining offenders where appropriate, request witnesses remain within the licensed premises until police arrival if not record witnesses' particulars where practical.
 - (d) Leave items (weapons, broken glass, blood, etc) within scenes in situ.
 - (e) DO NOT under any circumstances clean up or interfere with crime scenes. Interfering with evidence may constitute an offence, leaving the Licensee liable to prosecution and/or result in the closure of the premises.
 - (f) Continue to guard and prevent persons from entering the crime scene.
 - (g) Record all information into incident registers ensuring names, security no., specific tasks and/or the involvement of each person are recorded.
 - (h) Provide all records in incident registers to Police.
 - (i) If any person is injured as the result of a criminal act within the premises and/or an ambulance is summoned to the premises, police must be notified within thirty (30) minutes of the injury occurring, or the ambulance being summoned.

5.2 Drug and Drink Spiking

- 71) If any person is caught dealing, purchasing or consuming drugs within the bistro/ bar, the person (or persons) are to be requested to leave immediately and bistro/ bar management and the Police must be informed of this. This is their first and only warning. If the same person is caught again, then the person (or persons) are to be banned for a period determined by the Licensee.
- 72) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:
- i) Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc – contact management about any person who goes to length to remain anonymous.
 - ii) An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.

- iii) Any affected person will need to get to a safe place, which may be theirs or a friends place. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.
- iv) Contact the Police and thoroughly document the incident in the Bistro/ bar's Incident Register.
- v) Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc.

5.3 Maintenance

- 73) The premises shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council both internally and externally.
- 74) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.
- 75) The footpath outside the bistro/ bar shall be kept clean at the management's expense.

5.4 Fire Safety Measures

- 76) The Licensee shall ensure that all essential services installed at the bistro/ bar are certified annually and shall ensure that they remain in good working order at all times.
- 77) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as quickly as soon as possible.
- 78) Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones accessible to staff.
- 79) All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the bistro/ bar.

5.6 Amendment to this plan

- 80) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments must only be made, following consultation with both the Police and Council, and approved in writing by Council. Both the Police and Council shall be provided with a copy of any modified plan.
- 81) If the requirements of the Liquor Act 2007 or Liquor Regulation 2008, change, then the Plan of Management will be updated to reflect those changes and an updated copy will be provided to the Police and the Council, as soon as possible following those changes coming into force.

5.7 This PoM and Development Consent

- 82) This Plan of Management (POM) is subject to the terms of the development consent in respect of the bistro/ bar, as amended from time to time.

Attachment E

Acoustic Report



The Boxing Bear, Surry Hills

Licensed Venue Noise Impact Assessment

FDC Fitout & Refurbishment (NSW) Pty Ltd

Report Reference: 240097 - The Boxing Bear - Licensed Venue Assessment – R5

Date: 18 August 2025

Revision: R5

Project Number: 240097

DOCUMENT CONTROL

Project Name:	The Boxing Bear, Surry Hills
Project Number:	240097
Report Reference:	240097 - The Boxing Bear - Licensed Venue Assessment – R5
Client:	FDC Fitout & Refurbishment (NSW) Pty Ltd

Revision	Description	Reference	Date	Prepared	Checked	Authorised
0	Draft – For Review	240097 - The Boxing Bear - Licensed Venue Assessment - R0	19/04/24	Alex Danon	Alex Danon	Ben White
1	Issue 1	240097 - The Boxing Bear - Licensed Venue Assessment – R1	12/02/25	Alex Danon	Alex Danon	Ben White
2	Issue 2	240097 - The Boxing Bear - Licensed Venue Assessment – R2	11/04/25	Alex Danon	Alex Danon	Ben White
3	Issue 3	240097 - The Boxing Bear - Licensed Venue Assessment – R3	5/05/25	Alex Danon	Alex Danon	Ben White
4	Issue 4	240097 - The Boxing Bear - Licensed Venue Assessment – R4	7/08/25	Alex Danon	Alex Danon	Ben White
5	Issue 5	240097 - The Boxing Bear - Licensed Venue Assessment – R5	18/08/25	Alex Danon	Alex Danon	Ben White

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This report has been prepared by Pulse White Noise Acoustics Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with FDC Fitout & Refurbishment (NSW) Pty Ltd.

Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of FDC Fitout & Refurbishment (NSW) Pty Ltd. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Pulse White Noise Acoustics.

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Pulse White Noise Acoustics disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



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1 INTRODUCTION

Pulse White Noise Acoustics (PWNA) have been engaged to undertake an acoustic assessment of the proposed conversion of an existing building to a licenced restaurant (*The Boxing Bear Bar & Bistro*) located at 378-380 Cleveland Street, Surry Hills NSW 2010.

The licenced premises is proposed to incorporate internal dining areas, lounges, bar/bistro areas, an indoor courtyard/bar area with an operable glazed roof, as well as various back of house areas.

The application will be assessed against relevant statutory regulations and guidelines including the following.

- City of Sydney Council document titled Development Control Plan (DCP) 2012.
- New South Wales (NSW) Environmental Protection Authority (EPA) document titled Noise Policy for Industry 2017 (NPI); and
- NSW Liquor and Gaming typically imposed noise conditions.

1.1 Proposed Development

The proposed development includes the following:

- Conversion of an existing building into a licenced restaurant venue

It is assumed that the proposed development will operate until midnight on certain days of the week; that is, will encompass the daytime, evening and night-time periods, as defined under the NSW EPA Noise Policy for Industry (NPI) 2017.

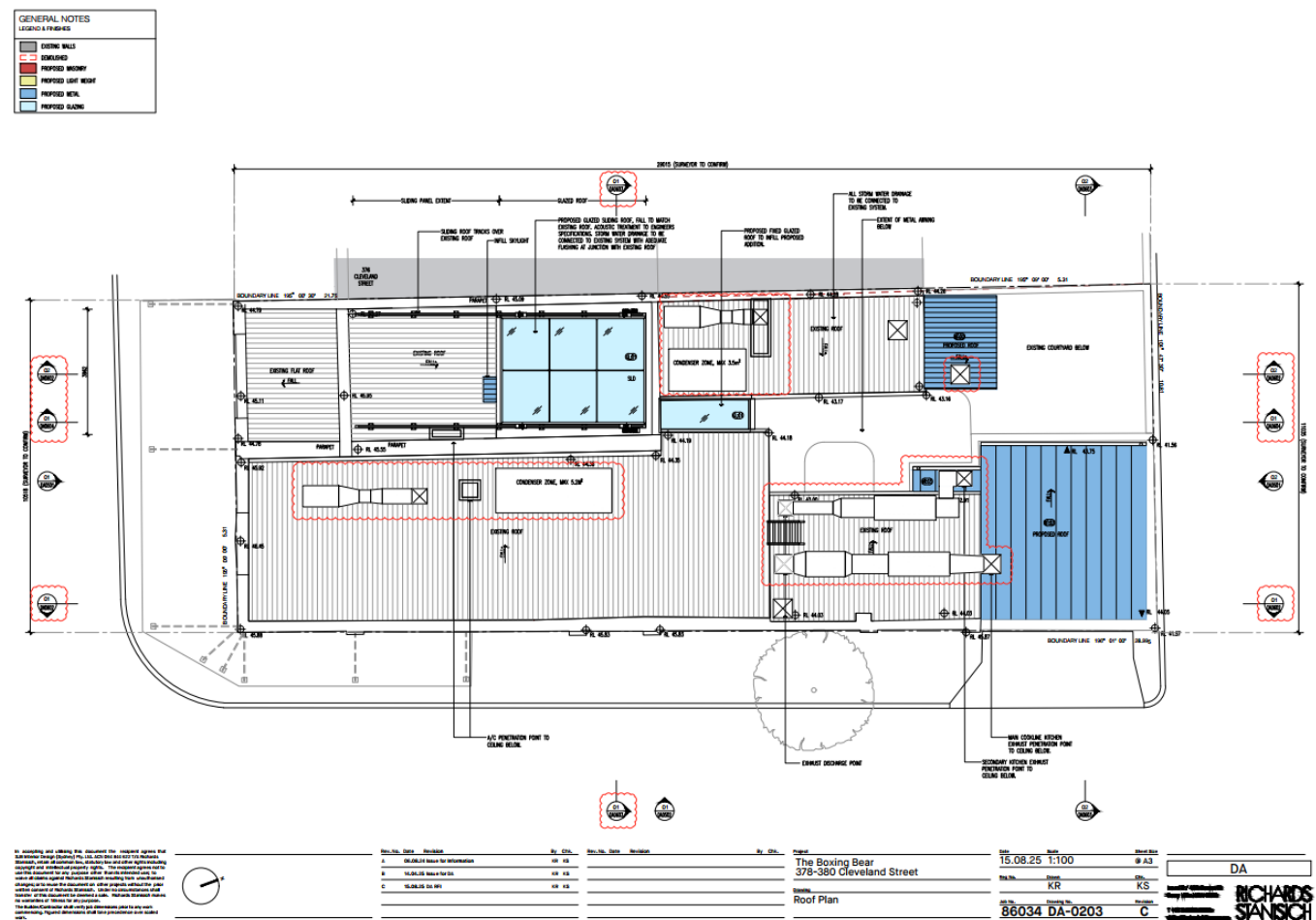
Architectural drawings for the proposed development, which have been used in our assessment are from *Richards Stanisich* dated 15/08/2025.

Floor plans of the proposed development are included in the figures below.

[illegible]

[illegible]

Figure 3 Floor plan of the proposed development



2 SITE DESCRIPTION AND SURROUNDING RECEIVERS

The site is bounded by the following:

- Marlborough Street along the eastern boundary of the site.
- Cleveland Street along the southern boundary of the site.
- Goodlet Lane along the northern boundary of the site.
- Existing residential dwellings and shop-top housing surrounding the site to the north, south, east, and west.

The nearest sensitive noise receivers to the restaurant are detailed below:

- Receiver 1 -** Existing residential dwellings to the west of the site located along Cleveland Street and situated at 376 Cleveland Street, Surry Hills NSW 2010.
- Receiver 2 -** Existing residential dwellings to the north of the site located along Goodlet Lane and situated at 105 Marlborough Street, Surry Hills NSW 2010.
- Receiver 3 -** Existing residential dwellings to the north-east of the site located along Marlborough Street and situated at 94 Marlborough Street, Surry Hills NSW 2010.
- Receiver 4 -** Existing commercial receiver located on ground level, with residential shop-top housing located above. Situated to the east of the project site located at 382 Cleveland Street, Surry Hills NSW 2010.
- Receiver 5 -** Existing commercial receiver located on ground level, with residential shop-top housing located above. Situated to the east of the project site located at 357-359 Cleveland Street, Surry Hills NSW 2010.
- Receiver 6 -** Existing commercial receiver located on ground level, with residential shop-top housing located above. Situated to the east of the project site located at 353-355 Cleveland Street, Surry Hills NSW 2010.

A site map has been provided below which identifies the surrounding receivers and noise measuring locations, see Figure 4 below.

Figure 4 Site Map, Measurement Location and Surrounding Receivers – Sourced from SixMaps NSW





3 NOISE DESCRIPTORS AND TERMINOLOGY

Environmental noise constantly varies in level with time. It is therefore necessary to measure environmental noise in terms of quantifiable time periods and statistical descriptors. Typically, environmental noise is measured over 15-minute periods and relevant statistical descriptors of the fluctuating noise are determined to quantify the measured level.

Noise (or sound) consists of minute fluctuations in atmospheric pressure capable of detection by human hearing. Noise levels are expressed in terms of decibels, abbreviated as dB or dB(A), the A indicating that the noise levels have been frequency weighted to approximate the characteristics of normal human hearing. Because noise is measured using a logarithmic scale, 'normal' arithmetic does not apply, e.g. adding two sources of sound of an equal value results in an increase of 3dB (i.e. 60 dBA + 60 dBA = 63 dBA). A change of 1 dB or 2 dB in the level of a sound is difficult for most people to detect, whilst a 3 dB – 5 dB change corresponds to a small but noticeable change in loudness. A 10 dB change roughly corresponds to a doubling or halving in loudness.

The most relevant environmental noise descriptors are the LAeq, LA1, LA10 and LA90 noise levels. The LAeq noise level represents the "equivalent energy average noise level". This parameter is derived by integrating the noise level measured over the measurement period and is equivalent to a level that would have been experienced had the fluctuating noise level remained constant during the measured time period.

The LA1, LA10 and LA90 levels are the levels exceeded for 1%, 10% and 90% of the sample period. These levels are sometimes thought of as the typical maximum noise level, the average repeatable maximum and average repeatable minimum noise levels, respectively.

Specific acoustic terminology is used in this assessment report. An explanation of common acoustic terms is included as Appendix A.



4 EXISTING NOISE ENVIRONMENT

This section of the report details the acoustic survey which has been undertaken at the site for the purpose of obtaining existing background noise levels.

4.1 Unattended Noise Monitoring

An unattended noise survey was conducted between Friday 23rd February 2024 and Tuesday 5th March 2024 on the northern boundary of the site in a location representative of the residential receivers surrounding the site as shown in Figure 4 above. This survey was conducted to measure the existing background noise level. All data in the graphs presented in Appendix B have not been corrected (i.e., raw data is presented).

Instrumentation for the survey comprised one Rion NL-42 sound level meter (serial number 00396931). Calibration of the logger was checked prior to and following the measurements. Drift in calibration did not exceed ± 0.5 dB. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

Charts presenting summaries of the measured daily noise data are attached in Appendix B. The charts present each 24-hour period and show the LA1, LA10, LAeq and LA90 noise levels for the corresponding 15-minute periods. This data has been filtered to remove periods affected by adverse weather conditions based on weather information.

4.1.1 Results in accordance with the NSW EPA Noise Policy for Industry (NPI) 2017 (RBL's)

In order to assess the acoustical implications of the development at nearby noise sensitive receivers, the measured background noise data of the logger was processed in accordance with the NSW EPA's Noise Policy for Industry (NPI, 2017).

The Rating Background Noise Level (RBL) is the background noise level used for assessment purposes at the nearest potentially affected receiver. It is the 90th percentile of the daily background noise levels during each assessment period, being day, evening and night. RBL LA90 (15minute) and LAeq noise levels are presented in Table 1.

Data affected by adverse meteorological conditions and by spurious and uncharacteristic events have been excluded from the results, and also excluded from the data used to determine the noise emission criteria. Meteorological information has been obtained from the Observatory Hill (ID 066214) which is located within 30km. Levels presented below are processed results with extraneous weather events removed.

Table 1 Measured Ambient Noise Levels corresponding to the NPI's Assessment Time Periods

Measurement Location	Daytime ¹ 7:00 am to 6:00 pm		Evening ¹ 6:00 pm to 10:00 pm		Night-time ¹ 10:00 pm to 7:00 am	
	L _{A90} ² (dBA)	L _{Aeq} ³ (dBA)	L _{A90} ² (dBA)	L _{Aeq} ³ (dBA)	L _{A90} ² (dBA)	L _{Aeq} ³ (dBA)
378-380 Cleveland Street, Surry Hills, northern boundary – See Figure 4	48	56	43	58	36	51

Note 1 For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am.

Note 2 The L_{A90} noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.

Note 3 The L_{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

4.1.2 Results in accordance with NSW Liquor and Gaming

In addition to the overall broadband noise levels identified above, the unattended noise monitor was recording the associated single octave (1/1) noise spectra for each period. These are provided below.

The use of single octave spectra is for the establishment of the patron and music acoustic criteria.

Table 2 Measured Single Octave (1/1) Spectra

Time Period ¹	Parameter ²	Octave Band Centre Frequency, Hz (dB)									Overall dBA
		31.5	63	125	250	500	1k	2k	4k	8k	
Day	Measured L ₉₀	55	54	50	49	45	44	38	30	18	48
Evening (6:00pm – 8:00pm)		53	52	48	47	43	42	36	28	16	46
Evening (8:00pm – 10:00pm)		50	49	45	44	40	39	33	25	13	43
Night		41	41	44	37	34	30	24	17	10	36

Note 1 For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am.

Note 2 The L_{A90} noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.

5 ACOUSTIC CRITERIA

5.1 Noise Emission Criteria

Noise emissions from the operation of the site impacting on the adjacent land users are outlined below. Noise emissions expected from the use of the site include mechanical services and dining areas.

5.1.1 City of Sydney Council Development Control Plan (DCP) 2012

Noise emissions from the use of the site are not covered in the City of Sydney Council Development Control Plan 2012. However, typical conditions of consent that are adopted in relation to permitted noise emissions from a project site have been shown below. Typically, these are in line with the requirements of the NSW EPA *Noise Policy for Industry (NPI) 2017*.

(2) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) *Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:*
 - (i) *Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.*
 - (ii) *Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.*
- (b) *An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:*
 - (i) *The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.*
 - (ii) *Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.*
- (c) *Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.*

5.1.2 NSW EPA Noise Policy for Industry (NPI) 2017

In NSW, the control of noise emissions is the responsibility of Local Government (Council) and the NSW Environment Protection Authority (NSW EPA).

The NSW EPA has recently released a document titled Noise Policy for Industry (NSW NPI 2017) which provides a framework and process for determining external noise criteria for the assessment of noise emission from industrial developments. The NSW NPI criteria for industrial noise sources have two components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and



- Maintaining noise level amenity of particular land uses for residents and sensitive receivers in other land uses.

5.1.2.1 Intrusive Noise Impacts (Residential Receivers)

The NSW NPI states that the noise from any single source should not intrude greatly above the prevailing background noise level. Industrial noises are generally considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (LAeq), measured over a 15 minute period, does not exceed the background noise level measured in the absence of the source by more than 5 dB(A). This is often termed the Intrusiveness Criterion.

The 'Rating Background Level' (RBL) is the background noise level to be used for assessment purposes and is determined by the methods given in the NSW NPI. Using the rating background noise level approach results in the intrusiveness criterion being met for 90% of the time. Adjustments are to be applied to the level of noise produced by the source that is received at the assessment point where the noise source contains annoying characteristics such as tonality or impulsiveness.

5.1.2.2 Protecting Noise Amenity (All Receivers)

To limit continuing increases in noise levels, the maximum ambient noise level within an area from industrial noise sources should not normally exceed the acceptable noise levels specified in Table 2.2 of the NSW NPI. That is, the ambient LAeq noise level should not exceed the level appropriate for the particular locality and land use. This is often termed the 'Background Creep' or Amenity Criterion.

The amenity assessment is based on noise criteria specified for a particular land use and corresponding sensitivity to noise. The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. These criteria relate only to other continuous industrial-type noise and do not include road, rail or community noise. If the existing (measured) industrial-type noise level approaches the criterion value, then the NSW NPI sets maximum noise emission levels from new sources with the objective of ensuring that the cumulative levels do not significantly exceed the criterion.

5.1.2.2.1 Area Classification

The NSW NPI characterises the "Urban" noise environment as an area with an acoustical environment which shows the following:

- It is dominated by 'urban hum' or industrial source noise, where urban hum means the aggregate sound of many unidentifiable sources, consisting mostly of traffic and/or industrial related sounds
- Has through traffic with characteristically heavy and continuous traffic flows during peak periods
- It is near commercial or industrial districts
- It has a combination of any of the above

The residential area surrounding the proposed development falls under the "Urban" area classification (residential areas are located within R1 zones which are classified as "urban" in Table 2.3 of the NSW NPI). For residential and non-residential receivers in an urban area, the recommended amenity criteria are shown in Table 3 below.

Table 3 NSW NPI – Recommended LAeq Noise Levels from Industrial Noise Sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day 1	Recommended Amenity Noise Level ($L_{Aeq, period}$) ²
Residence	Urban	Day	60
		Evening	50
		Night	45
Commercial	All	When in use	65

Note 1 For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am

Note 2 The LAeq is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

When the existing noise level from industrial noise sources is close to the recommended “Amenity Noise Level” (ANL) given above, noise from the new source must be controlled to preserve the amenity of the area in line with the requirements of the NSW NPI.

Where existing road traffic noise is high enough to render stationary industrial noise sources effectively inaudible, the ANL can be modified so that the amenity criteria is not unduly stringent in an environment where road traffic noise is the dominant source of environmental noise. If all the conditions below are satisfied, the ANL becomes $L_{Aeq, traffic} - 15$ dBA. The conditions are:

- The road traffic noise is the dominant noise source.
- The existing noise is 10dB(A) or more above the acceptable ANL for the area.
- It is highly unlikely the road traffic noise levels would reduce in the near future.

5.1.2.3 Maximum Noise Level Event (Sleeping Disturbance)

Section 2.5 of the NPI states the following:

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq, 15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater, a detailed maximum noise level event assessment should be undertaken.

As outlined in the section above, the measured rating background noise level during the night hours (10:00pm to 7:00am) is 36dBA L_{A90} . Therefore, the resultant RBL + 15dB is 51dBA, which is less than 52dBA, such that the L_{AFmax} 52 dBA criteria is adopted.

5.1.3 Project Specific External Noise Emission Criteria (Plant and Onsite Vehicles)

The intrusive and amenity criteria for industrial noise emissions, derived from the measured data, are presented in Table 4. These criteria are nominated for the purpose of determining the operational noise limits for mechanical plant associated with the development which can potentially affect noise sensitive receivers.

For each assessment period, the lower (i.e., the more stringent) of the amenity or intrusive criteria are adopted. These are shown in bold text in Table 4.

Table 4 External noise level criteria in accordance with the NSW NPI

Location	Time of Day 1	Project Amenity Noise Level, $L_{Aeq, period}^2$ (dBA)	Measured $L_{A90, 15 min}$ (RBL) ³ (dBA)	Measured $L_{Aeq, 15 min}^4$ (dBA)	Intrusive $L_{Aeq, 15 min}$ Criterion for New Sources ⁴ (dBA)	Amenity $L_{Aeq, 15 min}$ Criterion for New Sources ⁵ (dBA)
Residential Receivers	Day	55	48	56	53	58
	Evening	45	43	58	48	48
	Night	40	36	51	41	43
Commercial	When in use	60	-	-	-	63

Note 1 For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 1:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 1:00 am.

Note 2 Project Amenity Noise Levels corresponding to "Urban" areas, equivalent to the Recommended Amenity Noise Levels minus 5 dBA.

Note 3 L_{A90} Background Noise or Rating Background Level.

Note 4 The L_{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

Note 5 According to Section 2.2 of the NSW NPI, the $L_{Aeq, 15 minutes}$ is equal to the $L_{Aeq, period} + 3 dB$.

In addition, a maximum noise level criterion of 52dBA L_{AFmax} during the night period (10:00pm to 7:00am) at residential receivers also applies.



5.1.4 City of Sydney Council Entertainment Noise Requirements

The criteria for Entertainment Noise set out in the City of Sydney Council DCP is reproduced below. This criteria is applicable for the assessment of patron and music noise emissions.

(1) NOISE - ENTERTAINMENT

- (a) *The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.*
- (b) *The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.*
- (c) *Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.*
- (d) *Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.*
- (e) *The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.*

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Note that the City of Sydney Council Entertainment Noise criteria referenced above are generally in accordance with the NSW Liquor and Gaming Acoustic Requirements. These are reproduced below.



5.1.5 NSW Liquor & Gaming Acoustic Requirements

Section 79 of the Liquor Act 2007 provides mechanisms for complaints to be made when the amenity of local areas is disturbed by the use of licensed premises and registered clubs (including disturbances caused by patrons). These complaints are addressed by the Director of Liquor and Gaming, and in this process they may impose temporary or permanent noise conditions on the licensed venue. Typical noise conditions that are imposed upon licensed premises are as follows:

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5 dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.*

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

** For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.*

This is a minimum standard. In some instances the Director may specify a time earlier than midnight in respect of the above condition.

Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Director.

Note: NSW Liquor and Gaming criteria does not contain any requirements for commercial or industrial receivers. Noise impacts to these receivers will adopt the broadband criteria outlined in the NSW EPA NPI 2017, see above.

These criteria are applicable to noise emissions from the licensed venue component of the development, excluding noise from mechanical services. For external noise emissions, octave band spectral criteria for each assessment period have been summarised in Table 5 below.

**Table 5 Liquor & Gaming NSW – L10 Criteria (external) – Residential Criteria Only**

Time Period	Parameter ¹	Octave Band Centre Frequency, Hz (dB)									Overall dBA
		31.5	63	125	250	500	1k	2k	4k	8k	
7:00am to 6:00pm	Daytime Period (BG+5dBA)										
	Measured L ₉₀ ¹	55	54	50	49	45	44	38	30	18	48
	Criteria L ₁₀ ²	60	59	55	54	50	49	43	35	23	53
6:00pm to 8:00pm	Evening Period (BG+5dBA)										
	Measured L ₉₀ ¹	53	52	48	47	43	42	36	28	16	46
	Criteria L ₁₀ ²	59 ³	57	53	52	48	47	41	33	21	51
8:00pm to 10:00pm	Evening Period (BG+5dBA)										
	Measured L ₉₀ ¹	50	49	45	44	40	39	33	25	13	43
	Criteria L ₁₀ ²	59 ³	54	50	49	45	44	38	30	18	48
10:00pm to 12:00am (Midnight)	Night-time Period (BG+5dBA)										
	Measured L ₉₀ ¹	41	41	44	37	34	30	24	17	10	36
	Criteria L ₁₀ ²	59 ³	46	49	42	39	35	29	22	15	41

Note 1 The LA90 noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.

Note 2 The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.

Note 3: Criteria is adjusted to match the threshold of hearing as outlined in International Standard ISO 226:2003.

6 ACOUSTIC ASSESSMENT

This section of the report details the assessment of potential noise from music and patrons and the expected noise levels at the nearest sensitive receivers.

The assessment of noise emissions from patron and music noise within the development has been made against the criteria for Entertainment Noise set out in the City of Sydney Council DCP.

The following scenarios have been modelled as the worst-case 15 minute scenarios for noise emissions from the licensed venue component of the development:

- Day Scenario (Until 6:00pm) – Liquor & Gaming
 - Patron and music noise from the external and internal dining areas.
- Evening Scenario (6:00pm to 8:00pm) – Liquor & Gaming
 - Patron and music noise from the internal dining areas, as well as the Level 1 Bar area with operable glazed roof.
- Evening and Night Scenario (8:00pm to 12:00am) – Liquor & Gaming
 - Patron and music noise from the internal dining areas only.

The proposed maximum occupancy is 186 (156 patrons and 30 staff).

It should be noted that existing bars are in operation in the vicinity of the proposed development, and traffic noise is considerable. As such, a level of noise emissions from the site is not unreasonable, provided compliance with the relevant City of Sydney Council DCP noise criteria can be achieved.

6.1 Licensed Venue Assessment

The assessment of licensed noise emissions from the development using this operating scenario has been made against the Liquor and Gaming NSW criteria identified previously, which are in line with the criteria for Entertainment Noise set out in the City of Sydney Council DCP.

6.1.1 Assumed Source Noise Levels and Modelling Assumptions

In this assessment, the following assumptions have been incorporated regarding the noise sources and source noise levels:

- For the purpose of this assessment, it is assumed that a single person speaking with a normal voice has a Sound Power Level (L_w) of 69dBA. This has been formulated in accordance with the published noise levels from Klark Teknik (*The Audio System Designer Technical Reference*, Chapman Partnership).
- Background music being played in the internal restaurant areas has been assumed at a sound pressure level of 75 dBA when measured as a sound pressure level within the space, during the daytime period (until 6:00pm), and 70 dBA thereafter.
- The proposed maximum occupancy is 186 (156 patrons and 30 staff).
- It is assumed that the external courtyard will be closed to patrons at all times. No music is to be played in any outdoor areas. Note that patrons are permitted to traverse through the courtyard via the door from the main bar to use the amenities, provided it does not remain open, i.e., this door can be used intermittently as required.
- It is assumed that one in three patrons are talking at any one time, which is a relatively conservative calculation.



- All external and internal areas are assumed to be operating simultaneously.
- No music is to be played in the outdoor seating areas, except for the Level 1 Bar area with operable glazed roof, which can feature low level background music at a sound pressure level of 60 dBA when measured as a sound pressure level within the space.
- All operable windows and doors are to be kept closed during all proposed operational hours, except for the operable glazed roof to the Level 1 Bar area, which can remain open until 8:00pm, but must remain closed thereafter.
- All glass openings within the façade, including the operable glazed roof, are to include a minimum acoustic performance of no less than $R_w (C;Ctr): 35 (0;-3)$, which could include 10.38 mm laminated glass, for example.
 - Existing window not meeting this requirement will be rectified by replacing panes with laminated glass, providing secondary internal glazing or other alternative treatment such that an acoustic performance of not less than $R_w 35$ is achieved.

6.1.2 Predicted Licensed Venue Noise Levels

Noise emission predictions for the combination of internal and external patron noise and internal music from the previously mentioned areas are provided below.

Table 6 Predicted Entertainment Noise Levels to Surrounding Receivers – Daytime Assessment (Until 6:00pm)

Parameter	Octave Band Centre Frequency, Hz (dB)									Overall dBA
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 1 – 376 Cleveland Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels - Day	52	47	41	51	52	46	42	36	24	52
CoS DCP L10 criterion - Day	60	59	55	54	50	49	43	35	23	53
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Receiver 2 – 105 Marlborough Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels - Day	52	47	41	51	52	46	42	36	24	52
CoS DCP L10 criterion - Day	60	59	55	54	50	49	43	35	23	53
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Note 1 Exceedances of 1–2 dB are considered marginal compliance. The reason for marginal compliance is because a 1–2 dB difference is difficult to perceive subjectively.										



Table 7 Predicted Entertainment Noise Levels to Surrounding Receivers – Evening Assessment (6:00pm to 8:00pm)

Parameter	Octave Band Centre Frequency, Hz (dB)									Overall dBA
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 1 – 376 Cleveland Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels – Evening (6:00pm to 8:00pm)	50	45	39	49	50	44	40	34	22	50
CoS DCP L10 criterion – Evening (6:00pm to 8:00pm)	59	57	53	52	48	47	41	33	21	51
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Receiver 2 – 105 Marlborough Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels – Evening (6:00pm to 8:00pm)	50	45	39	49	50	44	40	34	22	50
CoS DCP L10 criterion – Evening (6:00pm to 8:00pm)	59	57	53	52	48	47	41	33	21	51
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Note 1 Exceedances of 1–2 dB are considered marginal compliance. The reason for marginal compliance is because a 1–2 dB difference is difficult to perceive subjectively.										



Table 8 Predicted Entertainment Noise Levels to Surrounding Receivers – Evening/Night-time Assessment (8:00pm to 12:00am)

Parameter	Octave Band Centre Frequency, Hz (dB)									Overall dBA
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 1 – 376 Cleveland Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels – Evening/Night (8:00pm to 12:00am)	39	34	28	38	40	33	29	23	16	39
CoS DCP L10 criterion – Evening/Night (8:00pm to 12:00am)	59	46	49	42	39	35	29	22	15	41
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Receiver 2 – 105 Marlborough Street, Surry Hills (Residential)										
Predicted LA10 Noise Levels – Evening/Night (8:00pm to 12:00am)	39	34	28	38	40	33	29	23	16	39
CoS DCP L10 criterion – Evening/Night (8:00pm to 12:00am)	59	46	49	42	39	35	29	22	15	41
Compliance	Yes	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes ¹	Yes ¹	Yes
Note 1 Exceedances of 1–2 dB are considered marginal compliance. The reason for marginal compliance is because a 1–2 dB difference is difficult to perceive subjectively.										

Refer to section 6.1.3 below for the required management controls to ensure compliance.

6.1.3 Assessment Results and Recommendations

Predicted noise levels from the operation of the licenced venue restaurant in full operation (i.e., full capacity patron noise) has been predicted. To ensure compliance is achieved, the following recommendations must be implemented:

- Background music being played in the internal restaurant areas should be limited to a sound pressure level of 75 dBA when measured as a sound pressure level within the space, during the daytime period (until 6:00pm), and 70 dBA thereafter.
- proposed maximum occupancy is 186 (156 patrons and 30 staff).
- The external courtyard is to be closed to patrons at all times. Note that patrons are permitted to traverse through the courtyard via the door from the main bar to use the amenities, provided it does not remain open, i.e., this door can be used intermittently as required.
- No music is to be played in the outdoor seating areas, except for the Level 1 Bar area with operable glazed roof, which can feature low level background music at a sound pressure level of 60 dBA when measured as a sound pressure level within the space.

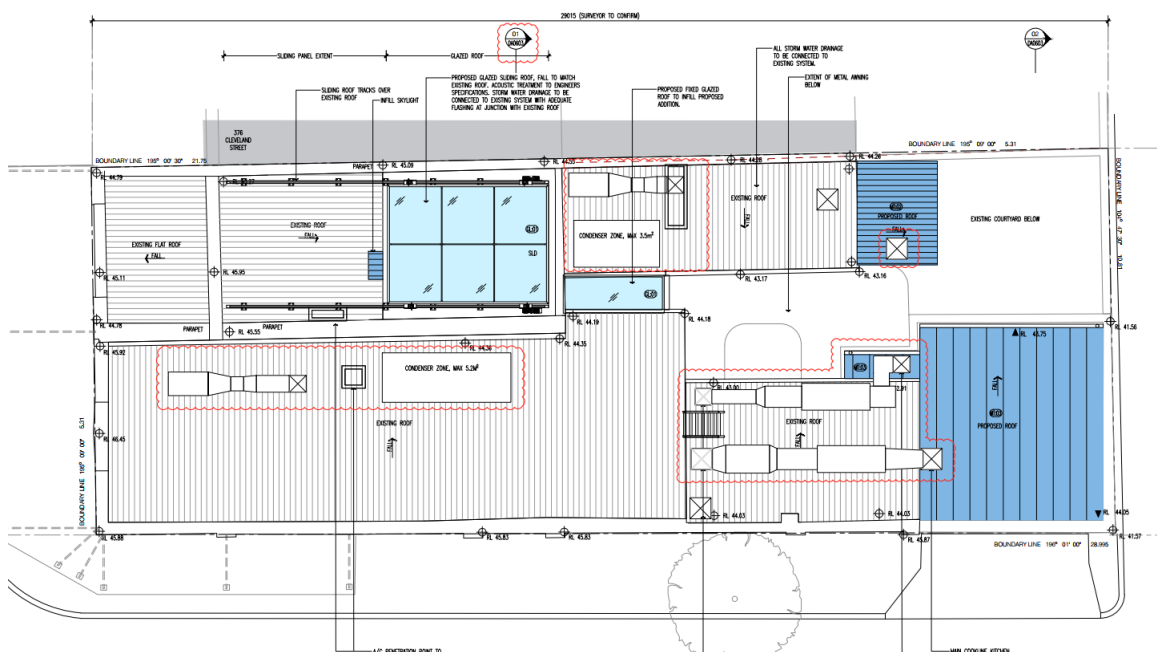
- All operable windows and doors are to be kept closed during all proposed operational hours, except for the operable glazed roof to the Level 1 Bar area, which can remain open until 8:00pm, but must remain closed thereafter.
- All glass openings within the façade, including the operable glazed roof, are to include a minimum acoustic performance of no less than Rw (C;Ctr): 35 (0;-3), which could include 10.38 mm laminated glass, for example.
- Provisions should be made for acoustic absorption within the Level 1 Bar space such that the reverberant noise build up is minimised.
- Waste is collected in line with council's waste policy during daytime hours.
- Truck deliveries are to occur during the daytime period.
- No glass crushing, or the like, is to occur outside the daytime period.
- A contact number must be displayed for the purposes of receiving any complaints if they arrive.
- Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the premise.

6.1.4 Mechanical Plant

At this stage of the project, the location of major plant items and the exact selection to be installed are not known. As such, a detailed assessment of noise associated from engineering services cannot be undertaken.

To ensure that future selections of plant items meet external noise levels at neighbouring properties, a proof of concept approach has been considered, including the proposed equipment to be included on the project and detailed in the figure below.

Figure 5 Proposed Roof top Layout





In our experience, for this type of development the following mechanical systems may be installed, and their associated sound power levels are outlined below, which have been included in the DA assessment of the project.

- Ventilation fans / Outside air fans – 80 dB(A) (Lw) or 60 dB(A) @3m
- kitchen exhaust fans – 85 dB(A) (Lw) or 65 dB(A) @3m
- Toilet exhaust fans – 55 dB(A) (Lw) or 45 dB(A) @3m
- Air Conditioning Condensers – 80 dB(A) (Lw) or 60 dB(A) @3m
- External refrigeration systems – 80 dB(A) (Lw) or 60 dB(A) @3m

Based on the proposed mechanical services layouts and the expected noise levels of equipment include above the expected acoustic mitigations such that external noise emission will comply with the requirements included in this report (including the City of Sydney Council DCP) the following would be expected:

1. Internal lining of mechanical ductwork.
2. Acoustic silencers to intake/discharge sides of fans.
3. External wrapping or boxing of rood top equipment.

Details of the required mechanical services equipment and acoustic treatments to ensure the relevant noise level criteria is achieved will be provided as part of the normal detailed design of the project and include within the CC documentation of the project.

Experience with similar projects confirms that the acoustic treatment of mechanical services is both possible and practical to ensure noise emission criteria is achieved.

On the assumption the recommendations outlined above are incorporated, compliance with the acoustic project criteria outlined in Section 5 above will be achieved, which includes the requirements of the City of Sydney Council DCP.

7 CONCLUSION

Pulse White Noise Acoustics (PWNA) have been engaged to undertake an acoustic assessment of the proposed conversion of an existing building to a licenced restaurant (*The Boxing Bear Bar & Bistro*) located at 378-380 Cleveland Street, Surry Hills NSW 2010.

Acoustic modelling has indicated that noise from the operation of the licensed venue elements of the development are likely to result in compliance with the typically imposed NSW Liquor and Gaming acoustic requirements. To ensure compliance, recommended building and management controls are recommended in this report.

For any additional information please do not hesitate to contact the person below.

Regards,

A handwritten signature in black ink, appearing to read 'Alex Danon'.

Alex Danon

Senior Acoustic Engineer

PULSE WHITE NOISE ACOUSTICS PTY LTD

APPENDIX A. APPENDIX TERMINOLOGY

<i>Sound power level</i>	The total sound emitted by a source																						
<i>Sound pressure level</i>	The amount of sound at a specified point																						
<i>Decibel [dB]</i>	The measurement unit of sound																						
<i>A Weighted decibels [dB(A)]</i>	The A weighting is a frequency filter applied to measured noise levels to represent how humans hear sounds. The A-weighting filter emphasises frequencies in the speech range (between 1kHz and 4 kHz) which the human ear is most sensitive to, and places less emphasis on low frequencies at which the human ear is not so sensitive. When an overall sound level is A-weighted it is expressed in units of dB(A).																						
<i>Decibel scale</i>	<p>The decibel scale is logarithmic in order to produce a better representation of the response of the human ear. A 3 dB increase in the sound pressure level corresponds to a doubling in the sound energy. A 10 dB increase in the sound pressure level corresponds to a perceived doubling in volume. Examples of decibel levels of common sounds are as follows:</p> <table> <tr><td>0dB(A)</td><td>Threshold of human hearing</td></tr> <tr><td>30dB(A)</td><td>A quiet country park</td></tr> <tr><td>40dB(A)</td><td>Whisper in a library</td></tr> <tr><td>50dB(A)</td><td>Open office space</td></tr> <tr><td>70dB(A)</td><td>Inside a car on a freeway</td></tr> <tr><td>80dB(A)</td><td>Outboard motor</td></tr> <tr><td>90dB(A)</td><td>Heavy truck pass-by</td></tr> <tr><td>100dB(A)</td><td>Jackhammer/Subway train</td></tr> <tr><td>110 dB(A)</td><td>Rock Concert</td></tr> <tr><td>115dB(A)</td><td>Limit of sound permitted in industry</td></tr> <tr><td>120dB(A)</td><td>747 take off at 250 metres</td></tr> </table>	0dB(A)	Threshold of human hearing	30dB(A)	A quiet country park	40dB(A)	Whisper in a library	50dB(A)	Open office space	70dB(A)	Inside a car on a freeway	80dB(A)	Outboard motor	90dB(A)	Heavy truck pass-by	100dB(A)	Jackhammer/Subway train	110 dB(A)	Rock Concert	115dB(A)	Limit of sound permitted in industry	120dB(A)	747 take off at 250 metres
0dB(A)	Threshold of human hearing																						
30dB(A)	A quiet country park																						
40dB(A)	Whisper in a library																						
50dB(A)	Open office space																						
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90dB(A)	Heavy truck pass-by																						
100dB(A)	Jackhammer/Subway train																						
110 dB(A)	Rock Concert																						
115dB(A)	Limit of sound permitted in industry																						
120dB(A)	747 take off at 250 metres																						
<i>Frequency [f]</i>	The repetition rate of the cycle measured in Hertz (Hz). The frequency corresponds to the pitch of the sound. A high frequency corresponds to a high pitched sound and a low frequency to a low pitched sound.																						
<i>Ambient sound</i>	The all-encompassing sound at a point composed of sound from all sources near and far.																						
<i>Equivalent continuous sound level [Leq]</i>	The constant sound level which, when occurring over the same period of time, would result in the receiver experiencing the same amount of sound energy.																						
<i>Reverberation</i>	The persistence of sound in a space after the source of that sound has been stopped (the reverberation time is the time taken for a reverberant sound field to decrease by 60 dB)																						
<i>Air-borne sound</i>	The sound emitted directly from a source into the surrounding air, such as speech, television or music																						
<i>Impact sound</i>	The sound emitted from force of one object hitting another such as footfalls and slamming cupboards.																						
<i>Air-borne sound isolation</i>	The reduction of airborne sound between two rooms.																						
<i>Sound Reduction Index [R] (Sound Transmission Loss)</i>	The ratio the sound incident on a partition to the sound transmitted by the partition.																						
<i>Weighted sound reduction index [R_w]</i>	A single figure representation of the air-borne sound insulation of a partition based upon the R values for each frequency measured in a laboratory environment.																						
<i>Level difference [D]</i>	The difference in sound pressure level between two rooms.																						
<i>Normalised level difference [D_n]</i>	The difference in sound pressure level between two rooms normalised for the absorption area of the receiving room.																						
<i>Standardised level difference [D_{nT}]</i>	The difference in sound pressure level between two rooms normalised for the reverberation time of the receiving room.																						
<i>Weighted standardised level difference [D_{nT,w}]</i>	A single figure representation of the air-borne sound insulation of a partition based upon the level difference. Generally used to present the performance of a partition when measured in situ on site.																						
<i>C_{tr}</i>	A value added to an R _w or D _{nT,w} value to account for variations in the spectrum.																						



<i>Impact sound isolation</i>	The resistance of a floor or wall to transmit impact sound.
<i>Impact sound pressure level $[L_i]$</i>	The sound pressure level in the receiving room produced by impacts subjected to the adjacent floor or wall by a tapping machine.
<i>Normalised impact sound pressure level $[L_n]$</i>	The impact sound pressure level normalised for the absorption area of the receiving room.
<i>Weighted normalised impact sound pressure level $[L_{n,w}]$</i>	A single figure representation of the impact sound insulation of a floor or wall based upon the impact sound pressure level measured in a laboratory.
<i>Weighted standardised impact sound pressure level $[L'_{nT,w}]$</i>	A single figure representation of the impact sound insulation of a floor or wall based upon the impact sound pressure level measured in situ on site.
C_i	A value added to an L_{nW} or $L_{nT,w}$ value to account for variations in the spectrum.
<i>Energy Equivalent Sound Pressure Level $[L_{A,eq,T}]$</i>	'A' weighted, energy averaged sound pressure level over the measurement period T.
<i>Percentile Sound Pressure Level $[L_{Ax,T}]$</i>	'A' weighted, sound pressure that is exceeded for percentile x of the measurement period T.
<i>Speech Privacy</i>	A non-technical term but one of common usage. Speech privacy and speech intelligibility are opposites and a high level of speech privacy means a low level of speech intelligibility. It should be recognised that acceptable levels of speech privacy do not require that speech from an adjacent room is inaudible.
<i>Sound Pressure Level, L_p dB</i>	A measurement obtained directly using a microphone and sound level meter. Sound pressure level varies with distance from a source and with changes to the measuring environment. Sound pressure level equals 20 times the logarithm to the base 10 of the ratio of the rms sound pressure to the reference sound pressure of 20 micro Pascals.
<i>Sound Power Level, L_w dB</i>	Sound power level is a measure of the sound energy emitted by a source, does not change with distance, and cannot be directly measured. Sound power level of a machine may vary depending on the actual operating load and is calculated from sound pressure level measurements with appropriate corrections for distance and/or environmental conditions. Sound power levels is equal to 10 times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power of 1 picoWatt
<i>Noise Reduction</i>	The difference in sound pressure level between any two areas. The term "noise reduction" does not specify any grade or performance quality unless accompanied by a specification of the units and conditions under which the units shall apply
<i>Audible Range</i>	The limits of frequency which are audible or heard as sound. The normal ear in young adults detects sound having frequencies in the region 20 Hz to 20 kHz, although it is possible for some people to detect frequencies outside these limits.
<i>Background Sound Low</i>	The average of the lowest levels of the sound levels measured in an affected area in the absence of noise from occupants and from unwanted, external ambient noise sources. Usually taken to mean the LA90 value
<i>Character, acoustic</i>	The total of the qualities making up the individuality of the noise. The pitch or shape of a sound's frequency content (spectrum) dictate a sound's character.
<i>Loudness</i>	A rise of 10 dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB which is twice as loud as a sound of 65 dB and so on
L_{Max}	The maximum sound pressure level measured over a given period.
L_{Min}	The minimum sound pressure level measured over a given period.
L_1	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
L_{10}	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L_{90}	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
L_{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.



APPENDIX B. UNATTENDED NOISE MONITORING RESULTS

Weather Station: Observatory Hill

Weather Station ID: 066214

Coordinates: Lat: -33.86, Lon: 151.20, Height: 43.37 m

378-380 Cleveland Street, Surry Hills

Ambient noise monitoring report



Item	Information
Logger Type	NL-42
Serial number	00396931
Address	378-380 Cleveland Street, Surry Hills
Location	378-380 Cleveland Street, Surry Hills
Facade / free field	Free field
Environment	

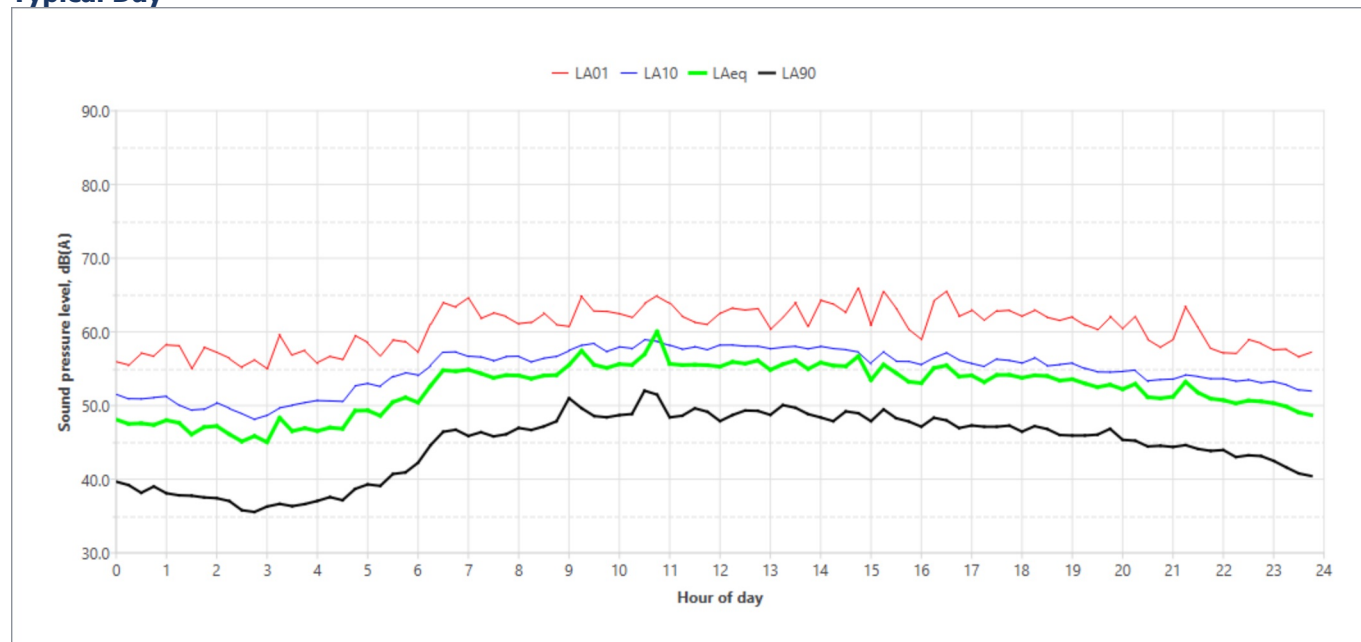
Measured noise levels

Logging date	Rating Background Level			L _{Aeq,period}		
	Daytime 7am-6pm	Evening 6pm-10pm	Night-time 10pm-7am	Daytime 7am-6pm	Evening 6pm-10pm	Night-time 10pm-7am
Fri 23 Feb 2024	-	-	-	56	65	-
Sat 24 Feb 2024	-	-	-	54	-	50
Sun 25 Feb 2024	-	43	-	55	55	51
Mon 26 Feb 2024	47	43	35	56	53	50
Tue 27 Feb 2024	-	-	-	57	-	54
Wed 28 Feb 2024	-	44	-	57	55	51
Thu 29 Feb 2024	48	46	36	57	54	51
Fri 01 Mar 2024	-	43	-	56	53	49
Sat 02 Mar 2024	-	-	-	54	-	49
Sun 03 Mar 2024	-	43	-	59	52	51
Mon 04 Mar 2024	48	42	37	55	53	50
Tue 05 Mar 2024	-	-	-	-	-	47
Summary	48	43	36	56	58	51

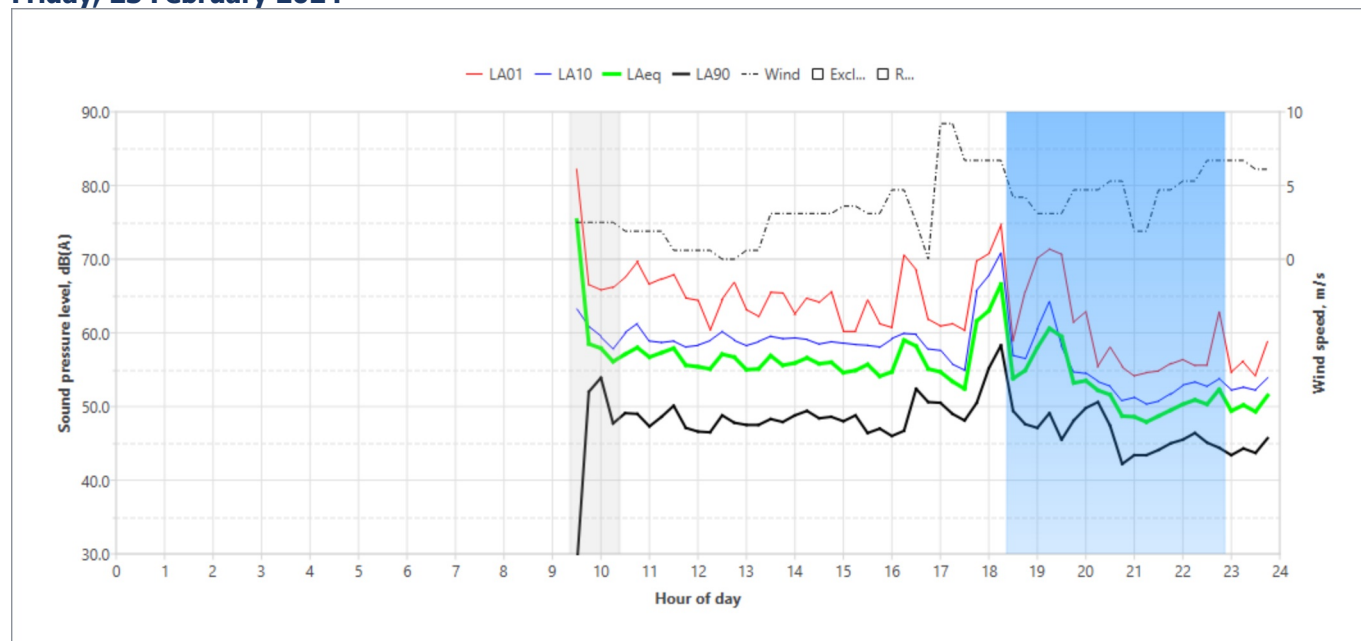
Note: Results with a '-' identify that there were not enough measurements available to correctly calculate the level, in accordance with the Noise Policy for Industry. The data has been excluded either from weather or manual exclusions. See the charts for more information

Logger location	Logger deployment photo

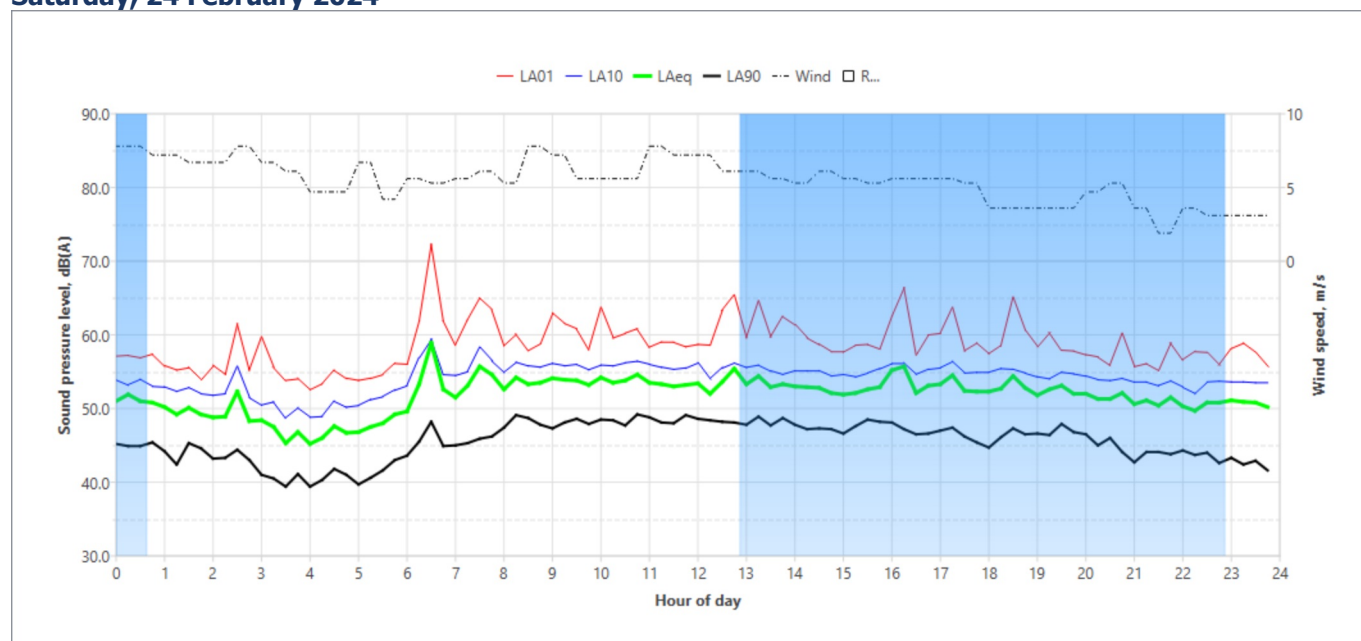
Typical Day



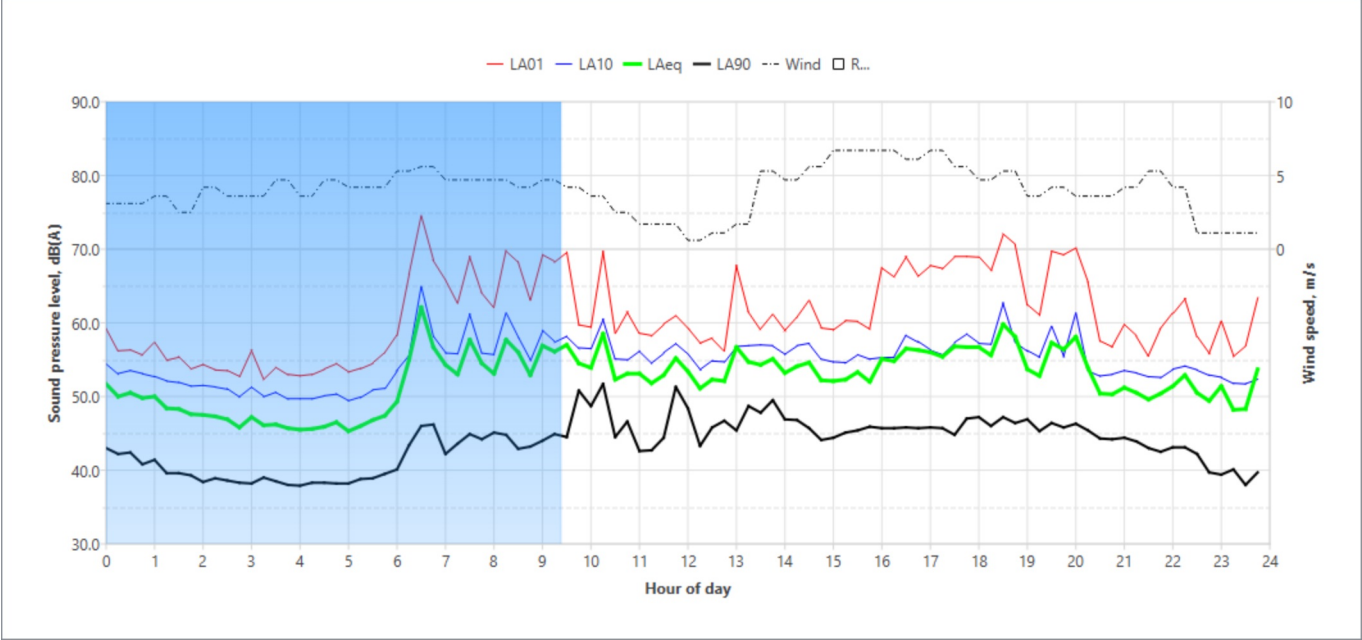
Friday, 23 February 2024



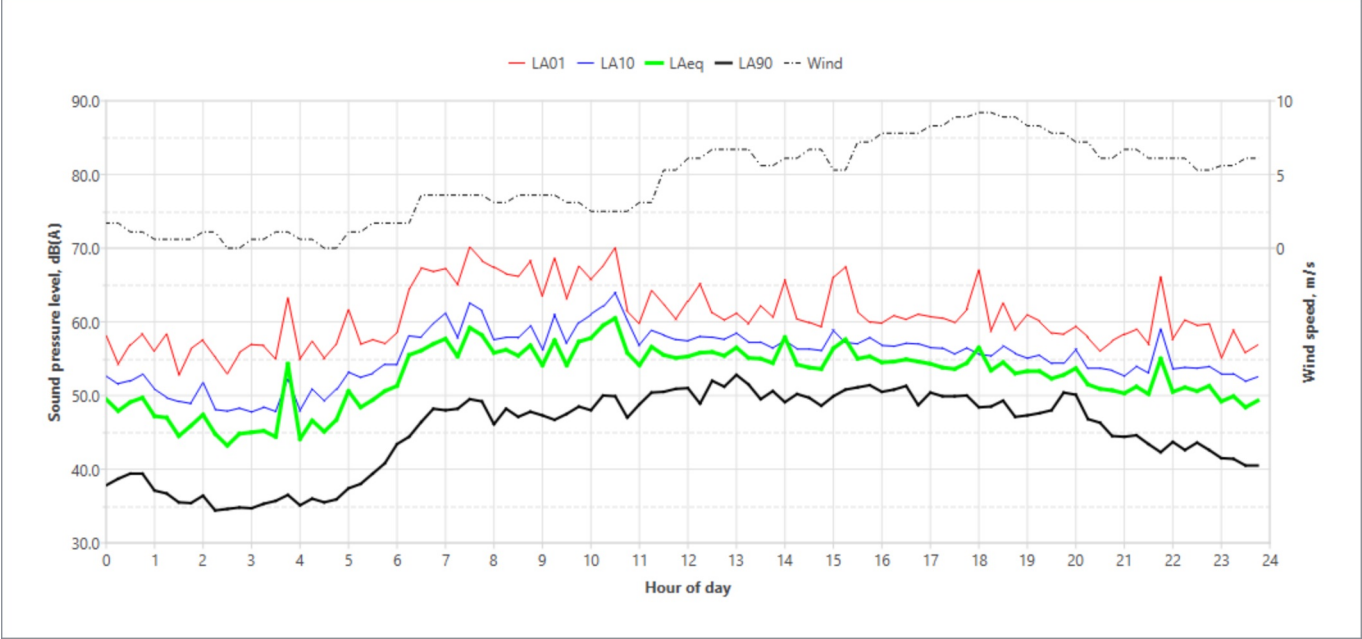
Saturday, 24 February 2024



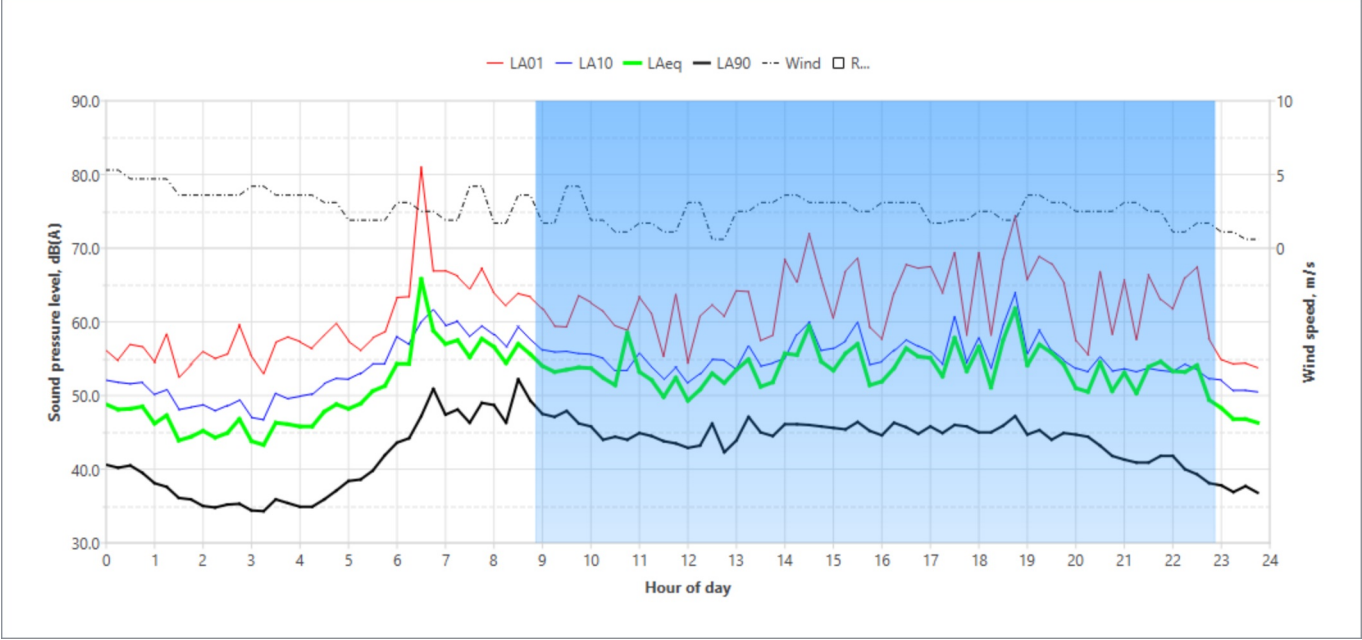
Sunday, 25 February 2024



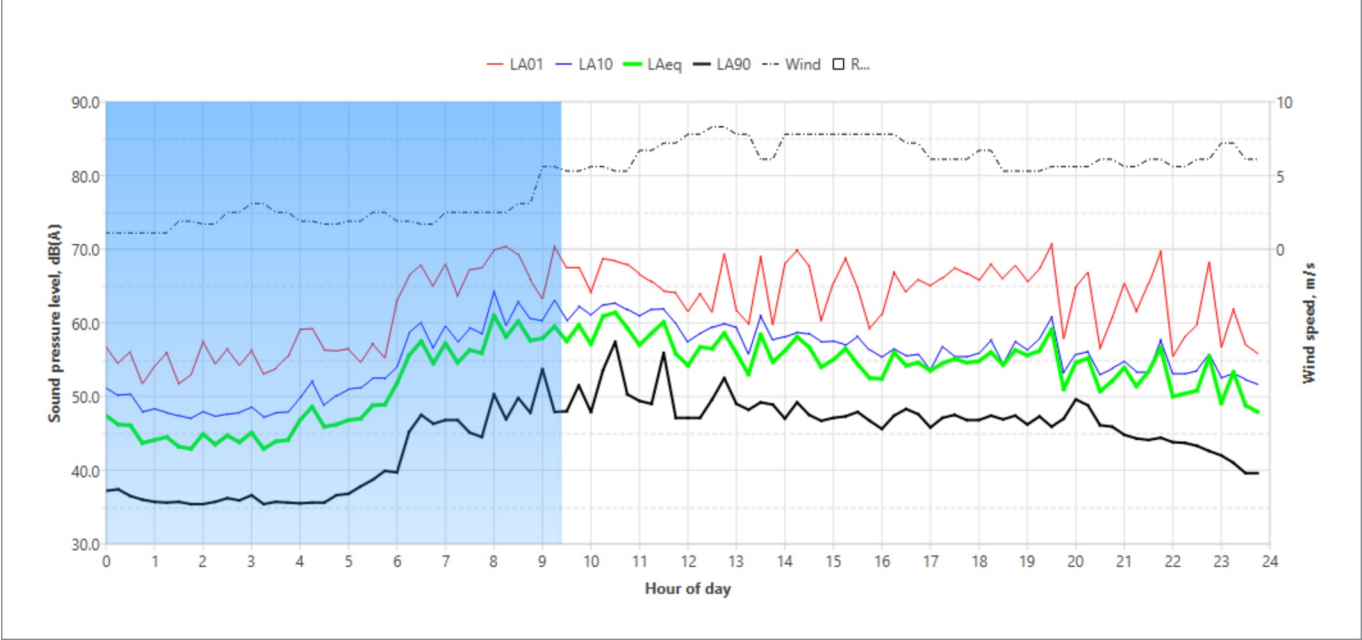
Monday, 26 February 2024



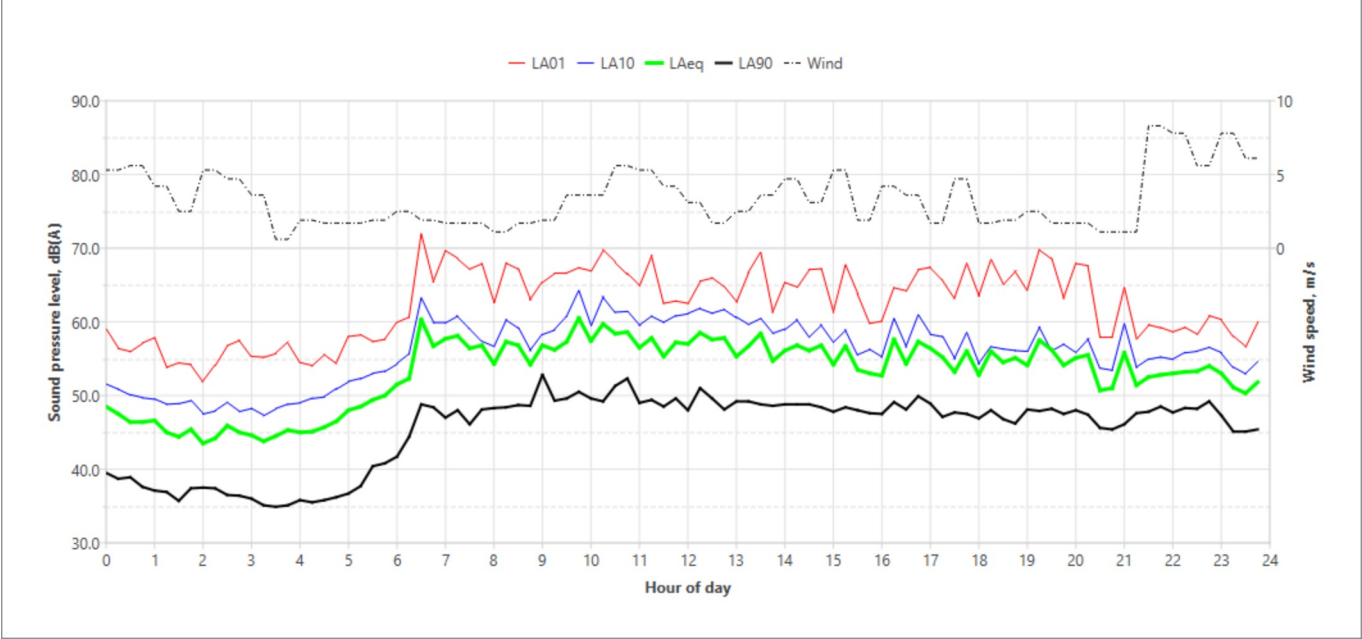
Tuesday, 27 February 2024



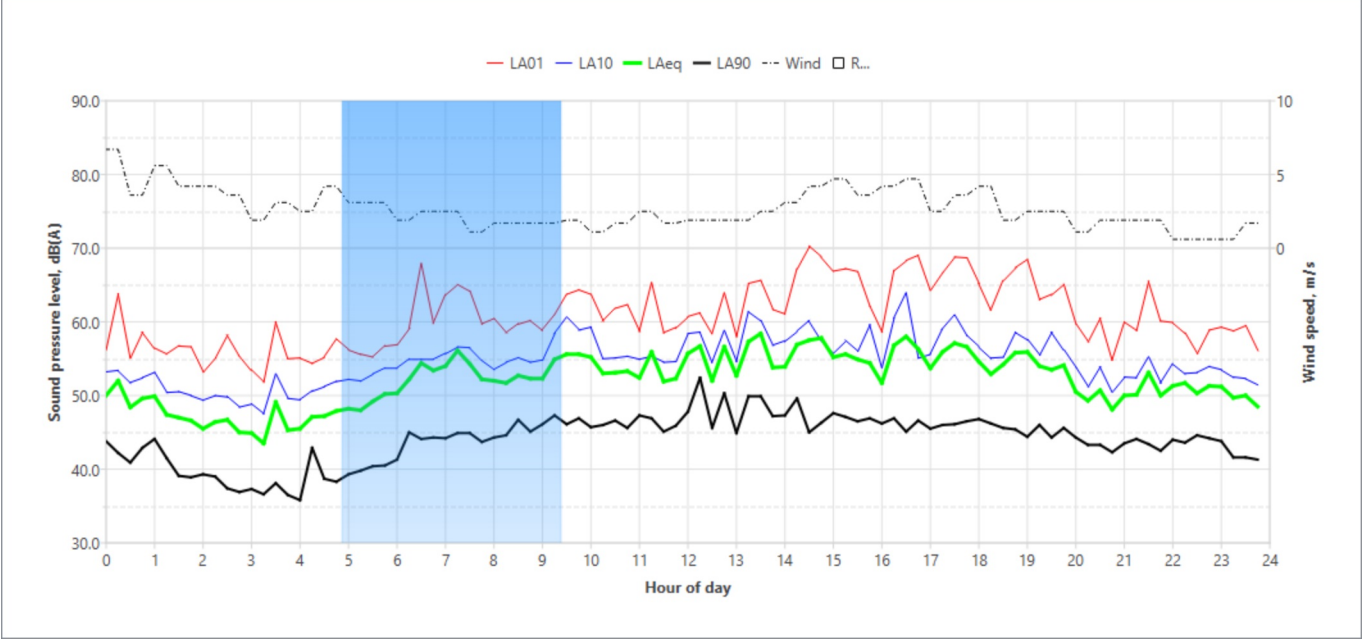
Wednesday, 28 February 2024



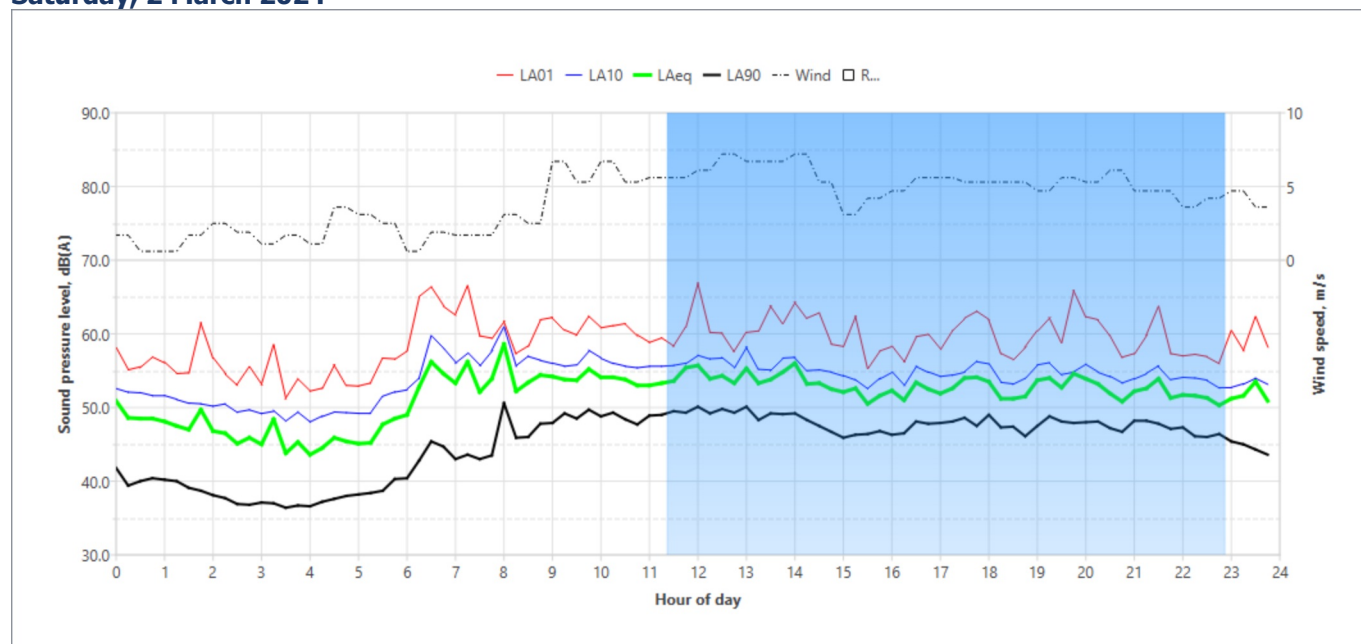
Thursday, 29 February 2024



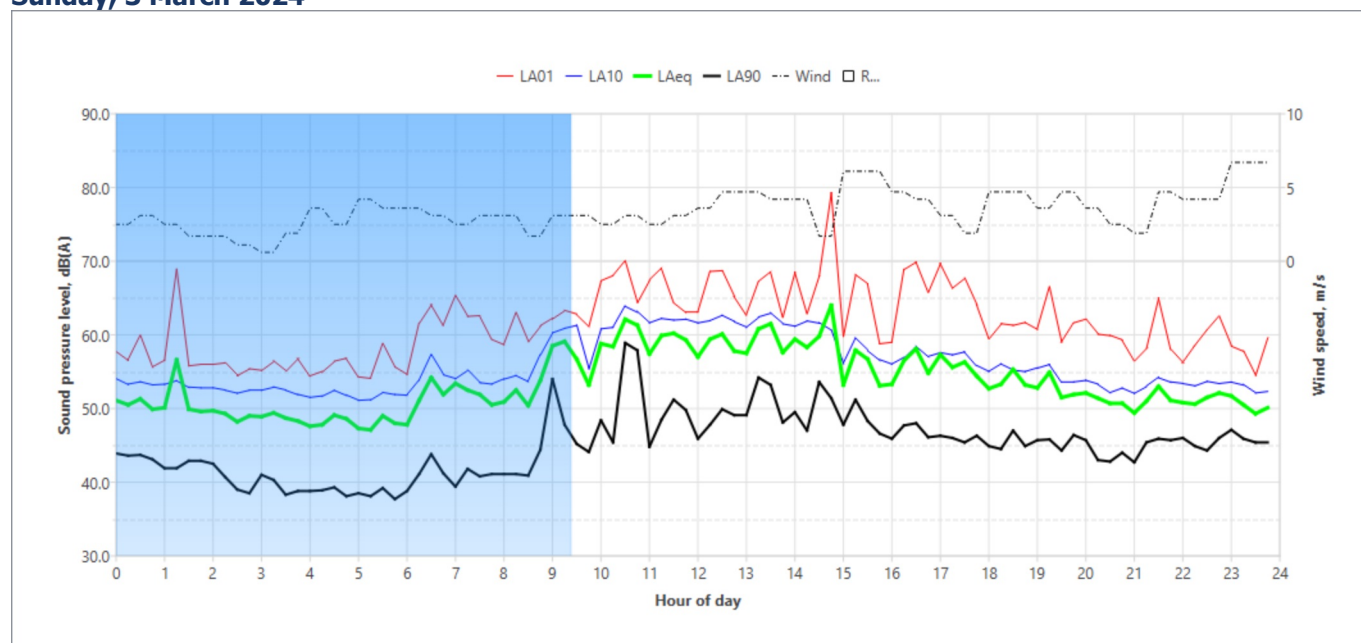
Friday, 1 March 2024



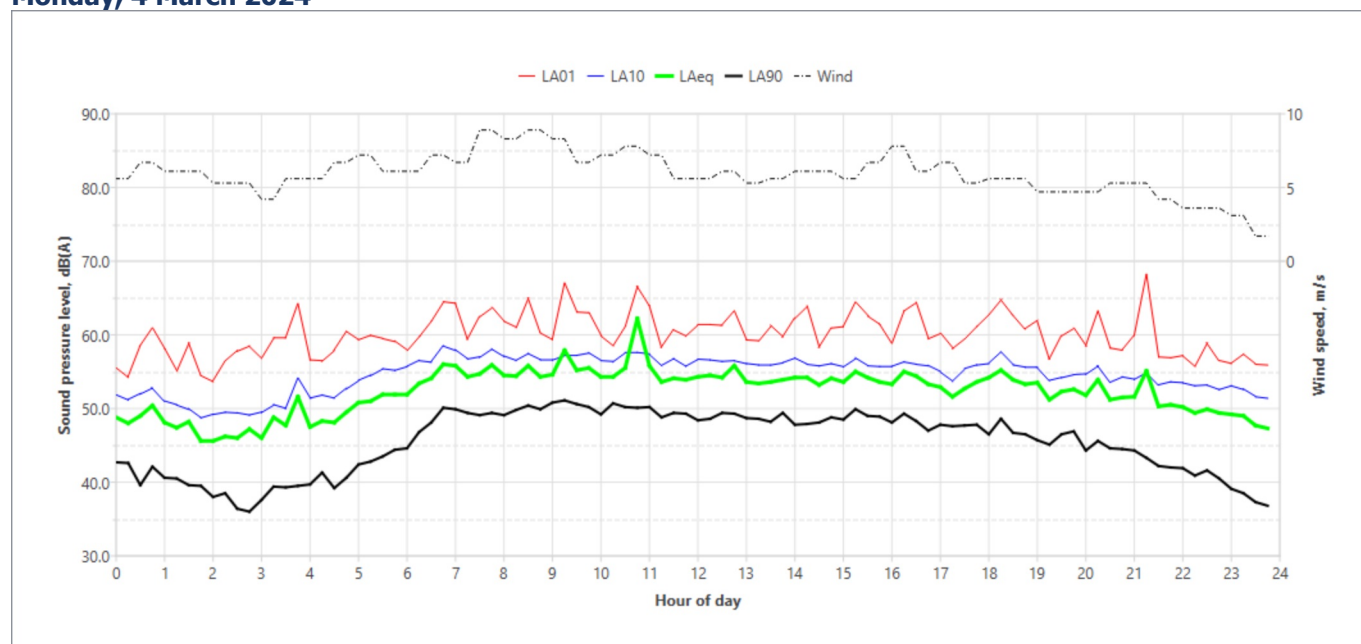
Saturday, 2 March 2024

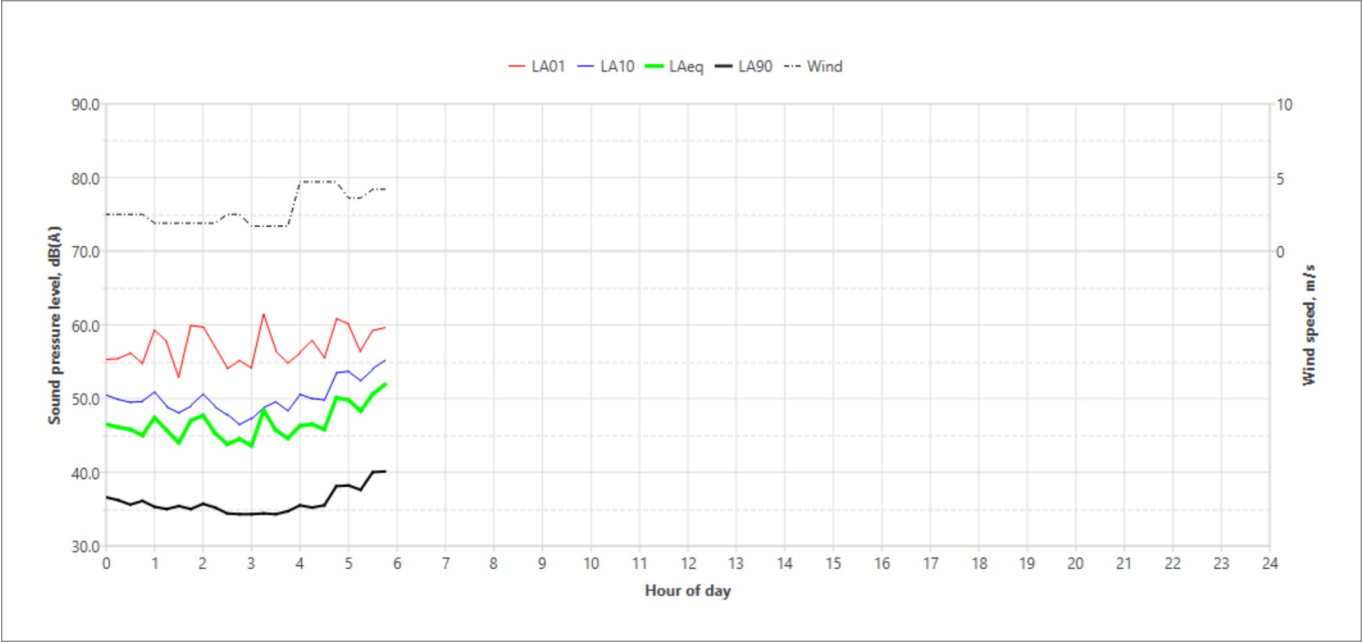


Sunday, 3 March 2024



Monday, 4 March 2024





Attachment F

<h2>Submissions</h2>

From: PlanningAlerts <[REDACTED]> on behalf of PlanningAlerts

<[REDACTED]> <PlanningAlerts <[REDACTED]>

Sent on: Sunday, May 25, 2025 8:57:29 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Comment on application D/2025/410

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

For the attention of the General Manager / Planning Manager / Planning Department

Application: D/2025/410

Address: 378 Cleveland Street Surry Hills NSW 2010

Description: Alterations and additions including a first-floor extension to the rear, associated internal alterations and change of use to a restaurant. The restaurant is proposed to operate from 12pm midday to 12am midnight (the following day), seven days per week.

Name of commenter: Alexa Wyatt

Address of commenter: [REDACTED] Great Buckingham Street, Redfern NSW

Email of commenter: [REDACTED]

Comment

I am relieved to see that the exquisitely beautiful timber pharmacy cabinetry in this building will be retained. Having lived in the area for over 30 years I have often admired the beautiful craftsmanship of the cupboards and drawers. To lose them would be to lose yet another connection to our city's past, and a rich tradesmen and design aesthetic rapidly vanishing in the onslaught of ugly cookie cutter development.

This comment was submitted via PlanningAlerts, a free service run by the charity [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

Important Privacy Notice - Please Read

The email address and street address are provided to City of Sydney only so you can contact, identify and verify Alexa Wyatt, in response to D/2025/410, and not for any other purpose.

You, City of Sydney do NOT have permission to publish, nor share with anyone outside City of Sydney the email address and street address without express written permission from Alexa Wyatt.

We specifically confirm that any consent given in any form (including pursuant to your privacy policy) to disclose personal information to third parties is withdrawn.

From: Dean Elliott <[REDACTED]> on behalf of Dean Elliott

<[REDACTED]> <Dean Elliott <[REDACTED]>

Sent on: Sunday, June 1, 2025 9:28:35 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I live locally on Lansdowne Street and support this application. It will be a great addition to the area and assist with its regeneration as a dining precinct.

Dean Elliott

From: Celestial Enigma <[REDACTED]> on behalf of Celestial Enigma

<[REDACTED]> <Celestial Enigma <[REDACTED]>

Sent on: Monday, June 2, 2025 4:56:18 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa

I am the owner of the property opposite (on Marlborough St.) the applicant at 382 Cleveland St. Surry Hills. I would like to raise some points, and concerns with regard to this proposed DA. I am particularly concerned about noise, traffic (people and vehicle) that this proposal will bring to what is essentially a mainly residential area.

Building – whilst I have no objection to the build structure at the rear of the property above the current garage (even though it will cause some additional shadowing on my property), - I wish to suggest that the developers consider building it into the existing building line with brick and render finish to match the existing building look. The current proposal appears as a box placed on the outdoor terraced area, and in my opinion conflicts with the visuals of the existing building, and its style and character of that period.

Business – I have several concerns with the proposed intended business activities, as listed below. The proposal is for significant bar activity, with late trading hours to be built in the middle of surrounding residential terrace buildings.

- 1) **Too many patrons.** The DA is seeking approval for some 160+ persons (including staff) to habit this space at anyone time. These are two terrace buildings and I find it very difficult that you could entertain and feed such a large number of people in such a small space. That number should be seriously assessed, for a number of reasons, however having lived in a terrace I know very well that this would be significantly overcrowded.
- 2) **Noise.** Having lived in my property during the time this building was used as a Chemist and body building supplies shop – the people traffic was limited and kept to day time hours – as are the majority of the commercial properties in the immediate vicinity. The suggestion of so many people entering, exiting, (and to very late hours) the building, will impact the noise in the vicinity greatly and unfortunately in a negative way. Aside from entering and exiting, there will be persons outside smoking and chatting, as such there will be (as are many/most such bars) a level of noise taken onto the streets. Which is only meters away from bedrooms at my property. The space between the two buildings is not significant to facilitate this activity without negative impacts on the local residents. Further there is the use of the garbage area, which will obviously be utilised during, but more importantly after trading hours – empty bottles being thrown into garbage bins are very loud). In order to minimise such noise and impacts on the local residents, I ask that you consider the following in this application
 - a) Hours of trade are not acceptable. Perhaps some leniency for Friday/Saturday night till midnight, but past 10pm on a weekday and Sunday will significantly impact locals and their sleep.
 - b) As mentioned above, that the permissible patron numbers be given significant consideration and reduced.
 - c) That entrance and exit to the building to be limited to the front of the building facing Cleveland St only, and that no entrance/exit be available from Marlborough St or Goodlet Lane – aside perhaps for a fire exit in case of emergency, and to be used only for that purpose.
 - d) That any windows facing Marlborough St or Goodlet lane are to be kept closed (and where possible, sound proofed) to minimise the noise coming 153m inside the building. In fact keeping all windows

closed (including facing Cleveland St) and relying on mechanical ventilation only would be appropriate, given that noise will travel even with a small group of people. Bars are not quiet places, as such sound proofing the building must be given serious consideration for the local residents.

e) That any patrons standing outside (smoking/talking etc) be limited to Cleveland St only. This will limit movement and noise up Marlborough St, and Goodlet Lane, which are residential buildings. Although in reality it would be ideal to have no people outside smoking or talking (which will disturb local residents) – the reality is they will.

3) **Parking.** I have not seen any provision being made to accommodate any parking. In fact the proposal indicates the removal of the 2 existing car spaces currently on the property. As such I assume the DA proposes that its patrons use the existing (and very limited) street parking.

I find that unfair to the local residents that are already finding it difficult to accommodate space for their own cars. I am not sure how council assess parking these days – however some years ago when Dimitris Restaurant (358 Cleveland St) was proposed they had to acquire (as I understood) land locally to accommodate for parking having then bought the land at 375 Cleveland St (currently a car wash) for that purpose to satisfy council of parking provisions for their patrons. I am not familiar with the Council regulations with that these days, however I know that with so many patrons it would impact negatively for parking availability to both the locals and the patrons of the establishment.

The above are my concerns, and happy to discuss any of the above in your assessment of this DA.

Kind Regards

Theo Parker


From: Ross Rotherham <[REDACTED]> on behalf of Ross Rotherham
<[REDACTED]> <Ross Rotherham <[REDACTED]>
Sent on: Saturday, May 31, 2025 11:53:20 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Ross Rotherham
581 Riley Street,
Surry Hills, 2010
May 31, 2025

To City of Sydney planning / Costa Dantos,

In reference to:

- Application D/2025/410
- by MAK SURRY HILLS Pty Ltd
- Site 378 Cleveland Street

I and my family are residents within the Affected Properties Report. We have resided here for 15 years. We moved to the area to be in an amenities rich location. We utilise local amenities and derive great pleasure from all that is available in Surry Hills.

We also lived through the period that Porteno was operating as a restaurant and bar within the same block that The Boxing Bear is requesting to set up. All of our concerns are based on precedent of a business functioning of a similar size and similar license allowances only 60m from the proposed location.

The categories of concern are:

- Parking impact from trade, staff and patrons
- Blocking of key access roads to our home: Riley street and Goodlet Lane
- Noise from patrons arriving and leaving the premises
- Noise from operation on site
- Garbage collection
 - Noise
 - Garbage left in the street
 - Bins blocking access

Parking:

Our block regularly has no spaces available for residents with Area 18 permits to park. When this happens there usually are vehicles parked beyond the 1hr limit that do not have resident permits. Often vehicles without permits are parked for time lengths that mimic either work shifts, e.g. 8 hours, or patron stays, e.g. 3hrs. Despite there being 1 hour limits in most parking locations within the immediate area, there are rarely rangers in the area enforcing the limits.

During the operation of Porteno this was significantly heightened severely restricting parking for residents. The restaurant staff appeared to do regular checks on their cars and only in the case a rare ranger marking was made they would move their cars into a different configuration still taking up resident parking.

Requested action in the case the proposal is approved: Increase parking rangers covering all of the immediate local area, minimum weekly, up to the end time of the restrictions.

Blocking Access Roads:

Goodlet lane has always been a primary access road for residents in our immediate area: Riley between Goodlet Street and Goodlet lane, the one way portion of Riley Street between Goodlet Street and Belvoir Street, and the block of Goodlet Street between Riley and Marlborough Streets. This last block noted includes the access point for the large underground garage servicing the apartments at 508 Riley Street. For a small lane there is a lot of regular traffic.

Since the changes to the traffic flow where Wilton Street was made one way Goodlet Lane has increased in its usage as a primary access route. All other access when this lane is blocked requires going into the traffic of either Cleveland or Elizabeth Streets to find alternative access.

During the operation of Porteno there were trade vehicles blocking access multiple times daily. These trucks and vans would park at the end of Riley Street blocking Goodlet Lane or in Goodlet Lane. This was a regular point of contention with the local neighbours of the restaurant.

Given the single onsite park is limited in the size of vehicle it can accommodate, and there is no other location that would allow trade vehicles to park out of traffic, we must conclude that the blocking of Goodlet Lane and / or Marlborough Street will happen with a similar frequency as it did with Porteno.

Requested action in the case the proposal is approved: Council monitoring and enforcing of reasonable access along Goodlet Lane.

Requested action during proposal assessment: Audit the traffic using the lane.

Noise From Patrons Arriving and Leaving:

Given the licensing times, size and function of Boxing Bear will be similar to Porteno the precedent of Porteno patron noise should be considered. We live 20m from the Porteno site and 30m from the front door of that establishment. Despite the valiant efforts of the owners the noise from patrons was significant. People accessing the restaurant at dinner time were of little concern. Patrons leaving often displayed moderate levels of inebriation and although the temperament was almost always merry, it was loud, and it was right under our bedroom. People arriving to go to the bar later in the evening often arrived with obvious signs of inebriation and subsequent noise.

Patron noise up to 10pm was tolerable, and inline with having moved into an amenity rich location. Patron noise after 10pm through to midnight had a significant negative impact on the local residents.

Requested action in the case the proposal is approved: Mandate full time security at the entry and exit points to manage patron behaviour.

Noise From Operation Onsite:

Porteno managed this well and this was not of concern vs the noise of patrons coming and going. However they went to great lengths to manage this. There was no outdoor area where patrons were seated or drinking after 10pm. They had a security person positioned at the front door managing patron noise in the immediate vicinity of their operation, namely the paved area of Riley Street between Goodlet Lane and Cleveland. They did appear to corral patrons leaving towards Cleveland as part of their effort to limit patron noise impacts.

Boxing Bear's application appears to include an outdoor area for patrons using the bar that is open until 12pm. Based on the sounds generated by drinking patrons from Porteno being significantly more noticeable relative to background traffic noise this will have a negative impact on any residents nearby.

Requested action in the case the proposal is approved: Limit license time to 10pm Sunday – Thursday. Limit outdoor access for patrons and staff to 10pm seven days.

Garbage collection:

Again referencing the similar size and proposed operation activities of Boxing Bear relative to Porteno the impact of garbage collection must be considered. This was the most annoying of all impacts. And happened daily.

- Noise: The private garbage trucks were apparently not subject to the same time limitations as council garbage pickups. They arrived regularly before 6am and created significant noise. The sound of the trucks stopping and starting. Sound of reversing warning noise. And the sound of multiple bins of smashed glass being tipped into the trucks.
- Garbage left in the street: Regularly the action of tipping garbage into the trucks resulted in some not making it and landing in the street. This was left in the street and was regularly cleaned up by frustrated neighbours including myself. Food scraps in the street are a problem for attracting rats. Smashed glass in the street is a problem for obvious reasons.
- Bins blocking access: The large bins on rollers were regularly left in positions that blocked Goodlet Lane. This would be resolved for periods and then return as an issue presumably when there was changes in staff responsible for that activity.

Requested action in the case the proposal is approved:

- Limit garbage collections times to be inline with council times: 7am earliest. Enforce this with fines when residents provide proof of this rule being broken.
- Enforce the Boxing Bear staff to clean up any refuse or glass left in the streets.
- Enforce no blocking of public access roads or footpaths with bins.

Any review of the Boxing Bear proposal must include a review of historic precedence in the same block. These issues create significant negative impact on the local residents. This location has never, as far as I know, operated as an licensed premise with hours through to midnight. We are not asking to remove an existing amenity that we moved near to. We are asking for new amenities to operate in line with existing resident experience considered.

It should also be noted that the immediate area surrounding this proposed restaurant has a very large number of low income residents. In the case the price point of meals and beverages is inline with other newer establishments opened recently, e.g. at Wunderlich Lane, this establishment will be providing service not to the local population as the previous café and earlier chemist use of the location did.

Regards

Ross

From: Michael Benjamin Middaugh <[REDACTED]> on behalf of Michael Benjamin Middaugh <[REDACTED]> <Michael Benjamin Middaugh <[REDACTED]>
Sent on: Saturday, May 31, 2025 1:17:15 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos
Attachments: Objection to Development Application D2025410 by MAK SURRY HILL.pdf (51.38 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello,

Costa Dantos. Please see attached letter of concern for D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010.

Best regards,

--

Mike Middaugh

[REDACTED] (Australia)

Mike Middaugh, Kelly Crotty,

579 Riley Street

Surry Hills, NSW 2010

31 May 2025

To: City of Sydney Planning / Costa Dantos

RE: Objection to Development Application D/2025/410 by MAK SURRY HILLS Pty Ltd for Site at 378 Cleveland Street

Dear Costa and the City of Sydney Planning Team,

I write as a long-term resident of 579 Riley Street, within the Affected Properties Report, and as a neighbour who has lived in this community for over 10 years. We chose Surry Hills for its vibrant amenity, access to community services, and quality of life.

However, we strongly object to the current application by MAK SURRY HILLS Pty Ltd due to serious and well-documented concerns—both from lived experience during Porteno's Restaurant that operated from Cleveland and Goodlet) previous operations and in light of the proposal's scale. The street of Goodlet Lane and Marlborough are already well passed their capacity.

We have several concerns the proposed DA will have negative impact to the city of Sydney's residents. Concern not previously accounted for is **child safety**. Approx 30% of the surrounding terrace homes have young children, and the anticipated increase in traffic, noise, and disruption from commercial operations poses unacceptable risks. This is a community of families, not just an entertainment precinct.

Our specific concerns, supported by precedent and community observations, include:

1. Child Safety and Street Infrastructure Requests

Given the residential make-up and presence of many young families, Bourke Street Elementary, Inner Sydney Highschool we request:

- Installation of **"Children at Play" signage** at multiple points along Riley Street
- Addition of a **clearly marked pedestrian crosswalk** on Riley Street near Goodlet Lane
- Installation of an **additional stop sign** at the intersection of Goodlet Lane and Riley Street
- **Repainting of faded stop lines** at intersections to improve visibility
- Formal agreement on **location of bin placement**, with enforcement of no obstruction
- Commissioning of a **waste/bin study** to plan proper garbage storage, collection times, and impacts

2. Parking and Traffic Management

We continue to suffer from a **shortage of residential parking** and high levels of **illegal or long-term parking by non-residents**, often tied to staff or patrons of nearby venues.

Requested actions:

- **Installation of parking meters** on Marlborough Street, Goodlet Lane, and Riley Street to discourage long-stay parking
- **Enforcement of Area 18 permit protections**, particularly after 3pm when impacts peak
- **Limitations on construction vehicle parking** in and around Goodlet Lane and Riley Street during the build phase
- **Scheduled weekly inspections by parking rangers**, with a formal meeting to establish expected frequency
- **Ranger patrols and enforcement extended until 10:00 PM**, to cover late trade

3. Access Blockages from Trade and Service Vehicles

During Porteno's operation, **Goodlet Lane and Riley Street were routinely blocked** by service vehicles, disrupting local traffic and emergency access.

- **Audit of traffic flow** along Goodlet Lane as part of assessment
- If approved, council to **monitor and enforce free access along Goodlet Lane and Marlborough Street**
- Restrict commercial deliveries to off-peak hours
- When Wilton was changed from a 2 way to a one way Street in 2019, it has become very difficult to access the impacted area. More obstructions from increased commercial activity will amplify the problem

4. Noise from Patrons and Late-Night Operation

The noise from patrons leaving Porteno—sometimes intoxicated, always loud—was a major disturbance. This proposal includes **an outdoor bar area** that will make such issues worse, not better.

- **Restrict license to 10:00 PM Sunday–Thursday**, with a midnight closing only on weekends
- **Prohibit an outdoor courtyard**. Their current DA is literally putting an open dining within meters of people's bedroom.
- **Full-time security** at entrance and exit to manage behaviour

5. Garbage and Hygiene Concerns

From smashed glass to vermin-attracting scraps, the impact of private garbage collection during Porteno's operation was substantial.

Requested actions:

- Garbage pickup only **after 7:00 AM** to avoid early morning disturbances
- **Enforce staff accountability** to remove waste from public footpaths
- **Fines for repeat offenses** of improper bin placement or spillage

6. Impact on Residential Amenity and Liveability

The proposal removes **communal courtyard space**, affecting residents of over **20 bedrooms**, and replaces it with a commercial, late-night venue. The transformation of this building marks a fundamental shift in its role within our neighbourhood, and one that erodes—not supports—residential life. There is proposed DA for Marlborough house and a major furniture store on Goodlet and Riley. The culture history of this unique part of Sydney will be damaged.

Conclusion

We ask that the City of Sydney consider the cumulative and proven impact of such a venue in this specific location—especially in light of the previous history with Porteno—and take meaningful steps to protect the wellbeing, peace, and safety of its local residents, especially children.

We do not oppose progress or business, but it must not come at the cost of those who live here.
Sincerely,

Mike Middaugh

[REDACTED]

Kelly Crotty

[REDACTED]

Resident, 579 Riley Street
Surry Hills, NSW 2010

[REDACTED]

From: [REDACTED] <[REDACTED]> on behalf of [REDACTED]
<[REDACTED]> <[REDACTED]> <[REDACTED]>
Sent on: Thursday, June 5, 2025 2:58:35 PM
To: dasubmissions@cityofsydney.nsw.gov.au; [REDACTED] <[REDACTED]>
Signed by: [REDACTED] on Thursday, June 5, 2025 3:01:56 PM
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Santos
Attachments: Nameless.txt (5.91 KB)

[REDACTED]
[REDACTED] Marlborough Street
Surry Hills 2010
June 5 2025

To City of Sydney planning / Costa Dantos,

In reference to:

- Application D/2025/410
- by MAK SURRY HILLS Pty Ltd
- Site 378 Cleveland Street

My family and I are residents within the Affected Properties Report. [REDACTED]
[REDACTED] We are long
term residents of Surry Hills and have resided at this address for approximately 11 years.

Given the proximity of our property to the proposed development, we have several concerns that we request be taken into consideration in reviewing the development proposal.

The categories of concern are:

- **Extended Trading Hours**
- **Noise**
- **Aesthetics of the Proposed Extension in a Heritage Area**
- **Sanitation**
- **Traffic**
- **Parking**

• **Extended Trading Hours**

- o The requested extended hours of operation of the property, 7 days a week, 12pm to 12am is not aligned to the residential neighbourhood, with families located immediately on all sides of the property.
- o In addition, it is anticipated that staff may also remain on the premises outside of these hours for other purposes including cleaning the premises, basic maintenance and like duties, which will likely further contribute to neighbourhood disturbance.
- o Extending the operating hours will undoubtedly result in increased noise from traffic, and traffic congestion, and that this will occur post end of the proposed extended trading hours.

Request to reduce proposed hours of operation in line with the residential location

Noise

- o Noise from operation on site, particularly in the courtyard for rubbish disposal, proposed at the rear of the property, [REDACTED]
- o Noise from patrons arriving and leaving the premises via Marlborough Street and Goodlet Lane, [REDACTED]
- o Noise from collection of commercial rubbish bins in a residential area
- o Increased traffic and noise from trade vendors on Marlborough Street, which is a One-Way Street and the only artery for residential traffic leaving the area.

Request that courtyard for rubbish disposal is enclosed, and that instructions are provided to Operators regarding noise concern and that mitigation strategies are put in place, so as not to disrupt surrounding residents during evenings.

Aesthetics of the Proposed Extension in a Heritage Area

- o The appearance of the proposed development is not in line with the surrounding area, and does not take into account street frontage onto Marlborough Street. The proposed addition references the property being at rear of 378 / 380 Cleveland Street only. Whilst it is considered at the rear of the property on Cleveland Street, as a corner block, the development is also at the street front of Marlborough Street, and has an adverse aesthetic appearance, and detracts from the visual appeal of the street. The image shared in the proposal, referencing that the development is the back of the block, and looking only at Goodlet Lane, which has ongoing construction happening currently is as follows:

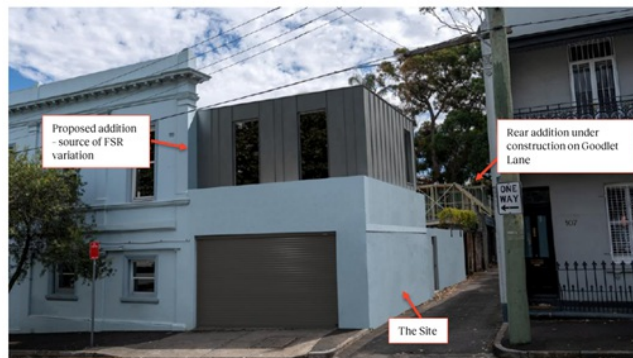


Figure 4: Photomontage of the proposed addition (Source: SplitGrid, included at DA-0701 of the Architectural Plans)

The street from Marlborough St frontage is currently shown in the following image:



The proposed modern extension is out of character with the rest of the street, and will detract from

the heritage style buildings.

Request that the development proposal reviews the current proposal and redesigns the appearance of the extension, in line with the style of the rest of the street frontage on Marlborough St.

- **Sanitation**

- o A large number of rubbish bins being left on the street awaiting collection and blocking access three times a week, which is required for a proposed restaurant and bar of this size would be incongruous with the residential nature of the street. It will block access routes and ramps that have been specifically put in place to service pedestrians with mobility challenges.
- o Collection of commercial rubbish bins in a residential area will be noisy and disruptive.
- o Rubbish left by Smokers from the venue.

Request that mitigation strategies are put in place. Reduced license size in accordance with the residential street, and sympathetic to residents.

- **Traffic**

- o Increased traffic congestion on Marlborough Street at the Traffic Lights, which is sometimes blocked turning onto Cleveland Street by Trade Vendors, Staff and Patrons, particularly noise late in evenings as patrons and staff leave the premises.

Request to reduce period of operation, so as to minimise late night time disruptions.

- **Parking**

- o Parking impact from trade, staff and patrons, in an area where availability is already limited.

Please contact me on the below numbers should you wish to clarify any of the details provided above.

Regards,

A large black rectangular redaction box covering the signature and contact information of the sender.

This electronic communication and the information and any files transmitted with it, or attached to it, are confidential and are intended solely for the use of the individual or entity to whom it is addressed and may contain information that is confidential, legally privileged, protected by privacy laws, or otherwise restricted from disclosure to anyone else. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, you are hereby notified that any use, copying, distributing, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please return the e-mail to the sender, delete it from your computer, and destroy any printed copy of it.

From: Caoimhe Dunne <[REDACTED]> on behalf of Caoimhe Dunne

<[REDACTED]> <Caoimhe Dunne <[REDACTED]>

Sent on: Saturday, June 7, 2025 7:29:39 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi,

I live in 376 Cleveland Street, Surry Hills, NSW, 2010. I would like more information on this proposed development.

I am strongly against the building / opening of a restaurant here.

My concerns include:

- Privacy loss: My bedroom is at the front of 376 Cleveland Street. Safety due to people coming in and out of the restaurant right next door will hugely impact me.
- Noise and disruption: Construction activity will cause major disturbance. There will also be major disruption to my day to day life and nightly routine when opened.
- Property value impact: I believe the development could negatively affect the value and amenity of my home.

Thank you for your time and consideration. I would appreciate confirmation that this submission has been received and will be taken into account.

Caoimhe Dunne

From: Scott Moore <[REDACTED]> on behalf of Scott Moore

<[REDACTED]> <Scott Moore <[REDACTED]>

Sent on: Tuesday, June 10, 2025 5:09:36 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Scott Moore
[REDACTED] Marlborough Street
Surry Hills NSW 2010

10 June 2025

To: City of Sydney Planning / Costa Dantos

Re: Objection to DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd)

Dear Costa and City of Sydney Planning Team,

I am writing to raise my objection to the above development application seeking to convert a historical mixed-use property into a licensed bar at 378 Cleveland Street, Surry Hills.

As a long-term resident of Marlborough Street, currently residing at [REDACTED], I was surprised to learn of this application not through formal notification, but via a local community group. I am concerned that the notification process may not have sufficiently reached all impacted neighbours. Given the significance of the proposed changes, I believe residents should have been directly engaged.

My concerns relate primarily to the potential negative impact on residential amenity, safety, and neighbourhood character, based on both the details of this proposal and past experience with similar operations in the area:

1. Noise and Amenity Impacts

The trading hours proposed (notably up to midnight) raise serious concerns about late-night noise from patrons arriving and departing the venue. The surrounding streets, including Marlborough Street, Goodlet Lane and Riley Street, are largely residential and currently quiet after dark. Increased pedestrian noise, potential anti-social behaviour, and inebriated patrons exiting late at night will significantly disrupt the peace and quiet that residents value.

2. Traffic, Parking and Vehicle Movements

The introduction of a licensed premises will inevitably attract trade vehicles, delivery trucks, and increased patron traffic. Parking in our area is already extremely limited, with Area 18 permit holders regularly struggling to find space. This development would exacerbate that issue. I'm particularly concerned about:

- Delivery trucks blocking Marlborough Street or Goodlet Lane, which are already narrow and heavily used
- Garbage collection trucks arriving in early hours, creating loud disturbances
- Overflow parking from staff or patrons who stay beyond time limits and without permits

3. Garbage and Waste Collection

From previous precedent in the area, we have seen issues with:

- Loud private waste collections occurring before 6am
- Glass disposal creating significant noise
- Spillage of waste (including food and broken glass) being left on the street
- Bins being left in laneways, obstructing vehicle and pedestrian access

4. Inappropriate Use of the Site

This site has previously served as a chemist and café, both well-suited to the area's residential character. Transitioning to a late-night licensed venue would represent a major departure from the historical use of the building. I believe this proposal risks undermining the liveability and community values of the area.

Requested Considerations and Actions

Should council proceed to consider approval, I respectfully request the following be taken into account:

- Review of notification process to ensure all impacted residents were appropriately informed
- Restrictions on trading hours, particularly outdoors (e.g. no later than 10pm Sunday–Thursday)
- Garbage collection times aligned with council services (no collections before 7am)
- Regular ranger patrols to enforce parking restrictions and discourage long-term or improper use of residential spaces by patrons or staff

- Monitoring of Goodlet Lane and Marlborough Street to prevent delivery vehicles or bins from obstructing access
- Full-time security presence at entry/exit to manage patron behaviour and noise

I strongly urge council to carefully consider the cumulative impact this development will have on the day-to-day lives of nearby residents. While I support local business and thoughtful development, it must not come at the cost of residential amenity and safety.

Thank you for the opportunity to provide input. I would appreciate confirmation of receipt and inclusion of this objection in the assessment process.

Yours sincerely,
Scott Moore
[REDACTED] Marlborough Street
Surry Hills NSW 2010

Scott Moore

From: Carolyn O'Leary <[REDACTED]> on behalf of Carolyn O'Leary
<[REDACTED]> <Carolyn O'Leary <[REDACTED]>
Sent on: Tuesday, June 10, 2025 10:47:27 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Joe O'Leary <[REDACTED]>
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Costa,

I am a resident, living with my husband and 3 children in **117 Goodlet Street**, our house backs on to Goodlet Lane and in very close proximity to the proposed development.

With that said we have several concerns that we request be taken into consideration in reviewing the development proposal.

Concerns are;

Extended Trading Hours

- The requested extended hours of operation of the property, 7 days a week, 12pm to 12am is not aligned to the residential neighbourhood, with families located immediately on all sides of the property.
- Extending the operating hours will no doubt result in increased noise from traffic, and traffic congestion and most likely occur past midnight
- Noise from patrons arriving and leaving the premises via Marlborough Street and Goodlet Lane

We propose to reduce the proposed hours of operation in line with the residential location

Rubbish

- Noise from operation on site, particularly in the courtyard for rubbish disposal, proposed at the rear of the property, very close proximity to 2 of my childrens bedroom

Request that courtyard for rubbish disposal be concealed on the premises, and that instructions are provided to Operators regarding noise concern and that mitigation strategies are put in place, so as not to disrupt surrounding residents during evenings.

Traffic & Parking

- Increased traffic congestion on Marlborough Street at the traffic lights, which is sometimes blocked turning onto Cleveland Street, particularly noise late in evenings as patrons and staff leave the premises.
- Parking impact from staff and patrons, in an area where availability is already limited.

Request to reduce period of operation, so as to minimise late night time disruptions

Thank you for taking the above into consideration.

Kind regards,



Carolyn O'Leary | Project Manager

Level 1 / 483 Riley Street, Surry Hills, NSW 2010

W: thegstore.com.au

From: Rita Fin <[REDACTED]> on behalf of Rita Fin <[REDACTED]> <Rita Fin <[REDACTED]>

Sent on: Tuesday, June 10, 2025 6:14:19 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Council staff and Mr Dantos,

I am the owner at 101-103 Marlborough Street Surry Hills and have been since 1987. My property is just three houses from the proposed restaurant installations.

I am all for having another space in our suburb where people can meet to dine and socialise, however my family and I object to the extreme extent of this proposal.

1 Noise

The inclusion of an open air roof is unacceptable. Noise in the lane rebounds around our small courtyards already at the best of times, and subsequently can be heard from our bedrooms. I request that this be rejected.

Noise would be exacerbated by patrons coming and going, as well as delivery trucks, garbage trucks and similar services. I suggest that these services be limited to those already in place for builders and the building code.

I also suggest that if the restaurant is approved, the closing hour for the entire restaurant be cut off at 10pm and not extended to midnight as proposed. Ours is a residential street, not a restaurant strip like Crown Street.

2 Rubbish and rats

There have been issues in the past in the lane when further up towards Riley St, both Dimitri's and Porteno has rubbish overflowing and spilling out onto the lane way, increasing rat problems and stench in the area.

3 Traffic

Marlborough St is basically a one lane and one way street until it turns into Cleveland street, where backed up traffic often misses 2 to 3 lights to turn left into Cleveland St. Parking is already tight for locals, which is not a problem for me personally as I have parking on my property, but I am concerned for the majority of my neighbours who do not have parking and rely on street spots, which are already limited, particularly on busy social nights such as Fridays and Saturdays.

I would be happy to discuss these concerns by telephone if any further detail is required.

Kind regards,

Rita Fin

101- 103 Marlborough St

Surry Hills
[REDACTED]

From: Simon Ashton <[REDACTED]> on behalf of Simon Ashton
<[REDACTED]> <Simon Ashton <[REDACTED]>
Sent on: Wednesday, June 11, 2025 10:09:19 AM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Sameera Athapattu <[REDACTED]>
Subject: "Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Santos"

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa

I am writing in response to the proposed development proposal for 378 Cleveland Street, Surry Hills:

To City of Sydney planning / Costa Dantos,

In reference to:

- Application D/2025/410
- by MAK SURRY HILLS Pty Ltd
- Site 378 Cleveland Street

As a long-term resident and homeowner at 105 Marlborough Street, Surry Hills, the proposed site for development into a Restaurant/Bar business has some key concerns for me and I wish to oppose what the developer/owner is currently considering, with some proposed alternative options.

The categories of concern are:

- **Extended Trading Hours**
- **Noise**
- **Aesthetics of the Proposed Extension in a Heritage Area**
- **Sanitation & Rubbish Management**
- **Traffic**
- **Parking**

Extended Trading Hours

- The requested extended hours of operation of the property, 7 days a week, 12pm to 12am is not aligned to the residential neighbourhood, with families located immediately on all sides of the property. The area is already extremely noisy at times due to increased traffic and an increase in the volume of people transiting through the area. A seven-day business operation open from 12pm to 12am is not appropriate or respectful to residents.
- In addition, it is anticipated that staff may also remain on the premises outside of these hours for other purposes including cleaning the premises, basic maintenance and like duties, which will likely further contribute to neighbourhood disturbance.
- Extending the operating hours will undoubtedly result in increased noise from traffic, and traffic congestion, and that this will occur post end of the proposed extended trading hours. The extended trading hours will also not assist the already pressured parking situation in Marlborough and other nearby streets.

Solution: Reduce proposed hours of operation in line with the residential location and open no later than 10pm.

- o Noise from patrons arriving and leaving the premises via Marlborough Street and Goodlet Lane, which is in close proximity to my house
- o Noise from collection of commercial rubbish bins in a residential area
- o Increased traffic and noise from trade vendors on Marlborough Street, which is a One-Way Street and the only artery for residential traffic leaving the area.

Solution: Request that courtyard for rubbish disposal is enclosed, and that instructions are provided to Operators regarding noise concern and that mitigation strategies are put in place, so as not to disrupt surrounding residents during evenings, including limited music and crowd noise at the venue and especially during week nights.

Aesthetics of the Proposed Extension in a Heritage Area

- o The proposed modern extension is out of character with the rest of the street, and will detract from the heritage style buildings. More consideration of design of the building and associated renovation are required to ensure the look of the dwelling remains true to the current aesthetic.

Solution: Request that the development proposal reviews the current proposal and redesigns the appearance of the extension, in line with the style of the rest of the street frontage on Marlborough St.

Sanitation

- o A large number of rubbish bins being left on the street awaiting collection and blocking access three times a week, which is required for a proposed restaurant and bar of this size would be incongruous with the residential nature of the street. It will block access routes and ramps that have been specifically put in place to service pedestrians with mobility challenges. We already have challenges with the presentation of Marlborough Street, due to the number of bins being left all over the street and blocking laneways and footpaths. We do not require any more of this.
- o Collection of commercial rubbish bins in a residential area will be noisy and disruptive.
 - o The hygiene management of the additional bins is another item in question, which we require information on.
- o Rubbish left by Smokers from the venue.

Solution: Request that mitigation strategies are put in place. Reduced license size in accordance with the residential street, and sympathetic to residents and safe business hygiene requirements.

Traffic

- o Increased traffic congestion on Marlborough Street at the Traffic Lights, which is sometimes blocked turning onto Cleveland Street by Trade Vendors, Staff and Patrons, particularly noise late in evenings as patrons and staff leave the premises.

Solution: Request to reduce period of operation, so as to minimise late nighttime disruptions and increased traffic noise with respect to residents.

Parking

- Parking impact from trade, staff and patrons, in an area where availability is already limited.
- Currently Marlborough Street is already heavily congested with Trades and Visiting people to the area and there is already limited street parking – more people coming to the area and driving around constantly looking for parking is going to cause more disruption and noise

Solution: Request to reduce period of operation, so as to minimise late nighttime disruptions and increased traffic coming into the area for both staff, patrons and other visitors to the business. Parking and Traffic congestion and noise must be managed carefully with respect to residents.

Thank you for your consideration of the items in this summary. Please feel free to reach out to me directly if I can provide further context around these risks and considerations.

Surry Hills is already full of restaurants and bars – do we need any additional ones? Only the very good ones last in the area and I have seen many come and go over the last 15 years. The business owners need to carefully consider the area and its residents prior to any actions for the site to be developed. A poorly executed business operation will also have serious consequences for property values in the nearby streets and area.

Thank you and regards

Simon

Simon Ashton

Talent Acquisition Lead – Residential Aged Care

People and Culture

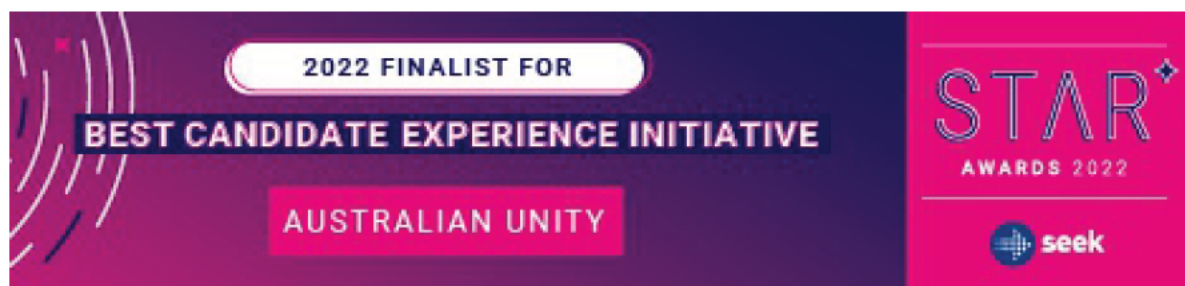


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From: Eleanor Whitworth <[REDACTED]> on behalf of Eleanor Whitworth
<[REDACTED]> <Eleanor Whitworth <[REDACTED]>
Sent on: Wednesday, June 11, 2025 7:51:32 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa and City of Sydney Planning,

Re: APPLICATION D/2025/401 (MAK Surry Hills Pty Ltd), 378 CLEVELAND STREET, SURRY HILLS

I am writing to raise concerns and objections about the above application and the proposed change from a historically mixed-use property into a licensed bar with long opening hours. Whilst our house is not within the Affected Properties Report, we live on the corner of Lansdowne and Marlborough Street, and will be affected by changes to parking, noise and traffic conditions.

We love living in Surry Hills and have been on Lansdowne Street for almost six years, and close-by for almost ten years. Our concerns are that the proposal in its current form will cause significant negative impact on residential amenity.

Parking

In our experience, parking can be very difficult to find in the blocks north of the development site, up to Devonshire Street and across to High Holborn Street. There are regularly no spaces available for residents with Area 18 permits. Cars without Area 18 permits regularly park for longer than the 1hr time limit. This also causes difficulty for tradespeople and visitors to our house.

Requested action if council considers approval: increase parking rangers in the local area, communicate to locals what level of frequency they can expect.

Noise From Patrons Arriving and Leaving

The long opening hours (7 days – there is no respite! And late, to 12am) are likely to cause significant disruption to residents who need to function and work (sometimes in critical industries like hospitals). Our experience, living on the corner of Marlborough and Lansdowne streets, is that we are at times woken up by loud inebriated people walking up and down Lansdowne Street. This is largely limited to weekend nights. The proposed operation times, of 7 days/week, will clearly increase this type of noise.

This is a residential pocket. To date, in our experience, the needs of residents and surrounding businesses has been well balanced. Operating up to 10pm is fine. Up to 12am, every night of the week, becomes intrusive, stressful and is highly likely to have a significant negative impact on the local residents.

Requested action if council considers approval: restrict trading hours (e.g. close 10pm Sunday-Thursday) and mandate full time security at the entry and exit points to manage patron behaviour.

Increased traffic

The streets providing vehicular access to the proposed development are narrow and residential. There is a high volume of pedestrian activity, including children walking to and from school and going to the Ward Park playgrounds, and a large number of vulnerable people, some on walkers or with disabilities. The streets are already under stress from traffic (the white lines at the junction of Lansdowne and Marlborough need repainting every 6 months).

The proposal will increase the number of staff and patron vehicles, but on top of that, it will increase the number of heavy vehicles such as garbage and delivery trucks, and consequently increase wear and tear on roads and reduce pedestrian amenity.

Requested action if council considers approval: regular monitoring of street maintenance (line markings, pot holes, cracking etc). Monitor Goodlet Lane and Marlborough Street to prevent delivery vehicles or bins from obstructing access.

Garbage collection

One of the loudest and most intrusive vehicles is garbage trucks (though we very much appreciate their service!).

Requested action if council considers approval:

- Limit garbage collection times to match council times: 7am at the earliest. If residents show that this is not being adhered to, enforce fines.
- Enforce the Boxing Bear staff to clean up any refuse or glass left in the streets. If residents show that this is not being undertaken, enforce fines, or increase street cleaning of surrounding areas.
- Enforce no blocking of public access roads or footpaths with bins, again if residents show this is not being adhered to, enforce fines.

Thank you for taking note of these concerns. Surry Hills is a wonderful place to live because of the well-balanced mix of residential and business amenity. To maintain this positive community, and fair use, I request that the council carefully evaluates the impact of this development as it stands to ensure that the day-to-day lives of nearby residents are not adversely affected.

Yours sincerely,

Eleanor Whitworth and Russell Briggs
25 Lansdowne Street, Surry Hills

From: Diego Costa <[REDACTED]> on behalf of Diego Costa
<[REDACTED]> <Diego Costa <[REDACTED]>
Sent on: Thursday, June 12, 2025 10:39:52 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission – D/2025/410 – 378 Cleveland Street, SURRY HILLS NSW 2010 – Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney Planning Team,

I am writing to formally submit my concerns regarding Development Application D/2025/410 for the proposed restaurant and bar at 378 Cleveland Street, Surry Hills (the former chemist site at the corner of Marlborough Street and Cleveland Street).

As a resident of Goodlet Street, I welcome thoughtful development that enhances our neighbourhood, but I have significant concerns about the potential negative impacts of this proposal on the surrounding community.

Key Concerns & Requests for Mitigation:

1. Excessive Operating Hours (12pm–12am, 7 Days a Week)

The requested trading hours are inappropriate for a residential area, particularly given the proximity of homes on all sides of the site. Extended late-night operations will inevitably lead to:

- Noise disturbances from patrons arriving, departing, and congregating outside, especially in the courtyard area.
- Increased traffic congestion at the Marlborough/Cleveland intersection, which already experiences delays during peak times.
- Disruptions to residents' sleep and wellbeing, given that families and shift workers live nearby.

Request: Reduce licensed operating hours to 10pm (or earlier) to align with the residential character of the area and minimise late-night disturbances.

2. Noise, Littering & Anti-Social Behaviour on Goodlet Street

As a resident of Goodlet Street, I am already dealing with:

- Unrestricted parking congestion, as commuters, delivery drivers, and visitors frequently occupy limited spaces for extended periods.
- Illegal littering (food waste, bottles, cigarette butts) from nearby businesses and patrons.
- Noise disturbances from idling vehicles, loud conversations, and late-night foot traffic.

The proposed restaurant/bar will exacerbate these issues, particularly if patrons and staff use Goodlet Lane for parking, pick-ups, or smoking breaks.

Requests:

- Implement timed parking restrictions (e.g., 1–2 hour limits during evenings) on Goodlet Street to deter long-term parking by patrons and staff.
- Increase litter patrols and install additional bins to prevent dumping.
- Prohibit patron access/loitering in Goodlet Lane after hours, with clear signage and enforcement.

3. Traffic & Parking Overload

The area already struggles with:

- Limited parking availability, making it difficult for residents to find spaces near their homes.
- Frequent blockages in Goodlet Lane due to delivery vehicles, ride-share pick-ups, and illegal parking.

Requests:

- Require the business to implement a staff parking plan (e.g., off-site parking agreements or incentives for public transport use).
- Enforce clearway zones near the Marlborough/Cleveland intersection to prevent traffic bottlenecks.
- Monitor and penalise illegal parking in Goodlet Lane, particularly at night.

4. Rubbish & Waste Management

The proposed courtyard dining and rubbish disposal area at the rear of the premises could create additional noise and odour issues for neighbouring properties.

Requests:

- Acoustic screening for the courtyard to minimise noise spill.
- Strict waste disposal hours (e.g., no bin collections or compactor use after 8pm or before 7am).
- Regular council inspections to ensure compliance with noise and waste regulations.

Conclusion


While I support vibrant local businesses, this development must not come at the expense of residents' quality of life. I urge the council to:

1. Reduce operating hours to 10pm.
2. Enforce parking and traffic management measures in Goodlet Lane and surrounding streets.
3. Implement strict noise and waste controls to protect nearby homes.

I would appreciate confirmation of receipt and welcome the opportunity to discuss these concerns further if

needed. Thank you for your time and consideration.

Kind regards,

Diego Linhares - 

From: Robert Manock <[REDACTED]> on behalf of Robert Manock

<[REDACTED]> <Robert Manock <[REDACTED]>

Sent on: Thursday, June 12, 2025 10:33:54 AM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa and City of Sydney Planning,

Re: APPLICATION D/2025/401 (MAK Surry Hills Pty Ltd), [378 CLEVELAND STREET, SURRY HILLS](#)

Noise and behaviour

I currently reside in the noise affected area of the proposed application.

I am a 53 year old male who works long hours often from home to support my family, I already suffer from bouts of anxiety due to a lack of quality sleep and now face having to live immediately adjacent to a Restaurant and Bar operating 12 hours a day to midnight, 7 days a week.

My son is fast approaching year 11 and will have his HSC soon, music and patron disturbance until 12am every single day is hardly conducive to concentrated study.

The proposed applicant, has already held a "house-warming party" on the outdoor terrace at the back of the property and played music so loudly until after 2am in the morning that they couldn't even hear my calling to get their attention to turn the music down. When I finally called the police, they failed to show up, whilst I appreciate this party was a one-off event, it demonstrates a clear lack of consideration from the proposed applicant toward their neighbours, I was not the only resident out on the street in the early of hours of the morning that night. Frankly, many of the residents are devastated by this application.

I already have to regularly hose-down the side of my house in the lane-way adjacent to the application due to persons of both sexes (yes, I have caught girls crouching) urinating against my property, I have a constant issue with graffiti on the same wall as numerous calls to council over the years will support. Geez, one time I even had to dispose of a persons number two! I no doubt will now see instances of this increase ten-fold as inebriated patrons leave the venue and choose to relieve themselves in the laneway as they wait for ubers/taxis to arrive whilst talking too loudly as many inebriated persons do. Don't get me wrong, I am not against having a drink and a good time, but when I bought this property it was in a residential zone. Yes, residents will have a garden party from time to time and some push the boundaries with respect to both noise and time, that comes with living in Surry Hills, but this application is for a commercial venue operating virtually non-stop in what is currently a relatively quiet area of Surry Hills.

If this application is to go ahead, I implore you to consider limiting the trading hours to 10pm Sunday – Thursday, (my preference would be for every day) and to have security on at closing each day of trading to monitor patrons as they depart, this would give residents at least some reprieve from the noise and disturbances that **"always"** flow-on from a licensed venue.

Waste Disposal

When "Porteno" was operating not more than 50 metres from our property, the waste collectors would often arrive in the middle of the night (I am talking 2am, 3am 4am) reversing down Riley Street to reach the skip bins put out at the end of shift, warning sirens beeping, if the truck siren didn't wake you, the pouring of the bottles into the truck would get you, either way your sleep was disturbed. ***Now I face having the very same situation immediately below my bedroom window, literally within 4 metres of my head.***

If this application is to go ahead, I implore you to

- ***Strictly limit the waste collection time to after 7am.*** Otherwise, when do we get sufficient time to sleep? If I am awake until midnight and then woken again 2/3 hours later, it is simply unreasonable to expect residents to live this way.

- Ensure venue staff put out the empties quietly and promptly following closing, do not restrict the laneway with bins, it is a public road required by residents to access their garages, there are elderly residents in the area who may require emergency access to the laneway.
- In the event of disturbances from patrons which result in broken glass, ensure it is the responsibility of venue staff to clean up, I and many other residents have dogs that we walk in the area.
- Ensure venue staff dispose of food waste securely to prevent vermin, we already have many rats.

Parking

Securing a parking spot is already an Olympic sport in the area, it is about to go to a whole new level. We already have non-parking permit holders park way over the allotted times as it is, I truly can't recall the last time I saw a ranger in the area.

I thank you for taking the time to consider the points raised above and trust and hope council arrives at a position which benefits both the venue operator and the residents, Surry Hills is a vibrant place to live, which is why we live here, however, we all need time to sleep too and earn/deserve our downtime.

Your faithfully,
Robert Manock

107 Marlborough Street
SURRY HILLS NSW 2010

From: Rachel Gardner <[REDACTED]> on behalf of Rachel Gardner
<[REDACTED]> <Rachel.Gardner@[REDACTED]>
Sent on: Thursday, June 12, 2025 2:29:38 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 Attn Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa Dantos

I am a resident of Lansdowne Street in Surry Hills, near the corner of Devonshire street.

I'm writing in support of the development submission for 378 Cleveland Street, Surrey Hills for a restaurant.

I'm delighted that a developer is prepared to invest in this soulless part of our community in the form of a restaurant, which I believe will inject more life into the area, attracting more people and reducing crime. I'm currently fearful of walking this area at night due to its emptiness and darkness, and a restaurant this part of town will help with that.

I love the development of the ex 'murder mall'. I'm also excited for the development of Ward Park and the deconsecrated church. Thank you for supporting the development of our community.

Kind Regards
Rachel Gardner
Resident

From: Mark Levy <[REDACTED]> on behalf of Mark Levy <[REDACTED]> <Mark Levy <[REDACTED]>
Sent on: Thursday, June 12, 2025 1:36:28 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

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To whom it may concern

I'm the owner at 577 Riley St, Surry Hills. I am writing as a resident of the neighbourhood for the past four years to express my concern about the proposed operating hours and overall impact of the Boxing Bear development.

The proposed trading hours of 12pm to 12am, seven days a week, are not appropriate for a residential setting. The property is surrounded by homes on all sides, many with families. Operating until midnight is likely to lead to increased traffic congestion, noise from patrons arriving and departing late at night, and general disturbances well beyond reasonable hours.

I strongly hope that the trading hours could be scaled back to reflect the residential context-particularly limiting operations past 10pm on weeknights.

Noise and Patron Behaviour

Noise from restaurants guests is a key concern, particularly late in the evening when guests are departing, often after consuming alcohol. The inclusion of an outdoor area for patrons until midnight is especially worrying. It would be preferable if outdoor areas be closed by 10pm and that full-time security be in place to manage patron behaviour at entry and exit points.

Waste Management

Rubbish disposal should be carried out with minimal impact on surrounding residents. The waste area at the rear should be fully enclosed, and clear procedures should be in place to ensure noise is kept to a minimum. Garbage collection should not take place before 7am, and any spills or waste left in the street must be cleaned immediately. Bins should not obstruct public lanes or footpaths. We have seen this happen before, to great detriment of the area.

Traffic and Parking

Parking is already extremely limited in our area. Staff and patrons using residential parking spots will put further strain on residents. Council rangers are rarely seen enforcing time limits, and non-resident vehicles often occupy permit zones for hours. We request increased parking enforcement, particularly in the evenings.

Access routes such as Goodlet Lane and Marlborough Street are narrow and frequently used by residents. Delivery and service vehicles risk blocking these routes, which would seriously affect local traffic, including access to apartment garages. We request active monitoring and enforcement to ensure these lanes remain clear, and that a traffic audit be conducted as part of the assessment.

In Summary

We're not opposed to new businesses in the area, but their operation should be respectful of the existing residential environment. A 12am closing time every night of the week is excessive in this context.

We ask that Council consider a reduction in trading hours, enforce proper waste and noise management protocols, and implement traffic and parking controls to minimise the impact on residents.

Kind regards,

Mark Levy

Owner and resident, 577 Riley Street Surry Hills

[REDACTED] / [REDACTED]

Regards,
Mark

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Monday, September 15, 2025 8:45:40 AM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Santos

From: [REDACTED]
Sent: Friday, 12 September 2025 4:08 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>; [REDACTED]
Subject: Re: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Santos

Hi Costa,

I was very surprised to hear today that the submission for development for - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 has progressed for likely approval.

My partner and I, and our surrounding neighbours have not received any advice that our feedback has been taken into consideration or that any amendments to the original development request have been made.

Of particular concern to me is the fact that our property is an immediate neighbour to the proposed development and the anticipated noise impact.

Has the amended proposal taken into account the request for reduced trading hours?

My son is going into his final years of high school and I am very concerned that this will impact his ability to study and sleep.

[REDACTED]
Manager - [REDACTED]

email: [REDACTED]

mobile: [REDACTED]

From: Joe OLeary <[REDACTED]> on behalf of Joe OLeary <[REDACTED]> <Joe OLeary <[REDACTED]>
Sent on: Thursday, June 12, 2025 3:47:28 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Re: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos

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Hi Costa,

I am a resident, living on Goodlet Street, our house backs on to Goodlet Lane and in very close proximity to the proposed development.

With that said I have several concerns that we request be taken into consideration in reviewing the development proposal.

Concerns are;

Extended Trading Hours

- The requested extended hours of operation of the property, 7 days a week, 12pm to 12am is not aligned to the residential neighbourhood, with families located immediately on all sides of the property.
- These need to be reflective of residential area.

Rubbish

- Noise from rubbish disposal proposed at the rear of the property.
- Waste bin collection points and collection times are to be considered with limitations in place.
- Request that courtyard for rubbish disposal be concealed on the premises, and mitigation strategies are put in place, so as not to disrupt surrounding residents.

Traffic & Parking

- Increased traffic congestion on all adjacent streets and Goodlet lane
- Parking impact from staff and patrons, in an area where availability is already limited.

Request to reduce period of operation, so as to minimise late night time disruptions

Thank you for taking the above into consideration.

Kind regards,

Joe O'Leary

From: [S Riley](#)
To: [DASubmissions](#)
Subject: Fwd: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos
Date: Friday, 20 June 2025 4:35:30 PM

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Suzanne Riley (nee' Gabin)
88 Marlborough Street
Surry Hills NSW 2010

20 June 2025

To: Costa Dantos / City of Sydney Planning

Re: Objection to DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd)

Dear Costa and City of Sydney Planning Team,

Further to my previous submission below from 12 June 2025, please see the details below of more of my neighbours in the immediate Affected Properties Report D/2025/410 Notification Area who have confirmed that they (like me) also did not receive the letterbox dropped official notification (Notification Letter - D/2025/410 dated 15 May 2025):

72 Marlborough St

74 Marlborough St

76 Marlborough St

78 Marlborough St

80 Marlborough St

88 Marlborough St (my property)

136 Goodlet St

138 Goodlet St

140 Goodlet St

The majority of these neighbours do have objections and feedback but most said they did not have sufficient time to make a submission due to only being informed by me so late in the process (rather than having a full month's notice via the official notification process).

I am confident that there are many more properties that were not officially communicated to and still have no idea the development is happening or that they are listed in the Affected Properties Report. I urge you to ensure that during the next stage of the process all properties

listed in the Affected Properties Report are communicated to in an official capacity and are given the opportunity to provide feedback.

As per our discussion over the phone in regards to being able to informally extend the submission deadline due to not everyone receiving the official notification, please include the new details above as an addition to my original submission.

Thank you

Kind regards,

Suzanne

----- Forwarded message -----

From: **S Riley** <[REDACTED]>
Date: Thu, 12 Jun 2025 at 5:37 pm
Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010 - Attention Costa Dantos
To: <dasubmissions@cityofsydney.nsw.gov.au>

Suzanne Riley (nee' Gabin)
88 Marlborough Street
Surry Hills NSW 2010

12 June 2025

To: Costa Dantos / City of Sydney Planning

Re: Objection to DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd)

Dear Costa and City of Sydney Planning Team,

I am writing to raise my objection to the above Development Application (DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd) seeking to convert a historical mixed-use property into a Restaurant with a licensed bar with excessively long opening hours “12pm midday to 12am midnight (the following day), seven days per week”. This usage and proposed trading hours are not aligned with the existing residential neighbourhood amenity which includes families living in residential dwellings on all sides of the proposed site.

I urge you to also please consider that this current development proposal needs to be viewed through a lens and context that also includes the significant impacts that the Marlborough House (NPACT) proposed redevelopment is going to have on Marlborough Street and the surrounding streets in the near future. These two significant development proposals combined will further exacerbate the issues I will cover below.

My feedback submission will outline a list of serious concerns shared by myself and many of the nearby neighbours I have had the opportunity to discuss this DA with. These concerns are primarily focused on the following themes and relate primarily to the potential negative impact on residential amenity, safety, and neighbourhood character, based on both the details of this proposal and past experience with similar operations in the area:

1. Noise and Amenity Impacts
2. Traffic, Parking and Vehicle Movements
3. Garbage and Waste Collection
4. Inappropriate Use of the Site

Before I begin, I would like to express my extreme dissatisfaction in the lapses that have occurred in the official notification processes. Despite being the owner of a property in the immediate Affected Properties Report D/2025/410 Notification Area (88 Marlborough St, Surry Hills) and living in Marlborough Street for almost 10 years, I never received the letterbox dropped official notification (Notification Letter - D/2025/410 dated 15 May 2025). I only found out about the proposed development by chance when I bumped into a neighbour at the beginning of June. I was horrified that a proposed development with the potential to have such far reaching negative impacts on residential amenity would have not been communicated in a more diligent manner to all residents listed in the Affected Properties Report - D/2025/410.

At first I assumed that maybe just my property was missed, (human error is possible), but I was further disappointed when I discovered that several of my immediate neighbours (also located in the Affected Properties Report - D/2025/410) also knew nothing about the proposed development until I mentioned it to them. At this time they also confirmed that they had also not received the letterboxed dropped official communication.

I have contacted City of Sydney and left messages on several occasions to express my disappointment of not being notified and advise that several of my immediate neighbours who also are listed in the Affected Properties Report - D/2025/410 has also not received the 15 May 2025 official notification (Notification Letter - D/2025/410). I asked if there was a way to have the letterbox drop repeated to ensure all residents in the Affected Properties Report were given the chance to be informed and submit feedback should they wish. Unfortunately I was told this could not occur, nor could an official submission deadline extension be granted. This has meant that I have had insufficient time to compile feedback that is as detailed as I would have liked and it also means that many of the residents I have spoken to do not feel that they will be able to make their objections in a feedback submission before the 12 June deadline has passed.

I have a great deal of concern that the level of Affected Properties Report resident objections will be significantly under represented and I urge a review in processes to

ensure that affected residents are informed at the next earliest opportunity. I feel that this lack of communication severely disadvantages concerned residents as the recorded numbers of feedback submitted will obviously be dramatically lower if multiple residents still have no idea that the DA is/was on exhibition. Particularly when the proposed development is of such a significant scope and has the potential to have extreme negative impacts on residential amenity.

Even one potentially concerned resident not being notified is advantageous to MAK Surry Hills Pty Ltd. I have personal confirmation that several Affected Properties Report residents have not been letterbox dropped the Notification Letter - D/2025/410, but realistically none of us have data to support the potential wide-ranging true scope of the communication failures. (I have personally confirmed several residents who did not receive the Notification Letter - D/2025/410, but realistically it could very well be hundreds out of the 271 properties in the Affected Properties Report - D/2025/410 that have not been formally communicated to).

I would like to thank Costa for his time in the phone (June 5), he was very helpful but did say that there was no avenue to repeat the letterbox drop or officially extend the deadline, but given the issues I had raised with lack of notification to some residents I was welcome to tell anyone I spoke to that he would still accept and include late feedback submissions in the days following the original June 12 deadline and to still encourage people to send them through. He did also state that this proposed development will already be subject to an Independent Review Panel and that any underrepresentation in resident feedback submission numbers due to missed communications would not be a factor that prevents an escalation to the Independent Review Panel as this was already going to occur due to other criteria.

Requested actions:

- What are the next stages of communication and what further opportunities will residents in the Affected Properties Report - D/2025/410 be given to provide further feedback?
- How are these notification letterbox drops conducted? Are they outsourced to Australia Post or another private contractor? Do they provide you with GPS data to validate that the physical Notification Letter deliveries actually occurred? (On numerous occasions I have used companies for letterbox drops that provided us with GPS route tracking validation and time spent at each residence and/or we have used signature on delivery tracked Australia Post services to be able to validate receipt of very important and time sensitive communications. Are there options council could explore moving forward that track and validate residents in Affected Properties Reports being notified of proposed developments of the scale of DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd)?

1. Noise and Amenity Impacts

My house (88 Marlborough Street, Surry Hills) is located in very close proximity to the

proposed development and clearly within the Affected Properties Zone. I will be significantly impacted by changes to residential amenity, parking, noise and traffic conditions that are likely to occur if the proposed development DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd) is approved.

I purchased my property in October 2016 and have greatly enjoyed living in Marlborough Street Surry Hills for almost 10 years. Of particular appeal to me about my Marlborough Street location was the one way street with the perfect mix of residential and appropriate commercial properties. It is a street that has always felt safe with respectful neighbours, minimal noise disturbances and has a great sense of community fostered by the local residents. I have significant concerns that the development proposal in its current form will cause significant negative impacts on residential amenity.

Noise From Patrons Arriving and Leaving the Proposed Development Site

The proposed excessively long opening hours “12pm midday to 12am midnight (the following day), seven days per week” will have an extreme impact on the residents like me who live in the immediate vicinity. Permission to trade “12pm midday to 12am midnight (the following day), seven days per week” is extremely inappropriate given that there are residential properties directly next door, opposite and closely surrounding the proposed development site.

I envisage that there will be regular and significant disruption to myself and fellow residents who need to function and work. Noise until midnight every single night is extremely unfair as is the noise that inebriated patrons walking the streets after exiting the proposed premises at midnight will cause.

My experience, living in Marlborough streets, is that we are at times woken up by loud inebriated people walking up and down the street. Thankfully this is largely limited to weekend nights and is not a regular occurrence since there are no other late night trading establishments as close as the proposed development site. The proposed operation times of “12pm midday to 12am midnight (the following day), seven days per week” will clearly increase noise disturbances and likely make these current occasional disturbances from inebriated passers by a regular occurrence, this is something I am extremely opposed to.

In its current state Marlborough street and the immediate surrounding streets create an ideal residential pocket. My experience, in the almost ten years I have lived in the street, have been that the businesses and residents coexist in a pleasant and positive manner. The commercial tenants in Marlborough House go as far as to letterbox drop us when they plan to host after hours events / Christmas Parties to let us know the music will be turned off at 10pm and a contact number if any issues arise. These respectful interactions are in direct opposition to how we as neighbouring residents have been

treated since the property DA D/2025/410 – 378 Cleveland Street, Surry Hills (MAK Surry Hills Pty Ltd) has been sold to the new owners.

Shortly following the sale and settlement of 378 Cleveland Street Surry Hills around Nov 2023, the new owners/occupants hosted a party inside the premises and on the outdoor roof top that went on well into the early hours of the next morning. The amount of inebriated, disrespectful and disorderly party attendees was more than I have ever seen in Marlborough Street in the almost 10 years I have lived here. Party attendees were spilling out into the street interfering dangerously with traffic flow. The music was so loud that we could feel the vibrations in our house and when we walked up the street to check the music and noise was travelling well up Marlborough street near the Ward Park end of the street.

The disturbance was so significant that neighbouring residents had to call the police and even physically go over to the property to request that the music was turned off when the party continued well past noise restrictions and into the early hours of the following day. Residents were told by the party attendees that they had no idea who/where the owners/party hosts were and that it was an open event and that all were welcome. The party continued until the early hours of the morning outside of the noise restrictions timeframes and residents' requests to end the noise disturbances were ignored.

Based on this example of past behaviour of showing complete disregard of neighbouring residents I do not have much confidence that the new owners plan to be respectful to neighbours if their proposed DA is approved. It is extremely concerning to me that we are likely to face frequent situations where the police will need to be regularly called to intervene and we will need to flag our noise complaints on every occasion formally through the relevant authorities and channels.

Responsible owners operating a restaurant up to 10pm is fine but irresponsible owners with permission to trade “12pm midday to 12am midnight (the following day), seven days per week” will be extremely intrusive, stressful and is highly likely to have a significant negative impact on the local residents.

The trading hours proposed (notably up to midnight) raise serious concerns about late-night noise from patrons arriving and departing the venue. The surrounding streets, including Marlborough Street, Goodlet Lane and Riley Street, are largely residential and currently quiet after dark. Increased pedestrian noise, potential anti-social behaviour, and inebriated patrons exiting late at night will significantly disrupt the peace and quiet that residents value.

Requested action if council considers approval:

- Restrict trading hours (e.g. close 10pm Sunday-Thursday indoors and close the outdoor rooftop bar area at 8pm every night) and mandate full time security at the entry and exit points to manage patron behaviour. Fines for noise breaches and failure to

provide full time security.

- Specific requirement and clear statement that the rooftop bar is to close at 8pm every night.

Acoustic Report Feedback

My property (88 Marlborough Street, Surry Hills) is situated three doors down from "Receiver 3" as identified in the Acoustic Report as "The nearest sensitive noise receivers to the restaurant".

"Receiver 3 - Existing residential dwellings to the north-east of the site located along Marlborough Street and situated at 94 Marlborough Street, Surry Hills NSW 2010"

My home (88 Marlborough Street, Surry Hills) is situated two doors down and across the road almost opposite from "Receiver 2" as identified in the Acoustic Report as "The nearest sensitive noise receivers to the restaurant".

"Receiver 2 - Existing residential dwellings to the north of the site located along Goodlet Lane and situated at 105 Marlborough Street, Surry Hills NSW 2010."

My home being situated in such immediate proximity to the proposed development and the most severely impacted noise "Receivers" makes me extremely nervous about the level of noise impacts we will encounter and implore you that if the development is approved much fairer trading hours are enforced which respect the balance needed to maintain residential amenity in what is currently.

The end of Marlborough Street where the new proposed development is planned has always been (for at least the almost ten years I have lived here) a quiet primarily residential street. A fairer compromise between the proposed establishment and residents would be more reasonable trading hours (e.g. close 10pm Sunday-Thursday indoors and close the outdoor rooftop bar area at 8pm every night).

The DA states that The Boxing Bear is intending to trade "12pm midday to 12am midnight (the following day), seven days per week" while the Acoustic report on page 4 states "the proposed development will operate until midnight on certain days of the week". "Certain days of the week" is deliberately ambiguous and misleading considering the DA clearly states "12pm midday to 12am midnight (the following day), seven days per week" and attempts to downplay the excessive and unrelenting impact on nearby residents. The Acoustic report description of intended trading hours should directly match the DA request and also quote the exact same intended trading hours as per the DA of "12pm midday to 12am midnight (the following day), seven days per week", not a vague watered down version.

Reduced trading hours (e.g. close 10pm Sunday-Thursday indoors and close the outdoor rooftop bar area at 8pm every night) is the strong preference of myself and the many residents in the affected property zone to reduce the trading hours to ensure our ability to continue to enjoy a peaceful environment without noise from a restaurant / licensed bar venue close by trading "12pm midday to 12am midnight (the following day), seven days per week". It seems completely excessive to allow us to suddenly be impacted until midnight every single night.

1.1 Proposed Development

The proposed development includes the following:

– Conversion of an existing building into a licenced restaurant venue

It is assumed that the proposed development will operate until midnight on certain days of the week; that is, will encompass the daytime, evening and night-time periods, as defined under the NSW EPA Noise Policy for Industry (NPI) 2017.

Maximum Noise Level Event (Sleeping Disturbance) (page 15 of the Acoustic Report).

The NPI states the following:

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

"...the measured rating background noise level during the night hours (10:00pm to 7:00am) is 36dBA LA90.

-Therefore, the resultant RBL + 15dB is 51dBA, which is less than 52dBA". Less yes, but only by 1dB.

"L AFmax 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater, a detailed maximum noise level event assessment should be undertaken".

- Has a "detailed maximum noise level event assessment" been undertaken?

I assume that on some evenings the noise emitted from the Restaurant/Bar will be much louder than the projected average depending on the patrons in question / levels of intoxications / special occasion parties / the venue operating over capacity. Thus sleeping disturbances for residents in the immediate area are likely. Allowing this risk to exist 7 days a week until midnight seems unreasonable.

Suggested actions:

ACOUSTIC ASSESSMENT (page 20 of the Acoustic Report)

Can you please confirm that the DA is requesting trading hours and days of the different areas to be specified individually? In particular that the Level 1 Bar area will not be permitted to trade after 8pm. Currently the Acoustic Report assumes that the "Level 1

Bar area with operable glazed roof” will only trade until 8pm in the states “Evening Scenario (6:00pm to 8:00pm) –

Liquor & Gaming

- Patron and music noise from the internal dining areas, as well as the Level 1 Bar area with operable glazed roof”. However, further on in the Acoustic report it is more ambiguous and states, “All operable windows and doors are to be kept closed during all proposed operational hours, except for the operable glazed roof to the Level 1 Bar area, which can remain open until 8:00pm, but must remain closed thereafter”.

- Can you please confirm that the Level 1 Bar area will not be permitted to operate or have patrons in it after 8pm on every night regardless of whether the roof is open or closed as the current DA reflects that the establishment is proposing they will trade 7 days a week 12pm-12am.

- *Day Scenario (Until 6:00pm) – Liquor & Gaming*

- o Patron and music noise from the external and internal dining areas.*

- *Evening Scenario (6:00pm to 8:00pm) – Liquor & Gaming*

- o Patron and music noise from the internal dining areas, as well as the Level 1 Bar area with operable glazed roof.*

- *Evening and Night Scenario (8:00pm to 12:00am) – Liquor & Gaming*

- o Patron and music noise from the internal dining areas only.*

Suggested Actions:

Confirm Level 1 Bar area with operable glazed roof section must cease trade every night at 8pm as per the Acoustic Report.

The proposed maximum patron numbers have been assumed based on the number of chairs shown on the architectural drawings for the proposed development from Richards Stanisich dated 14/04/2025 (see Figure 1 and Figure 2).

- Obviously the actual maximum patron numbers will far exceed that of the assumed number of chairs shown on the architectural drawings, as is evidenced by attending any busy licensed venue. Patrons will be regularly standing in very close proximity and in reality there will be many more patrons than this report is very conservatively forecasting. Thus there is very likely to be much more noise disturbing residents than the Acoustic Report is reflecting.

Actions - clearly state actual proposed trading hours of each area and more accurately represent noise potential at maximum venue capacity with the majority of patrons standing / what the Fire Code allows.

Clearly state if Acoustic Report assumes “Level 1 Bar area with operable glazed roof” will be open or closed and were levels taken and reported for both open and closed roof scenarios? Are the maximum noise disturbance levels adhered to in both open and closed roof scenarios?

Requested Actions:

Request a second independent Acoustic Report be conducted which includes:

- Noise assessments conducted whilst using the maximum venue capacity calculated with realistic percentages of patrons standing in groups in very close proximity to more closely mirror normal usage of busy restaurants/bars in real life settings (as opposed to counting the number of chairs in architectural drawings which is extremely misleading). Or use numbers based on maximum patron numbers as per another more representative method e.g maximum occupancy/capacity risk assessments.
- real life simulations of noise levels taken from inside neighbouring properties
- detailed maximum noise level event assessment
- carefully reviewed and interrogated assumed source noise levels and modelling assumptions to validate or disprove some of the assumptions made in the current report which seem to severely underestimate patron numbers and the associated noise
- *“Acoustic modelling has indicated that noise from the operation of the licensed venue elements of the development are likely to result in compliance with the typically imposed NSW Liquor and Gaming acoustic requirements.* - “Likely” does not instill a great deal of confidence to me as a directly impacted resident. Given that some of the noise testing only passed by 1dB, any underestimations in modelling will have a dramatic impact on reducing resident amenity and compromising the quality of life for nearby households.
- Please consider requesting the developer conduct a second more thorough Independent Acoustic Report to be conducted by one of your approved suppliers.

2. Traffic, Parking and Vehicle Movements

Parking

It is my regular experience that despite having an Area 18 Parking permit, it is extremely difficult to find parking spots in the blocks north of the development site, up to Devonshire Street and across to High Holborn Street. There are regularly no spaces available for residents with Area 18 permits. Cars without Area 18 permits consistently park for longer than the 1hr time limit. I often have to do multiple laps of the surrounding streets to secure a car spot (and I have a very small car that can fit into even the tiniest of car spot gaps) and it is not uncommon for me and other residents spending over 30 minutes driving around the streets trying to secure a spot during peak times. Adding additional parking pressure from staff and patrons of the new proposed development will only exacerbate the existing problems with insufficient parking that residents are already regularly experiencing.

In addition I am concerned about delivery trucks blocking Marlborough Street or Goodlet Lane, which are already narrow and heavily used, garbage collection trucks arriving in early hours, creating loud disturbances and the overflow parking from staff or patrons who stay beyond time limits and without permits

Requested action if council considers approval:

- Dramatically increase the number and frequency of parking rangers in the local area and communicate to local residents what level of frequency they can expect to see the rangers and how to escalate if rangers have not been sighted in intervals larger than what is agreed upon.

Increased traffic

The streets providing vehicular access to the proposed development are narrow and residential. In fact, it has been communicated to us previously by City of Sydney Council that Marlborough Street is/was a designated 'bicycle street'. There is a high volume of pedestrian activity, including children walking to and from school, parents pushing their small children in prams to the nearby daycare centre and residents walking their dogs to Ward Park. There are also a large number of vulnerable people who use Marlborough Street to walk to Coles, some on walkers or with disabilities. The streets are already under stress from traffic (evidence of this is that the white lines at the junction of Lansdowne and Marlborough need repainting every 6 months).

It is now a regular occurrence that at peak times cars are backed up all the way up Marlborough Street, Goodlet Street and Lansdowne Street as they queue at the light trying to turn onto Cleveland Street. The noise from the constant beeping of horns from disgruntled drivers is already extremely intrusive to residents. The current DA proposal will increase the number of staff and patron vehicles further adding to the already considerable traffic issues. On top of that, it will increase the number of heavy vehicles such as garbage and delivery trucks, and consequently increase wear and tear on roads and reduce pedestrian amenity.

Requested action if council considers approval:

- Regular monitoring of street maintenance (line markings, pot holes, cracking etc). Monitor Goodlet Lane and Marlborough Street to prevent delivery vehicles or bins from obstructing access.

3. Garbage and Waste Collection

From previous precedent in the area, we have seen issues with loud and intrusive vehicles in particular garbage trucks (not the regular weekly garbage bin collection trucks, they always operate within council guidelines and are doing a great job of providing an essential service, the issue have been with private Garbage trucks servicing commercial venues outside of appropriate hours e.g. Portefino Surry Hills before it closed down.

- Loud private waste collections occurring before 6am
- Glass disposal creating significant noise
- Spillage of waste (including food and broken glass) being left on the street

- Bins being left in laneways, obstructing vehicle and pedestrian access

Requested action if council considers approval:

- Limit garbage collection times to match council times: 7am at the earliest. If residents show that this is not being adhered to, enforce fines.
- Enforce the Boxing Bear staff to clean up any refuse or glass left in the streets. If residents show that this is not being undertaken, enforce fines, or increase street cleaning of surrounding areas.-
- Enforce no blocking of public access roads or footpaths with bins, again if residents show this is not being adhered to, enforce fines.

4. Inappropriate Use of the Site

This site has previously served as a chemist and café, both well-suited to the area's residential character. Transitioning to a late-night licensed venue would represent a major departure from the historical use of the building. I believe this proposal risks undermining the liveability and community values of the area.

Requested Considerations and Actions

Should council proceed to consider approval, I respectfully request the following be taken into account:

- Review of notification process to ensure all impacted residents were appropriately informed
- Restrictions on trading hours, particularly outdoors (e.g. no later than 10pm Sunday–Thursday for indoors and no trade after 8pm in Level 1 Rooftop Bar area)
- Garbage collection times aligned with council services (no collections before 7am)
- Regular ranger patrols to enforce parking restrictions and discourage long-term or improper use of residential spaces by patrons or staff
- Monitoring of Goodlet Lane and Marlborough Street to prevent delivery vehicles or bins from obstructing access
- Full-time security presence at entry/exit to manage patron behaviour and noise

Safety

I regularly walk my two small dogs in and around Marlborough street. I have always felt safe, even late at night and it is rare for me to encounter any antisocial behaviour or inebriated individuals as there are no late trading restaurants/bars as close as the proposed DA. I regularly see other residents walking their dogs and children at all different times of the day and often quite late in the evenings without issue. I am concerned that the proposed development will result in inebriated patrons regularly walking around Marlborough Street after existing the proposed premises “12pm midday to 12am midnight (the following day), seven days per week” should the current proposal go ahead. This would mean that the residential amenity that we as residents currently

enjoy will be deeply impacted.

Requested action if council considers approval:

Restrict trading hours (e.g. close 10pm Sunday-Thursday indoors and no trade after 8pm in Level 1 Rooftop Bar area) and mandate full time security at the entry and exit points to manage patron behaviour. Fines for noise breaches and failure to provide full time security.

I strongly urge the council to carefully consider the cumulative impact this development will have on the day-to-day lives of nearby residents. While I support local business and thoughtful development, it must not come at the cost of residential amenity and safety.

Thank you for taking note of these concerns. Surry Hills is a wonderful place to live because of the well-balanced mix of residential and business amenity. To maintain this positive community, and fair use, I request that the council carefully evaluates the impact of this development as it stands to ensure that the day-to-day lives of nearby residents are not adversely affected. I appreciate the opportunity to provide input.

Please provide me with confirmation of receipt and inclusion of this objection in the assessment process and kindly advise of the dates and next steps in the process.

Kind regards,

Suzanne Riley (nee Gabin)
88 Marlborough Street, Surry Hills

[REDACTED]
[REDACTED]

From: Sameera Athapattu <[REDACTED]> on behalf of Sameera Athapattu

<[REDACTED]> <Sameera Athapattu <[REDACTED]>

Sent on: Thursday, June 12, 2025 9:21:10 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Council Officer,

I am the owner of the property two doors away from the proposed development at 378 Cleveland Street SURRY HILLS NSW 2010 and I wish to raise concerns about its impact on our residential neighbourhood.

Key issues:

- **Extended trading hours (12pm–12am, 7 days):** Inappropriate for a family-oriented street. Noise from patrons, staff, and waste collection will be highly disruptive.
- **Traffic and parking:** Marlborough Street is a narrow one-way street already under pressure. Increased congestion, blocked exits, and limited parking will worsen with added vendor and patron traffic.
- **Sanitation:** Frequent commercial waste collection will increase noise and block access in a residential lane.
- **Design and heritage impact:** The proposed modern extension does not reflect the heritage character of Marlborough Street and will detract from the streetscape.

Requests:

- Limit operating hours to **10pm**
- Redesign the extension to better reflect the **heritage aesthetic** of the area

Thank you for considering these concerns on behalf of the local community.

Kind regards,

Dr.Sameera Athapattu

105 Marlborough Street,

Surry Hills NSW 2010

From: Costa Dantos <CDantos@cityofsydney.nsw.gov.au> on behalf of Costa Dantos <CDantos@cityofsydney.nsw.gov.au> <Costa Dantos <CDantos@cityofsydney.nsw.gov.au>>
Sent on: Thursday, June 19, 2025 5:52:57 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: Hi Admin, could you please register this DA for D/2025/410. Thank you.
Attachments: 378 Cleveland D2025410_EleanorRussell_v2.docx (17.65 MB)

From: Eleanor Whitworth <[REDACTED]>
Sent: Thursday, 19 June 2025 5:02 PM
To: Costa Dantos <CDantos@cityofsydney.nsw.gov.au>
Subject: Query: D/2025/410 - 378 Cleveland Street SURRY HILLS NSW 2010

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Costa,

Please find attached an updated submission from myself and Russell, which adds further detail and clarity.

I understand that applications are being accepted up until the end of this week due to notifications issues.

Please let me know if there is an issue with this.

Thanks and kind regards,
Eleanor Whitworth

Eleanor Whitworth & Russell Briggs
25 Lansdowne Street,
Surry Hills, 2010

19 June 2025

Dear City of Sydney Planning and Cost Dantos,

**Re: APPLICATION D/2025/401 (MAK Surry Hills Pty Ltd)
378 CLEVELAND STREET**

I understand that due to an issue with notifying Affected Properties that community responses to the above DA are being accepted up to a week after the original due date.

Having had time to consider and review the issues further, we have added more detail and clarity to our initial response and request that this letter be submitted as a replacement version.

We write to raise concerns and objections about the above application and the proposed change from a historically mixed-use property into a licensed bar with long opening hours. Whilst our house is not within the Affected Properties Report, we live on the corner of Lansdowne and Marlborough Street, and will be affected by changes to parking, noise and traffic conditions.

We love living in Surry Hills and have been on Lansdowne Street for almost six years, and close-by for almost ten years. Our concerns are that the proposal in its current form will cause significant negative impact on residential amenity.

Parking

In our experience, parking can be very difficult to find in the blocks north of the development site, up to Devonshire Street and across to High Holborn Street. There are regularly no spaces available for residents with Area 18 permits. Cars without Area 18 permits regularly park for longer than the 1hr time limit. This also causes difficulty for tradespeople and visitors to our house.

Requested action if council considers approval: increase parking rangers in the local area, communicate to locals what level of frequency they can expect.

Noise From Patrons Arriving and Leaving

The long opening hours (7 days – there is no respite! And late, to 12am) are likely to cause significant disruption to residents who need to function and work (sometimes in critical industries like hospitals). Our experience, living on the corner of Marlborough and Lansdowne streets, is that we are at times woken up by loud inebriated people walking up and down Lansdowne Street. This is largely limited to weekend nights. The proposed operation times, of 7 days/week, will clearly increase this type of noise.

This is a residential pocket. The streets surrounding the proposed development consist predominantly of terrace houses which, almost universally, have to have the main bedroom upstairs fronting onto the street.

To date, in our experience, the needs of residents and surrounding businesses has been well balanced. Operating up to 10pm is fine. Up to 12am, every night of the week, becomes intrusive, stressful and is highly likely to have a significant negative impact on the local residents.

Requested action if council considers approval: restrict trading hours and mandate full time security at the entry and exit points to manage patron behaviour. Bring trading hours into line with D/2023/997: 422-424 Cleveland Street: closing at 10pm, with the possibility to extend trading hours up to midnight Thursday to Saturday for a 1-year trial period, allowing the City to monitor any impacts and operator compliance.

Increased traffic and road wear

The streets providing vehicular access to the proposed development are narrow and residential, and are a designated Local Traffic Area at 40km/h. **See Fig. 1.**

Lansdowne Street is also a designated bicycle Street. **See Fig 2.** There is a high volume of pedestrian activity (which has increased since the Surry Hills Village development), including children walking to and from school, carers with prams and toddlers going to Ward Park playgrounds and neighbouring preschools, and a large number of vulnerable people, many with restricted movement (e.g. on walkers).

The streets are already under stress from vehicular traffic. There are various pot holes and the white lines at the junction of Lansdowne and Marlborough need repainting every 6 months. **See Fig 3.**

This application will almost certainly increase the number of staff and patron vehicles, but most of all, it will increase the number of heavy vehicles such as garbage and delivery trucks, increasing damage and wear and tear on roads and reducing pedestrian amenity.

Also, the development will almost certainly cause traffic issues on Marlborough Street because of the loading dock. At times (and not always peak times) Marlborough Street backs up significantly with traffic. **See Fig 4.** This has increased since the opening of the Surry Hills Village as more pedestrians are crossing Cleveland Street so fewer cars get a chance to get through. During peak times, often only one or two cars can turn into Cleveland Street, sometimes causing frustration and beeping. **See Fig 5.**

This heritage area has several developments in the pipeline, all increasing vehicular traffic. As such, the traffic impact of this application should be considered alongside other approved and slated developments: D/2023/997: 422-424 Cleveland Street, and the upcoming State Significant Development converting Marlborough House into 150 apartments (!!).

Requested action if council considers approval:

- Consider a wholistic response for this local road network that takes into account adjacent developments and overall road uses. For example: should the surrounding roads be designated 'light traffic roads' and have a vehicular weight limit? And/or should the 'no right turn' at Crown and Cleveland Streets be removed to reduce 'rat run' traffic that turns from Crown into Lansdowne Street then left into Marlborough and right into Cleveland, or cuts up Belvoir to Elizabeth street? (The raised entry from Crown into Lansdowne is very effective at slowing vehicles, which is great) We can't comment about traffic approaches from the West side as don't know these so well.
- Consider restricting delivery vehicle size to B99 small vans to minimise noise and wear and tear on roads.
- Regular monitoring of street maintenance (line markings, pot holes, cracking etc).
- Regular monitoring of Goodlet Lane and Marlborough Street to prevent delivery vehicles or bins from obstructing access.

Garbage collection

One of the loudest and most intrusive vehicles is garbage trucks (though we very much appreciate their service!).

Requested action if council considers approval:

- Limit garbage collection times to match council times: 7am at the earliest. If residents show that this is not being adhered to, enforce fines.
- Enforce the Boxing Bear staff to clean up any refuse or glass left in the streets. If residents show that this is not being undertaken, enforce fines, or increase street cleaning of surrounding areas.
- Enforce no blocking of public access roads or footpaths with bins, again if residents show this is not being adhered to, enforce fines.

Thank you for taking note of these concerns. Surry Hills is a wonderful place to live because of the well-balanced mix of residential and business amenity. To maintain this positive community, and fair use, I request that the council carefully evaluates the impact of this development as it stands to ensure that the day-to-day lives of nearby residents are not detrimentally affected.

Yours sincerely,
Eleanor and Russell

Fig 1: The neighbourhood is a Local Traffic Area (photo taken near Lansdowne & Crown Streets)



Fig 2: Lansdowne Street is a designated bicycle street



Fig 3: Wear and tear at junction of Lansdowne and Marlborough Streets



Fig 4: Non-peak time traffic backup Marlborough Street: 1.07pm 4 June 2025



Fig 5: Peak time traffic backup Marlborough Street: 6.20pm, 20 May 2025

