

Item 3.**Development Application: 158-160 Abercrombie Street, Redfern - D/2025/1210****File Number: D/2025/1210****Summary****Date of Submission:** 5 December 2025**Applicant / Owner:** The Eveleigh Hotel Pty Ltd**Zoning:** The site is located in in the R1 General Residential zone. The use is defined as a pub and is permitted with consent in the zone.**Proposal Summary:** The application seeks consent to change the use of part of the first floor from a 'managers residence' to expand the pub known as 'The Eveleigh Hotel'. The application proposes to increase the maximum patron capacity to 200 patrons. Proposed hours of operation are 10.00am - 12.00 midnight Monday to Sunday, inclusive.

The subject premises currently has development consent to operate on the ground floor and part of the first floor, with a maximum patron capacity of 110 patrons. Approved hours of operation are 10.00am - 12.00 midnight Monday to Sunday.

The subject premises has also received approval for outdoor dining on the Abercrombie Street footpath and Vine Street roadway reallocation adjacent to the pub. The proposal does not seek to amend current outdoor dining consents.

In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited from 11 December 2025 to 23 January 2026. A total of 114 properties were notified. 45 submissions were received in objection and 31 submissions were received in support. Issues raised in the objections include acoustic amenity impacts, late night trading compatibility, poor venue management and patron behaviour and outdoor dining non-compliances.

The application is referred to the Local Planning Panel for determination as it represents contentious development, with receipt of over 25 submissions by way of objection.

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

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

Attachments:

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

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/1210 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 development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (B) The development, subject to conditions, is consistent with the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) Issues raised in the submissions have been considered in the assessment and conditions of consent have been included to address these concerns.
- (D) The development, subject to conditions, is unlikely to result in significant adverse environmental or amenity impacts on the surrounding locality.

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 falls within the category of Contentious Development as it has received more than 25 unique submissions by way of objection.

The Site and Surrounding Development

3. The site has a legal description of Lot 11 in DP 778166, known as 158-160 Abercrombie Street, Redfern. It is generally rectangular in shape with area of approximately 283sqm. It has a primary street frontage to Abercrombie Street and a secondary street frontage to Vine Street.
4. The site contains a two storey pub known as 'The Eveleigh Hotel'. The subject application relates to part of the first floor of the pub that is currently unused, with a historic use being described as 'manager's residence'.
5. The surrounding area is characterised by a mixture of land uses, primarily being residential and commercial. To the north, across Vine Street are commercial properties including cafes and restaurants. To the east of the site is the Hugo and Vine Reserve, with residential dwellings beyond that along Hugo Street. To the south and west across Abercrombie Street are residential dwellings.
6. The site is not a heritage item but is located within the Darlington heritage conservation area. The site is identified as a contributing building.
7. A site visit was carried out on 20 January 2026. Photos of the site and surrounds are provided below:

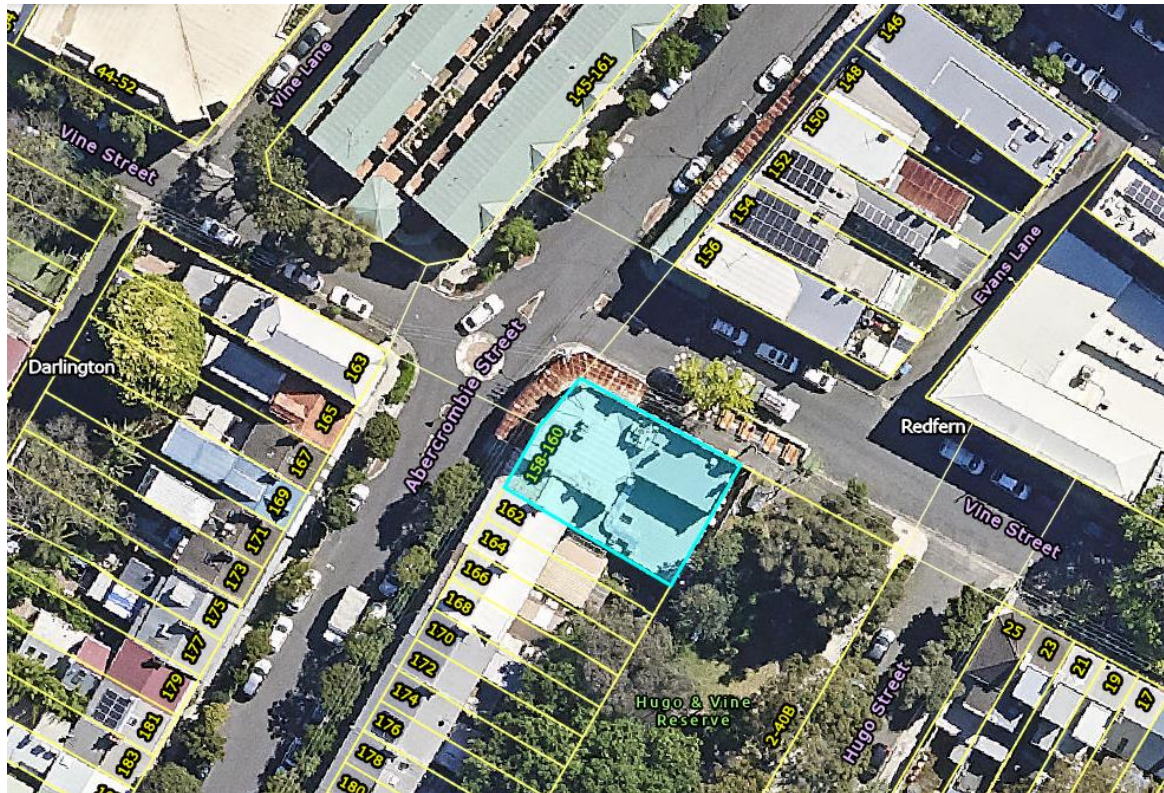


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from the corner of Abercrombie Street and Vine Street



Figure 3: Site viewed from Abercrombie Street



Figure 4: Site viewed from Vine Street



Figure 5: Part of the first floor area subject of this application, viewed towards the corner of Abercrombie Street and Vine Street. The space has recently been renovated under a Complying Development certificate.



Figure 6: Part of the first floor area subject of this application, viewed towards Abercrombie Street. The space has recently been renovated under a Complying Development certificate.

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:
- Alterations and additions to the existing pub were approved as early as 1952 (1629/52) with the pub having been in existence prior to this.
 - **U96/01098** – Development consent was granted on 18 December 1996 for the change of use of three hotel rooms on the first floor to a restaurant accommodating 60 seats. The approved hours of operation under this consent are 10.00am to 12.00 midnight Monday to Sunday.
 - **DI/2017/388** – Development consent was granted on 28 November 2017 for alterations to the ground floor of 'The Eveleigh Hotel'. The approved hours of operation under this consent are 10.00am to 12.00 midnight Monday to Sunday. The maximum patron capacity permitted on the premises is 110 persons (including staff, patrons and performers).
 - **P/2024/1396** – A complying development certificate was granted on 12 August 2024 by a registered certifier for internal building alterations to first floor of the premises.

Footway and Roadway Usage Applications

9. The subject premises has received a number of consents for outdoor dining on the footway and roadway adjacent to the site, dating back to 2015. The most recent active consents include the following:
- **FA/2025/455** - Consent was granted on 8 December 2025 for the use of the footway on Abercrombie Street for outdoor dining. Approved hours of operation for the outdoor dining area are restricted to between 10.00am and 10.00pm Monday to Sunday. The approval is for a period of 2 years, lapsing on 8 December 2027.
 - **FA/2025/166** - Consent was granted on 8 July 2025 for the use of the reallocated roadway on Vine Street for outdoor dining. Approved hours of operation for the outdoor dining area are restricted to between 10.00am and 10.00pm Monday to Sunday. The approval is for a one year period, lapsing 8 July 2026.

Compliance Action

10. The site is subject to an ongoing compliance action which is still being investigated at the time of writing this report. The investigation began when complaints were made regarding the outdoor dining area. Concerns were raised that furniture associated with the outdoor dining areas was being left outside overnight, and patrons were utilising the outdoor area beyond the permitted hours of use (10.00pm). The investigation does not extend into the indoor portion of the pub.

Amendments

11. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 27 January 2026, requesting an Acoustic Report and amendments to the BCA Compliance report and Fire Engineering Report.
12. The applicant responded to the request on 13 March 2026, and submitted the requested information.

Proposed Development

13. The application seeks consent for the following:
 - Change of use of part of the first floor from 'manager's residence' to pub, to allow full use of the first floor to function as part of the pub. This includes the provision of amplified music.
 - Increase in patron capacity from 110 patrons to 200 patrons, including a maximum of 100 patrons on the first floor.
 - Proposed hours of operation of the expanded first floor area are 10.00am - 12.00 midnight Monday to Sunday, inclusive. This is consistent with the existing hours of the pub of 10.00am to 12.00 midnight Monday to Sunday, inclusive.
 - No building work is proposed.
 - The proposal does not include modifications to the existing footway outdoor dining approval.
14. Plans and elevations of the proposed development are provided below.

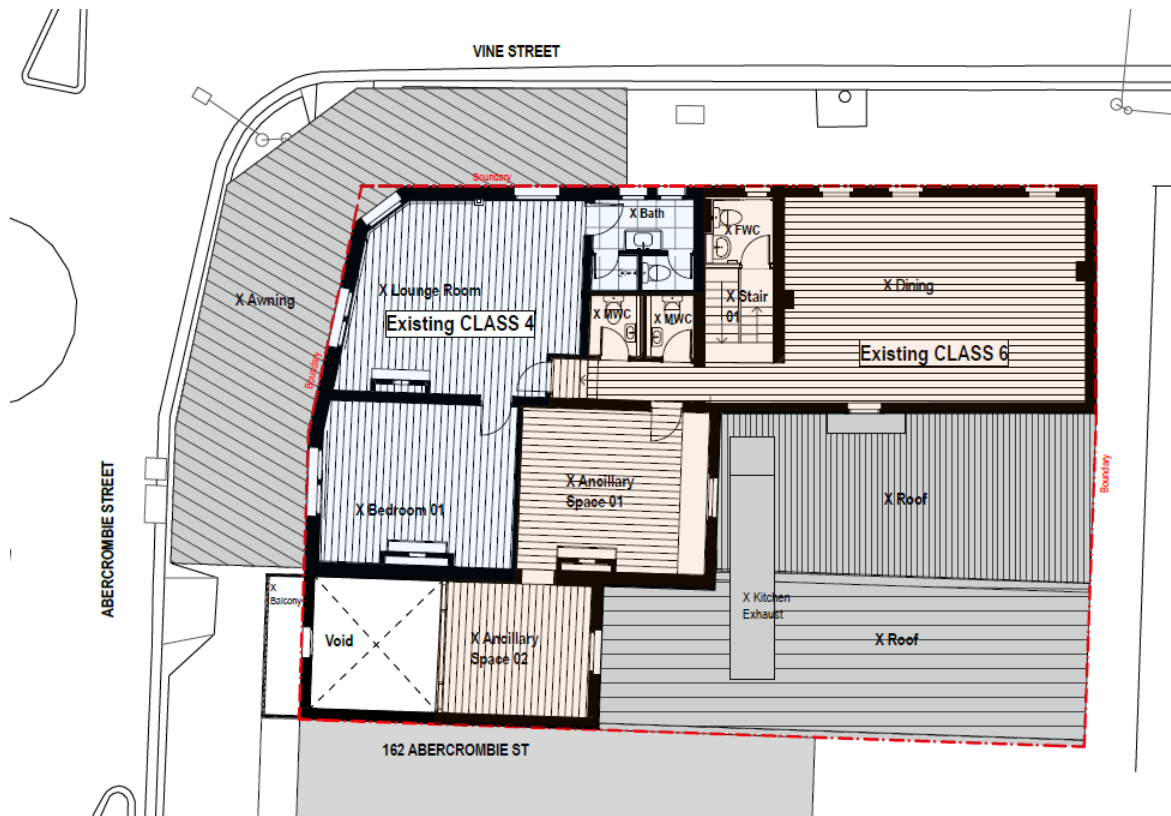


Figure 7: Existing first floor plan

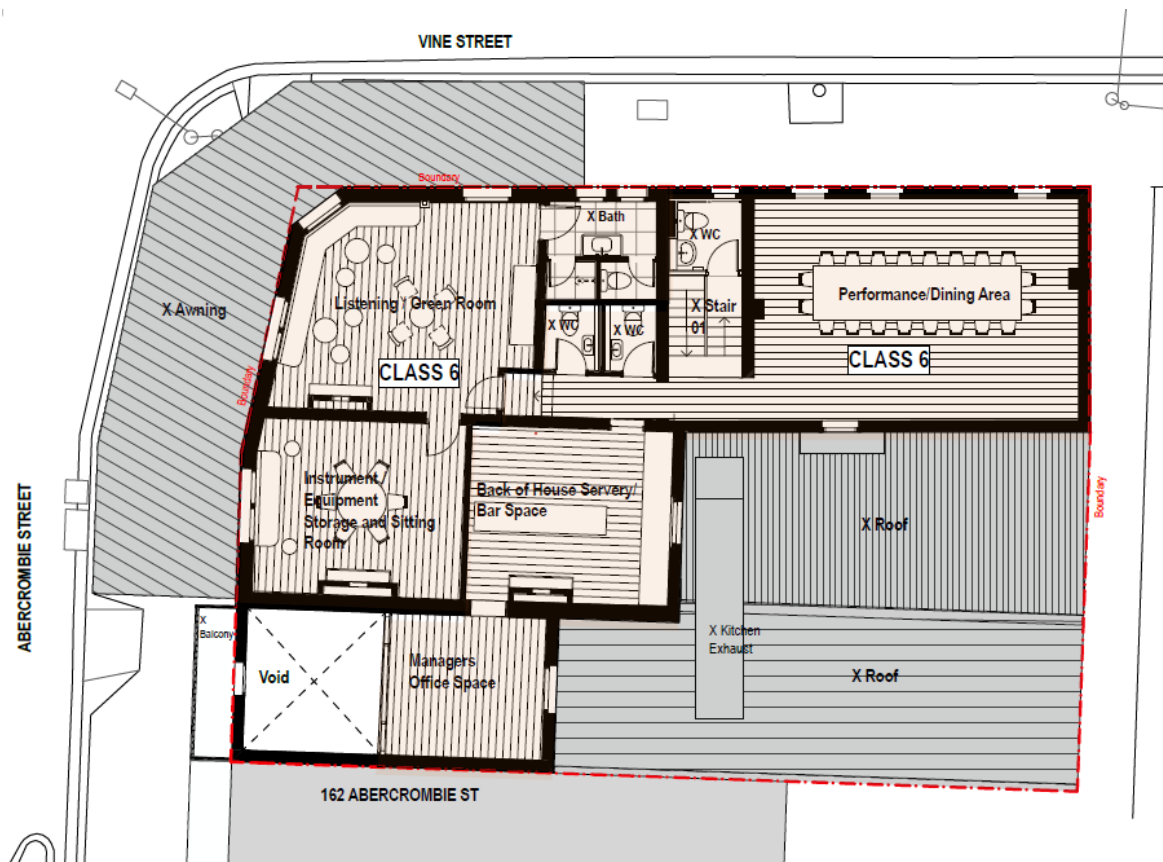


Figure 8: Proposed first floor plan

Assessment

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

Local Environmental Plans

Sydney Local Environmental Plan 2012

16. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the R1 General Residential zone. The proposed development is defined as a pub and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The proposal does not seek to increase the existing height of the building.
4.4 Floor space ratio	Yes	The proposal does not seek to increase the existing floor space ratio of the site.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not a heritage item but is located within the Darlington heritage conservation area. The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area.
5.20 Standards that cannot be used to refuse consent - playing and performing music	Yes	Council's assessment does not rely on prohibiting the playing or performance of music. Conditions of consent are recommended to ensure noise from music is sufficiently managed.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

18. The site is located within the Darlington and West Redfern locality. The proposed development is generally in keeping with the unique character and the design principles of the locality. The proposal retains an existing small-scale commercial use (a pub) and its intensification may support positive neighbourhood activation, subject to recommended conditions.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	The site is identified as a contributing building located within the Darlington heritage conservation area. The proposal will not adversely impact the heritage conservation area.
3.11 Transport and Parking	Yes	The proposal does not trigger additional parking requirements and is consistent with the objectives of this section.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The premises is not located within a late night trading area and the use is defined as a category A premises. The proposed trading hours of the expanded first floor are 10.00am - 12:00 midnight, Monday to Sunday which is consistent with the existing hours of operation of the pub. Refer to the 'Discussion' section of this report.

Provision	Compliance	Comment
3.18 Acoustic Amenity	Yes	An Acoustic Report has been submitted which demonstrates the proposal is capable of compliance with the relevant acoustic criteria. Conditions of Consent are recommended to ensure noise emissions are in accordance with Council's controls. Refer to further assessment in the 'Discussion' section of this report.

Discussion

Acoustic Amenity

19. Following lodgement of the application, Council staff requested acoustic testing to assess potential impacts of the increase in patron capacity on nearby sensitive receivers.
20. An Acoustic Assessment prepared by VMS Australia has been submitted and reviewed by Council officers and is considered satisfactory. The report assesses noise impacts associated with amplified music, patron presence and circulation, and first floor operation during late night hours, having regard to the City of Sydney Noise Technical Criteria. The report demonstrates that compliance with the City's noise criteria is achievable, subject to the implementation of recommended mitigation measures, including the installation of additional acoustic shutters to first floor windows, improved isolation of speakers from the building structure, and the installation of acoustic seals to the Vine Street access door. Operational recommendations include windows and doors to be closed after 10pm and this has been included in the Plan of Management. It's noted that the premises has an air-conditioning system to maintain staff and patron comfort whilst windows and doors are closed.
21. Conditions are recommended requiring compliance with the Acoustic Report and to require a suitably qualified acoustic consultant to verify compliance with the Acoustic Report requirements prior to the issue of an Occupation Certificate. Additional recommended conditions including the installation and ongoing operation of sound limiting equipment controlling amplified music and ongoing compliance with the City's criteria. A condition is recommended to provide final details of the acoustic attenuation measures to council for approval.

Late night trading

22. The proposed trading hours are 10.00am to 12:00 midnight. This is consistent with the existing trading hours of the pub approved under DA consent D/2017/388 and U96/01098.

23. The site is not located in a late night trading area and the use as a pub is identified as a 'Category A - high impact premises'. In accordance with Section 3.15 of the Sydney DCP 2012, Category A premises indoors are permitted base hours of 10.00am - 10.00pm with extended hours of 10.00am - 12:00 midnight. Trading hours beyond base hours are generally subject to trial periods.
24. The application was referred to Council's Late Night Trading Management unit, who raised no objection to the proposed trading hours. The Plan of Management is considered adequate and has sufficiently addressed the requirements identified in Schedule 3 of the Sydney DCP 2012.
25. A review of Council's customer service and complaints records indicates that no complaints have been recorded in relation to the indoor operation of the hotel. It is noted that more recent complaints relate to footway use, which do not form part of this application and are being addressed separately through Council's regulatory processes.
26. While the premises already benefits from approved trading hours of 10.00am–12.00 midnight, the application introduces a new use of part of the first floor and a substantial increase in maximum patron capacity to 200 patrons. This represents an intensification of the site with potential amenity impacts, particularly in relation to noise, patron behaviour and dispersal. Consistent with Section 3.15 of the Sydney DCP 2012, which supports trial periods for extended or intensified late night trading, it is recommended to introduce a 2 year trial period for the first floor trading hours for the hours between 10.00pm and 12:00 midnight. The trial period will allow Council to monitor impacts and ensure the operation functions satisfactorily without adverse effect on surrounding residential amenity.

Patron Capacity

27. The applicant has submitted a Building Code of Australia (BCA) Report and a Fire Engineering Strategy Report demonstrating that the existing 2 storey building is capable of accommodating an increased maximum capacity of 200 patrons.
28. Council's Building and Construction team has reviewed the documentation and raises no objection, subject to conditions requiring a building upgrade relating to the provision of fire isolated stair elements, upgraded smoke detection and early warning systems, and improved visibility and exit signage. Subject to these conditions, the proposal is considered acceptable in terms of building code compliance and fire safety for the purposes of development consent.

Consultation

Internal Referrals

29. The application was discussed with Council's:
 - (a) Construction and Building Unit;
 - (b) Environmental Health Unit;
 - (c) Licenced Premises Unit;

30. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

31. The application was referred to NSW Police for comment.
32. A response was received raising no objection to the proposed change of use of the first floor, however, raised an objection to the increase in patron capacity. It was requested that should a patron capacity increase be supported, security guards should be employed in the afternoons/evenings on Fridays, Saturdays and Sundays. It was also requested that a patron limit be placed on the Vine Street outdoor dining area.
33. Council staff have considered the comments provided by the NSW Police. It is recommended that permanent security guards are not warranted for this venue at this time. The management plan does address security, stating that from time to time on busier periods the venue may engage security guards, but not on a permanent basis. City staff support this approach. The requirement to provide security guards is generally a matter for the liquor Licence. Standard conditions for licensed premises were reviewed in 2025 and the requirement for permanent security guards was removed as a standard condition to better align with the NSW Government's vision for the late night economy and recognises the significant financial burden on operators. Liquor and Gaming also have the authority to require security guards through the liquor licence. In line with Council's outdoor dining guidelines, patron capacity limits are not applied to outdoor dining areas.

Advertising and Notification

34. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and exhibited from 11 December 2025 to 23 January 2026. A total of 114 properties were notified. 45 submissions were received in objection, and 31 submissions were received in support.
35. The submissions in objection raised the following issues:
- (a) **Issue:** Noise and amenity impact from increased music and events on the first floor, which already emits high noise pollution. Additional patrons will exacerbate noise impacts. There is insufficient acoustic reporting provided with the application to support the change of use and additional patrons. Acoustic reporting should assess high decibel noise and low-frequency bass noise.

Response: Acoustic amenity has been considered in Council's Assessment. A detailed Acoustic Report prepared by VMS Australia was submitted at the request of Council staff. The report specifically assesses high decibel amplified music, low frequency bass noise, and patron activity associated with a maximum capacity of 200 patrons across both floors. The assessment identifies potential impacts but demonstrates that compliance with the City of Sydney's noise criteria can be achieved through building upgrades, sound limiters, and operational

controls, which will be enforced through conditions of consent to ensure residential amenity is protected.

- (b) **Issue:** The proposal to extend the hours until 12 midnight, 7 days a week is incompatible with the residential area.

Response: The proposed trading hours of 10.00am to 12.00 midnight are consistent with the premises' existing approved hours. Given the proposed intensification of the site, it is recommended to introduce a two year trial period for the first floor between the hours of 10.00pm and 12:00 midnight. The trial period will allow Council to monitor impacts and ensure the operation functions satisfactorily without adverse effect on surrounding residential amenity.

- (c) **Issue:** History of poor venue management. The current hotel management does not sufficiently manage patron behaviour, particularly when leaving the venue at night. Patrons remain outside the premises beyond the permitted trading hours and the neighbourhood is congested with patrons drinking alcohol, smoking and vaping on the footpath. The submitted plan of management is insufficient. Intensification will exacerbate negative impacts on the locality.

Response: Concerns regarding past venue management are noted. Council's Late Night Trading Management team has raised no objection to the proposal and did not identify any concerns with the performance of the venue management in the last few years. They reviewed the submitted Plan of Management and considers it adequate to address patron behaviour, dispersal, and late-night management. The proposal is recommended for approval subject to conditions including compliance with this Plan of Management, with ongoing enforcement available should any breaches occur.

- (d) **Issue:** History of non-compliances with the footway outdoor dining consents. Patrons often stand along Abercrombie and Vine Street drinking, extend beyond the permitted area and use the area beyond the permitted hours. Furniture is often left out overnight. Extending the outdoor dining until 12 midnight will negatively impact the surrounding neighbourhood.

Response: The concerns regarding outdoor dining compliance are noted; however, the application does not seek to extend outdoor trading hours, and outdoor dining remains subject to separate approvals and regulatory controls which are limited to 10.00pm. The venue's indoor operations, including first floor use and patron capacity, will be managed through recommended conditions of consent and an endorsed Plan of Management. Council is currently investigating any non-compliance relating to footpath use, patron behaviour or furniture storage.

- (e) **Issue:** The premises does not have sufficient toilet facilities to cater for the increase in patron capacity.

Response: The submitted BCA report has assessed toilet facilities concluding that the existing premises is capable of complying with the BCA and existing facilities can accommodate the proposed 200 patrons.

- (f) **Issue:** Lack of security guards at the venue. The increased patronage should be accompanied by compulsory security guards to ensure patrons are not lingering on footpaths at night.

Response: The issue of security has been considered as part of the assessment. The provision of security guards is a matter for L&G NSW when considering detailed operational requirements of a future liquor license. The City's current approach is to not duplicate the role of L&G NSW and therefore does not recommend permanent security guards. This approach is consistent with the NSW government's vibrancy reforms.

- (h) **Issue:** Additional patrons at the venue will result in further public nuisance, litter, smoking and anti-social behaviour from patrons causing an unsafe neighbourhood.

Response: The increase in patron capacity will be managed through the conditions of consent requiring compliance with the endorsed Plan of Management and Acoustic mitigation measures. Ongoing monitoring and enforcement mechanisms are available should any issues arise.

- (j) **Issue:** Additional patron capacity will result in traffic congestion and parking issues.

Response: The proposal does not trigger additional parking requirements under the applicable planning controls. In addition, the site is well located within an inner-city area with numerous public transport and access options.

- (k) **Issue:** Lack of community consultation

Response: The application was notified to the public after lodgement in accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024. The applicant was not required to consult the community prior to lodging a development application.

- (l) **Issue:** Inaccurate and misleading information provided in the statement of environmental effects, relating to the description of the surrounding area and the application history

Response: Council has undertaken a complete assessment of the proposal, including site analysis and verification of the planning history. The assessment relies on Council's verified information rather than solely on the applicant's description, ensuring that the recommendation and conditions are based on accurate and complete facts.

- (m) **Issue:** The proposal is not consistent with the objectives of the R1 general residential zone or the locality statement for Darlington/West Redfern

Response: Council has undertaken an assessment of the proposal considering the objectives of the R1 zone and the Darlington/West Redfern locality. The proposal is considered to be consistent with the objectives subject to recommended conditions.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

36. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the change of use does not trigger a monetary contribution in this instance.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

37. 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

38. While the site is located within the Greater Sydney region, the development is not a type of commercial development to which the Housing and Productivity Contribution applies.

Relevant Legislation

39. Environmental Planning and Assessment Act 1979.

Conclusion

40. The application proposes to change the use of part of the first floor from the historic use as a manager's residence to function as part of the pub. This includes increasing the patron capacity from 110 to 200 patrons.
41. The proposal has been assessed against the relevant planning controls for the site. The proposal is generally consistent with the objectives of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
42. Issues raised in submissions have been considered in the Assessment and conditions of consent have been included in Attachment A to address these issues.
43. Subject to recommended conditions, the proposal will not result in significant adverse impacts on the surrounding area and is recommended for approval.

ANDREW THOMAS

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