

Attachment C

Submissions

From: mark swinchatt [REDACTED]
Sent on: Friday, June 26, 2026 12:52:07 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 am a resident of the apartment building at 446-458 Elizabeth Street. I have objected to the proposed extension to operating hours to 3 am previously. The reasons I gave remain the same

- the commercial tenant has a poor record for management of commercial waste on the site. Increased hours will increase rubbish left around the building and on the street outside. This is unsightly, insanitary and attracts vermin.
- Noise from customers and couriers is already a nuisance and will increase into early hours.
- the commercial tenant appears to not fully respect existing terms of licence and cannot be trusted to abide by any changes if granted.

Best regards, Mark Swinchatt

Mobile [REDACTED]

From: C Mc [REDACTED]
[REDACTED]
Sent on: Saturday, June 27, 2026 10:02:33 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 Planning Team,

I am writing to formally object to the proposal for extended operating hours for the Pizza Hut located near our residence.

Our family lives close to the store, and our six-year-old child's bedroom faces the street where delivery drivers frequently park their cars, motorbikes & bikes. The current activity already generates significant noise from vehicles, bikes (especially delivery ring tones), and people coming and going late at night. Extending trading hours until 3:00am every day would substantially increase this disturbance and negatively impact the amenity of nearby residents.

We are also continually concerned about ongoing litter and food scraps being left in front of the shop (& all streets neighbouring the shop), which has attracted rats in the area. Longer hours are likely to worsen these issues. I had to make another complaint as recently as 2 weeks ago due to all the litter from their shop piling outside on the pavement..

For these reasons, we respectfully request that the council decline the proposed operating hours to protect the wellbeing and quiet enjoyment of neighbouring residents.

Thank you for considering our submission.

Regards,
Chris McCartney

From: Sharon Williams [REDACTED]
[REDACTED]

Sent on: Monday, June 29, 2026 4:46:22 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 am writing to express my concerns regarding the proposed extension of trading hours for Pizza Hut on Elizabeth St.

While I appreciate the value that local businesses bring to our community, I am concerned that extending operating hours, particularly into the early morning hours may result in increased noise and disturbance for nearby residents. Potential sources of noise not only relate to the mechanical equipment noise but also the following:-

- Customers congregating outside the premises.
- Vehicle arrivals, departures, and engine noise.
- Car doors slamming and conversations in the street.
- Delivery vehicles and associated loading and unloading activities.
- Increased litter collection and waste disposal occurring outside normal daytime hours.

As a nearby resident, I am concerned that these activities could negatively affect the quiet enjoyment of the residents within units and terraces particularly during times when residents are trying to sleep.

Regards

Sharon Williams

From: Santo Vitale [REDACTED]
Sent on: Monday, June 29, 2026 10:12:23 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 Adrian,

RE: RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010

I have just concluded the Strata meeting for 446–458 Elizabeth Street, Surry Hills, and would like to provide my feedback regarding the application to extend operating hours.

I do not support this application. This position is based on ongoing non-compliance by the business (Pizza Hut) with the building's by-laws. There have been repeated instances where security gates have been left open and waste bins unsecured. In addition, it has been observed that the business is already operating outside of its approved trading hours.

There are also consistent concerns regarding the cleanliness of common area walkways and the overall management of waste, which appears to be inadequate and poorly controlled.

Given these issues, I do not support an extension of trading hours, as this would likely lead to further breaches of by-laws and increased disruption to adjoining residents. Please let me know if any further detail is required.

Kind regards,
S.Vitale

From: Mitchell Kelly [REDACTED]
Sent on: Tuesday, June 30, 2026 10:49:19 AM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Wife [REDACTED] >
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 the Assessment Officer,

I, as the owner of 8/8-14 Brumby Street, Surry Hills NSW 2010, write to object to the Development Application seeking approval for extended operating hours for the Pizza Hut premises.

While I acknowledge the importance of supporting local businesses, the proposed extension of trading hours is likely to exacerbate a number of existing amenity and public safety issues that are already being experienced by nearby residents and members of the public.

My concerns include the following:

1. Increased Noise Impacts

The premises already generates significant noise associated with customer activity, delivery drivers arriving and departing, vehicle movements, and staff operations. Extending the operating hours will inevitably prolong these impacts into later evening and night-time periods, reducing residential amenity and affecting nearby occupants' ability to enjoy reasonable peace and quiet.

2. Waste Management and Litter

The business has an ongoing history of waste and rubbish associated with its operations. This includes rubbish escaping from waste storage areas, food packaging, and general litter affecting the surrounding public domain.

Extended operating hours are likely to increase the volume of waste generated and the frequency of these impacts unless robust waste management measures are implemented and enforced. The existing issues do not give confidence that the additional impacts can be adequately managed.

3. Delivery Scooters and Public Safety

The operation relies heavily on delivery scooters and motorcycles. In practice, these vehicles frequently stop, queue, park or manoeuvre in ways that adversely affect pedestrian safety and traffic flow.

Their operation contributes to:

- obstruction of footpaths and pedestrian access;
- unsafe stopping and parking practices;

- increased conflict between pedestrians, cyclists and delivery riders; and
- additional noise associated with repeated arrivals, departures and idling.

These impacts would increase if trading hours are extended.

4. Impact on the Public Domain

The operation already affects the surrounding streetscape through customer congregation, delivery activity, noise and litter. Extended operating hours would prolong these impacts well beyond current operating times and diminish the amenity of the surrounding public spaces.

The cumulative effect extends beyond the site itself and materially affects neighbouring properties and users of the public footpath.

5. Insufficient Protection of Residential Amenity

A fundamental consideration of the planning framework is balancing commercial activity with the protection of neighbouring residential amenity.

In circumstances where existing impacts are already evident, extending operating hours would simply increase the duration of those impacts without addressing the underlying operational issues.

For these reasons, I respectfully request that Council refuse the application for extended operating hours.

Alternatively, if Council is minded to approve the application, I request that it impose stringent conditions including:

- no extension of delivery operations beyond existing approved hours;
- a comprehensive waste management plan with regular compliance monitoring;
- restrictions on delivery rider parking and waiting locations;
- requirements to keep adjoining footpaths free of obstructions and litter; and
- enhanced noise management measures.

Thank you for considering this submission.

Yours faithfully,

Mitchell Kelly



Sent from my iPhone

From: Belinda Cooper [REDACTED]
[REDACTED]
Sent on: Tuesday, June 30, 2026 11:57:51 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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,

I am writing as a resident of 446/458 Elizabeth street and wish to file my objection to this application.

Having owned and lived in the building for over two years now I can attest to the fact that this business has been operating outside of approved opening hours constantly for the two years I've been there causing noise which carries up into my apartment as well as having a constant stream of food traffic across the footpath.

In addition to this there is constantly delivery bicycles parked illegally across the footpath at all hours as well as speeding past my building entrance, which concerns me as several times they have come close to hitting either myself, my child and my dog.

There is also rubbish constantly on the walkway, including food scraps which could make my dog very sick if eaten.

Approving this business to operate longer hours would be a detriment to the neighborhood.

Thanks,
Belinda

From: Harshvardhan Mehta [REDACTED]
[REDACTED]

Sent on: Wednesday, July 1, 2026 3:29:46 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention

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 the Assessing Officer,

I am writing in support of the proposed amendment to extend the trading hours of the Pizza Hut takeaway premises at 446-458 Elizabeth Street, Surry Hills, to 11:30am–3:00am, Monday to Sunday.

As someone who often finishes work late at night, this Pizza Hut is one of the few quick, reliable food options available in the area after a long shift. Many people working evening and night shifts in and around Surry Hills in hospitality, healthcare, retail, and other industries rely on late-night food options like this one when they don't have the time or energy to cook after work.

Extending the hours would provide a genuine convenience to shift workers and residents in the area, support local employment during extended hours, and reflect the fact that Surry Hills is a busy, well-connected inner-city area with ongoing demand for services beyond standard daytime hours.

I would appreciate the Council's consideration of this application and hope the extended hours are approved.

Kind regards,
Harsh Mehta

From: Sasha Jensen [REDACTED]
[REDACTED]
Sent on: Sunday, July 5, 2026 2:48:40 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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.

Subject: Objection to Proposed Extension of Trading Hours – Pizza Hut, 446–458 Elizabeth Street, Surry Hills NSW 2010 (DU/1993/641/B)

To: City of Sydney Council
Attention: DA team

Dear Sir/Madam,

I write as a committee member of **Strata Plan 44070**, located at 446–458 Elizabeth Street, Surry Hills, the same building in which this business operates, to formally object to the application seeking an extension of trading hours for Pizza Hut under Development Application **DU/1993/641/B**.

This objection is consistent with concerns I have previously raised with Council regarding the operation of this business. As noted in my earlier correspondence this year, the committee and residents have experienced ongoing impacts from the premises, including significant breaches of trading hours, cooking odours, noise, and poor operational practices. Unfortunately, these concerns remain unresolved and provide strong grounds for refusing the proposed extension.

Existing Non-Compliance with Approved Trading Hours

The most significant concern is that the business has already been operating outside its approved trading hours on a regular basis for an extended period. Residents have observed breaches occurring consistently despite numerous attempts to bring the matter to the attention of both Council and the operator.

It is difficult to understand how an extension of operating hours could be justified when the business has not demonstrated compliance with its existing conditions of consent. Before any consideration is given to extending hours, the operator should first be required to demonstrate a sustained record of compliance with the hours already approved.

Ongoing Resident Amenity Impacts

The committee has received multiple complaints from residents regarding the operation of the premises. Numerous complaints have also been submitted to Council, including matters recorded under **Council reference CSM3316136**.

These impacts include:

- Noise generated by customers congregating near the premises.
- Noise from delivery drivers arriving and departing throughout the day and evening.
- Noise associated with the operation of the business generally.
- Noise from mechanical equipment and extraction fans servicing the premises.

As the restaurant is situated directly beneath residential apartments, any extension of operating hours would inevitably prolong these disturbances and further diminish the amenity of residents.

Cooking Odours and Exhaust Emissions

Residents already experience significant impacts from cooking smells and exhaust emissions generated by the premises. The exhaust outlet regularly causes odours to enter residential apartments and common areas, affecting residents' comfort and enjoyment of their homes.

These issues have not been adequately resolved. Extending operating hours would increase the duration for which residents are exposed to these odours and further exacerbate an already unacceptable situation.

Poor Waste Management and Cleanliness

Residents also have ongoing concerns regarding the management of waste generated by the business.

The operator has failed to consistently maintain adequate cleanliness standards around the premises and waste storage areas. Food-related waste, litter, and general cleanliness issues have become a recurring concern. These matters negatively impact the presentation, hygiene, and amenity of the building and surrounding area.

Extending trading hours is likely to increase waste generation and place additional pressure on already inadequate waste management practices.

Conclusion

The business already causes significant and ongoing amenity impacts for residents living above and around the premises. The operator has not demonstrated compliance with existing trading conditions and has failed to adequately address long-standing concerns relating to noise, odour, waste management, and operational practices.

For these reasons, I respectfully request that the City of Sydney Council refuse the application to extend the trading hours of Pizza Hut at 446–458 Elizabeth Street, Surry Hills.

Thank you for your consideration of this submission.

Yours faithfully,

Sasha Jensen

Committee Member and owner of apartment 43/ 446-458 Elizabeth Street, Surry Hills, NSW 2010

Strata Plan 44070

446–458 Elizabeth Street

Surry Hills NSW 2010

[REDACTED]

5th August 2026

Regards

Sasha Jensen

[REDACTED]

From: Mark Brennan [REDACTED]
[REDACTED]

Sent on: Saturday, July 4, 2026 12:23:29 PM

To: council@cityofsydney.nsw.gov.au

Subject: RDU/1993/641/A

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'd like to oppose to application for extended hours for Pizza Hut.

This organisation is continuously leaving there rubbish at the front of the building and have no respect for occupants of this building.

I also find it quiet dangerous with multiple uber eats bikes park out the front on the pathway, where are the pedestrians suppose to walk?

The noise that comes out of this outlet late at night as well as the deteriorating of the footpath paving due to the high volume of traffic are major issues as well.

Unfortunately this company does not feel necessary to gain council approval to open for these hours as it all ready dose so.

Kind regards,

60/446-458 Elizabeth st

Surry Hills

Sent from my iPhone

From: Jaismeen Sangwan [REDACTED]
[REDACTED]
Sent on: Monday, July 6, 2026 2:46:45 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention

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 the Assessing Officer,

I am writing as a regular customer of the Pizza Hut takeaway at 446–458 Elizabeth Street, Surry Hills, in support of its application to extend trading hours to 3:00am, Monday to Sunday.

As a customer, I value having a convenient and familiar food option available later at night. The store is particularly useful for people who finish work late, travel through the area after evening commitments, or simply need an affordable takeaway option when other businesses have closed. Extended hours would make the service more accessible to customers who already rely on it.

I also understand that the store has been making efforts to improve its operations and respond to concerns raised by nearby residents. It is important that businesses operating late take community feedback seriously, and I believe the steps being taken to address issues such as noise, cleanliness, and general management should be recognised.

The proposed extension would allow the business to better meet customer demand while continuing to operate responsibly within the local community. I respectfully support the application and hope the Council approves the requested trading hours.

Kind regard's

Jaismeen

From: Komal Kanger [REDACTED]
[REDACTED]
Sent on: Monday, July 6, 2026 2:54:37 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission-RDU/ 1993/641/A- 446-458 Elizabeth street Surry Hills NSW 2010- Attention

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.

Greetings

I am a customer of the Pizza Hut takeaway at 446–458 Elizabeth Street, Surry Hills, and I would like to support its request to trade until 3:00am, seven days a week.

For customers like me, the store provides a dependable option at times when there are very few places left open nearby. It is useful not only for late workers, but also for people returning home after travel, study, social commitments, or evening events. Extending the hours would allow customers to access food locally rather than having to travel further away late at night.

Given the location and the demand for late-night takeaway in the area, I believe the proposed hours are reasonable. I hope the Council gives favourable consideration to the application.

Kind regards,
Komal

From: J B [REDACTED]
Sent on: Tuesday, July 7, 2026 12:16:19 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 the Assessment Officer,

I am a resident of 450 Elizabeth Street, Surry Hills NSW 2010 and wish to object to the Development Application seeking approval for extended operating hours for the Pizza Hut premises.

While I support local businesses and recognise their contribution to the local economy, I do not support the proposed extension of operating hours due to the likely adverse impacts on residential amenity, public safety and the surrounding public domain.

The existing operation already generates a range of impacts that are regularly experienced by nearby residents. Extending the hours of operation would increase the duration and intensity of these impacts without adequately addressing the underlying issues.

Noise and Residential Amenity

The premises generates ongoing noise associated with customer activity, delivery riders, vehicle movements, staff operations and late-night patron movements. Extending operating hours would prolong these disturbances further into the evening and night-time period, adversely affecting the reasonable enjoyment of nearby residential properties and diminishing local amenity.

Waste, Cleanliness and Litter

There are ongoing concerns regarding waste management and litter associated with the operation, including food packaging, rubbish escaping waste storage areas and litter within surrounding streets and public spaces. Longer operating hours are likely to increase waste generation and place additional pressure on existing waste management arrangements.

Delivery Rider Activity and Public Safety

The operation relies heavily on delivery scooters and motorcycles. Delivery riders frequently congregate in the vicinity of the premises, resulting in footpath obstructions, unsafe stopping and parking practices, noise impacts and conflicts with pedestrians and other road users.

These activities have a direct impact on public safety and accessibility within an area already experiencing high pedestrian traffic. Extending operating hours would increase these impacts and further affect the safe and orderly use of the public domain.

Impact on the Public Domain

The cumulative impact of customer congregation, delivery operations, noise, litter and vehicle activity extends beyond the site itself and affects surrounding streets, footpaths and neighbouring properties. The proposal would effectively prolong these impacts into later hours, reducing the amenity of the area for residents and the broader community.

Planning Considerations

A fundamental objective of the planning framework is to balance commercial activity with the protection of residential

amenity and public safety. In circumstances where existing impacts are already evident, extending operating hours is inconsistent with this objective and would result in a greater burden on surrounding residents without demonstrable community benefit.

For these reasons, I respectfully request that Council refuse the application for extended operating hours. The proposal would unreasonably increase noise, waste, delivery rider activity and impacts on the public domain, to the detriment of nearby residents and the broader community. In my view, the application does not appropriately balance the interests of the business with the need to protect residential amenity and public safety within the surrounding area.

Thank you for considering this submission.

Yours faithfully,

JB

450 Elizabeth Street
Surry Hills NSW 2010

From: Charles Prouse [REDACTED]
[REDACTED]
Sent on: Monday, July 6, 2026 6:24:23 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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 strongly object to this application - again. I live across the road from this Pizza Hut.

I registered my objection to this previously. Those objections still stand. Those being:

- It creates noise and associated poor conduct late at night, disrupting the opportunity for peaceful weeknights and sleep.
- It creates further delivery drivers parking their vehicles in spaces needed by residents.
- It creates additional waste in the area that locals like me have to face; and
- This is a residential area and sufficient food options are already available during normal weeknights.

They already operate late hours on weekends. It is unnecessary to operate long hours during the week, forcing residents to put up with the extra traffic, noise, rubbish, and disruption. Extending the hours only supports the business and doesn't benefit locals. If it does benefit anyone, it certainly isn't the majority of people who live in the area.

Thank you

Charles

From: [REDACTED]
Sent on: Monday, July 6, 2026 5:19:40 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: RDU/1993/641/A - 446-458 Elizabeth 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 CoS Planning Assessments Team,

I request that my full name and unit number to be withheld and kept private, not published - [REDACTED]

I strongly object to this application for all reasons previously submitted for DU/1993/641/A and DU/1993/641/B (added below).

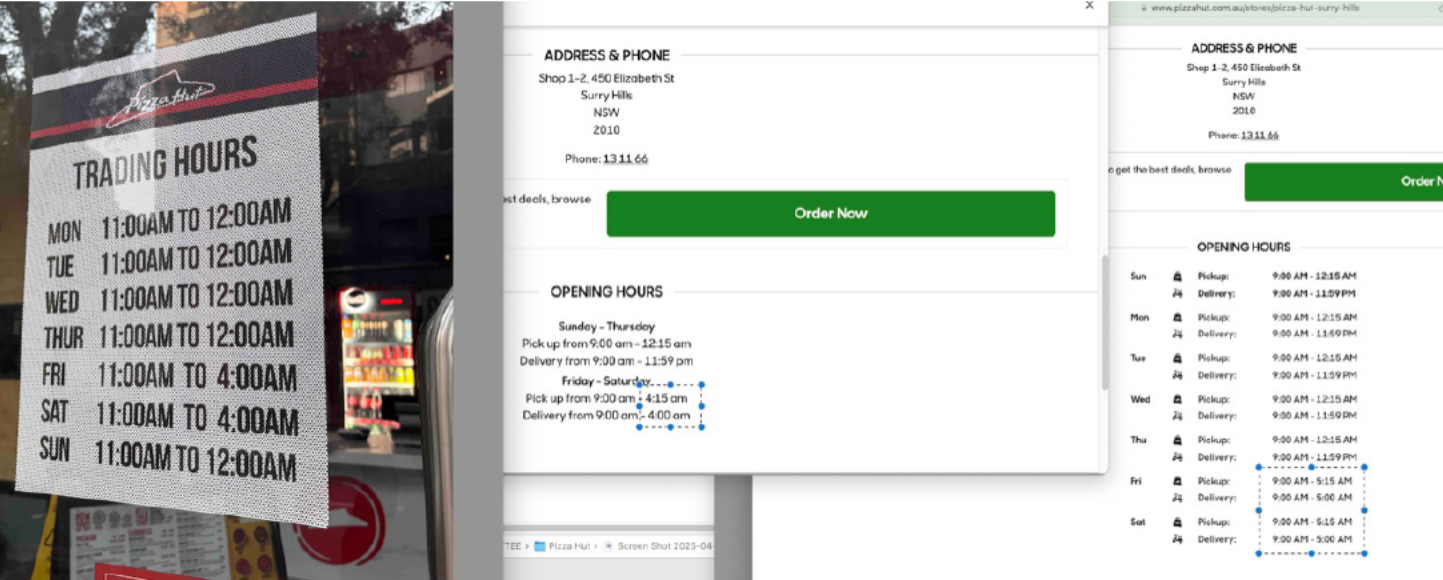
Additional to my previous submissions:

Security isn't maintained or respected, because the gate is regularly chocked open when there isn't a delivery in progress. It has been chocked open for extended periods of time too, either day or night, it varies.

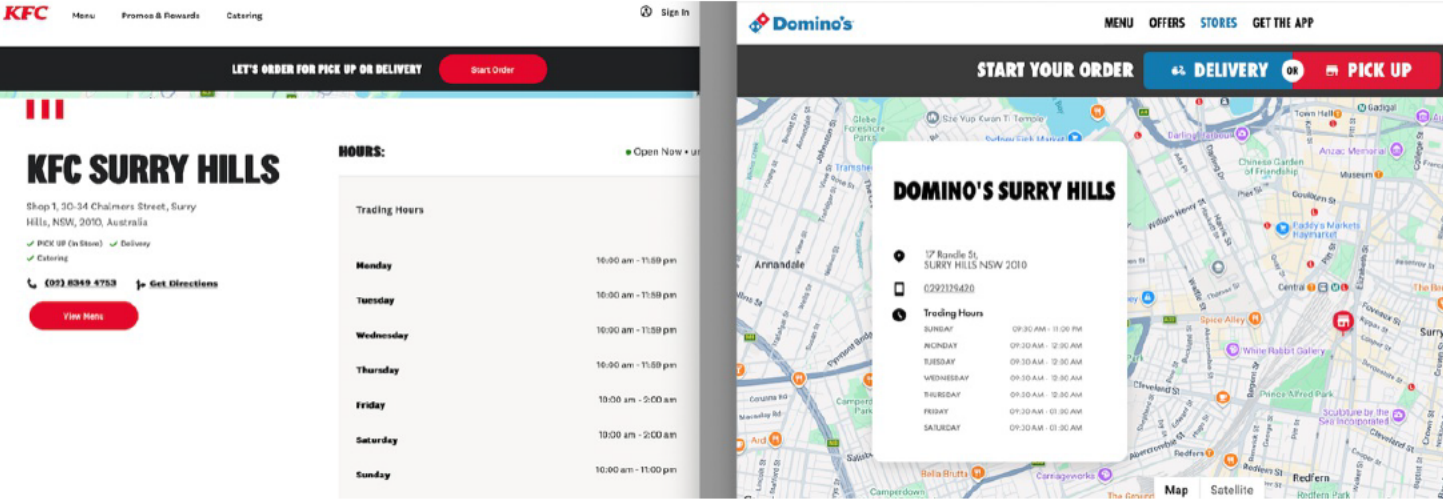
The extended hours Pizza Hut are seeking aren't suitable for it's current location. The kind of hours they want to operate are suitable for a different area/zone i.e. "Late night Management Area" or "City Living Area" zones.

Additional to trying to compare Pizza Hut with the brothel across the road, they are completely different businesses. Some major differences are that the brothel doesn't have residents living directly above it. The brothel does not have a noisy ventilation fan required for a food service. The brothel does not have delivery bikes frequently arriving/departing on both the road and footpath with alarms going off all the time.

Pizza Hut have progressively extended their hours of operation over time, and without any approvals. This demonstrates a pattern of behaviour that no doubt will continue, regardless of current approved hours. Refer to combined screenshot of door poster and website - the website screenshots are from 13-04-2025 and 05-07-2026.



I've also noticed that *neither KFC Surry Hills or Domino's Surry Hills* operate as late as Pizza Hut's unapproved trading times, and they are situated directly across from Central Station in the "City Living Area" zone, which is different to the "Local Centre Area" where Pizza Hut is situated.



I believe Pizza Hut should only operate to the current approved hours:

(4) That the hours of operation shall be restricted to between 11:30am to 10:00 pm Sundays to Wednesdays and 11.30 a.m. to 12.00 midnight Thursday to Saturday;

Kind regards
Resident
446-458 Elizabeth Street
SURRY HILLS NSW 2010

Previous submissions:

DU/1993/641/A:

I am writing to object to the proposed development for DU/1993/641/A - Site Address: 446-458 Elizabeth Street, SURRY HILLS NSW 2010

The reasons for my objection is the noise when residents are sleeping, the excessive rubbish it produces and footpath accessibility.

Pls note, Pizza Hut have been operating well outside the current approved hours for a very long time, and even while this DA is in review. Because of this, I believe there is absolutely no need for a “trial” of extended hours. Pls see screenshots at the end of this email showing their trading hours.

Noise issues

We constantly hear the “beeps” and “dings” of the delivery bike alarms when they arrive and leave. If the hours of extension are approved, the frequency of these bike alarms will only increase during the hours when most, if not all, residents, are sleeping. This wasn’t considered or mentioned in the “Acoustic Impact Statement” by koikasacoustics document.

The ventilation fan is a requirement for Pizza Hut when operating, and this is noisy and can be heard by multiple residents, and currently affects their sleep during the unapproved trading hours (as mentioned above and in the screenshots below).

NB. As per NSW Legislation in Schedule 1 By laws:
An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.
The resulting noise at any extended hours will be in breach of this by law.

Rubbish

The amount of rubbish that will be produced will be greater if the requested extended hours are approved. There have been occasions where other businesses in our building have not been able to dispose of their rubbish because the bins are already full or overflowing. We see the rubbish after every weekend when Pizza Hut has been trading from 9am til 5.15am and it’s excessive and poorly maintained.

Footpath accessibility

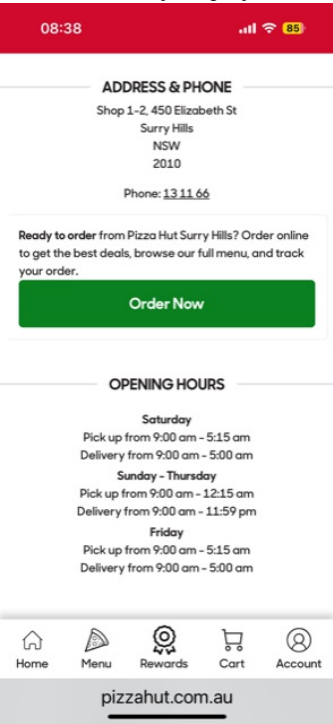
There are often times where there are multiple delivery bikes on the footpath out the front of Pizza Hut, they are obstacles. There are times when the bikes take up most of the of the footpath, and makes it more difficult for pedestrians to get through and would be totally inaccessible for people with certain disabilities.

This is a residential building and the requested extended hours go well beyond reasonable sleeping hours.

I believe Pizza Hut trading hours should remain as per the current approved hours of between 11.30am to 10.00pm Sundays to Wednesdays and 11.30am to 12.00 midnight Thursday to Saturday and Pizza Hut should understand they need to comply with the approved hours.

Screenshots

Pizza Hut have been operating as per their website hours:



This is well outside of the current approved hours:

(4) That the hours of operation shall be restricted to between 11:30am to 10:00 pm Sundays to Wednesdays and 11.30 a.m. to 12.00 midnight Thursday to Saturday;

The sign on their door has different hours again, also outside of the current approved hours:



DU/1993/641/B:

I strongly object to the proposed change to amend the hours of operation to 11.30am to 3.00am, Monday to Sunday for the below reasons.

Rubbish:

Pizza Hut currently don't manage their rubbish. Any extended hours will result in more rubbish which won't be managed based on the current poor management. On multiple occasions their rubbish hasn't been collected or it's been strewn across the footpath. Images attached.

Non-compliance with the current approved hours of operation:

Pizza Hut have been operating well outside of the approved hours for a very long time. Screenshots from their website are attached. These screenshots are from a period of 01-11-25 to 07-03-26. For example, they operate from 9am to 5.15am the following morning every Friday and Saturday, however the approved hours for Friday and Saturday are 11.30am to 12am.

Noise:

Page 5 of the Acoustical Report:

"At night, activity typically slows and ambient noise levels reduce."

This is why all the various noises generated by Pizza Hut at night, when people are trying to sleep, is a major issue for residents. Noises are not only from the ventilation fan, but delivery bike alarms, staff communicating outside which can on occasion be quite loud, and the closing-up cleanup.

Page 5 of the Acoustical Report:

"This particular location was chosen as it was deemed to be representative of ambient noise levels experienced by those residences most sensitive to noise emitted by the development."

This location of the Noise Logger does not truly represent noise levels experienced by residents most sensitive. The Noise logging location was the furthest point from Pizza Hut - refer to Figure 1.

Aerial image of the site page 5 of the Acoustical Report.

Pls note: the OC did not refuse access for testing, but the OC were unable to arrange access in the timeframe needed, and that timeframe wasn't advised to the OC.

I'd also like to know if they tried contacting any residents of 434, 432 or 481 Elizabeth Street, as they're closer than 6 Bedford Street.

Page 9 of the Acoustical Report:

"It has been found that, without additional noise attenuation measures, existing noise will exceed the acoustic requirements during the proposed extended hours. As such, acoustic controls have been identified and recommended in this report to reduce noise at the receiver locations to levels complying with the project acoustic requirements."

If Pizza Hut haven't complied with any by-law breaches or current approved hours over a very long time, I believe they will not implement or follow any of the recommendations either.

To address the 3x points on page 3 of the Creative Planning Solutions letter:

1.

The brothel, which also has a back entrance in little Buckingham Street, is a completely different business to Pizza Hut and therefore isn't a relevant comparison/point.

2. The vast majority of delivery drivers are not bicycles, they are e-bikes from external delivery drivers that are alarmed every time they arrive and leave. Often these alarms get stuck in a loop before they can be turned off.

"The noise impact would be similar to movements in and out of the nearby brothel, ..." - No, the noise impact is not similar in any way.

3. *"...little benefit would occur from imposing a trial period"* - I agree that there would be little benefit from imposing a trial period, but for a completely different reason. It's because Pizza Hut have already been operating well outside of the approved hours for a very long time (screenshots attached), hence the ongoing complaints and DA objections from multiple residents.

In Summary:

Pizza Hut have not abided by any of the approved hours as documented by the attached screenshots. This has resulted in many previous complaints to council. They have no regard for our residents or our community.

The proposed extended hours in this location will not *"contribute to vibrancy and vitality for a Global City"* [page 8 of Creative Planning Solutions letter] and it won't have a *"positive social impact"* [page 10 of Creative Planning Solutions letter] for the people who live in this building who are trying to sleep or who want to have their windows open without it smelling like pizza all the time.

The only thing I do believe is that Pizza Hut will continue to operate well outside of any approved hours, not manage their constant mountains of rubbish, and continue to be the source of noise that disrupts many residents ability to sleep.

Finally, I also object to any trial period for the extended trading hours. This is because Pizza Hut have already been operating well outside of the current approved hours for a very long time and it hasn't been a positive experience.

Kind regards

[REDACTED]



Screenshot of the Pizza Hut website showing the address and phone number, opening hours, and a navigation menu.

ADDRESS & PHONE
Shop 1-2, 450 Elizabeth St
Surry Hills
NSW
2010
Phone: 13 11 66

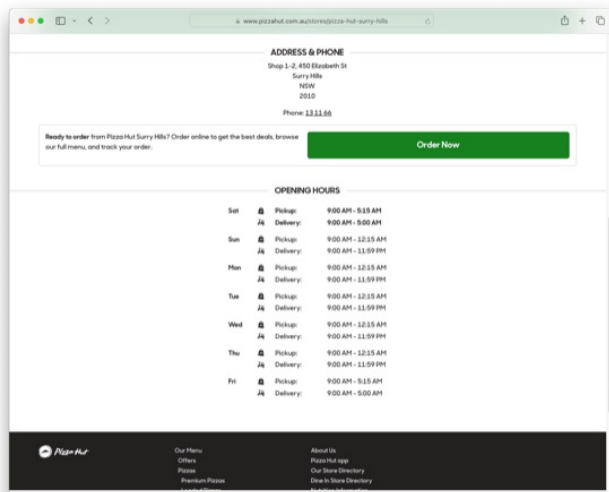
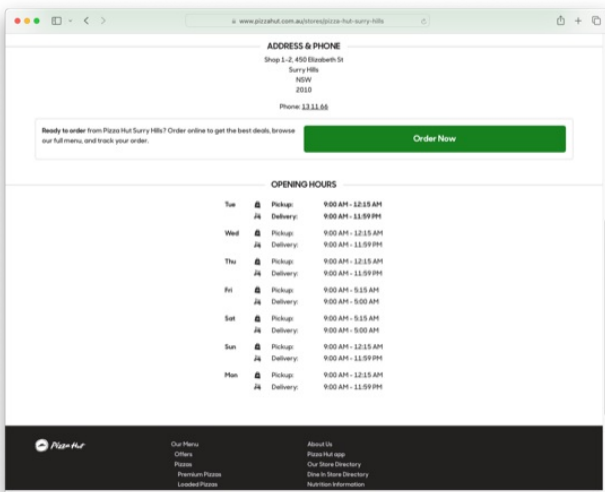
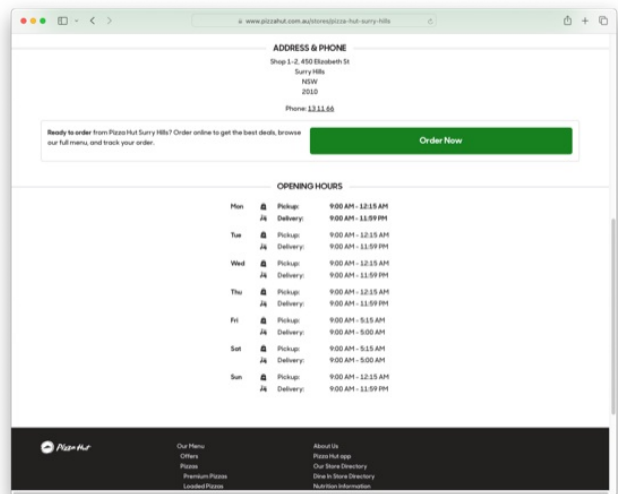
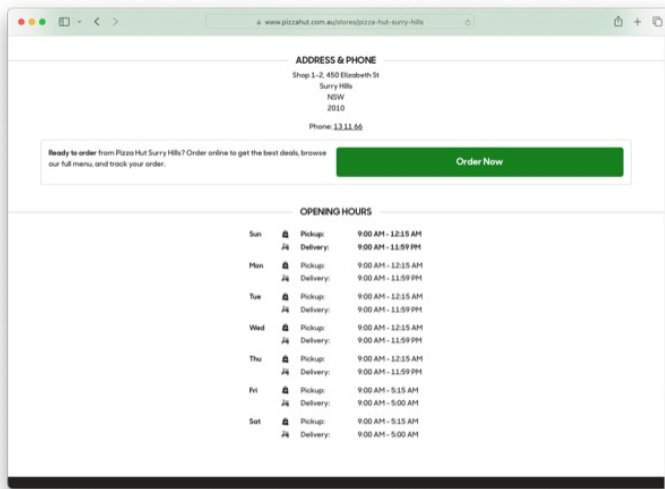
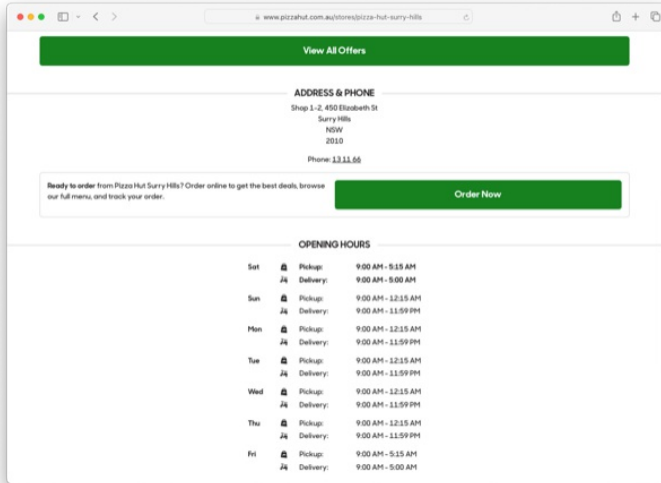
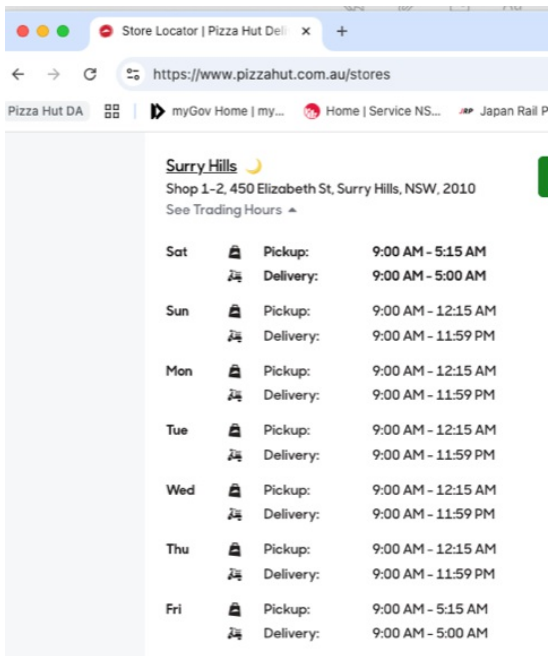
Ready to order from Pizza Hut Surry Hills? Order online to get the best deals, browse our full menu, and track your order. [Order Now](#)

OPENING HOURS

Day	Pick up from	Delivery from
Saturday	9:00 am - 5:15 am	9:00 am - 5:00 am
Sunday - Thursday	9:00 am - 12:15 am	9:00 am - 11:59 pm
Friday - Saturday	9:00 am - 5:15 am	9:00 am - 5:00 am
Sunday - Tuesday	9:00 am - 12:15 am	9:00 am - 11:59 pm

Navigation Menu:

- Our Menu
 - Offers
 - Pizzas
 - Premium Pizzas
 - Loaded Pizzas
 - Favourite Pizzas
 - Classic Pizzas
 - Melts
 - Lunch Pizzas
 - Pasta
- About Us
 - Pizza Hut app
 - Our Store Directory
 - Drive In Store Directory
 - Nutrition Information
 - Give Us Feedback
 - Contact Us
 - Franchise
 - Careers
 - UNEP's Members



Page: 1 of 1
Date: 2023-10-10 10:10:10
User: admin
IP: 192.168.1.1
Action: Login
Status: Success
Message: Welcome to the system.







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: Wednesday, July 8, 2026 4:42:26 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: DU/1993/641/B : Determination Notice - Refused

From: Rupert Burton [REDACTED]
Sent: Wednesday, 8 July 2026 2:51 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: Re: DU/1993/641/B : Determination Notice - Refused

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.

Re: Application RDU/1993/641/A

Hello,

I would like to object to this application shown above. Despite two previous applications that have been rejected the business continues to trade from 9.00 a.m - 4.00 a.m most nights of the week.

In my previous two objections I have listed numerous issues with the applicant trading through the night including pedestrian danger, resident disturbance, excess garbage and rodent issues, pavements & curbs being damaged and general noise.

Despite applying to trade for these extended hours the business has actually been opening longer hours leading to the issues I have outlined.

I would encourage the council strongly to reject this appeal and take steps to make this business trade to the hours that they are already allowed to.

Regards

Rupert Burton

On Fri, May 29, 2026 at 12:06 PM Planning Systems Admin
<planningsystemsadmin@cityofsydney.nsw.gov.au> wrote:

We refer to your submission about the above application. The matters you raised were considered when we assessed the application.

The application has been refused. You can view the assessment report and notice of determination by entering the application number or address on the [City of Sydney's website](#).

The notice of determination contains reasons the application was refused.

If you have any queries, contact the assessing officer whose details are in the notice of determination on the [City of Sydney's website](#).

Kind regards

Planning Assessment Unit

CITY OF SYDNEY 

contentmanager://record/?
DB=CS&Type=6&Items=1&
[Item1]&URI=19841303



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

_____ This email and any files transmitted with it are intended solely for the use of the addressee(s) and may contain information that is confidential or subject to legal privilege. If you receive this email and you are not the addressee (or responsible for delivery of the email to the addressee), please note that any copying, distribution or use of this email is prohibited and as such, please disregard the contents of the email, delete the email and notify the sender immediately.

From: <briac[REDACTED]>
Sent on: Wednesday, July 8, 2026 4:01:57 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: RDU/1993/641/A

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Hello Adrian. Noting Council proposes to **make public** all submissions in regard to this issue, we feel we must refrain from officially approving/objecting to this closing time extension. However, the feeling of many residents in the area is that the noise factor and possible unwelcome street behaviour might increase. Perhaps a letter drop to the units in the area would have brought a valuable response of views to Council in its decision on this matter. Sure you understand. Regards,*Surry Hills Business Alliance*.

From: Kristina Simic [REDACTED]
Sent on: Wednesday, July 8, 2026 3:10:45 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: James Lidis [REDACTED]
Subject: Submission - RDU/1993/641/A - 446-458 Elizabeth Street SURRY HILLS NSW 2010 - Attention Adrian McKeown
Attachments: Letter of Objection - RDU-1993-641-A - 446-458 Elizabeth Street.pdf (1.38 MB)

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.

Good Afternoon Adrian,

We are town planners acting on behalf of the Owners of Strata Plan 44070 located at 446-458 Elizabeth Street, Surry Hills.

Please accept the **attached** letter as a formal objection to RDU/1993/641/A for review of determination to extend hours for a takeaway food and drink premises on our client's behalf.

Should you have any questions or wish to discuss, please don't hesitate to contact us on 02 9262 3200.

Kind regards,



Kristina Simic – Town Planner
Design Collaborative
Town Planning and Liquor Licensing Consultants
Suite 802/99 York St, Sydney NSW 2000
Tel: (02) 9262 3200

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ACN 002 126 954

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Registered Planner (PIA)

Director
David Rippingill
BEP (WSU)
Juris Doctor (UNE)
Registered Planner (PIA)

8 July 2026

Ref: 252212.1L

Adrian McKeown

City of Sydney Council

Via email: council@cityofsydney.nsw.gov.au

Public Objection to RDU/1993/641/A – Section 8.2(1)(b) Review of Determination of refusal to amend hours of operation for an existing takeaway food and drink premises – 446-458 Elizabeth Street, Surry Hills NSW 2010

We are town planners acting on behalf of the Owners of Strata Plan 44070 located at 446-458 Elizabeth Street, Surry Hills (**the Subject Site**). Our clients have instructed us to review and lodge and objection to RDU/1993/641/A (**the Application**). The Application is a Review of Determination made by way of s8.2(1)(b) of the *Environmental Planning and Assessment Act 1979* (**the Act**), and requests that the Sydney Local Planning Panel review the decision by City of Sydney Council to refuse DU/1993/641/B (**the modification application**).

The modification application sought to extend operational hours for an existing takeaway food and drink premises (known as 'Pizza Hut') from 11.30am to 3.00am, Monday to Sunday (**the Premises**). We have reviewed the materials submitted with the Application and associated modification application, and are of the view that the original refusal should be upheld on the following town planning grounds;

- i) **Non-compliance with Part 3.15 of Sydney DCP 2012** - The Application proposes extended trading hours that are beyond that are non-compliant for a 'Category B' Low Impact Premises and has not provided adequate justification for a variation from the controls.
- ii) **Incompatibility with Local Character** - The Application is not compatible with the late-night character of the area as established by controls in Part 3.15 of Sydney DCP, and consequently has potential to generate significant physical impact that is presently mitigated against.
- iii) **Intensification of Use** - The Application results in an intensification of use, that consequentially results in unacceptable impact without adequate mitigation measures in relation to noise, waste and social impacts.
- iv) **Insufficient Information** - The Application does not provide sufficient information to be satisfied it is compliant with the relevant planning controls and building standards, or capable of operation without adverse impact.
- v) **History of Poor Management and Non-compliance** - the Applicant has a demonstrated history of poor management in relation to use the Premises resulting in ongoing issues for our client and the community in relation to noise, odour and waste, as well as a history of operation outside the approved trading hours. This track record indicates that the Applicant

is not capable of managing the proposed development responsibly in a manner that mitigates adverse impact and would instead be likely to aggravate those impacts.

For the reasons above, the proposed development must be refused. Alternatively, Council must request the Applicant to withdraw the Application and significantly reconsider, redesign and reframe the proposal to permit a manageable intensity with strict operational conditions. A further discussion is provided under the headings below.

Subject Site and Surrounds

The Subject Site is addressed 446-458 Elizabeth Street, Surry Hills and is legally described as Strata Plan 44070. The Subject Site is owned by our clients. The pizza hut shop is located at the ground floor of the Subject Site in Shops 1-2. Refer to **Figure 1** below.

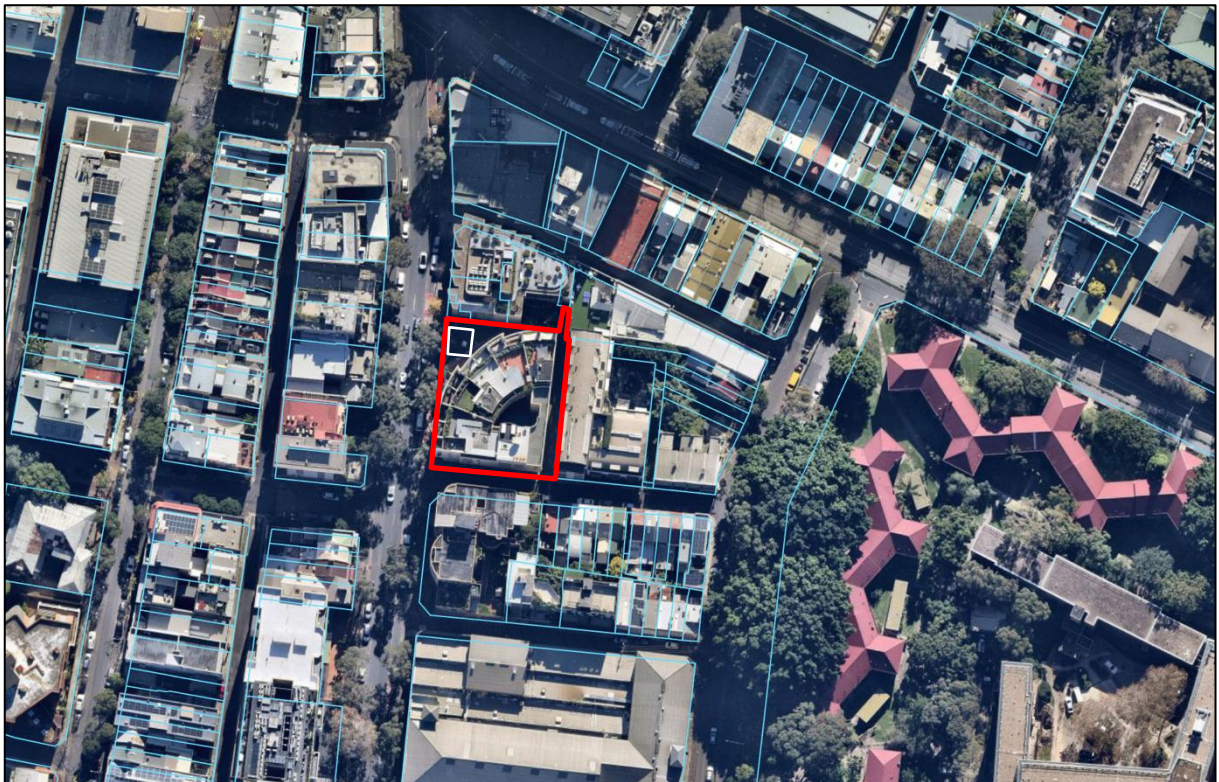


Figure 1. The Subject Site (white outline), our client's land (red outline).

The Subject Site is improved by a six storey (6) building comprising sixteen (16) ground floor commercial tenancies and eight (8) first floor commercial tenancies, with nineteen (19) residential units above. Most commercial tenancies within the building trade during daytime hours. Pedestrian access to commercial tenancies and residential units is via Elizabeth Street, whilst vehicular access is via Brumby Street. The Subject Site contains two (2) levels of basement parking with 71 spaces. The Subject Site is located approximately 350m walking distance from Central Station and Chalmers Street Light Rail Station.

The Subject Site is zoned 'MU1 Mixed Use' and located in a 'Local Centre' Late Night Trading Area under Sydney DCP 2012. It is predominantly surrounded by medium density residential development including multi-dwelling housing and residential flat buildings, with some commercial development at ground level. Adjoining the Subject Site to the north is a five (5)

storey building with ground floor commercial development and residential units above. Adjoining the Subject Site to the east is a five (5) storey residential flat building.

Development History

DU/1993/641 was approved on 17 August 1993 by City of Sydney Council via delegated authority for use and fit out of the Premises as a *'takeaway shop and delivery unit for Pizza Hut Australia generally in accordance with plans dated 1 July 1993'*. The hours of operation were restricted between 11.30am to 10pm, Sundays to Wednesdays and 11.30am to 12 midnight, Thursday to Saturday. Four (4) staff and two (2) basement parking spaces were proposed. The approved delivery driver waiting positions are shown in **Figure 2**.

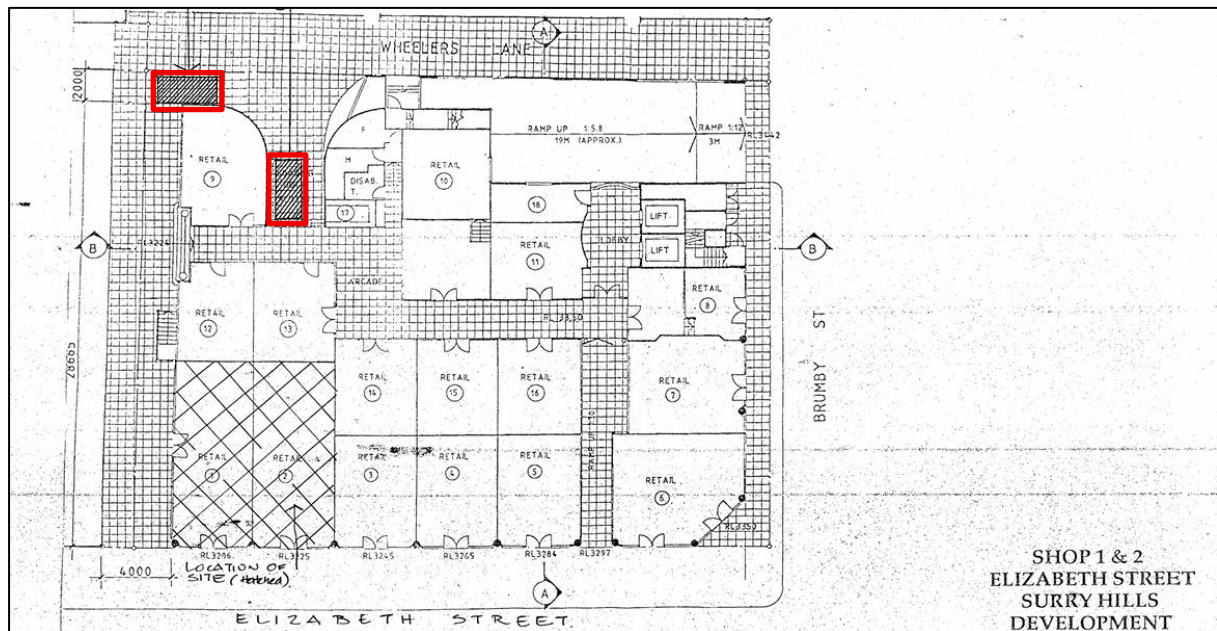


Figure 2. Approved Plans for DU/1993/641 with delivery driver waiting positions in red.

DU/1993/641/A was refused on 1 December 2025 by City of Sydney Council via delegated authority. The application sought to extend operational hours for the approved takeaway food and drink premises to 11.30am to 12.00am, Monday to Sunday on a permanent basis and 11.30am to 3am, Monday to Sunday on a trial basis. The Application received 11 submissions (9 objections and 2 in support), including a submission from our clients. The application was refused on the grounds of; (i) insufficient information; (ii) unacceptable amenity impact and (iii) not in the public interest.

DU/1993/641/B was refused on 28 May 2026 by City of Sydney Council via delegated authority. The application sought to extend operational hours for an existing takeaway food and drink premises to 11.30am to 3.00am, Monday to Sunday. The application received 16 submissions (11 in objection and 5 in support), including a submission from our clients. The application was refused for the same reasons as DU/1993/641/A.

The Proposal

The Applicant has requested a Review of Determination of DU/1993/641/B by way of s8.2(1)(b) of the Act. The request has been submitted with the following materials;

- Planning Statement by Creative Planning Solutions dated 14 June 2026;

- Plan of Management dated June 2026;
- Statement of Environmental Effects by Creative Planning Solutions dated 20 February 2026;
- Acoustic Report by Koikas Acoustics dated 14 December 2025; and
- Architectural Drawings by Quattro Design Group dated 1 July 1993.

The Applicant has not proposed amendments to the development subject of the original modification application. The Applicant has requested that the review be conducted by the City of Sydney Local Planning Panel pursuant to s8.3(4)(c) of the Act.

Reasons for Objection

1. Non-compliance with Part 3.15 of Sydney DCP 2012

The refusal should be upheld as the proposed trading hours are non-compliant with the maximum trading hours permissible for a 'Category B – Low Impact Premises' within a 'Local Centre' per s3.15.4 of Sydney DCP 2012. The Applicant is incorrect in their position that the premises should be categorised as a 'Category C' premises and therefore benefit from more lenient extended trading hours. The Applicant has not provided sufficient justification to warrant a variation from the controls by way of s4.15(3A)(b) of the Act.

Permissible Trading Hours

The base consent granted approval for use of the Subject Site as a takeaway shop and delivery unit. The equivalent land use characterisation under the *Sydney Local Environmental Plan 2012* is for a **take away food and drink premises** which means *premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises*. A takeaway food and drink premises is clearly included as a 'Category B' premises and excluded as a 'Category C' premises for the purpose of Section 3.15 of Sydney DCP 2012 when the definitions are read in conjunction with one another. Refer to **Figure 3** below.

Category B – Low Impact Premises means any of the following premises:

- (i) a hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a small bar or general bar licence;
- (ii) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- (iii) an on-premises licence within the meaning of the Liquor Act 2007;
- (iv) any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises;
- (vi) any other commercial premises, other than Category C premises, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night, including but not limited to, food and drink premises, takeaway food and drink premises, theatres, karaoke venues, convenience stores, entertainment facility and stand-alone gyms in buildings with residential accommodation and the like; or
- (vii) A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club.

Category C – means any of the following premises:

- (i) Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the Liquor Act 2007. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. It does not include convenience stores, food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.

Figure 3. Definition of 'Category B' and 'Category C' premises (Source: Sydney DCP 2012).

Generally, a 'Category B' premises is permitted to trade extended hours between 7am and 12 midnight within a 'Local Centre Area'. The Premises is already permitted to trade up until 12 midnight under the base consent. Additional hours are permitted between 7am and 2am, if it can be demonstrated that egress/ingress of patrons will be into a main street, and not a predominantly residential area to the satisfaction of Council. Refer to **Figure 4** below.

The southern portion of Elizabeth Street bounded by Devonshire Street and Belvoir Street is the relevant area for consideration under the above exemption. Elizabeth Street is a 'main street' within Sydney DCP 2012, however the area surrounding the Premises is predominantly residential in character given the presence of medium density multi-dwelling housing and residential flat buildings, with some small scale commercial development at ground level. It is distinguished from other comparable main streets in local centre areas such as Chalmers Street or the northern portion of Elizabeth Street bounded by Devonshire Street and Cooper Street, which exhibit a more dominant commercial character with offices and warehouses that are suited to accommodating later trading hours due to the absence of residences.

The Applicant has not provided any evidence or arguments to state otherwise, and as such the Premises is not entitled to the exemption. The proposed trading hours request an additional three (3) hours compared to what is permitted and are non-compliant with Sydney DCP controls. The Applicant has not demonstrated that notwithstanding non-compliance, the Application meets the objectives of the controls with reasonable alternatives, as required per s 4.15(3A) of the Act. As such the refusal should be upheld.

		Category A		Category B		Category C Unlicensed premises Indoor
		Indoor	Outdoor	Indoor	Outdoor	
Late Night Management Area	Base	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	24 hours
	Extended	24 hours	9am to 1am	24 hours	7am to 1am	
City Living Area	Base	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	24 hours
	Extended	7am to 5am	9am to midnight	7am to 5am	7am to midnight	
Local Centre Area	Base	9am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 2am
	Extended	9am to midnight	9am to 10pm	7am to midnight*	7am to 10pm	

- (2) Notwithstanding Table 3.8, proposals for extended indoor hours of Category B premises in Local Centre Areas up to 2am may be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.

Figure 4. Permissible base and extended late night trading hours (Source: Sydney DCP 2012).

Classification as a Category C Premises

The Applicant argues that because the Premises exhibits operational characteristics closer to a 'Category C' premises, it should be classified in this manner, despite the clear wording of the definitions (discussed above). In the Statement of Environmental Effects and Planning Statement lodged with the Application, the town planners have cherry picked parts of each definition to support their argument. The operational characteristics include the absence of a liquor licence, that trading is restricted to indoors with persons not occupying the Subject Site for long, and no live entertainment provided. See below extract.

Part 3.15 of SDCP 2012 describes Category C Premises as retail premises or business premises which do not hold a liquor licence. This includes premises selling a range of good, including groceries, personal car products, and clothing. For reasons that are unclear, it also excludes any food and drink premises.

Both the First Modification and the Second Modification have suggested that the existing Pizza Hut, which does not hold a liquor licence, plays no music, and accommodates very few people, is better captured by the controls that are relevant to Category C Premises.¹

It is noted that it is not a requirement to hold a liquor licence or provide live entertainment to be classified as a 'Category B' premises as is clear from points (vi) and (viii) of the definition. All that must be satisfied is that '*in the opinion of the Council [the premises] may impact on the amenity and safety of the neighbourhood resulting from operation at night*'. The reason why take away food and drink premises are excluded from 'Category C' and included in 'Category B' is that they have potential to generate more impact during late night hours compared to other types of low risk businesses such as banks, grocery stores, bookstores and the like.

The operation of a takeaway food and drink premises is not comparable to the other businesses cited by the Applicant. They can involve the operation of a kitchen with mechanical exhaust, they attract different types of patrons during late hours of operation (such as those intoxicated or in groups), and they can involve patrons and delivery drivers waiting on the street in intervals of up to 10-15 minutes whilst food is prepared. These factors generate a greater risk of impact, despite the absence of a liquor licence or live entertainment being provided and so warrant classification of the Premises as a 'Category B' premises.

Even if the Premises were classified as a 'Category C' premises, the hours proposed are beyond that which are permitted by the Sydney DCP 2012, which are between 7am to 2am, Monday to Sunday. The Applicant has not demonstrated that notwithstanding non-compliance, the Application meets the objectives of the controls with reasonable alternatives, as required per s4.15(3A) of the Act. As such the refusal should be upheld.

¹ Planning Statement prepared by Creative Planning Solutions, p.2

2. Incompatible with Local Character

The refusal should be upheld as the Application is incompatible with the existing or desired future character of the area established by s3.15 of Sydney DCP 2012 through controls for late night trading, per the planning principle in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 [24].

The Subject Site is located in a 'Local Centre' Late Night Trading Area as shown in **Figure 5**. Per Schedule 3 of Sydney DCP 2012, Local Centre Areas primarily cater to people who live and work in the locality (with a minor destination role), and are intended to have active and vibrant night-time economies that operate at a lower intensity and scale to other areas within the late-night hierarchy such as Late Night Management Areas and City Living Areas. Local Centre function as the last buffer between late-night trading zones and non-late-night trading zones.

There are ten (10) late-night trading premises within a 250m radius of the Subject Site as summarised in **Table 1**. Six (6) of those businesses are licensed premises and four (4) are takeaway food and drink premises. The late-night trading premises are concentrated northwards of the Subject Site along Devonshire Street and in close proximity to public transport. There are no premises trading past 12 midnight located south of Devonshire Street. The hours of operation for existing late-night trading premises are generally consistent with that permitted in each late night trading zone. Within the local area, the only types of premises that trade beyond 2am are licensed pubs located within the Devonshire Street 'Late Night Management' zone and the kebab shop that is located on the corner of Devonshire Street and Elizabeth Street.²



Figure 5. Late Night Trading Areas Map. Licensed Premises (in blue), Takeaway Food and Drink Premises (in purple) and Subject Site (in white) (Source: Sydney DCP 2012).

² No development consent could be located for this shop verifying these hours are approved.

Table 1. Late Night Trading Premises in the Vicinity		
Address	Use	Operation
453 Elizabeth Street, Surry Hills (The Strawberry)	Licensed Pub	• 10am to 4am, Monday to Saturday • 10am to 12am, Sunday
64 Devonshire Street, Surry Hills (Molly Malone's Irish Tavern)	Licensed Pub	• 10am to 4am, Monday to Sunday
52 Devonshire Street, Surry Hills (Madison Hotel)	Licensed Pub	• 5am to 5am, Monday to Sunday
156 Devonshire Street, Surry Hills (The Dove and Olive)	Licensed Pub	• 12pm to 10.30pm, Sunday to Wednesday • 12pm to 9pm, Wednesday • 12pm to 12am, Friday to Saturday
200 Devonshire Street, Surry Hills (Shakespeare Hotel)	Licensed Pub	• 11am to 10pm, Sunday to Monday • 11am to 11pm, Tuesday to Wednesday • 11am to 12am, Thursday to Saturday
420 Elizabeth Street, Surry Hills (Li'l Darlin Surry Hills)	Licensed Small Bar	• 12pm to 10pm, Tuesday to Thursday • 12pm to 12am, Friday to Saturday
2/414 Elizabeth Street, Surry Hills (Metro Kebab Surry Hills)	Takeaway food and drink premises	• 9am to 1am, Monday to Thursday • 9am to 5am, Friday • 10am to 5am, Saturday • 12pm to 1am, Sunday
86-88 Devonshire Street, Surry Hills (Subway)	Takeaway food and drink premises	• 8am to 11pm, Monday to Friday • 9am to 11pm, Saturday to Sunday
17 Randle Street, Surry Hills (Domino's Pizza)	Takeaway food and drink premises	• 9.30am to 12am, Monday to Thursday • 9.30am to 1am, Friday to Saturday • 9am to 11pm, Sunday
30-34 Chalmers Street, Surry Hills (KFC)	Takeaway food and drink premises	• 10am to 12am, Monday to Thursday • 10am to 2am, Friday to Saturday • 10am to 11pm, Sunday

Table 1. Late Night Trading Premises in the Vicinity.

The proposed hours of operation would encourage visitors of surrounding licensed pubs and travelling via Central on their way home to seek out the Premises for a late-night meal between the hours of 12 midnight and 3am, after other takeaway food and premises are closed. It would therefore draw groups of people (that are potentially intoxicated) into a local centre buffer area and increase the risk of impact to sensitive residential areas that are otherwise mitigated by the current controls such as noise and social impact (as discussed below).

In addition to the above, the Premises is a well known fast food chain that captures a certain type of market. There are no other 'Pizza Hut' or 'Dominos' stores within an 8km radius of the Subject Site that operate past 1am on a daily basis (aside from Pizza Hut Stanmore and Dominos CBD). During the proposed hours of operation, the Premises is therefore also likely to accommodate delivery demand over a catchment area that exceeds the locality of Surry Hills and extends to broader Sydney (as verified on the Uber Eats app). It therefore has potential to operate at a significantly larger scale and intensity, compared to what is expected of a local pizza shop. The operational hours proposed are not commensurate with the needs of the local community and a local centre, and for this reason even more likely to contribute to severity of impacts (as discussed below).

It is considered the Application's physical impacts on the surrounding development will not be acceptable, and therefore on that basis it is not compatible with the existing or desired future character for the area per *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 [24]*, and a refusal should be upheld.

3. Intensification of Use and Environmental Impact

The refusal should be upheld as the Application results in an intensification of the existing use which is not compatible with the residential character of the area or constraints of the Subject Site and will consequently result in unacceptable environmental impact to our clients.

Noise Impact

- Acoustic Methodology

The following concerns are raised with respect to the acoustic assessment lodged with the Application.

1. It conducted noise monitoring on the awning of 6 Bedford Street, Surry Hills, rather than at a location closer to the most sensitive residential receivers above or adjoining the Premises 446-458 Elizabeth Street (our clients land) or 444 Elizabeth Street. Our clients have advised that the Applicant approached them to conduct noise monitoring on their land, and that our clients were amenable to further testing. However, the Applicant did not follow up this request or nominate a timeframe prior to lodgement. As such our clients are concerned that the acoustic report does not accurately capture background noise levels for the Premises and underestimates impact to their land.
2. It assesses the proposed operation in relation to mechanical plant equipment only. It does not assess the use of the premises in relation to patron noise and staff noise (including delivery drivers) even though this was requested by Council. Our clients have made multiple complaints to Council in relation to those matters and existing impacts to residences, and these should be addressed as part of the Application (as discussed above).
3. It does not assess compliance of the Application against Condition 23 of the base consent as follows:

That the use of the premises shall not give rise to:

(a) transmission of vibration to any place of different occupancy;

(b) a sound level in any place of different occupancy greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8000 Hz centre frequencies inclusive; however, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for

The above concerns have significant bearing on the accuracy of the acoustic assessment with respect to ongoing operational impact of the proposal and its ability to comply with applicable noise criteria. As such, the consent authority cannot be satisfied that the proposal would operate without adverse impact until those matters are addressed.

- Noise Generated from Mechanical Plant

The Application proposes to intensify hours of operation beyond existing between 12 midnight and 3am. Mechanical exhaust will be operated during the proposed extended hours and has potential for sleep disturbance. The noise criteria that must be complied with for sleep disturbance are more stringent, and the Premises was only constructed in 1993, therefore unlikely having existing acoustic attenuation measures to mitigate such noise impact.

The Acoustic Report recommends physical upgrades to the mechanical riser in order to mitigate impact, however the appropriateness of those recommendations are drawn into question given the issues with the acoustic methodology raised above.

- Noise Generated from Patrons and Staff

The Application has potential to generate additional noise impact between 12 midnight to 3am as a result of patron and staff activities, including noise from staff in the kitchen talking and clanging utensils to make food, patrons shouting as they walk through the street, beeping sounds from delivery e-bikes, sound from delivery vehicle movement and slamming of car doors. Due to the small size of the shopfront, it is highly likely that activities of the Premises cannot be contained indoors and that patrons and delivery staff will be pushed onto the street whilst they wait for orders which can involve intervals of up to 10-15 minutes. Depending on the efficiency of food preparation time during those periods, and the scale of consumer demand this could result in a significant number of people loitering on the street whilst waiting for orders.

The Application does not propose any measures to manage impact of the Premises on the street within the immediate vicinity to mitigate the above concerns. It is noted that the Premises has been illegally trading beyond the hours approved in their development consent. During this period, our clients have made complaints and submissions to Council providing verifiable evidence of the above impacts, and that they are of legitimate concern and should not be dismissed lightly.

Social Impact

- Crime Prevention Through Environmental Design

As discussed above, the Application is considered to increase the risk of anti-social behaviour and crime impact to residences, as the Premises is likely to attract intoxicated groups of patrons seeking a quick meal into the surrounding area. The behaviour encouraged might include patrons yelling and shouting, drinking on the street, or littering. Due to the absence of other late-night trading business along the southern portion of Elizabeth Street or CCTV footage at the Premises, there is a lack of passive surveillance that would deter anti-social behaviour.

- Lack of Management Measures

The Application is lodged with a Plan of Management (**PoM**) for the Premises. This is a requirement for Category B premises per Part 3.15 of Sydney DCP 2012. The Plan of Management lacks detail and has not been prepared with adequate consideration to Schedule 3 of Sydney DCP 2012 as required by Control 3.15.5.1 of Sydney DCP 2012.

The following concerns are raised with the proposed Plan of Management;

- The PoM does not accurately describe the site and locality details. It omits reference to the fact that the Premises is located within a predominantly residential area.

- The PoM does not specify any limits on patron capacity nor strategies to 'manage patron departure' before closing time to protect the general amenity of the area. In the event the Premises was permitted to operate past 12 midnight, it is recommended a restriction be incorporated that does not permit patrons to access the Premises for pick-up or dine in orders to address the concerns raised above.
- The PoM does not specify the delivery catchment area for the Premises. Typically take away franchises operate within a delivery catchment area, so as not to impede on the business of other stores and ensure timely delivery of orders. It is recommended in the event that the Premises was permitted to operate after 12 midnight, the franchise catchment for the Premises should be nominated in food delivery applications (such as UberEats, Deliveroo, Doordash etc.) to ensure that the store is serving the local community only.
- The PoM does not specify the number of delivery staff that are employed at the Premises after 12 midnight. The number of delivery staff employed should be proportionate to demand, as determined by the size of the delivery catchment area and hours of operation. The Premises should have data from historic operations or other franchises which is able to predict this accurately. Delivery staff on food delivery applications can be limited by limiting the delivery catchment area.
- The PoM does not specify the waiting locations for delivery staff and notes they are '*discouraged from parking on the footpath*'. The approved Architectural Drawings for the site show the nominated waiting areas, however these are behind locked gates and not accessible. A suitable location should be nominated for delivery staff to park vehicles and wait for orders, that mitigates impact to residences.
- The PoM does not identify the location of the Waste Storage Area on a plan or specify the frequency at which waste collection will occur and at what times.

As such, the consent authority cannot be satisfied that adequate measures are in place to mitigate potential impacts of the proposed development with respect to noise, patron behaviour, delivery vehicles and general amenity. A refusal should be upheld on this basis.

Waste Impact

The Application does not provide sufficient facilities for the storage and servicing of waste generated by the proposal. The amount of waste and storage space required for the Premises is calculated in **Table 2** below in accordance with the *Better practice guide for resource recovery in residential developments*.

Premises type	Suggested generation (litres per unit per day)		Comments
	Waste	Paper, cardboard and commingled materials	
Food retail: takeaway (with sit-down area)	500	240	Per premises (80 m ²) – day operation only Note consideration must be given to the number of hours or operation.

Table 2. Waste Generation Rates

Use	Rate	Waste Generated (weekly)	Bins Required (Total)
Food Retail (takeaway: sit down area)	(G) - 500L per day	(G) - 3,500L per week	(G) - 6 x 660L bins
	(R) - 240L per day	(R) - 1,680L per week	(R) - 3 x 660L bins

These guidelines form the best practice standard for waste management in New South Wales, and are more up to date than current City of Sydney Guidelines which do not contain rates for takeaway food and drink premises. For a takeaway food and drink premises that includes a sit-down area, such as the subject Pizza Hut, it is relevant to consider hours of operation in determining waste generation rates. Contrary to what is claimed within the Planning Statement, waste is a relevant consideration to the Application, as an intensification in hours of operation will also therefore require more space for waste storage.

If there is insufficient space within the communal waste area to accommodate the generation of waste per the above rates, it is the responsibility of the operator to include a waste storage within their tenancy which is compliant with best practice standards. Consent from the owner of the tenancy is required to enable this, not the owner's corporation. It is not acceptable to store commercial waste bins in an area that is not enclosed or equipped with the appropriate infrastructure, as it can attract vermin and create odour impacts. Our clients have advised and provided evidence to Council that this is already an issue with the operation of the Premises.

There is also no legal onus for an Owners Corporation to provide more waste storage space for commercial tenancies. It is common that food and drink premises within stratum buildings organise their own waste storage arrangements, given these types of development have propensity to generate more waste compared to other uses or what the building was originally designed for. The Applicant must prepare a Waste Management Plan for the Subject Site which demonstrates the anticipated waste generation, bin requirements, collection frequencies and proposed storage areas.

4. Insufficient Information

The refusal should be upheld on the basis that insufficient information has been provided to Council in order to conduct an assessment of compliance with the relevant planning and buildings standards, as well as its merits. The following amended material needs to be provided to address the information gaps discussed above.

- **Updated Acoustic Report.** To address noise monitoring location and include assessment of noise generated from the use of the Premises.
- **Updated Plan of Management.** To incorporate more robust management measures in order to mitigate potential impact arising from late night operation.
- **Waste Plan of Management.** To calculate waste generation rates and determine waste storage area and bin requirements.
- **Odour Impact Assessment.** To respond to concerns previously raised by our client in response to smells generated from the Premises.

5. History of Poor Management and Non-compliance with Development Consent

We have been advised by our client that the Applicant has a history of complaints and operation beyond the approved hours listed in their development consent. Council has a record of these complaints dating 2 May 2025 to present, which raise ongoing issues in relation to noise, waste,

odour and operational hours. We note that even though the operator of the Premises has changed overtime, the current Applicant is still operating the Premises until 5am on Friday and Saturday in spite of the application currently before Council and previous. Refer to screenshots below taken 7 July 2026.

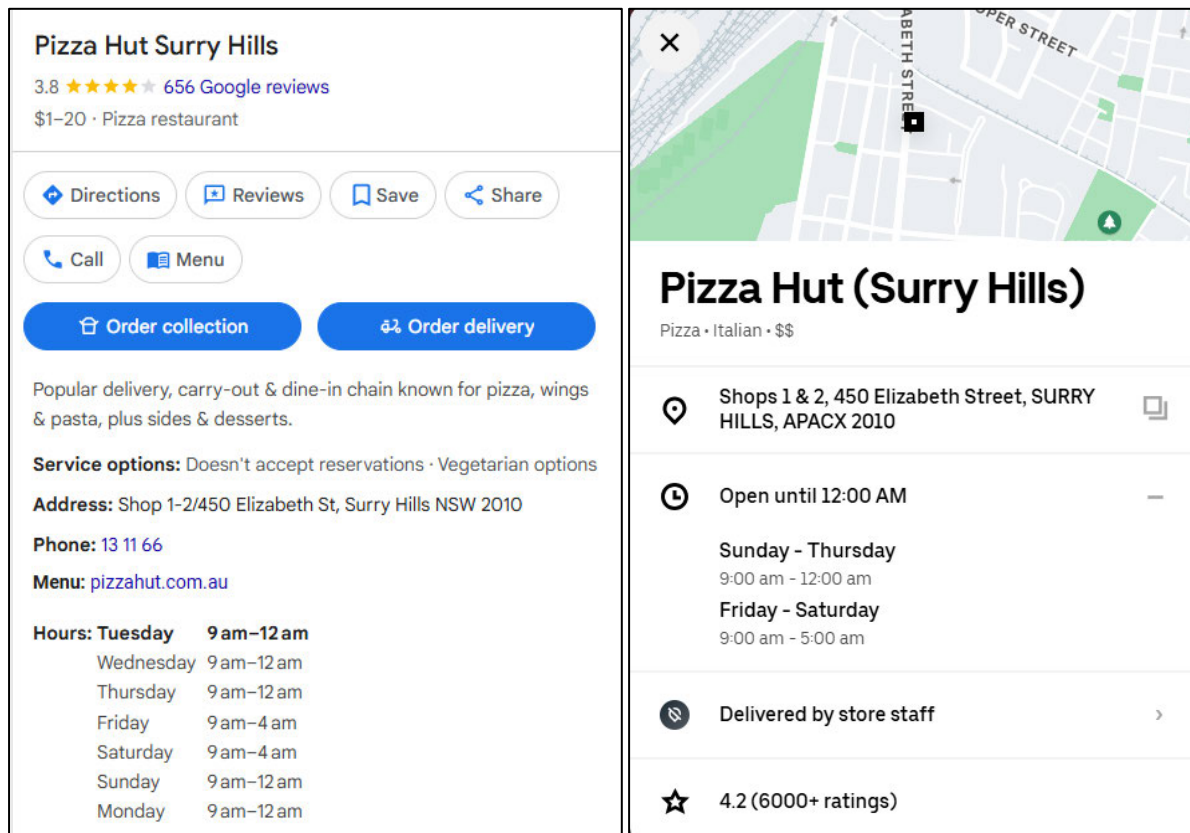


Figure 6. Current operational hours advertised for the Premises on Google and Uber Eats.

It is requested that Council issue the Applicant with a development compliance order for contravention of a planning approval in accordance with Schedule 5, Part 1 of the Act to stop using the Premises. The Applicant has continued to demonstrate a blatant disregard to the conditions of their development consent, and throughout the development approval process has not demonstrated a genuine intent to engage with the issues raised by Council (as reflected by various applications and refusals). As such further, more serious, compliance action is warranted.

It is requested that Council investigate the above matters, as they are a relevant indication that the Premises will be managed and operated poorly in future. It is considered that the Applicant has demonstrated a poor history of management, and therefore stricter operational conditions should be maintained on the development consent including the current trading hours. Further, if those issues are outstanding, they need to be resolved prior to the grant of consent or through the grant of consent consistent with the planning principle in *Randall Pty Ltd v Leichhardt Council* [2004] NSWLEC 277.

Conclusion

Our client objects to the Application as proposed for reasons set out in this submission. We are of the view that refusal of the Application should be upheld on the basis of non-compliance with the Sydney DCP 2012, incompatibility with local character, intensification of use that would

generate unacceptable impact, insufficient information and history of poor management and non-compliance.

Our client also reserves the right to inspect the additional information requested by Council for the Application (and any other further additional plans and information) and make further submissions to Council in respect of those plans and information.

Should you have any questions in relation to this letter, please don't hesitate to contact the author on 02 9262 3200.

Yours faithfully,
DESIGN COLLABORATIVE



James Lidis
Managing Director