

Item 3.**Development Application: 55A Leichhardt Street, Glebe**

File No.: D/2017/1701

Summary

Date of Submission:	8 December 2017
Applicant:	AHG Glebe Pty Ltd c/ Hawes and Swan Planning
Architect:	Nordon Jago Architects
Developer:	AHG Glebe Pty Ltd
Owner:	City of Sydney
Cost of Works:	\$39,000
Zoning:	Food and drink premises - permitted with consent in RE1 Public Recreation zone
Proposal Summary:	<p>Development application for a restaurant on the upper ground floor level and cafe on the lower ground floor level and courtyard of Bellevue House.</p> <p>The application is referred to the Local Planning Panel for determination as City of Sydney is the land owner and as more than 25 unique submissions have been received.</p> <p>The proposed patron capacity for the proposal is for a total of 248 patrons, with 152 patrons for the restaurant and 96 patrons for the café. The proposed hours of operation are 6am to 10pm, seven days.</p> <p>The application was exhibited for a period of 21 days from December 2017 to January 2018. A total of 83 submissions were received, 22 in support and 61 raising objection to the proposal.</p>
Summary Recommendation:	This proposal is recommended for refusal.

Attachments:

- A. Applicant's correspondence dated 5 November 2018
- B. Planning Report to the 10 October 2018 Local Planning Panel Meeting
- C. Proposed Drawings

Background

1. The development application was considered by the Local Planning Panel on 10 October 2018. The Planning Report submitted to the panel recommended that the development application be refused.
2. The Panel deferred determination of the development application and provided the following comments:
3. *"The Panel cannot support the proposal in its current form, and defers the matter for further discussions to be held between Council staff and the applicant to amend the proposal to resolve the issues of capacity, traffic, noise management and parking and that following these discussions a report be presented back to the Local Planning Panel in November 2018."*
4. Subsequent to the deferral of the application the applicant met with Council officers on 2 November 2018.
5. The applicant has advised that they commenced operating on 21 October 2018 under the conditions of the previous consent for a cafe D/2009/1424. This consent restricts the capacity to 60 patrons and the hours of operation to between 6.30am and 6.00pm outside of daylight savings time, and between 6.30am and 8.00pm during daylight savings time.
6. Following the meeting on 2 November 2018 the applicant submitted correspondence on 5 November (Attachment A) which advises that they will consider a reduction of the number of patrons from the 248 requested, and will carry out the following further analysis:
 - (a) traffic parking surveys to provide more data associated with the streets previously surveyed; and
 - (b) survey data from current customers to determine how they arrive to the restaurant.
7. In this correspondence the applicant requests that determination of the application be deferred for a further period to allow them the opportunity to provide this further information. No amendment to the development application or further information to support the application has been provided at this time.
8. If the Panel decides to determine the application at the 21 November 2018 meeting, and not agree to the applicant's request for a further deferral, on the basis that the application has not been amended, the officers recommendation is that the application to be refused for the reasons outlined in the previous Planning Report (Attachment B).

Recommendation

It is resolved that:

- (A) The Panel considers the applicant's correspondence dated 5 November.
- (B) Consent be refused for Development Application No. D/2017/1701 for the following reasons:
 - (i) The proposed increase from 60 to 248 patrons, the introduction of a restaurant in addition to an enlarged café, and the extended hours for both is an intensification of traffic and noise which is not supported.
 - (ii) The proposal is inconsistent with Clause 1.2(2)(g) and (h) (Aims of Plan) of the Sydney Local Environmental Plan 2012 which aims to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport and to enhance the amenity and quality of life of local communities. The proposal is not compatible with the existing and future capacity of the transport network and will detract from the amenity of residents within the adjoining R1 General Residential zone.
 - (iii) The proposal is inconsistent with the objectives of Section 3.11 (Transport and Parking) of the Sydney Development Control Plan 2012 as the proposal does not ensure that the demand for transport generated by the development is managed in a sustainable manner.
 - (iv) The proposal is inconsistent with the objectives of Section 3.15 (Late Night Trading Premises) of the Sydney Development Control Plan 2012 as the premises is not an appropriate location for a premises with a total capacity of 248 patrons and, it will have adverse impacts on the amenity of the adjoining residential uses.
 - (v) The proposal is contrary to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979, relating to the suitability of the site for the development.
 - (vi) The proposal is contrary to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979, relating to the public interest.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Matthew Girvan, Senior Planner