

**Item 5.****Section 4.55(2) Application: 55A Leichhardt Street, Glebe****File No.:** D/2009/1424/B**Summary**

<b>Date of Submission:</b>	17/01/2019 02/04/2019 (Amended Plans)
<b>Applicant:</b>	Mr P Hanna
<b>Developer:</b>	AHG Glebe Pty Ltd
<b>Owner:</b>	City of Sydney
<b>Cost of Works:</b>	\$0.00
<b>Zoning:</b>	RE1 Public Recreation zone- Permissible with consent.
<b>Proposal Summary:</b>	<p>Section 4.55(2) modification to amend the operational conditions for the food and drink use of 'Bellevue House' at 55A Leichardt Street, Glebe.</p> <p>This modification application is referred to the Local Planning Panel (LPP) for determination due to the high level of public interest associated with the original application, and a similar application determined by the LPP last year (D/2017/1701). In addition, the site and buildings are owned by the City of Sydney.</p> <p>The site currently has approval for 60 patrons, operating between 6:30am and 6.00pm, and until 8.00pm during periods of daylight saving.</p> <p>The proposed operating hours are 6.30am - 10.00pm, Monday to Sunday. It is also proposed to increase the capacity from 60 to 120 patrons between 6.30am - 6.00pm.</p> <p>The application was notified for a period of 14 days from 13 February 2019 to 28 February 2019. A total of 126 submissions were received, with 93 in support and 33 in objection.</p>

**Proposal Summary  
(continued):**

The issues raised in the submissions generally comprise traffic congestion, parking and acoustic impacts to the adjoining residential area.

The proposal originally sought consent for 120 patrons during all operating hours, however the application was subsequently amended such that the increase in patrons to 120 only applied during the daytime hours until 6.00pm. The existing capacity of 60 patrons will be retained during the evening hours of 6.00pm to 10.00pm.

It is considered that the proposed capacity during the extended operating hours suitably responds to the site's unique context, with limited street parking opportunities.

**Summary Recommendation:**

The Section 4.55(2) modification is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012 (Gazetted 12 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 12 December 2012, as amended)

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

## Recommendation

It is resolved that consent be granted to Section 4.55(2) Application No. D/2009/1424/B subject to the amendment of the following conditions (with modifications shown in **bold italics** (additions) and ~~strikethrough~~ (deletions), as set out in Attachment A.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

1. The proposal is consistent with Clause 1.2(2)(g) and (h) of the Sydney Local Environmental Plan 2012 (Aims of Plan). The aims seek to ensure that the pattern of land use and density in the City of Sydney reflects the capacity of the transport network and facilitates walking, cycling and the use of public transport to enhance the amenity of local communities.
2. The proposal is compatible with the objectives of the RE1 Public Recreation zone.
3. The proposal is consistent with the objectives of Section 3.11 (Transport and Parking) of the Sydney Development Control Plan 2012, as it will ensure that the demand for transport generated is managed in a sustainable manner.
4. The proposal accords with the provisions of Section 3.15 (Late Night Trading) of the Sydney Development Control Plan 2012. The proposed operating hours are compatible with the nature of the use and site, and are supported by a suitable Plan of Management.
5. The proposal is consistent with the objective of Section 4.2.3 (Amenity) of the Sydney Development Control Plan 2012, as it will not have adverse impacts on the acoustic privacy of nearby residential uses.
6. The proposal aligns with the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979, relating to the public interest.

## Background

### The Site and Surrounding Development

7. A site visit was carried out by staff on 5 March 2019.
8. The site is legally identified as Lots 45-47 in Deposited Plan 100, with a street address of 55A Leichhardt Street, Glebe.
9. The site contains a portion of the Blackwattle Bay Park and has an area of approximately 4,818sqm. The whole site is owned by the City of Sydney.
10. The premises is located within the RE1 Public Recreation zone, with the adjoining area zoned R1 General Residential.
11. Bellevue House (also known as Bellevue Cottage) is located within the site. The former dwelling was constructed circa 1896 and includes rendered brick walls, a hipped slate roof, bullnose iron verandas and tall rendered chimneys. An excavated basement floor opens to a courtyard partially surrounded by sandstone walls. It is a single storey building when viewed from the north and west, and two storey when viewed from the south-east. Bellevue House including interiors is a State Heritage Item (Item I792).
12. The premises currently operates as a restaurant for a maximum of 60 patrons.
13. The site is bounded by Blackwattle Bay to the north and east, while Blackwattle Bay Park continues to the south of the site. The Glebe Foreshore Walk runs through the site, continuing to the south and west.
14. The surrounding road network is largely one-way, except for the cul-de sac adjacent to the site and a 60 metre length near Glebe Point Road. The road network is shown in Figure 2.
15. There is no on-site car parking. The site is serviced by two loading zone spaces at the end of Leichhardt Street. This loading zone operates between the hours of 6.00am-6.00pm Monday to Friday, and 6.00am to 12 midday on Saturdays. The loading zone spaces are available for public parking outside of these hours. There is also one accessible space at the end of Leichhardt Street. The remainder of Leichhardt Street and Oxley Street is predominantly limited to two hour designated parking.
16. There are single dwellings located on the northern side of Leichhardt Street, with residential flat buildings otherwise located in much of Leichhardt Street, Oxley Street and Stewart Street. All dwellings near the site generally have vehicle crossovers, with some off-street parking facilities.
17. Photographs of the site and surrounds are provided overleaf.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site location plan, showing the direction of traffic flow in the locality.



**Figure 3:** Upper level of Bellevue House, viewed from the west.



**Figure 4:** Upper level of Bellevue House, viewed from the north- 60 seats outside during daytime.



Figure 5: Lower view of Bellevue House, viewed from the east. - 30 seats outside during daytime.



Figure 6: Looking south-west along Leichhardt Street from site boundary.



**Figure 7:** Looking north-east along Leichhardt Street.



**Figure 8:** Nearest residential development to Bellevue House, viewed from upper floor lawn.



**Figure 9:** Existing residential flat developments on Leichhardt Street.



**Figure 10:** Glebe Foreshore walk, immediately west of Bellevue House.

## Proposal

18. The application seeks to amend the existing consent for the use of Bellevue House as a food and drink premises. No physical works are proposed, with only changes to the approved operational conditions.
19. The changes are summarised below:
  - (a) Existing Operational Conditions**
    - (i) hours of operation between 6.30am - 6.00pm outside daylight savings, and 6.30am - 8.00pm during daylight savings (seven days); and
    - (ii) capacity of 60 patrons, with 30 seats indoors and 30 outdoors.
  - (b) Proposed Operational Conditions**
    - (i) hours of operation between 6.30am - 10.00pm all year (seven days);
    - (ii) capacity of 120 patrons between 6.30am - 6.00pm, with 30 seats indoors and 90 seats outdoors; and
    - (iii) capacity of 60 patrons between 6.00pm - 10.00pm, with 50 seats indoors and 10 seats outdoors.
20. The lower floor will function as a weather affected café area, with bench seating available to customers being served coffee and lighter meals. The upper floor will serve as a restaurant, with a concentration on outdoor dining during the day and indoor dining at night.
21. The following operational conditions on the existing consent will be retained:
  - (a) The collection of waste and recycling to only occur between 7:30am - 11:00am on weekdays and between 9:00am - 11:00am on weekends and public holidays.
  - (b) Deliveries to only occur between 7:30am - 11:00am on weekdays, and between 9:00am - 11:00am on weekends.
  - (c) Delivery services to not exceed an average of 2 – 3 per day.
  - (d) The size of vehicles servicing the site to not exceed 6.4 metres.
  - (e) No speakers or music permitted in outdoor areas of the venue.
  - (f) No entertainment to be provided at the venue.
22. These requirements have been included in an updated Plan of Management, prepared by the applicant in support of the new proposal.
23. The venue currently has an on-premises liquor licence, which will continue to be utilised.
24. The proposed seating plans are provided overleaf.

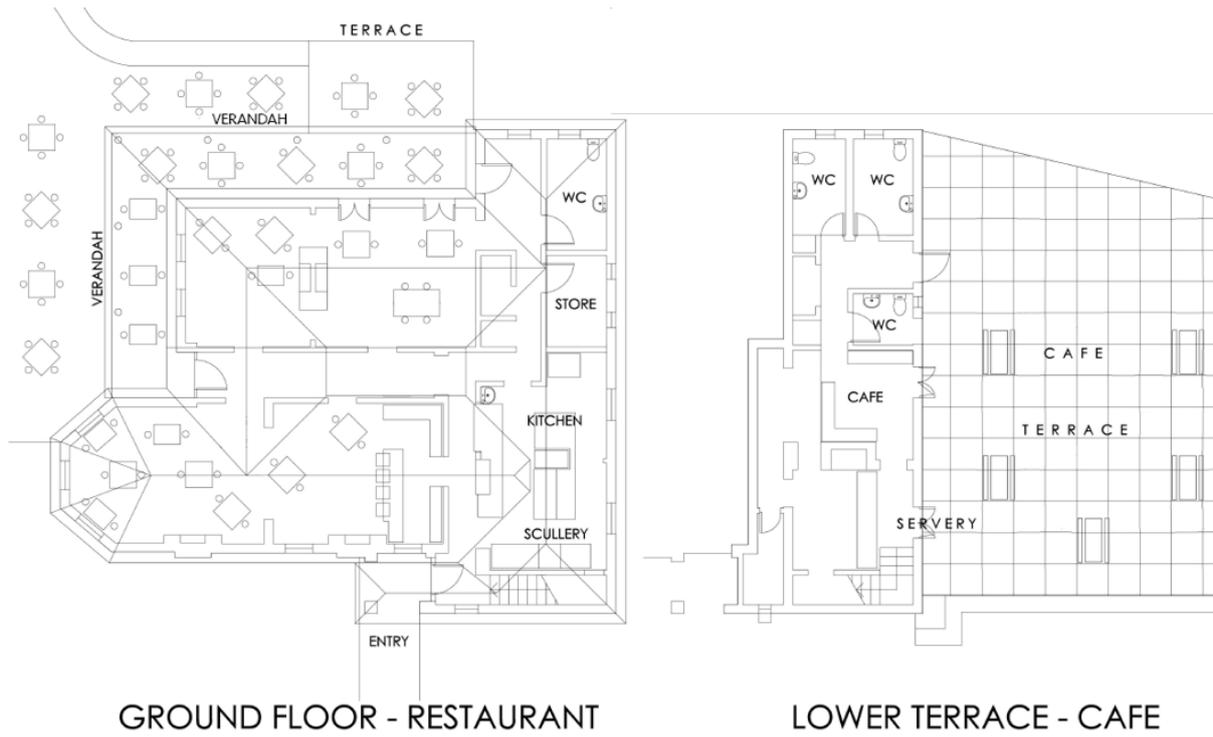


Figure 11: Proposed daytime seating plan - 90 seats outside and 30 seats inside.

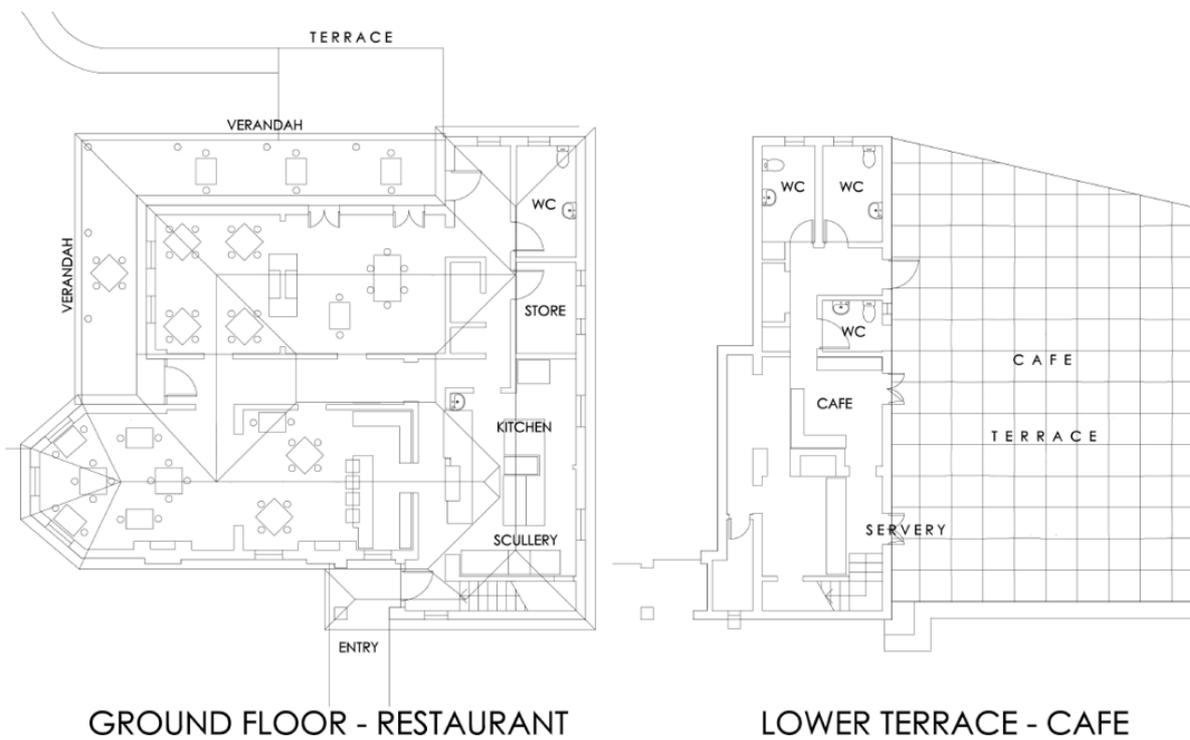


Figure 12: Proposed night time seating plan - 10 seats outside and 50 seats inside.

## History Relevant to the Development Application

25. **DA395/90** - On 3 May 1991, consent was granted to restore the building and accommodate a restaurant for 66 patrons, kiosk, caretaker's flat, open public parking area for 22 vehicles, and a public jetty. The hours of operation of the restaurant were between 12 midday - 3.00pm, Monday to Sunday, and between 6.00pm - 12 midnight, Wednesday to Saturday. The hours of operation of the kiosk were between 8.00am - 6.00pm, Monday to Sunday. The consent never commenced and lapsed on 3 May 1993.
26. **D433/92** - On 2 November 1992, consent was granted for a subdivision into two lots. This subdivision was to separate Bellevue House and its curtilage from the surrounding park. The subdivision did not proceed.
27. **D/2005/26** - On 31 October 2005, consent was granted for internal and external refurbishments of Bellevue House including associated landscaping works. This development application did not relate to the fitout or use of the building.
28. **D/2007/2526** - On 27 December 2007, a development application was submitted for a restaurant and function centre. The proposed hours of operation were 7.00am - 12.00 midnight Monday to Saturday, and 7.00am - 11.00pm on Sundays. The application was amended to restrict the capacity to 120 patrons and reduce to the trading hours to 7.00am - 5.00pm Wednesdays, Thursdays and Sundays, and 7.00am - 10.00pm on Fridays and Saturdays. The application was assessed by an external planning consultant who did not support the application. The application was later withdrawn.
29. **D/2008/46** - On 14 January 2008, a development application was submitted for alterations to Bellevue House, including the installation of plant services within existing roof space and two roof mounted external A/C units. This application was later withdrawn.
30. **D/2009/1424** - On 10 May 2010, consent was granted for the use of Bellevue House as a cafe for a maximum of 60 patrons, and associated fitout works. The approved hours of operation were 6.30am - 6.00pm Monday to Sunday, or 8.00pm during daylight savings. The site was operated under this consent between December 2010 and March 2016, and more recently from November 2018 to the present day.
31. **D/2017/461** - On 10 May 2017, consent was granted for alterations to Bellevue House, including an internal partition wall, a new door and louvres to the bathroom window.
32. **D/2018/151** - On 16 March 2018, consent was granted for internal alterations to the lower level, including the replacement of termite damaged timber joists.
33. **D/2017/1701** - On 21 November 2018, a refusal was issued for the revised use of Bellevue House as a food and drink premises. The proposed patron capacity was a total of 248, with 152 allocated to the restaurant and 96 to the café component. The associated hours of operation were 6.00am - 10.00pm, seven days a week.

Reasons for the determination included the significant increase in hours and capacity were likely to unreasonably intensify traffic, parking demand and noise.

During the assessment of D/2017/1701, the applicant was advised that the capacity of 248 patrons was not supported and a recommendation made to reduce the combined capacity to 120 patrons.

On 18 June 2018, a meeting was held with the applicant to discuss the proposed capacity. On 22 June 2018, further written advice was provided, summarising Council's transport assessment.

On 5 September 2018, the applicant was again advised to reconsider the capacity. The applicant elected not to reduce the proposed patron capacity prior to the determination by the LPP in November 2018.

34. **D/2009/1424/A** - On 18 December 2018, a modification to the original consent was approved. It permitted the removal of a prohibition on the venue accepting bookings. No other changes to the nature of the use were approved.

### **Compliance History**

35. Compliance issues regarding the operation of the existing premises are summarised below:
- (a) 18 January 2019 - Council received a complaint that milk crates were being left on the lower floor terrace. Upon inspection, officers noted three milk crates near the lower doorway. No further action was taken.
  - (b) 14 March 2019 - Council received information suggesting the restaurant was planning to host a degustation event on 23 March 2019, potentially in breach of the 8.00pm curfew. Council officers contacted the operator, conveying the approved operational requirements. No indication was received that the event proceeded.

### **Economic/Social/Environmental Impacts**

36. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

### **Heritage Act 1977**

37. The site is identified as a State Heritage Item, and is therefore subject to the provisions of the Heritage Act 1977. A site specific exemption has been granted by the NSW Office of Environment and Heritage under s.57(2) of the Heritage Act 1977.
38. Notwithstanding the above, no change of use or physical works are associated with the application. The proposal will therefore have no impact on the historical significance of Bellevue House.

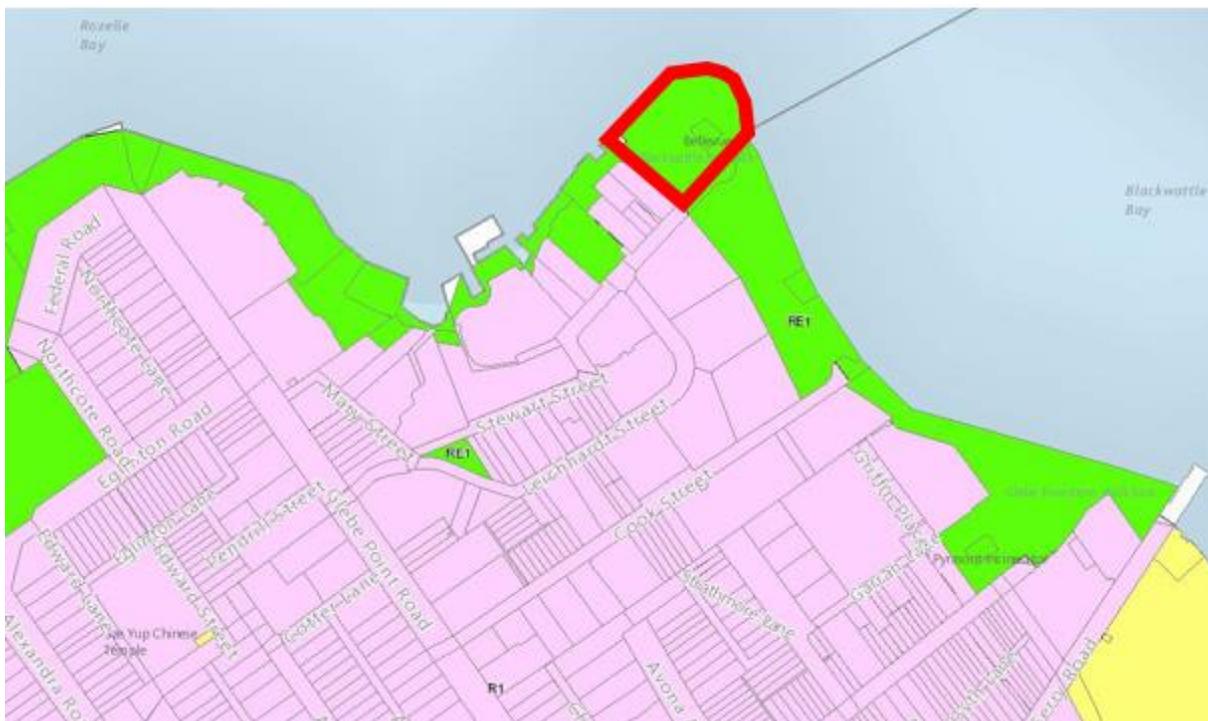
### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

39. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
40. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;

- (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
41. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, no physical works are proposed and the objectives of the SREP are not applicable to the development.

### Sydney LEP 2012

42. The site is located within the RE1 Public Recreation zone, as shown below. The existing use is defined as a 'food and drink premises', which remains permissible.
43. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.



**Figure 13:** Excerpt of zoning map (Sydney LEP 2012).

## Compliance Tables

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of Buildings	Yes	The existing building height will remain unchanged.
4.4 Floor Space Ratio	Yes	The existing floor space ratio will remain unchanged.
5.10 Heritage conservation	Yes	The site is a heritage item, and is located within a heritage conservation area. The proposal does not involve any physical works, and will have no adverse heritage impacts.

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
Division 4 Design excellence	Yes	The proposal will not change the design characteristics of the building.

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Yes	<p>Consent must not be granted to land uses accompanied by car parking if the total number of spaces would exceed the maximum set out in this division.</p> <p>Retail premises in a Category F area are permitted a maximum of 1 space per 50sqm of gross floor area, with a maximum set at 4 spaces.</p> <p>No onsite parking is proposed, and therefore the provisions are satisfied.</p> <p>An objective of Clause 7.1 requires development to minimise the amount of vehicular traffic generated. Prior to amendment, this modification was contrary to this objective. The revised night time capacity will achieve an acceptable outcome, as further discussed under the heading Issues.</p>

**Sydney DCP 2012**

44. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

**2. Locality Statements – Glebe Point**

The subject site is located in the Glebe Point locality. The character statement identifies that Glebe Point should continue to be a residential precinct with a mix of small scale of office suites, local retailers and professional services.

The local and regional public open space network is to be enhanced, with strong visual and physical connections to the waterfront from the neighbourhood. New foreshore links are to enhance the walk and increase opportunities to appreciate Bellevue House and the Walter Burley Griffin incinerator.

The proposed development will help further activate the foreshore, and promote utilisation of both the walkway and historic building. No physicals works are proposed, meaning all existing view corridors will remain intact.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	<p>The site is a heritage item, and is located within a heritage conservation area.</p> <p>The proposal does not involve any physical works, and will have no adverse heritage impacts.</p>
3.11 Transport and Parking	Yes	<p>The original proposal was likely to result in an unsustainable level of parking demand during evening peak periods. No detailed management strategies were proposed to mitigate the associated traffic impacts.</p> <p>The revised proposal will retain the existing capacity of the venue in the evening, and more effectively manage transport demand. This is further discussed under the heading Issues.</p> <p>The DCP recommends 10 bicycle spaces for the premises, being either Class B or C. These are already provided in the form of outdoor bicycle hoops. Council's Transport Planner has confirmed these remain appropriate for the revised restaurant operation.</p>

3. General Provisions	Compliance	Comment
3.15 Late Night Trading Management	Yes	<p>The premises trades before 7.00am and is therefore subject to the provisions of this section. It is a 'Category B - Low Impact Premises', which is not located within a designated late night trading area.</p> <p>The proposed operating conditions are therefore subject to a merit assessment. This is further discussed under the heading Issues.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	Yes	The existing building height will remain unchanged.
4.2.2 Building setbacks	Yes	The existing building setbacks will remain unchanged.
4.2.3 Amenity	Yes	The proposed development will not have unreasonable impacts on the residential amenity of neighbouring properties. Suitable acoustic privacy will be maintained, as discussed under the heading Issues.
4.2.6 Waste minimisation	Yes	An existing condition of consent will require compliance with Council's Policy for Waste Minimisation in New Developments. This requires the premises to appropriately manage all waste and recycling.

## Issues

### Transport and Parking

45. The site is located adjacent to a residential area, which has a number of residential flat buildings. As a result, there is generally a moderate to high uptake of street parking. The nearest regular public transport is the bus service down Glebe Point Road, which is approximately 370 metres from the site. As such, the site has a mix of existing transport constraints.

46. The application originally proposed a new patron capacity of 120 between 6.30am - 10.00pm. This was double the currently approved capacity of 60 patrons.
47. The proposal was subject to an assessment against relevant planning considerations, including:
  - (a) Aim of the Sydney LEP 2012 to ensure the pattern of land use and density in the City of Sydney reflects the capacity of the transport network and facilitates walking, cycling and the use of public transport.
  - (b) Objective of Section 3.11 (Transport and Parking) of the Sydney DCP 2012 to ensure that the demand for transport generated by development is managed in a sustainable manner.

#### Parking Survey

48. As the original 4.55 modification was not accompanied by supporting transport studies, a statement prepared by a suitably qualified consultant was requested by Council officers. The statement provided relied upon a parking survey prepared for D/2017/1701, and carried out during February and March 2018.
49. Council specialists assessing D/2017/1701 requested the survey measure parking demand at times corresponding with peak trading periods. These were identified as:
  - (a) Friday and Saturday evenings between 6.00pm - 10.00pm; and
  - (b) Saturday and Sunday mornings between 7.00am - 12 midday.
50. Surveys were conducted twice over a two week period on Friday and Saturday evenings, and Saturday and Sunday mornings. This totalled to four evenings and four mornings.
51. The following streets were included in the survey:
  - (a) Leichhardt Street to the intersection of Stewart Street;
  - (b) Stewart Street – all;
  - (c) Oxley Street – all; and
  - (d) Cook Street from the dead-end to Ricketts Ave.
52. An area within reasonable walking distance of the site (up to 300 metres) was specified, as identified in Figure 14. The survey identified 107 street parking spaces, with the following parking restrictions applying:
  - (a) Leichhardt Street (Red) - 64 spaces - Three spaces at the dead-end including one accessible space and two spaces subject to a loading zone (between 6.00am - 6.00pm Monday to Friday and 6.00am - 12 midday Saturday). Predominantly 2P parking on both sides on the remainder of the street.
  - (b) Oxley Street (Green) - 19 spaces - Predominantly 2P parking on both sides with approximately 20 metres of unrestricted parking on one side.
  - (c) Stewart Street (Yellow) - 0 spaces - No Stopping zones and driveways that restrict parking.

- (d) Cook Street (Purple) - 24 spaces - 2P at dead-end and on south side (with some sections of No Parking). No Parking on north side.

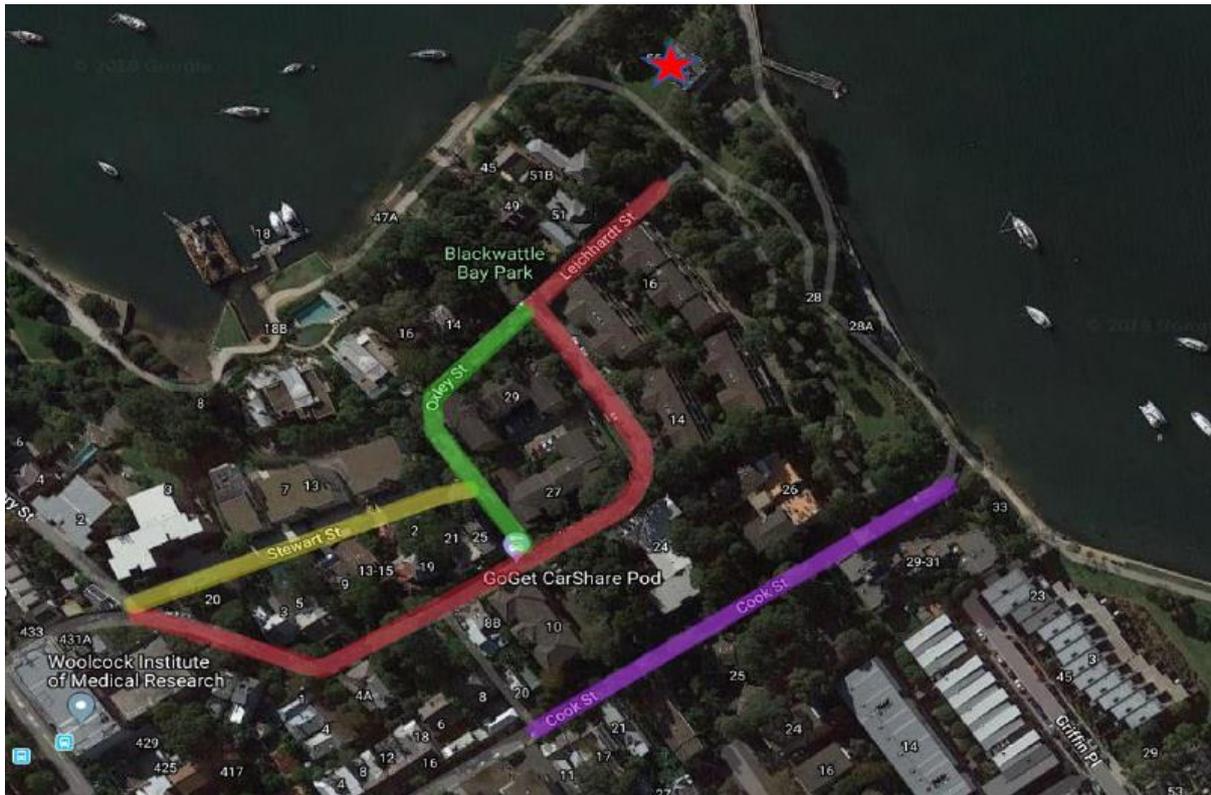


Figure 14: Map of surveyed streets (Traffix, 2018).

- 53. The tables below summarise the number of vacant parking spaces at the survey times, and include the average number of vacancies for each 15 minute interval:

	7:00am	7:15am	7:30am	7:45am	8:00am	8:15am	8:30am	8:45am	9:00am	9:15am	9:30am	9:45am	10:00am	10:15am	10:30am	10:45am	11:00am	11:15am	11:30am	11:45am	12:00pm
Sat 24 Feb	15	15	15	15	18	18	20	23	27	28	26	29	27	25	23	24	25	23	22	19	15
Sun 25 Feb	14	14	14	17	19	19	19	19	21	20	20	20	25	28	29	30	31	35	35	32	32
Sat 3 Mar	11	16	23	22	24	24	25	26	24	21	23	23	25	26	28	31	31	33	34	31	31
Sun 4 Mar	7	8	15	18	21	21	22	24	25	25	32	37	38	39	38	35	35	34	32	27	27
Average	11.75	13.25	16.75	18	20.5	20.5	21.5	23	24.25	23.5	25.25	27.25	28.75	29.5	29.5	30	30.5	31.25	30.75	27.25	26.25

Figure 15: Weekend morning vacancies (Traffix, 2018).

	6:00pm	6:15pm	6:30pm	6:45pm	7:00pm	7:15pm	7:30pm	7:45pm	8:00pm	8:15pm	8:30pm	8:45pm	9:00pm	9:15pm	9:30pm	9:45pm	10:00pm
Fri 23 Feb	22	22	20	21	24	23	22	21	20	18	17	16	15	10	12	14	14
Sat 24 Feb	16	16	14	18	17	16	16	18	13	9	7	8	9	10	11	10	11
Fri 2 Mar	40	41	37	34	31	31	27	22	19	14	13	8	8	6	6	7	7
Sat 3 Mar	26	23	19	16	11	9	8	7	5	6	8	8	9	7	6	4	6
Average	26	25.5	22.5	22.25	20.75	19.75	18.25	17	14.25	11.75	11.25	10	10.25	8.25	8.75	8.75	9.5

Figure 16: Friday and Saturday night vacancies (Traffix, 2018).

- 54. The following trends can be observed across the surveyed area:

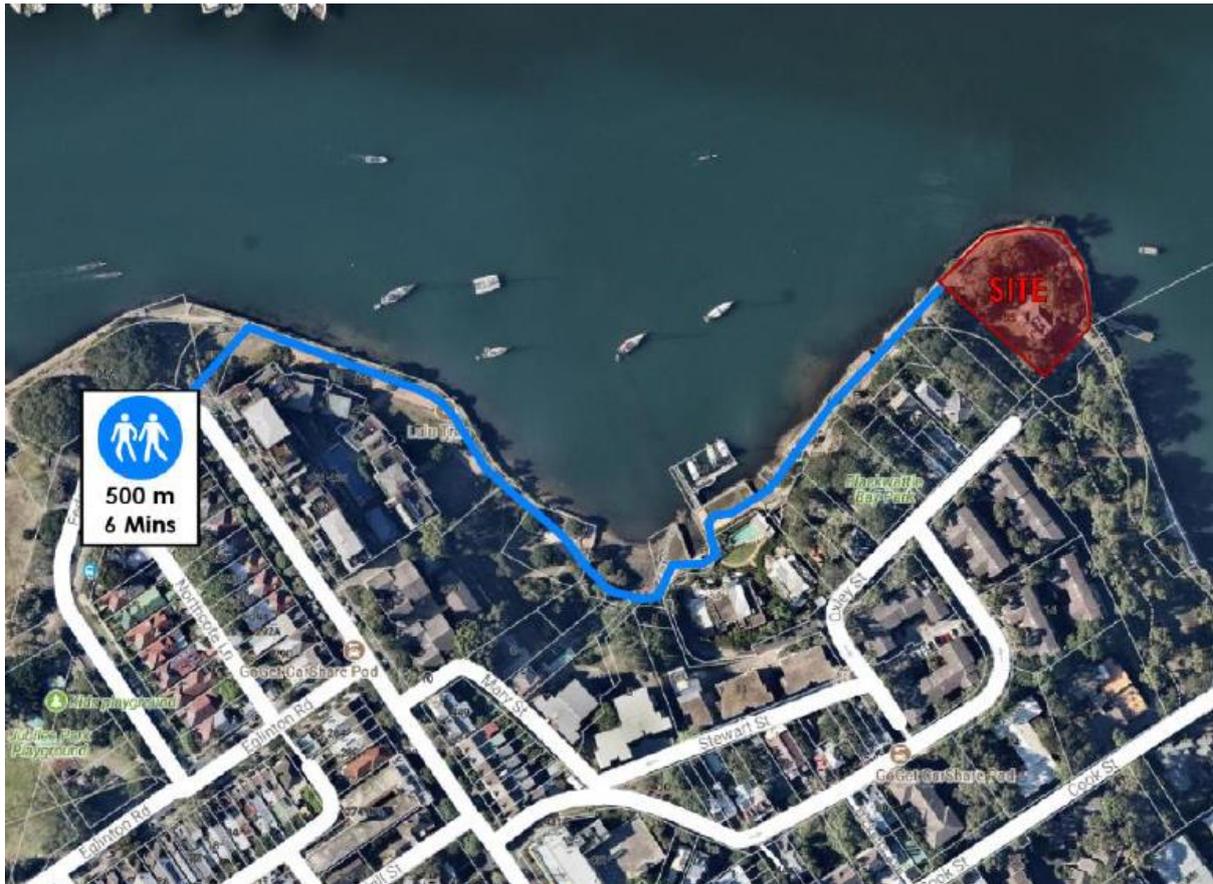
- (a) On Saturday and Sunday mornings, higher demand is experienced earlier in the day, which gradually increases until 11.15am before decreasing again. At 7.00am an average of 10.9% (11.75 spaces) of available parking is vacant, which increases to 29% (31.25 spaces) at 11.15am before decreasing.
- (b) On Friday and Saturday evenings the demand steadily increases until it peaks at 9.15pm, with an average of 8.25 spaces available. At 6.00pm an average of 24.3% (26 spaces) of available parking is vacant, which drops below 10% between 8.45pm - 10.00pm.

#### Measuring Parking Utilisation

- 55. As part of the abovementioned study, the consultant surveyed 26 patrons of the 'The Boathouse on Blackwattle Bay' restaurant about travel choices. This restaurant is located approximately 400 metres to the south of the site. The survey was carried out between 6.30pm and 8.30pm on a Friday evening. The survey claimed that 15% of patrons were the driver of a car parked near the site.
- 56. The applicant submits that through actively discouraging driving to the site, this percentage could be lowered to approximately 5%-10%. Given Bellevue House has limited access to public transport, it is considered unlikely that a driver percentage significantly below 15% could be achieved.
- 57. It is acknowledged that patrons arriving on a Friday night may favour taxi usage, associated with an intention to consume alcohol. However, equally it is considered that daytime patrons will be more likely to utilise active forms of transportation. The night time survey indicated an 8% uptake of active transportation, which would likely be higher at Bellevue House during daytime hours, having regard to its prominent position on the Glebe Foreshore Walk.
- 58. As previously held under preceding application D/2017/1701, 15% is regarded as the minimum plausible percentage of visitors driving to the site. It is noted that 15% refers to the number of car 'drivers', with 38% of visitors expected to arrive in cars that park near the site. An additional 23% are expected to be dropped off and/or in cars that park further away from the site.

#### Parking Assessment

- 59. The traffic statement prepared for this modification concluded the site could cope with a capacity of 120 patrons, however Council officers held the following reservations:
  - (a) The study was based on the assumption that 10% of restaurant visitors would drive to the site. As discussed above, it is unlikely that less than 15% of patrons would be driving to the site.
  - (b) Even with an estimated driver percentage of 10%, parking demand would still outstrip nearby supply after 8.00pm on weekend evenings.
  - (c) The proposed strategy of directing patrons to park at the end of Glebe Point Road during busier times was not well-resolved. There was no proposed mechanism for informing visitors of this opportunity.



**Figure 17:** Proposed walking route from Jubilee Park to Bellevue House (Traffix, 2018).

60. In line with these observations, Council's Transport and Access Unit did not support the proposal in its original form. Council Planning Officers were advised the proposed capacity could only be endorsed with the following solutions:
- (a) the preparation of a detailed Site Access Guide for patrons and staff;
  - (b) the implementation of an effective shuttle service to encourage parking further away from the site; and
  - (c) investigations into changing the existing loading zone at the end of Leichhardt Street, which expires at 6.00pm.
61. Following a planning assessment that concurred with the recommendations of the Transport Unit, Council officers consulted with the applicant. Instead of pursuing the higher capacity, the applicant elected to amend the application to retain a capacity of 60 patrons after 6.00pm.
62. Assuming 15% of visitors park a car within the survey area and the premises is fully staffed, there will be sufficient parking during the following peak times (on average):
- (a) between 8.00am and 12.00pm on weekend days; and
  - (b) between 6.00pm and 9.00pm on Friday/Saturday nights.

63. If the premises is operating at full capacity, parking shortages will remain before 8.00am on weekend mornings, and after 9.00pm on Friday and Saturday nights. However, it is considered highly unlikely that a capacity of over 78 persons (the limit of parking) will be reached at 7.00am in the morning. Additionally, it is not anticipated that visitors will be arriving for dinner at 9.00pm, with the later evening sitting more likely to begin at 8.00pm.
64. Having regard to relevant considerations, Council's Transport Unit supported the revised proposal. A recommended condition of consent will require the applicant to advertise the following on their website, and on any digital booking confirmation:
- (a) the limited parking conditions near Leichhardt Street;
  - (b) a recommendation that patrons park at the northern end of Glebe Point Road; and
  - (c) details of walking and cycling routes to the site.
65. This condition is intended to reduce reliance on cars parking within 300 metres of the site. It will also mitigate against minor shortfalls in the supply of parking spaces discussed above.
66. Having regard to relevant objectives of the LEP and DCP, the amended proposal is considered to suitably address relevant transport management issues. The site is uniquely constrained, largely due to existing residential flat developments concentrated within the Glebe Point area. The reduction of the evening capacity will substantially relieve parking pressures during high demand times, and will not result in unreasonable levels of transport demand.
67. This, in combination with a surplus of parking spaces through many of the operating times, renders the proposal acceptable.

### **Hours of Operation and Capacity**

#### Hours of Operation

68. Section 3.15 (Late Night Trading Management) of the DCP outlines the controls relating to hours of operation.
69. The provisions apply to premises that seek approval for trading hours between 10.00pm - 7.00am the following day, and for premises that seek approval for outdoor trading beyond 8:00pm.
70. The application proposes to operate between 6.30am - 10.00pm, Monday to Sunday. The associated capacity limits are proposed as follows:
- (a) capacity of 120 patrons between 6.30am - 6.00pm, with 30 seats indoors and 90 seats outdoors; and
  - (b) capacity of 60 patrons between 6.00pm - 10.00pm, with 50 seats indoors and 10 seats outdoors.
71. The site is located outside a designated late night trading area and is therefore subject to a merit assessment against the matters for consideration in Section 3.15.3 of the DCP. These are summarised in the table below:

Matter for Consideration	Comment
The location and context of the premises, including proximity to sensitive land uses.	<p>The site is located within a public park, adjacent to a residential area. The nearest residence is 38 metres from Bellevue House.</p> <p>An Acoustic Report confirms the original proposal of 120 people was capable of complying with Council's noise requirements for entertainment venues, subject to recommendations. This is further discussed under the heading Amenity.</p> <p>The nearest late night trader is the 'The Boathouse on Blackwattle Bay', which is 400 metres south of the site.</p>
The specific nature of the use	<p>During the day time (before 6.00pm), the venue will operate a café-style service on the lower level, and a restaurant on the upper level.</p> <p>During the evening (after 6.00pm), a restaurant will solely operate on the upper level.</p>
The existing hours of surrounding business uses	<p>There are no other business in the immediate vicinity.</p> <p>The 'Boathouse on Blackwattle Bay' has the most similar context to Bellevue House. Its hours of operation are between 10.00am - 12 midnight, Monday to Sunday.</p> <p>Another nearby use is the 'Glebe Point Diner', which operates between 7.00am - 8.00pm Sunday to Tuesday, 7.00am - 9.00pm Wednesday to Thursday and 7.00am - 12 midnight Fridays to Saturdays.</p>
The size and patron capacity of the premises	The proposed patron capacity is 120 between 6.30am - 6.00pm and 60 between 6.00pm - 10.00pm.
The impact of the premises on the mix/diversity of late night traders	The premises is the only late night trader in the vicinity of the site.
The likely operation of the premises during daytime hours	The premises will operate during daytime hours. As outlined previously, it will provide a casual café and more formal restaurant offering simultaneously.
A Plan of Management that seeks to address relevant impacts	A Plan of Management was submitted with the original modification, and revised in accordance with the amended capacity numbers.

Matter for Consideration	Comment
	It was reviewed by Council's Planning and Licensed Premises Officers, and deemed to meet all relevant criteria for a Category B premises.
The diversity of retail premises in the area	The premises is the only retail offering in the vicinity of the site.
Measures to be used for ensuring safety and crime prevention	The Plan of Management contains appropriate procedures for managing excessive alcohol consumption, anti-social behaviour and directing patrons towards a safe means of transport.
The accessibility and frequency of public transport at night	The 431 bus service operates down Glebe Point Road, until 11.00pm at night. The Plan of Management requires staff to be knowledgeable of various transport options.

72. Having regard to the above matters, the proposed hours are generally considered appropriate to the context of the site. Conditions of consent are recommended to require the following:
- (a) base indoor hours of 6.30am - 10.00pm;
  - (b) base outdoor hours of 8.00am - 8.00pm; and
  - (c) extended trial hours (outdoor) of 6.30am - 8.00am and 8.00pm - 10.00pm.
73. These hours will operate seven days a week, and be subject to an initial one year trial period. The implementation of the trial will also incentivise good management practice, allowing Council to periodically review the performance of the venue.
74. A trial period for the indoor operating hours is not considered necessary for the proposed indoor hours. The proposed hours, subject to conditions including restrictions on capacity, are considered appropriate to the locality and unlikely to result in significant amenity impacts.

#### Capacity

75. The revised capacity numbers can generally be supported, with the exception of an increased capacity before 7.00am.
76. Under the current consent, 30 patrons are permitted outside before 7.00am. It is proposed to increase this to 90, which may have adverse impacts on the amenity of nearby residential properties. As the proposed starting time already exceeds hours recommended in the DCP, a capacity increase before 7.00am is not supported.
77. To further incentivise the sound management of the venue, especially with regard to patron behaviour, a trial period is proposed for the daytime capacity limit.

78. A one year capacity trial period will correspond with the outdoor hours trial, and enable an annual review of the restaurant's operation practices. The trial capacity limit will commence from 7.00am. If the increased capacity is resulting in substantial impacts to neighbourhood amenity, Council may require the venue to revert to a permanent capacity of 60 patrons at all times.

### **Acoustic Impacts**

79. Pursuant to Section 4.2.3 of the DCP, commercial developments must protect the acoustic privacy of nearby residential properties.
80. An Acoustic Report prepared for the application confirmed the original proposal of 120 people was capable of complying with Council's noise requirement for entertainment venues. This requirement, known as the LA10 Noise Condition, restricts noise to existing background levels, plus 5 decibels.
81. The report indicated compliance was subject to the following:
- (a) Changes to the distribution of patrons on the upper terrace before 7.00am - this is no longer applicable, as conditions will not permit any changes to capacity before 7.00am.
  - (b) The restaurant operating with windows on the south-western façade closed - to be conditioned.
  - (c) Any background music in indoor areas not exceeding 75dB, when measured at 2 metres from the speaker - to be addressed through standard acoustic conditions.
82. Council's Environmental Health Officer has also reviewed the acoustic information, and supported the proposal subject to standard conditions.
83. Having regard to the above matters, the proposal will not have adverse impacts on the acoustic privacy of nearby dwellings and can be supported.
84. An aerial image, showing the location of the nearest residence, is provided below.



**Figure 18:** Distance to nearest residential property, south-west of site.

### Other Impacts of the Development

85. The proposed development is capable of complying with the BCA. As noted above, no physical works are proposed to the building as part of this modification.
86. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### Suitability of the site for the Development

87. The proposal is of a nature in keeping with the overall function of the site. The premises are surrounded by a public park and will provide a desirable amenity, while not resulting in unreasonable impacts to nearby residential uses.

### Internal Referrals

88. The conditions of other sections of Council have been included in the proposed conditions.
89. The application was discussed with Council's:
  - (a) Environmental Health Unit;
  - (b) Licensed Premises Unit;
  - (c) Transport and Access Unit; and
  - (d) Properties Unit.

90. The Environmental Health Unit supported the proposal, subject to recommended conditions of consent.
91. The Licensed Premises Unit also indicated support, subject to minor Plan of Management amendments. These have been addressed through various amendments and recommended conditions of consent.
92. Transport and Access reviewed the original proposal and sought further information to support 120 patrons during the evening. Following the amendment of the application, it was supported without being subject to further conditions.
93. Council's Properties Unit indicated that seven tables on the restaurant terrace were not within the existing lease boundaries. As all tables were within the subject site itself, this was not deemed a planning consideration. Following any approval, the applicant has been informed the additional tables cannot be used until an amended lease agreement is formulated.

### **External Referrals**

94. The application was referred to the NSW Police Force for comment. Police objected on the following grounds:
  - (a) the current operator is not fully established and the ongoing quality of management is uncertain; and
  - (b) alcohol consumption, in conjunction with the proposed capacity limits, may have amenity impacts on nearby residents.
95. As previously discussed, the amended proposal is considered unlikely to have significant impacts on residential amenity. A trial period for both the hours and capacity will incentivise good management by allowing a Council review after one year.
96. Conditions recommended by the Police have been included in the Draft Conditions of Consent.

### **Notification, Advertising and Delegation (Submissions Received)**

97. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. As such, the application was notified for a period of 14 days between 13 February 2019 and 28 February 2019. As a result of this notification there were 126 submissions received, with 33 in objection and 93 in support.
98. Following the amendment of the application, it was informally re-notified to submitters by email correspondence dated 3 April 2019. Submitters were provided with an additional 14 days to provide any further comments. A total of 37 new submissions were received, with 13 in objection and 24 in support. As these were all from previous submitters, they did not increase the total number referred to elsewhere in the report.

**Submissions in support noted the following merits of the proposal:**

- (a) Glebe residents have previously worked hard to save Bellevue House, and allowing it to fall vacant again would have an adverse heritage outcome, especially given Council's recent expenditure on restoration works.
- (b) The existing operational conditions are unreasonable and restrictive, and are affecting the viability of the business.
- (c) Residents would value the additional dining option, especially one operated by a reputable restaurateur.
- (d) Many nearby residents have not experienced adverse noise and traffic impacts from the existing operation.
- (e) The 'Boathouse on Blackwattle Bay' has operated for many years in a similar context, without generating any significant traffic or noise complaints.
- (f) The 'Tramsheds' also features late night uses in a residential setting, and has not generated significant resident opposition.
- (g) Access to modern rideshare services has resulted in less people relying on private cars to attend such venues.
- (h) As the use is a premium offering, the customers are less likely to behave in a loud and anti-social manner.
- (i) The development of a quality restaurant on the foreshore would align with similar efforts to revitalise the Bays Precinct, such as the new fish markets.
- (j) The proposed hours will activate the foreshore park later at night, and make it safer for those using the space.
- (k) Any amenity impacts should be seen as reasonable for an inner-city location.
- (l) The site's location on the foreshore walk will make active transportation a more attractive way to arrive at the site.
- (m) The proposal will support the City's vision for a vibrant night time economy.
- (n) Any reduction in car parking availability will encourage locals to use public transport more often, reducing car dependence. This is consistent with modern planning policy for western cities.
- (o) The restaurant has previously held community Christmas carols and an Australia Day event. These initiatives have had a positive impact on the cohesion of the community.
- (p) When Bellevue House was last vacant, there were issues with squatters and people engaging in anti-social behaviour. Security was a problem on a number of occasions. A viable business will prevent such issues.

**Response** - These issues, to the extent that they are relevant to an assessment under s 4.15 of the Environmental Planning and Assessment Act 1979, were considered by Council officers during the assessment of the application. Potential impacts, such as traffic and patron noise, were assessed against relevant planning controls. The amended proposal is recommended for approval.

**Submissions in objection noted the following concerns with the proposal:**

- (a) A previous modification removed the prohibition on bookings without public notification, which now permits functions to take place. As the restaurant could have an increased capacity, these functions will be larger and have greater impacts.

**Response** - The previous modification was deemed consistent with Section 4.55(1A) of Environmental Planning and Assessment Act. As such, it was not required to be publically notified. The removal of the booking condition does not permit the restaurant to operate as a function centre. The approved 'food and drink premises' use remains. A new condition will further ensure the venue's primary purpose is for the retail service of food. If the premises is not operating within the bounds of the consent, Council's Compliance Unit can investigate the operator and take appropriate action.

- (b) There is already a shortage of street parking around the site. The additional demand will exceed supply, and result in residents parking further away from their homes. This is particularly an issue during the evening.

**Response** - As previously discussed, the likely impacts to street parking availability were assessed by Council officers. The reduced night time capacity of 60 patrons will help relieve pressure on street parking demand. The amended proposal is consistent with relevant objectives of the LEP and DCP, and reasonably addresses parking issues associated with the uniquely constrained site.

- (c) Most of the surrounding flats have one off-street car parking space, but often have two cars amongst the occupants. This produces a heightened demand for street parking, which must be addressed.

**Response** - The reduction in evening capacity will significantly reduce demand for night time parking spaces, making more available for local residents. Patrons will be further discouraged from driving directly to the site entrance through recommended conditions of consent. Council officers consider these steps to reasonably address local parking concerns. Provision for one car parking space per unit is also generally consistent with Council's current controls for new residential flats.

- (d) Noise from loud patrons and increased traffic will have adverse impacts on residential amenity.

**Response** - Acoustic documentation provided with the application has confirmed the restaurant site will comply with relevant noise requirements. An existing condition of consent also requires the operator to ensure patrons are not detrimentally affecting the amenity of the neighbourhood. If this occurs, Council may direct the operator to employ security in order to manage patron behaviour.

The reduction in night time capacity will reduce potential evening traffic movements, and promote amenity during more sensitive hours. It is not anticipated that unreasonable amenity impacts will arise from the proposed capacity limits. Additionally, a trial period will be associated with the new daytime capacity limit. If the venue is not operating to Council's satisfaction, the venue may be required to revert to a capacity of 60 patrons.

- (e) Outdoor music and live entertainment will result in adverse impacts to residential amenity.

**Response** - Existing conditions of consent prohibit any outdoor music or live entertainment and are not being modified under this application.

- (f) The property is not within a designated late night trading area, demonstrating the hours are incompatible with the locality.

**Response** - Properties not within a late night trading area are subject to a merit assessment for operating hours. The proposed hours are considered appropriate to the nature of the site and use. The outdoor dining area will also be subject to a trial period, allowing Council to periodically review the operational performance of the venue.

- (g) Additional delivery trucks may cause amenity impacts. Conditions pertaining to the size and delivery hours of trucks may be hard for the operator to address, and difficult for Council to enforce.

**Response** - Council officers regard it as the operator's responsibility to comply with all conditions of consent. They are expected to liaise with food delivery and waste contractors, and clearly specify limits regarding truck size and arrival hours. If a non-compliance is substantiated, Council's Compliance Unit can investigate matters and take appropriate enforcement action.

- (h) The Plan of Management does not effectively detail the operator's complaint handling procedure.

**Response** - The Plan of Management is considered to adequately address relevant criteria specified in the DCP. If the restaurant is not operating appropriately, complaints can be forwarded to the operator who must log and action them. Any operational issues can also be forwarded to Council's Compliance Unit, who can investigate any operational concerns.

- (i) Due to the premium nature of the use, patrons may be less inclined to utilise public transportation. Private transport may be preferred, due to the sense of occasion.

**Response** - The survey data used to calculate the anticipated parking demand assumed the worst case scenario, with no utilisation of public transport. As this was from a small sample group, it is anticipated that some local visitors may utilise the Glebe Point Road bus service. Notwithstanding this, application has been assessed and conditioned to reflect a low level of uptake.

- (j) The increased capacity and hours will likely produce more instances of illegal parking.

**Response** - All staff and visitors will be required to comply with existing parking restrictions at all times. If breaches are noted, the City's Rangers can investigate illegal parking and take appropriate action.

- (k) The area is zoned residential, and does not have a commercial character. The existing and proposed uses are not compatible with the area.

**Response** - The site is zoned for Public Recreation, which does allow for food and drink premises. As such, the proposal complies with relevant land use restrictions and can be supported.

- (l) Any late night glass disposal will affect the acoustic privacy of nearby residents.

**Response** - An existing condition of consent restricts waste disposal to no later than 11.00am. A new condition will also require the premises to operate a glass crusher, meaning that smaller shards of glass will produce negligible noise during disposal.

- (m) As Council owns the property, a conflict of interest exists.

**Response** - The application will be determined by the Local Planning Panel. The panel is an independent committee and the decision making of the panel on development applications is not subject to the direction or control of the council. The panel members have no role in the management of Council's property portfolio.

- (n) Any requirement to park near Jubilee Park will be difficult to enforce.

**Response** - A recommended condition of consent will require the operator to electronically notify patrons of suggested parking locations. This can be readily enforced by Council, and is considered a reasonable means to encourage parking in more desirable locations. It is likely that regular patrons will familiarise themselves with the easiest parking locations over multiple visits, and be more likely to utilise Jubilee Park.

- (o) The premises does not have any suitable drop-off locations near the site.

**Response** - The existing loading zone at the end of Leichhardt Street will provide a drop-off location until it expires at 6.00pm. After this time, the patron capacity will remain unchanged. It is not anticipated that evening operations will cause any significant impacts to traffic conditions.

- (p) The suggestion that 10% of patrons will drive to the site and park within 300 metres is inaccurate.

**Response** - Council officers agree this percentage is unlikely to be achieved under current operational conditions. Parking issues have been assessed using a figure of 15%.

- (q) The paving of the existing lawn area will have an adverse impact on the heritage significance of the site.

**Response** - No physical works are sought as part of this application. Dining tables will be placed on existing paved areas.

- (r) The footpaths near the site are narrow and not well connected, and will result in pedestrian safety issues. This will most affect visitors accessing Glebe Point Road bus services.

**Response** - There is a continuous footpath between the premises and Glebe Point Road, which will provide for adequate levels of pedestrian safety.

- (s) Documents for previous applications, such as D/2017/1701, were not available to the general public for review.

**Response** - As indicated by Council officers during the application process, these could not be readily released due to copyright reasons. Interested parties were directed to Council's Access to Information facility.

- (t) The Traffic Report submitted with the modification assumed the restaurant will operate at varying levels of capacity, with 60% estimated for day to day usage. This may result in inaccurate parking calculations.

**Response** - Council's assessment of parking requirements assumed the premises would continuously operate at full capacity.

- (u) The Traffic Report submitted with the modification incorporated little details on the planned alternative parking strategy.

**Response** - Council officers agree that insufficient details were provided on this strategy. Rather than providing further information, the applicant elected to maintain the existing night time capacity of the premises. As previously discussed, this was considered to produce suitable transport management outcomes.

- (v) Vehicles turning around at the end of Leichhardt Street will result in a noise nuisance, traffic concerns and potential damage to property.

**Response** - A recommended condition of consent will inform visitors of the parking conditions near Leichhardt Street. Those arriving by private car will receive a recommendation to park at the end of Glebe Point Road. This in combination with a reduction in capacity during sensitive hours will promote reasonable neighbourhood amenity. It is not anticipated that the modification will result in notable increases to damage caused by turning vehicles.

- (w) The issue of any liquor licence to the premises is contrary to previous Council decisions.

**Response** - AHG Glebe already operates under an on-premises liquor licence. Decisions regarding the issue of licences fall under the jurisdiction of Liquor and Gaming NSW.

- (x) Any decision to allow an increase in capacity and operating hours would be contrary to the assessment in D/2009/1424, and independent reports prepared for that application.

**Response** - The issues assessed in the original application have also been considered in the current modification, having regard to the City's 2012 planning controls. The revised operating conditions have been assessed on their merits, and the application has been amended where required to manage adverse traffic impacts.

- (y) A parking study has been prepared by a submitter over the course of a weekend. It has demonstrated the streets have significantly less vacant parking spaces than what is represented in the parking study. The applicant's study also did not measure weekend afternoons.

**Response** - Council officers acknowledge that parking conditions are variable, and space availability may be subject to fluctuations. The Traffic Report, prepared by Traffix, was reviewed by internal transport specialists and deemed satisfactory. The supporting parking survey was conducted over multiple weekends, and administered by suitably qualified professionals. The survey times and study area were in accordance with advice provided by Council. The amended patron capacity for evening trade, in conjunction with mandatory visitor parking information, will reasonably manage local parking conditions in what is a uniquely contained site. The proposal, as amended, was also supported by Council's Transport and Access Unit.

- (z) The existing streets are narrow, and largely one way. These conditions may cause road safety issues for additional traffic.

**Response** - The existing local road network is deemed safe and appropriate for the usage proposed.

- (aa) The amended evening capacity will still result in adverse impacts on street parking conditions.

**Response** - As previously discussed, the amended application can be supported from a transport management perspective.

- (bb) The proposal is inconsistent with the Blackwattle Bay Park Plan of Management (1999) and the East Glebe Foreshore Plan of Management (2006). These must be considered in the assessment.

**Response** - The Plans of Management provide strategic direction for the administration of the City's public spaces, however are not matters for consideration in planning assessments under Section 4.15 of the Environmental Planning and Assessment Act 1979. Notwithstanding this, the proposed modification is regarded as generally consistent with relevant guidelines of these plans, which permit commercial activities compatible with the setting.

- (cc) If a café operating under existing operating conditions is not financially viable, Council should subsidise the business to protect residents against additional amenity impacts.

**Response** - Council's leasing arrangements with the operator are not a planning consideration. The application has been assessed on its individual merits and is recommended for approval, subject to conditions that address amenity concerns.

- (dd) Any weatherproofing of outdoor dining areas may have adverse heritage impacts.

**Response** - No physical works are sought in this application. Any future structures would require consent, and therefore be subject to a thorough heritage assessment.

- (ee) The increased capacity, in conjunction with the absence of a booking condition, will result in the premises becoming less of a local operation. This was not envisaged in the original application.

**Response** - The premises will continue to operate as a 'food and drink premises', which is permissible within the zone. The existing and proposed operational restrictions will ensure the premises continues to be appropriate to the context.

- (ff) The report for the 2009 application, prepared by Council, indicated that the Traffic Unit regarded the street parking conditions as 'problematic'. Furthermore, the report alluded to a condition that restricted operating hours to between 7.30am - 5.00pm daily.

**Response** - Council officers continue to acknowledge the site has limited street parking facilities. The proposal was assessed against relevant planning considerations, and amended to manage these unique constraints.

The report for the original application was prepared by an independent planning consultant, who did include the above hours in recommended conditions of consent. Councillors considered these hours too restrictive, and favoured a slight extension in response to strong support from locals using the foreshore in the morning and evening. It is recommended that the subject modification includes a series of new conditions, to further protect current residents against any adverse amenity impacts.

### Public Interest

99. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### Threshold Test

100. The development as proposed to be modified is considered substantially the same as that approved.

### **S7.11 Contribution**

101. The development is not subject to a S7.11 development contribution as it will not increase the gross floor area of the existing use.

### **Relevant Legislation**

102. Environmental Planning and Assessment Act 1979.
103. Heritage Act 1977.

### **Conclusion**

104. Bellevue House is currently approved and used as a food and drink premises, with a capacity of 60 patrons between 6.30am - 6.00pm, or until 8.00pm during daylight savings time.
105. The application proposes changes to the operational conditions for the food and drink premises. The proposed operating hours are 6.30am - 10.00pm, Monday to Sunday. It is proposed to increase the capacity to 120 patrons between 6.30am - 6.00pm, and operate a patron capacity of 60 between 6.00pm - 10:00pm.
106. The Traffic Report submitted with the application, and the subsequent assessment by Council's Transport and Access Unit indicated the amended proposal will suitably manage transport demand. This has been achieved by the reduction in evening patronage, and the imposition of recommended conditions.
107. The proposal will maintain acoustic privacy to nearby residential uses. Documentation provided with the application demonstrates the venue will comply with Council's standard noise criteria, subject to conditions that set stringent noise criteria, and limit capacity increases before 7.00am. The imposition of trial periods will also incentivise good management of the premises, and allow Council officers to periodically review the operation of the venue.
108. As such, the application can be supported and is recommended for approval.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Lyle Tamlyn, Planner