

## Relevant Information for Local Planning Panel

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**FILE:** D/2024/620 **DATE:** 16 October 2024

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, Executive Manager Development

**SUBJECT:** Information Relevant To Item 4. Development Application: 353-359 Crown Street, Surry Hills – D/2024/620

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### Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2024/620, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 16 October 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

#### Condition 2:

(2) ~~NO FOOD PREPARATION (PRE-PACKAGED FOODS ONLY)~~

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

**Reason**

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

#### Condition 11:

(11) **CESSATION OF SERVICE**

The premises may be open for business only between the operating hours in the condition above. The operator must cease providing alcohol ***to be consumed*** at the premises 30 minutes before the required closing time.

**Reason**

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

## Background

On 14 October 2024, the applicant wrote to the Local Planning Panel, requesting the Panel resolve to revise the wording of Condition 2 and Condition 11 to better reflect the intended operations of the premises.

On 15 October 2024, the applicant emailed a further request to the assessing planner, requesting that Condition 2 be deleted altogether.

The applicant's suggestion that Conditions 2 be deleted and that Condition 11 be alternatively worded is supported.

### Condition 2: No Food Preparation (Pre-Packaged Foods Only)

Condition 2 is a food safety condition that can be recommended for development applications in circumstances where no mechanical ventilation or no commercial kitchen is provided within the subject premises.

The condition was included in the Recommended Conditions of Consent by the assessing planner to clarify that no cooking may be carried out on-site and that only food prepared off-site may be offered to patrons.

The applicant's suggestion that the condition be deleted is supported. The wording of the condition is overly restrictive, requiring food to be served or sold '*in the supplier's original packaging*'.

The applicant intends to provide light food offerings, including cheese, fruit, and meat platters. These may be served by trained hospitality staff, without compromising food safety.

The applicant has clarified that when required, the reheating of food is intended to be carried out using a microwave oven or toaster. This is acceptable, noting Condition 25 (No Mechanical Ventilation – Approved Equipment List) requires the applicant to provide a list of cooking and food heating equipment to be used within the premises.

Condition 25 has the effect of preventing 'cooking' within the premises, which is defined as the process of changing any food from raw to cooked by applying heat.

It is recommended consideration be given by the Panel to delete condition 2.

### Condition 11: Cessation of Service of Alcohol

Condition 11 is standard condition able to be applied to licensed premises. The condition requires the service of alcohol to cease 30 minutes before closing time.

The condition was included in the Recommended Conditions of Consent by the assessing planner to clarify that patrons must be given sufficient time to finish drinks purchased within the premises, so that they may leave no later than the permitted hours of operation.

The applicant's suggested wording can be supported, noting the primary purpose of the premises is as a boutique wine store with ancillary service of alcohol (28 internal seats).

It is reasonable for a patron to purchase take away alcohol for consumption off the premises, within the permitted hours of operation and in accordance with the intended 'full hotel' license.

The applicant has clarified that they accept the service of alcohol for consumption within the premises (for seated patrons) should cease 30 minutes prior to the cessation of the permitted hours of operation.

The applicant has further clarified there is an error on page 2 of their letter to the LPP dated 14 October 2024, whereby they state the sale of packaged liquor for takeaway will cease at 10:00pm, daily.

The requested hours of operation are until 11:00pm, Monday to Saturday and 10:00pm, Sundays, and the applicant intends to sell packaged liquor for takeaway up until those times.

It is recommended consideration be given by the Panel to adopt the above suggested re-wording of condition 11.

Prepared by: Adrian McKeown, Senior Planner.

## **Attachments**

- Attachment A.** Letter from the Applicant to the Local Planning Panel, dated 14 October 2024, requesting review of Recommended Conditions of Consent (Conditions 2 and 11).
- Attachment B.** Email from Applicant to Planner, dated 15 October 2024, requesting deletion of condition 2.

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Approved



**ANDREW THOMAS**

Executive Manager Development