

Attachment A

**Letter from Applicant to the LPP Requesting
Review of Recommended Conditions of
Consent**

14 October 2024

The Chair
City of Sydney Local Planning Panel
City of Sydney Council
GPO Box 1591
Sydney NSW 2000

Sent via email: secretariat@cityofsydney.nsw.gov.au

Dear Chair

RE: ITEM NO. 4: DEVELOPMENT APPLICATION: 353-359 CROWN STREET, SURRY HILLS - D/2024/620

We write in regard to the abovementioned Development Application (D/2024/620) listed as Item No. 4 that will be considered by the City of Sydney Local Planning Panel (Panel) at the Panel Meeting on Wednesday, 16 October 2024, "for the fitout and use of the subject tenancy as a food and drink premises (under a Full Hotel License) to be known as 'Good Pair Days'. Milestone (AUST) Pty Limited (Milestone) acts as the Applicant on behalf of Wine Gallery Pty Ltd (Good Pair Days) and we refer to Council's Assessment Report including the recommended 38 conditions of consent and respectfully request that the Panel revise Condition 2 and Condition 11 as outlined below. We confirm that all other conditions are supported.

Proposed Revision of Condition 2 – No Food Preparation (Pre-packaged Foods Only)

Milestone provides the following revised Condition 2 (changes shown in **red**), for the consideration of the Panel:

(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 prepared off-site by a supplier.***

Reason

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

There will be no cooking carried out within the subject tenancy, including for events. All light food offerings will be pre-prepared by external suppliers and delivered to the premises. Light food offerings will include cheese, fruit, and meat platters, and when any heating or toasting of food is required, this will be carried out via a microwave oven or toasting, as noted within the Proposal Summary of Council's Assessment Report on page 2, and in the Plan of Management dated September 2024, prepared by Milestone.

The current wording of Condition 2 states that food must be sold and served in the supplier's original packaging, which limits the ability to assemble food platters, as well as serve food that is prepared off-site and taken out of its original packaging for re-heating. Milestone received confirmation from Adrian McKeown, Senior Planner at City of Sydney Council (Council) over the phone on 14 October 2024, that the intention of Condition 2 is not to restrict the serving of food taken out of its original packaging and is a standard Council condition imposed on food and drink premises that do not have full kitchens and do not have mechanical ventilation equipment. On this basis, we kindly request that the Panel revise the wording of Condition 2 to reflect the proposal's operations.

Proposed Revision of Condition 11 – Cessation of Service

Milestone provides the following revised Condition 11 (changes shown in **red**), for the consideration of the Panel:

(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.

Section 3.2 of the Plan of Management dated September 2024, prepared by Milestone for the Good Pair Days store, states the premises will trade between the following hours:

- Mondays to Saturdays 7:00am to 11.00 pm
- Sundays 7.00am to 10.00 pm

The hours for the sale of packaged liquor for takeaway will be as follows:

- Mondays to Sundays 10.00am to 10.00pm

As it reads, Condition 11 requires the operator to cease providing alcohol at the premises 30 minutes before the required closing time (11:00pm, Monday to Saturday, and 10:00pm, Sunday). This condition does not distinguish between the sale of alcohol to be consumed on-site and the sale of packaged liquor (takeaway). Therefore, the sale of packaged liquor is also restricted to 9:30pm on Sundays, which is 30 minutes earlier than what is sought, to 10:00pm.

Milestone also discussed this matter with Adrian McKeown of Council, over the phone on 14 October 2024, who agreed that there had been an error and Condition 11 should be specific to the sale of alcohol for on-premises consumption and therefore allow for the sale of packaged liquor until 10:00pm on Sundays. Therefore, we kindly request that the Panel revise Condition 11 to reflect this.

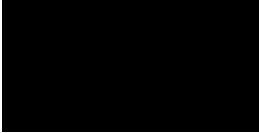
SUMMARY

We respectfully request that the Panel resolve to revise both Condition 2 and Condition 11 to reflect the operations of the Good Pair Days store.

We thank the Panel for their time and review of this submission.

Yours sincerely

Milestone (AUST) Pty Limited



Luke Signoretti
Associate