



STATEMENT OF ENVIRONMENTAL EFFECTS

Modification Application to Extend Trade at the Gaming Room and Adjoining Bar to 4:00am

31 HOWARD ROAD, PADSTOW NSW 2211
LOT 783 OF DP 804337

June 2025
150578.175



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Statement of Environmental Effects

Prepared for Canterbury-Bankstown Council

By Design Collaborative on behalf of JDA Hotels

Modification Application

Under Part 4, s 4.55 of the *Environmental Planning and Assessment Act, 1979*

31 Howard Road, Padstow NSW 2211

Lot 787 of DP 804337

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Declaration

I declare that this Statement of Environmental Effects contains all information relevant to the application and that the information contained in this assessment is neither false nor misleading.

Signature:



Date: 24 June 2025

Versions

Version History				
Issue	Date	Description	Prepared	Reviewed
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Annexures			
No.	Title	Prepared by	Date
1.	Acoustic Report	Renzo Tonin & Associates	10 June 2025
2.	Padstow Park Hotel Plan of Management	Design Collaborative	June 2025
3.	Hotel Liquor Licence LIQH400104510	Independent Liquor & Gaming Authority	31 May 2023

1. Introduction and Executive Summary

1.1. Proponent

The Padstow Park Hotel (**the Hotel**) is owned and operated by JDA Hotels. They are an experienced operator of licensed venues across NSW, Queensland and Victoria. Examples include the General Gordon Hotel and Great Southern Bar. JDA Hotels aims to deliver safe, high-quality venues which create lively community-centric hubs with excellent food, drink, socialisation and entertainment.

1.2. Subject Site and Surrounding Area

The Hotel is located at 31 Howard Road, Padstow (**the Subject Site**) and is legally described as Lot 783 of Deposited Plan 804337. The Subject Site is roughly 2722sqm in an irregular shape. It has a main frontage of 57m to Howard Road and is bound by Stephens Lane and Shoults to the rear.

The Subject Site is improved by the Hotel, a two-storey pub built to the street front boundary line. An on-site surface carpark is provided in association with the Hotel. There is also an attached bottle shop on the Subject Site which is outside the scope of the Application. The Hotel's present hours of operation are:

- Entire Hotel: 10:00am to 12:00am (midnight) Monday to Sunday.
- Gaming Area, TAB and Adjoining Bar 10:00am to 2:00am (the next day) Monday to Saturday and 10:00am to 12:00am (midnight)
- Bistro (indoor and outdoor): 10:00am to 10:00pm Sunday

The Subject Site is located within Padstow local centre, immediately south of Padstow Train Station. Surrounding development consists of a diverse mix of commercial, retail, office, and residential development. The built form is typically one and two storey shops and detached dwelling houses. There are also several low-rise residential flat buildings and shop-top housing developments within the locality. The nearest residential receiver is understood to be 29 Howard Road.

1.3. The Application

The Application proposes to amend development consent **DA-1051/2019** by way of s. 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**). The Application seeks the permit Gaming Area, TAB and adjoining bar to trade 10:00am to 4:00am (the next day) Monday to Sunday and adopt a new Plan of Management. The trading hours of all other areas are to remain unchanged. A summary of the existing and proposed trading hours is shown in Table 1 below.

Padstow Park Hotel Hotel Trading Hours		
Area	Base Trading Hours	Extended Trading Hours
Entire Hotel	7:00am to 12:00am (midnight) Monday to Sunday	No Change
Gaming Area, TAB and Adjoining Bar	10:00am to 2:00am (the next day) Monday to Saturday 10:00am to 12:00am (midnight) Sunday	10:00am to 4:00am (the next day) Monday to Sunday
Bistro (indoor and outdoor):	10:00am to 10:00pm Monday to Sunday	No Change.

Table 1: Padstow Park Hotel Existing and Proposed Trading Hours

The Hotel will continue to operate in accordance with **DA-1051/2019**, Plan of Management (**Annexure 1**) and Liquor Licence (**Annexure 2**). As detailed below, there are robust mechanisms to

ensure the Hotel will operate without unduly disturbing the quiet and good order of the neighbourhood.

The Application reflects the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 (the Vibrancy Reforms)*, which seeks to eliminate burdensome and duplicative regulation of licensed venues to encourage a stronger, more vibrant night economy. The Application will facilitate the Hotel's registration and operation as a live music venue.

As a live music venue, the Hotel will provide a minimum on average two live performances greater than 45 minutes after 8:45pm weekly. On nights live performance is provided, the Hotel's licensed trade is automatically extended two hours which will match the trading hours sought by the Application.

Operation as a live music venue with extended trade will strengthen the Hotel's economic viability and employment demand. Patrons will be offered an improved dining and socialisation experience with the option of a later stay. The overall outcome of the Application being the growth of the night-economy and creative-economy.

1.4. Statutory Context and Permissibility

Sections 5 and 6 of this Statement undertake an assessment of the Application as required using the heads of consideration under s 4.15(1) of the *EP&A Act*. The Subject Site is zoned B2 – Local Centre, on which **pubs** are permissible. The Statement considers the *Canterbury-Bankstown Local Environmental Plan 2023 (the LEP)* and *Canterbury-Bankstown Development Control Plan 2023 (the DCP)* and finds the Application to be permissible, subject to approval from Canterbury-Bankstown Council (**the Council**).

1.5. Evaluation of Merits and Recommendations

Likely Impact Summary Recommendations	
Potential Impact	Assessment / Comment
Noise	<p>Satisfactory.</p> <p>The potential acoustic impact of operation till 4:00am within a portion of the Hotel is addressed by the Acoustic Report prepared by Renzo Tonin at Annexure 1. It projects compliance with all relevant acoustic criteria. Additional detail is provided in 7.1 Noise below.</p>
Social Impact	<p>Satisfactory.</p> <p>The Hotel is capable of mitigating social impacts arising from extended trade through strict implementation of the robust Plan of Management at Annexure 2.</p>
Traffic and Parking	<p>Satisfactory.</p> <p>Compliance with the DCP is achieved.</p>
Waste and Recycling	<p>Satisfactory.</p> <p>Compliance with the DCP is achieved.</p>

Table 2: Likely Impact Summary and Recommendations

The Application seeks operational changes and does not propose physical work. It will not result in a significant intensification of operations or unduly affect the amenity of nearby sensitive land uses.

This Statement concludes that there is no sound town planning reason why development consent should not be granted to the Application as proposed.

1.6. Document Structure

1. Introduction and Executive Summary

Introduces the Application, providing the relevant background information, justification and overview of likely environmental impacts and legislative compliance.

2. Site and Surrounding Area

Describes the environmental and regional context for the Subject Site, including the built environment and surrounding land uses including any designations (such as zoning) or risk factors (such as flooding or bushfire) identified under policy documents relevant to the Application.

3. The Application

Provides a detailed description of the Application including an explanation of intended outcome and proposed modification wording.

4. Statutory Context

Presents a summary of the relevant statutory context for development applications made under Part 4 of the *EP&A Act* and addresses relevant jurisdictional matters. This section also details other legislation relevant to the assessment of the Application.

5. Planning Instruments

Undertakes an assessment of the Application against applicable State and Local Environmental Planning Instruments.

6. Development Controls

Undertakes an assessment of the Application against applicable provisions of the relevant local Development Control Plan.

7. Environmental Impact Assessment

Undertakes an assessment of the potential environmental, social and economic impacts and details recommended conditions of consent to ensure management, mitigation, and monitoring methods.

8. Conclusion

Evaluates the Application's merits in light of its social, economic and environmental impacts and strategic context and concludes whether approval of the Application is recommended.

2. Site and Surrounding Area

The Subject Site addressed as 31 Howard Road, Padstow and is legally described as Lot 783 of Deposited Plan 804337. It is located at the junction of Howard Road and Stephens Lane, while being bounded by Shoults Lane to the rear. The Subject Site's is roughly 805sqm in an irregular shape and has a main frontage of 58m to Howard Road.

The Subject Site and its immediate surrounds are shown in **Figure 1** below.



Figure 1: Subject Site (red) & Surrounds (source: nearmap; dated 20 January 2025)

The Hotel is two-storeys. The ground floor contains a bistro, with attached outdoor terrace/courtyard, sports bar, with attached terrace, bar/tab, gaming room, and back-of-house. A ground floor bottleshop adjoins the Hotel, but is not within the scope of the Application. The first floor contains overnight-accommodation.

An on-site carpark provides 20 parking spaces and is shared between the Hotel and bottleshop. The carpark can be accessed from both Howard Road and Stephens Lane.

The Hotel operates under **DA-1051/2019**. It's approved trade under the *EP&A Act* is outlined in **Table 1** and **Figure 2** below.

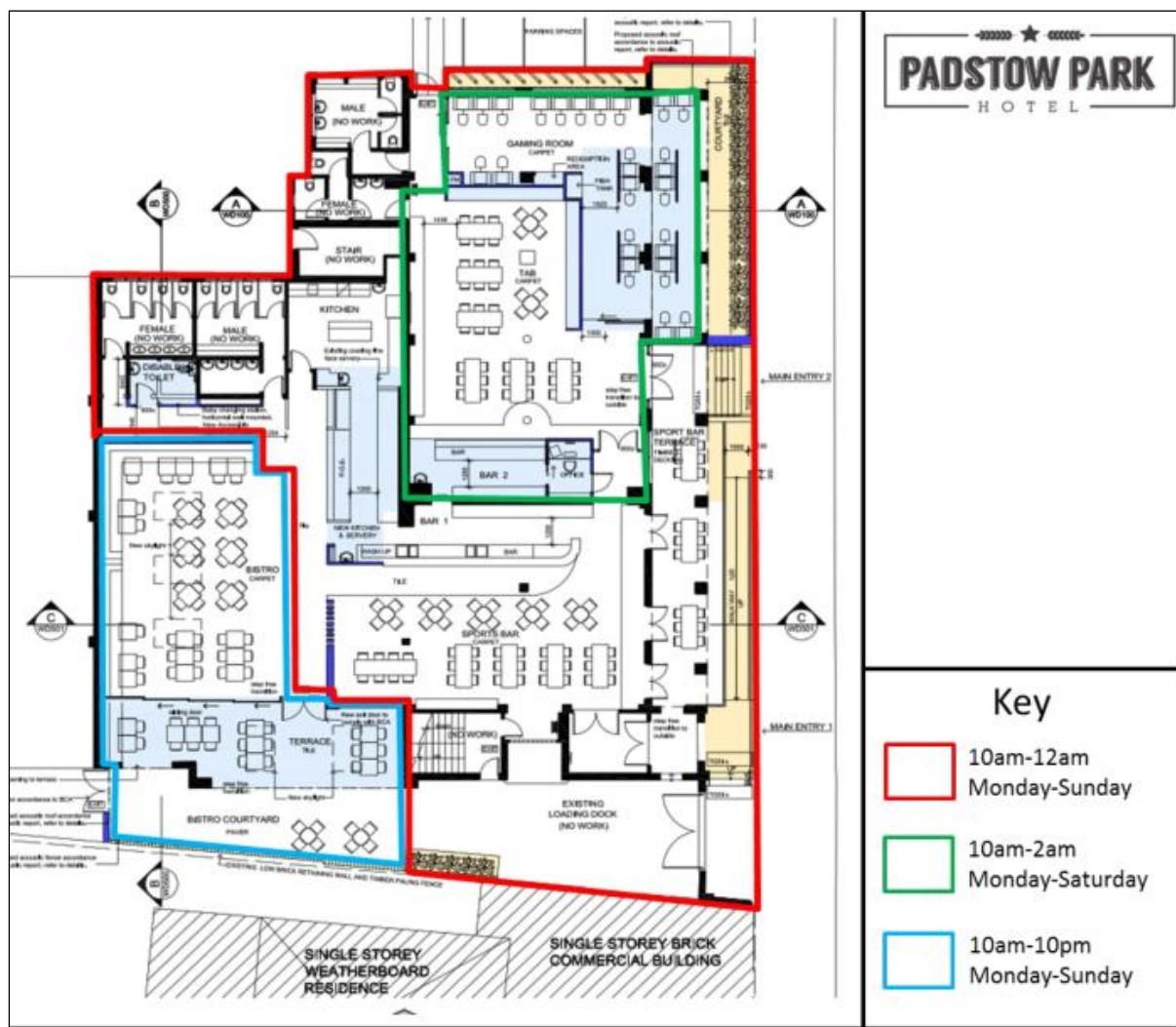


Figure 2: Indicative Hotel Floorplan with Approved Trade (markup: DC; dated 19 February 2025)

The area subject of the Application, the gaming room and adjoining TAB and bar is shown in green. It is subject to a 30 patron capacity and closure of the carpark after midnight which is replicated in the updated Plan of Management at **Annexure 2**.

The Subject Site is located within the Padstow local centre. The DCP provides the following summary of Padstow's desired character:

"Active street frontages along the main streets (Howard Road and Padstow Parade) will create a vibrant streetscape where there is day and evening activity, and where shops and restaurants will stay open longer."

Surrounding development consists of a diverse mix of commercial, retail, office, and residential development. Built form is typically low-rise with occasional residential flat buildings and shop-top housing in the local centre. The nearest residential receivers are understood to be the shop-top dwellings located opposite the Subject Site at 18 Howard Road, Padstow.

The Subject Site located approximately 150m from Padstow Train Station and associated bus interchange. Its location within a town centre also makes it convenient to access by active transport for local residents.

2.1. Relevant Planning and Land Use History

Recent development history is summarised below. Development consents which do not include operational restrictions are excluded.

DA229/88 was granted consent on 15 June 1988 for extensions and internal refurbishment. Condition (j) restricted trading hours on Sunday to between 10:00am and 8:00pm.

DA586/2015 was granted consent on 8 July 2015 for alterations and additions. Condition 35 restricted operation to between 10:00am and 12:00am Monday to Saturday and 10:00am and 8:00pm Sunday. The application was accompanied by an Acoustic Report.

DA586/2015/1 was granted modified consent on 19 January 2016 to adopt amended Architectural Drawings, and correct the trading hours of the gaming room, TAB, and associated bar to 10:00am to 10:00pm on Sunday.

DA-738/2016 was granted consent on 17 March 2017 to extend the trading hours of the gaming room, TAB, and associated bar from 12:00am to 2:00am Monday to Saturday. The application was accompanied by an Acoustic Report dated 4 December 2015 projecting inaudibility from these areas after midnight.

DA-738/2016/1 was granted consent on 4 March 2019 to continue the extended hours approved by **DA-738/2016**.

DA-1051/2019 was granted approval on 20 April 2020 to consolidate all hours of operation under a single development consent, extend Sunday trade from 10:00pm to 12:00am, and adopt a new Plan of Management. The hours of operation were approved on a permanent basis.

2.2. Relevant Land Use Mapping

2.2.1. Environmental Planning Instruments

Applicable Planning Considerations	
Planning Layer	Standard or Description
Zoning	E1 - Local Centre
Height of Building	26m
Floor Space Ratio	3:1
Minimum Lot Size	Does not apply.
Heritage Item / Heritage Conservation Area	Does not apply.
Additional Permitted Uses	Residential Flat Buildings
Active Street Frontage	Applies.
Activity Hazard Area	Area 1
Aircraft Noise	Does not apply.
Acid Sulfate Soils	Class 5.
Design Excellence	Does not apply.
Flood	Applies. See Figure 3 .
Riparian Land / Waterway	Does not apply.
Bushfire	Does not apply.
Biodiversity	Does not apply.
Landslide Risk	Does not apply.

Applicable Planning Considerations	
Planning Layer	Standard or Description
Public Acquisition	Does not apply.
Regulated Catchment	Georges River Catchment.
Classified Road	Does not apply.

Table 3: Environmental Planning Instrument Mapping Summary

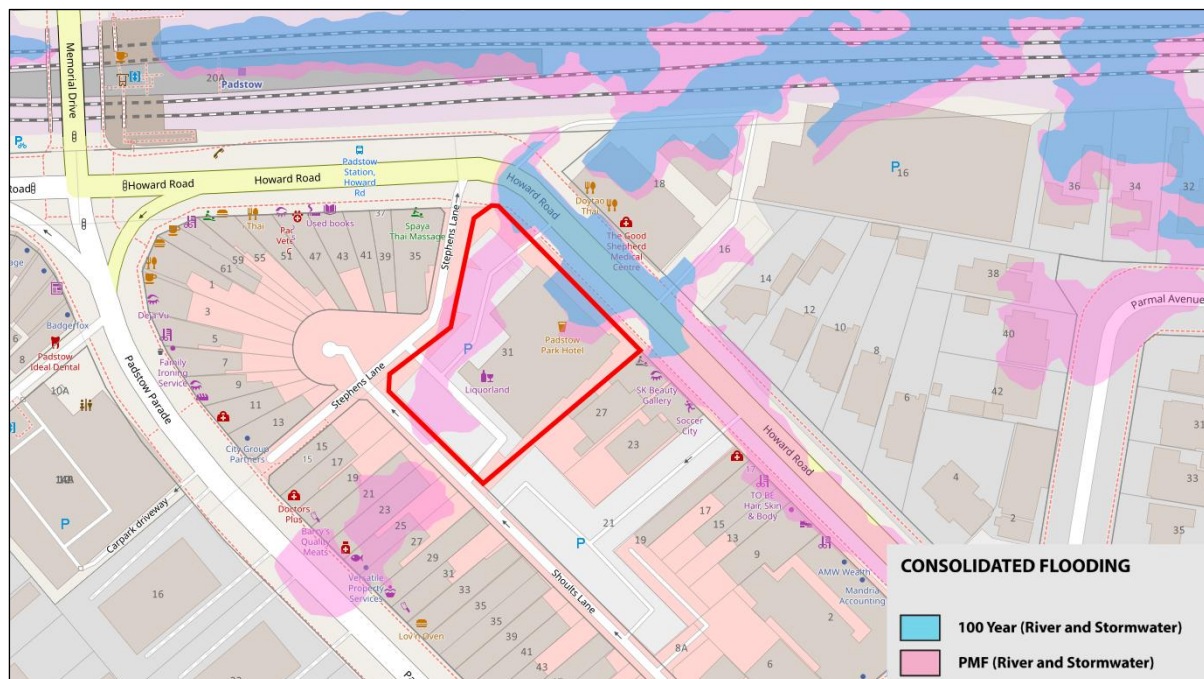


Figure 3: Flood Mapping (source: Canterbury-Bankstown Council; accessed 29 January 2025)

3. The Application

The Application proposes the following modification to DA-1051/2019 by way of s. 4.55(2) of the EP&A Act to permit trade to 4:00am at a portion of the Hotel's ground floor and adopt a new Plan of Management consistent with the Application.

Proposed modification wordings are indicated with ~~striketrough~~ for deletion and **bold** for new text.

4) *The hours of operation are restricted to:*

- *Entire hotel - 10am to 12am Monday to Sunday,*
- *Gaming Area, TAB and adjoining bar - 10am to ~~2am~~ **4am** Monday to **Sunday** ~~Saturday and 10am to 12am Sunday;~~*
- *Bistro (indoor and outdoor) - 10am to 10pm Monday to Sunday.*

5) *The plan of management submitted in support of this application prepared by Design Collaborative Pty Limited, titled 'Plan of management for the operation of Padstow Park Hote, located at 31 Howard Road, Padstow, dated ~~December 2019~~ **June 2025** forms part of this development consent.*

There are no changes proposed to other mitigation measures found in **DA-1051/2019** or the updated Plan of Management. Entertainment and noise provisions which have ceased to have effect with the Vibrancy Reforms have been deleted from the Plan of Management. The proposed modifications will leave **DA-1051/2019** substantially the same development consent as that originally granted.

The Hotel's liquor licence (**Annexure 3**) permits licensed trade till 2:00am at the Gaming Room and adjoining TAB/Bar. The Hotel intends to operate as a live entertainment venue which permits an additional two hours of licensed trade on nights the Hotel provides live performance. The live performance need will not be after midnight, but must be after 8:00pm. Additional detail is provided in **4.6 The Vibrancy Reforms** below.

The proposed extended trade till 4:00am will not unduly disturb the quiet and good order of the locality. There is an extensive array of mitigation measures and processes in place under the Plan of Management, **DA-1051/2019** and the *Liquor Act 2007* (**the Liquor Act**) to protect local amenity. Additional detail is provided below.

4. Statutory Context

The following table lists the mandatory planning considerations required under the *EP&A ACT* and where in this Statement they are addressed.

Mandatory Planning Considerations		
Section / Clause	Consideration	Reference
Environmental Planning and Assessment Act, 1979 – Version for 13 December 2024		
4.3	Permissible or prohibited development.	5.3.1
4.10	Designated development. Refer to definitions under cl 7 and sch 3 of the Environmental Planning and Assessment Regulation 2021.	N/A
4.13	Requirement to consult or seek concurrence under an Environmental Planning Instrument.	N/A
4.14	Bushfire prone land.	N/A
4.15(1)(a)(i) Planning Instruments	State Environmental Planning Policy (Resilience and Hazards) 2021	5.1
	State Environmental Planning Policy (Biodiversity and Conservation) 2021	5.2
	Canterbury-Bankstown Local Environmental Plan 2023	5.3
4.15(1)(a)(ii)	Draft environmental planning instrument.	4.1
4.15(1)(a)(iii)	Development Control Plan – Canterbury-Bankstown Development Control Plan 2023	6
4.15(1)(a)(iia)	Planning Agreements	N/A
4.15(1)(a)(iv)	Any regulation prescribed for the purpose of this paragraph.	4.2
4.15(1)(b)	The likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	7
4.15(1)(c)	The suitability of the site.	4.3
4.15(1)(d)	Any submissions made in accordance with the EP&A Act or regulations.	4.4
4.15(1)(e)	The public interest.	4.5
4.47	Before granting consent to integrated development a consent authority must obtain general terms of approval from the relevant body. If general terms are refused, the consent authority must refuse the application.	N/A
4.55(2)	Modification of development consent	3
4.55(2)(a)	Substantially the same development as development consent was originally issued.	3
Environmental Planning and Assessment Regulation, 2021 – Version for 13 December 2024		
Schedule 7	Information to accompany a development application.	Application Form
Contributions Plans		
7.12 EP&A Act	Canterbury-Bankstown Local Infrastructure Contributions Plan 2022	Nil.

Table 4: Statutory Planning Considerations Outline

4.1. Draft Environmental Planning Instruments

There is a planning proposal (PP-2024-684) to adopt new enterprise zoning within the LEP at the finalisation stage. It is unknown when the amended LEP will be gazetted, but the planning proposal has been with the Department of Planning Housing and Infrastructure since 19 December 2024 for final drafting.

Under the amended LEP, the Subject Site's zoning will be E1 – Local Centre as opposed to B2 – Local Centre. The findings of **5.3.1 Land Use and Permissibility** will remain unchanged.

4.2. The Regulation

There is no matter prescribed by the *Environmental Planning and Assessment Regulation 2021* for the purposes of s. 4.15(1)(a)(iv) of the *EP&A Act* relevant to the Subject Site or the Application.

4.3. Suitability of the Site for Development

The Application relates to an existing, long-standing building and land use. It is connected to all necessary services for power, water, waste disposal and public amenities as approved.

4.4. Public Submissions

Public submissions are a matter for the consent authority to consider in the assessment of the Application. The Applicant may reply or provide additional material to address those submissions.

4.5. Public Interest

As detailed above, the Application is within the public interest because it is unlikely to result in undue impact while giving effect to the objects of the surrounding *B2 – Local Centre* zoning. In particular, the Application will:

- Support the expansion of live music in line with the NSW Government and Community's aspirations for a stronger, more vibrant night-economy for Padstow and Canterbury Bankstown. Specifically the Application will give effect to:
 - The Vibrancy Reforms which in part seek to strengthen the night economy through removing restrictions on late night trade and incentivise live performance.
 - Night Economy Action Plan 2021-2026: "*CBCity will have a night time economy that is vibrant, welcoming and celebrates its cultural diversity and creativity & Each of these 34 centres has (or has the potential for) a unique NTE offering*".
- Improve patron access to the Hotel and live performance, allowing them to relax later or attend when is most convenient. It is understood the Hotel will be the sole venue offering live music in the local community.
- Later trade provide additional activity and illumination providing enhanced safety in the local centre during the late night trading period. The Hotel and its facilities may also act as a place of refuge for the public.
- Strengthen the economic viability of the Hotel and its employment demand.

4.6. The Vibrancy Reforms

The Vibrancy Reforms are a cross-government initiative developed in consultation with key agencies, industry, councils and stakeholders to bring sector regulation in with contemporary going out behaviour and strengthen the night economy as captured in the stated objective below:

"Increase the vibrancy of the night-economy, live performance sector and use of outdoor public spaces for recreation, by encouraging venue operators to launch, grow, adapt, and/or expand their businesses by removing unnecessary and modernizing outdated regulation, streamlining approval processes and putting in place a common-sense approach to entertainment noise and sound."

The Application consistent with the Vibrancy reforms as it will expand the Hotel's offerings and contribute to the expansion of live music availability.

Live music directly contributes several billion dollars to the NSW economy and provides employment for local artists, technicians, kitchen, bar, and wait staff, as well as a whole host of supporting roles. Beyond the economic benefit, live music enhances the cultural richness and social wellbeing of communities and improves the social well-being of audiences.

The Hotel intends to begin operation as a live music venue which will allow additional licensed trade within the trading hours permitted under its development consent. This approval will align licensed trade with that approved by development consents on nights with live performance. The live performances will be before midnight, and lower intensity solo singers and bands that contribute to the Hotel's ambiance and family friendly character. Smaller gigs that the Hotel would host form an important part of Sydney's live music ecosystem, benefitting artists and the community.

An application to Liquor and Gaming NSW to be designated as a live music venue will be made following determination of the Application. Any necessary work to create a dedicated live performance space is exempt development. It is understood following Liquor and Gaming NSW approval the Hotel will be the sole venue in the locality providing live music which represents substantial public benefit.

5. Environmental Planning Instruments

5.1. State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 – Assessment	
Consideration	Response
Chapter 4 Remediation of Land	
4.6 Contamination and Remediation to be Considered in Determining Development Application	
A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and	Complies. The Subject Site is not known to host any contaminants or previous contaminating activities.

Table 5: SEPP (Resilience and Hazards) 2021 – Summary Compliance Table

5.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 – Assessment	
Consideration	Reference
Chapter 6 Water Catchments	
6.6 Water Quality and Quantity	
The consent authority must consider the following: water quality and flow, stormwater runoff and retention, the water table, ground water and cumulative impact.	Complies. The Application does not propose physical work. There will not be any impact on water quality or quantity.
6.7 Aquatic Ecology	
The consent authority must consider the following: impact on terrestrial, aquatic or migratory animals, vegetation, and wetlands.	Complies. The Application does not propose physical work. There will not be any impact on aquatic ecology.
6.8 Flooding	
The consent authority must consider the likely impact of the development on periodic flooding, if there is a flood, the release of pollutants, and natural flood water recession.	Complies. The Subject Site is not flood prone.
6.9 Recreation and Public Access	
The consent authority must the likely impact on recreational land uses, public access to and around foreshores without impact on waterbodies or riparian vegetation.	Complies. The Application does not propose physical work. There will not be any impact on recreation or public access to water.
6.10 Total Catchment Management	
The consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	Not applicable. The Application will not have an adverse environmental impact on the Sydney Harbour Catchment,

Table 6: SEPP (Biodiversity and Conservation) 2021 – Summary Compliance Table

5.3. Canterbury-Bankstown Local Environmental Plan 2023

5.3.1. Land Use and Permissibility

The Subject Site is zoned 'E1 – Local Centre'. In this zone, the use as a **pub** is permitted with consent as a subset of **commercial premises (commercial premises > retail premises > food and drinks premises > pub)**; viz;

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Ecotourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Figure 4: E1 Land Use Table Extract (source: the LEP; dated 26 April 2025)

The Application is assessed against the following relevant E1 – Local Centre zone objectives from the LEP:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The Hotel is well known destination and pillar within the Padstow local centre. The Application will improve the ability of the Hotel to flexibility service the needs of locals, workers and visitors. Extended trade will facilitate the Hotel's operation as a live music venue and generate additional employment demand in a highly accessible area.

As such, the Application is consistent with, and gives effect to, the objectives of E1 – Local Centre zone.

5.3.2. Canterbury-Bankstown Local Environmental Plan 2012 – Assessment

Canterbury-Bankstown Local Environmental Plan 2023 - Assessment	
Consideration	Response
Part 2 Permitted or Prohibited Development	
2.3 Zone Objectives and Land Use Table	
The Land Use Table specifies permitted and prohibited development.	Complies. The development is permissible and consistent with relevant objectives. Please refer to 5.4.1 Error! Reference source not found..
Part 4 Principal Development Standards	
4.3 Height of buildings	
The height of the building must not exceed the maximum height shown for the land on the height of buildings map (60 metres).	Not applicable. There is no change to the height of the building and the existing building complies with the maximum height of building development standard.
4.4 Floor space ratio	

Canterbury-Bankstown Local Environmental Plan 2023 - Assessment	
Consideration	Response
The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (8:1).	Not applicable. There is no change to the gross floor area and the existing building complies with the floor space ratio development standard.
Part 5 Miscellaneous Provisions	
5.20 Standards that cannot be used to refuse consent	
The consent authority must not refuse consent for the playing or performance of music, dancing, decorations, and performance noise if adequately managed.	Complies. Noise from performance is sufficiently managed and minimised. Please refer to 4.1.2 The Vibrancy Reform and 7.1 Noise .
5.21 Flood planning	
The consent authority must not grant consent to development on flood prone land unless satisfied it is compatible with flood behaviour, safe, and environmentally acceptable.	Complies. A small portion of the Subject Site is flood prone. As no physical work is proposed, satisfaction of this control is maintained.
Part 6 Additional Local Provisions	
6.9 Essential services	
The consent authority must not grant consent to development unless it is all services necessary for operation are available.	Complies. The Subject Site has all required services and utilities.
6.10 Active street frontages	
Development consent must not be granted to a building or change of use unless the building will have an active street frontage.	Complies. There is no change to the Hotel's existing active frontage.
6.30 Prohibited development in hazard area	
On land identified as 'Area 1' on the Activity Hazard Map, development for certain land uses is permitted on identified land.	Complies. Pubs are not a prohibited land use.
Table 7: The LEP - Summary Compliance Table	

6. Canterbury-Bankstown Development Control Plan 2023

The Application does not propose any physical work. The considerations of the DCP largely do not apply to the Application as it does not propose physical work.

The relevant considerations of the DCP are summarised in the table below.

Waverley Development Control Plan 2022 – Summary Compliance Table		
No.	Consideration	Comment
Chapter 2 – Site Considerations		
2.2	Flood Risk Management	Complies. The Application does not propose physical work. There will be no increase in flood risk above the previously approved.
Chapter 3 – General Requirements		
3.2	Parking	N/A. The Application does not propose additional GFA which would trigger demand for more parking. Existing facilities will remain sufficient.
3.3	Waste Management	Complies. The Application will result in additional hours of trade which in theory may generate additional waste. However, waste storage requirements are calculated on a sqm basis. There will be no increase in GFA, and existing facilities will remain sufficient. Notwithstanding, additional waste generation from late-night trade will be inconsequential.
Chapter 7 – Commercial Centre		
7.1	General Requirements	Complies. 7.1 Noise and the Acoustic Report at Annexure 1 address acoustic amenity. We note Control 9.21 applies to sites adjoining residential zoned land and does not strictly apply to the Subject Site. 7.2 Social Impact addresses safety and security. As no physical work is proposed, Built Crime Prevention Through Environmental Design measures cannot be enhanced beyond that previously assessed and deemed acceptable.
7.2	City West	Complies. This part of the DCP largely provides built form controls for development involving physical work. Notwithstanding, the Application is consistent with the locality's desired character which includes: <i>"vibrant streetscapes where there is day and evening activity and shops and restaurants will stay open later".</i>

Table 8: The DCP – Summary Compliance Table

Notably, the DCP does not contain any controls which provide numerical acoustic criteria or restrictions on hours of operation. The Application substantially complies with all relevant provisions of the DCP, as assessed in **7. Environmental Impact Assessment** below.

7. Environmental Impact Assessment

This section of the Statement undertakes an assessment or provides a summary of the potential environmental, social and economic impacts of the Application and details recommended management, mitigation, and monitoring methods.

Likely Impact Summary Recommendations	
Potential Impact	Assessment / Comment
Noise	Satisfactory. Detailed in 7.1 Noise below.
Social Impact	Satisfactory. Detailed in 7.2 Social Impact below.
Traffic and Parking	Satisfactory. Addressed in 6. Canterbury-Bankstown Development Control Plan.
Waste and Recycling	Satisfactory. Addressed in 6. Canterbury-Bankstown Development Control Plan.

Table 9: Likely Impact Summary and Recommendations

7.1. Noise

7.1.1. Assessment Criteria

The Acoustic Report (**Annexure 1**) assessed the proposed trade against the following noise criteria:

- Liquor and Gaming NSW 'Standard Noise Condition';
- NSW Environmental Protection Agency's Noise Policy for Industry; and
- The Sleep Disturbance Criteria.

7.1.2. Planning Assessment

The Acoustic Report assesses the proposed operation under a full capacity, a worst-case scenario. It concludes on adoption of all recommendations, the Application can comply with all relevant noise criteria.

The Acoustic Report's operational recommendations have been all implemented into the Plan of Management at **Annexure 2**. As such, the Application is unlikely to unduly impact surrounding amenity by way of noise.

We note the Hotel is currently successfully trading till 2:00am. The acoustic criteria for 2:00am and 4:00am trade is the same, inaudibility. Additional ameliorating factors that would indicate the Application is acceptable are listed in **7.2 Social Impact**.

7.2. Social Impact

The Application is unlikely to result in adverse social impact.

The Planning Institute of Australia defines Social Impact Assessment as follows.

"Social impact assessment refers to the assessment of social consequences of a proposed decision or action, namely the impacts on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these."

In the context of late-night trade, social impact may arise as a result of undue disturbance to the amenity of the area through noise or anti-social behaviour. Noise is addressed above.

Overall, the Application represents a low risk for additional undue social impact because:

- It applies to a limited portion of the Hotel which is already permitted to trade past midnight during which it is subject to a 30 patrons' capacity.
- The Hotel is a suburban family friendly, its late night clientele are primarily shift workers or locals who stay later for socialisation. This demographic is not high risk for anti-social behaviour.
- The 2:00am to 4:00am period is not a high risk period and not expected to result in a large number of patrons. This is reflected in the limited area in which extended trade is proposed. The Application is primarily intended to allow patrons and community the option of a later stay or to visit when best suits them.
- The Hotel maintains a robust Plan of Management (**Annexure 2**) containing a suite of mitigation measures which protects the community from social impact:
 - Closure of a portion of the carpark and entrances to ensure clear surveillance and management of a single point of ingress and egress;
 - Two security personnel after midnight till close, one of which will patrol the carpark and area and external area of the Hotel. After close, security are available to escort staff.
 - All RSA procedures mandated by law
- Liquor and Gaming NSW maintains a complaints resolution process, which can sanction the Hotel with licence conditions and performance improvement orders to maintain the quiet and good order of the neighbourhood.

Available evidence suggests the Hotel is well managed and does not generate undue social impact. We have been advised that there have been no substantiated complaints regarding disruption from the Hotel or its patrons in the past two years, suggesting the Plan of Management is effective and strictly implemented.

Research indicates that the vast majority of incidents result from 'problematic' venues which fail to implement proper RSA.¹ The Hotel, as a suburban pub, plainly does not have the character of a 'problematic' venue.

A long history of successful trade till 2:00am suggests the Hotel can trade till 4:00am without undue social impact.

Inversely, the Application also has the potential to generate positive social impact. Extended trade will promote the Hotel's economic viability, generate employment demand and activate the public domain, improving safety. It will also facilitate live music at the Hotel which offers significant cultural and social benefits for the community. Please refer to **4.4 Public Interest** for additional detail

In consideration of the above, the Hotel will not result in adverse social impact on balance. The Hotel is well managed. Consequently, limited trade till 4:00am with the mitigation measures will not give rise to undue impact on the way of life, life choices, health and culture of relevant parties.

¹ Stockwell, Tim, Erne Lang and Phil Rydon. 1993, "High Risk Drinking Setting: The Association of Serving and Promotional Practices with Harmful Drinking Addiction 88(11)

8. Conclusion

The Application relates to the Padstow Park Hotel at 31 Howard Road, Padstow NSW 2211 and seek to permit trade to 4:00am Monday to Sunday at the Gaming Room and adjoining TAB/Bar and adopt an updated Plan of Management consistent with the proposed extended trade.

The Application generally complies with all relevant planning instrument and development control plan provisions. The Application will provide patrons with an improved choice and contribute to the growth of the night-economy without adversely affecting the amenity of nearby sensitive land uses. The Hotel will continue to provide long term employment opportunities and provide a food and drink service for the surrounding workforce, residents and visitors.

For the forgoing reasons, approval of the Application is considered to be in the public interest and there is considered to be no sound town planning reason why development consent should not be granted to the Application as proposed.