

ITEM **CIS03** REPORTS **24/09/18**

N O R T H S Y D N E Y C O U N C I L R E P O R T S

**Report to General Manager**

Attachments:

1. Copy of Brochure/Survey

**SUBJECT:** Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes**AUTHOR:** Lara Huckstepp, Executive Planner**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with an overview of the outcomes of the community consultation undertaken regarding the extension of trading hours and allowing small bars within the Kirribilli Village.

In response to Council's resolution on 28 March 2018, between 19 July and 17 August 2018, consultation was undertaken to ascertain community views on whether there is support for extended trading hours and for small bars to be permissible in the Kirribilli Village. The consultation included the distribution of a brochure containing a survey to over 7,000 residents and businesses (owners and occupiers) within 800m of Kirribilli Village. Council's Engagement platform (Engagement HQ) enabled people the opportunity to provide feedback was promoted through various methods including social media (Facebook, Instagram, Twitter), advertisements in the Mosman Daily and an information stall at the Kirribilli Markets.

Council received 918 survey responses and 9 individual submissions, representing a highly engaged consultation process. The number, and quality of responses has enabled Council to better understand attitudes towards the existing approach to trading hours and small bars in Kirribilli Village.

Over 69% support an extension to existing trading hours and over 75% support small bars being permitted in Kirribilli Village.

Concerns raised by those who did not support later trading hours and small bars in Kirribilli include loss of amenity for residents, increased noise and disturbance, decreased level of safety, increased level of crime, loss of the Village atmosphere and character, loss of diversity of offerings in Kirribilli if small bars proliferate the locality, and lack of car parking and greater traffic impacts.

A further report outlining options for implementation will be prepared and reported to Council, informed by the detailed findings of the community consultation.

**FINANCIAL IMPLICATIONS:**

No funding has been allocated. Funds spent for the consultation were within existing budget lines.

Report of Lara Huckstepp, Executive Planner

Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

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**RECOMMENDATION:**

1. **THAT** Council note the outcomes of the community consultation.
2. **THAT** Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.

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## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	2. Our Built Infrastructure
Outcome:	2.2 Vibrant centres, public domain, villages and streetscapes
Direction:	3. Our Future Planning
Outcome:	3.1 Prosperous and vibrant economy
Direction:	5. Our Civic Leadership
Outcome:	5.3 Community is informed and consulted

## BACKGROUND

Council at its meeting held on 28 March 2018 resolved (Min No. 50):

- 1. THAT public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point.*
- 2. THAT a draft consultation strategy be reported to the Legal and Planning Committee in May 2018 and include financial and resourcing implications and the strategy have particular regard to accessing the views of residents and small business owners in both Milsons Point and Kirribilli*
- 3. THAT following the consultation period, a further report be submitted to Council.*

A further report including the draft Community Engagement Strategy was considered at the Legal and Planning Committee held on 7 May 2018. The minutes of this meeting were presented to the Council of meeting 25 May 2018, whereby Council resolved (Min No.156);

- 1. THAT the Small Bars and Extended Trading Hours for Kirribilli Village – Draft Community Engagement Strategy report be noted.*
- 2. THAT community consultation be undertaken in accordance with the draft Community Engagement Strategy.*
- 3. THAT the outcome of the consultation be reported back to Council.*

## CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol.

Consultation was undertaken between 19 July and 17 August 2018 in accordance with the adopted Community Engagement Strategy.

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## SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

## DETAIL

### 1. Inform Level of Engagement – Promoting the Opportunity to Provide Feedback

A comprehensive engagement strategy was developed and implemented to ensure a high level of engagement. A brochure/survey was prepared (refer attachment 1) to ascertain community views on trading hours and small bars in Kirribilli Village. The opportunity to provide feedback was promoted via the following methods:

Method	Target Stakeholders	Quantity
Direct letters - Brochure/survey	Residents and business (owners and occupiers)	7,048 letters
Webpage – Yoursay (Engagement HQ)	All	-
Advertisements (Mosman Daily)	All	2 adverts
Social Media – Facebook	All	1 post
Social Media – Twitter	All	1 tweet
Social Media – Instagram	All	1 post
Social Media – LinkedIn	All	1 post
Precinct Committees	Active Committees	18 committees
Direct emails	Harbourside Liquor Accord, North Sydney Police, NSW Office of Liquor and Gaming	80 members
Information stall – Kirribilli Markets	All	-

#### 1.1 Engagement HQ

Council's engagement platform (Engagement HQ) was used to manage the online consultation elements. This platform enabled respondents to fill in the survey on-line and also provide comments, including additional information and references.

During the engagement period there were 1,050 page views, 849 visitors (i.e. they visited the project's main page); 701 visitors were 'informed' (i.e. they accessed information eg downloaded a document or visited the FAQ page) and 598 visitors were 'engaged' (i.e. they provided a submission online). The average maximum number of visitors per day to this page was 93.

#### 1.2 Social Media

Council's social media accounts were used to promote the consultation opportunities. The table below details the Facebook posts and the number of people reached and/or who responded.

Post	Reach	Likes	Shares	Reactions/Comments
27 July 2018	2,294	31	1	5

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The following table details the Twitter post and the number of people reached and/or who responded:

Post	Impressions	Engagements
27 July 2018	1,859	23

The following table details the Instagram post and the number of people reached and/or who responded:

Post	Likes	Comments
27 July 2018	78	10

The following table details the LinkedIn post and the number of people reached and/or who responded:

Post	Impressions	Likes	Clicks	Follows	Comments
27 July 2018	653	5	17	5	0

## **2. Consult Level of Engagement – Summary of Feedback Received**

### **2.1 Survey**

The survey asked 10 questions to gauge community views on whether trading hours in Kirribilli Village should be extended and on whether the community would support small bars being permitted. A total of 918 surveys were completed and 9 individual submissions received. The outcomes of responses to the survey questions are summarised below.

Report of Lara Huckstepp, Executive Planer

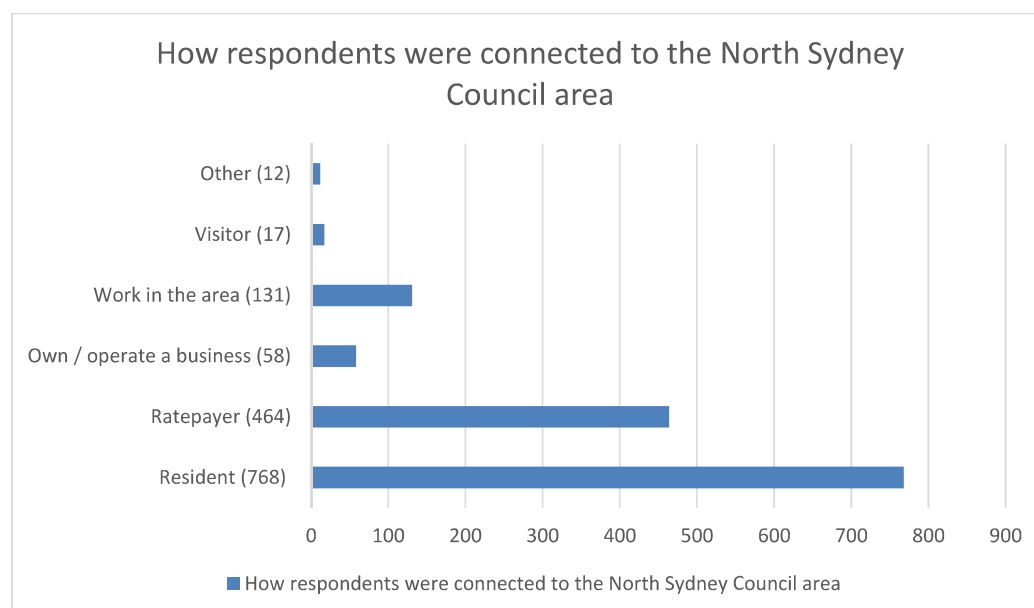
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### 2.1.1 How respondents were connected to the North Sydney Council Area

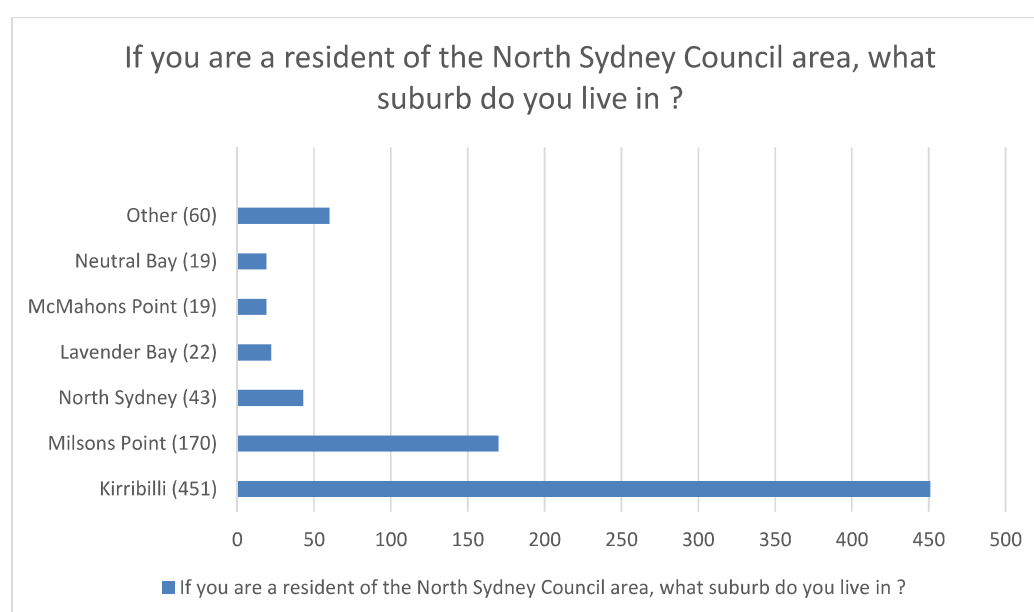
The majority of respondents identified as residents (768) and ratepayers (464). It is noted that the survey allowed more than one option to be selected.

Responses to 'other' included students, former residents and part-time residents.



### 2.1.2 Location of Residents

The majority of residents who responded to the survey were from Kirribilli (451) and Milsons Point (170), comprising 68% of total resident responses.



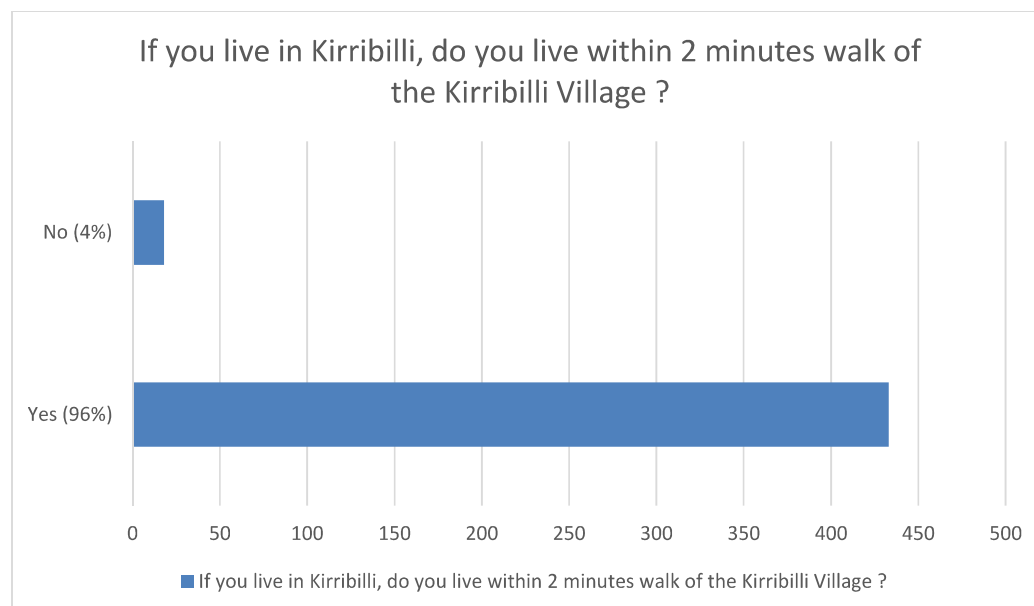
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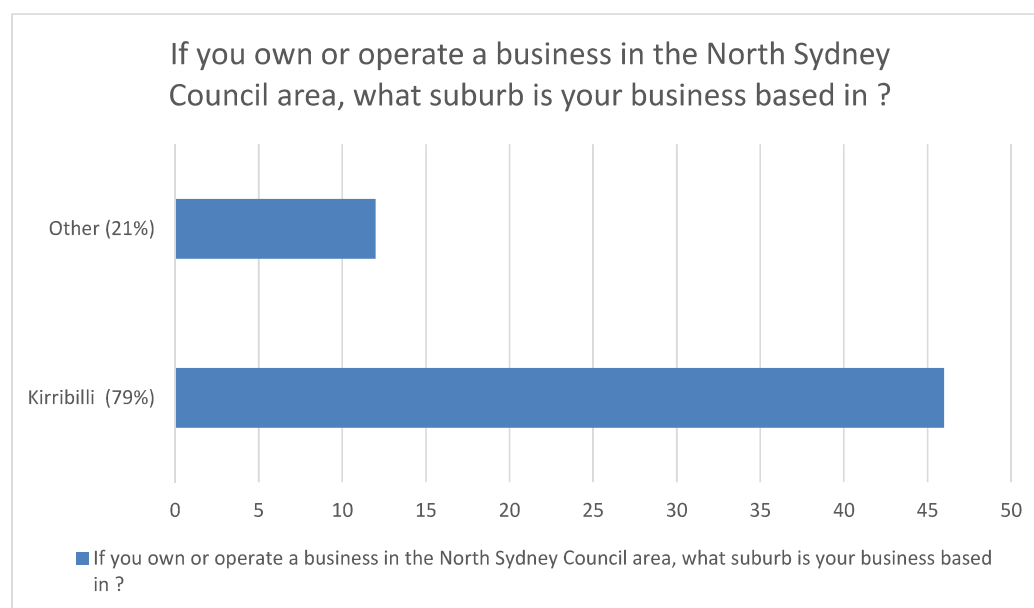
### 2.1.3 Residents within walking distance of Kirribilli Village

Overall, 47% of total respondents identified as living within a 2 minute walk of Kirribilli Village.



### 2.1.4 Location of respondents who own a business

Of the 58 respondents who identified as owning or operating a business within the North Sydney Council LGA, 46 (79%) of these businesses are located in Kirribilli.

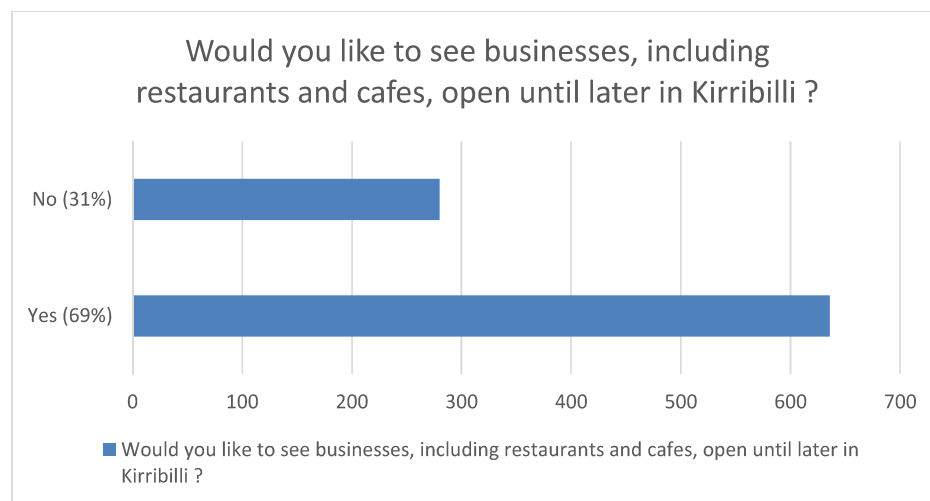


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### 2.1.5 Support for later trading hours in Kirribilli Village

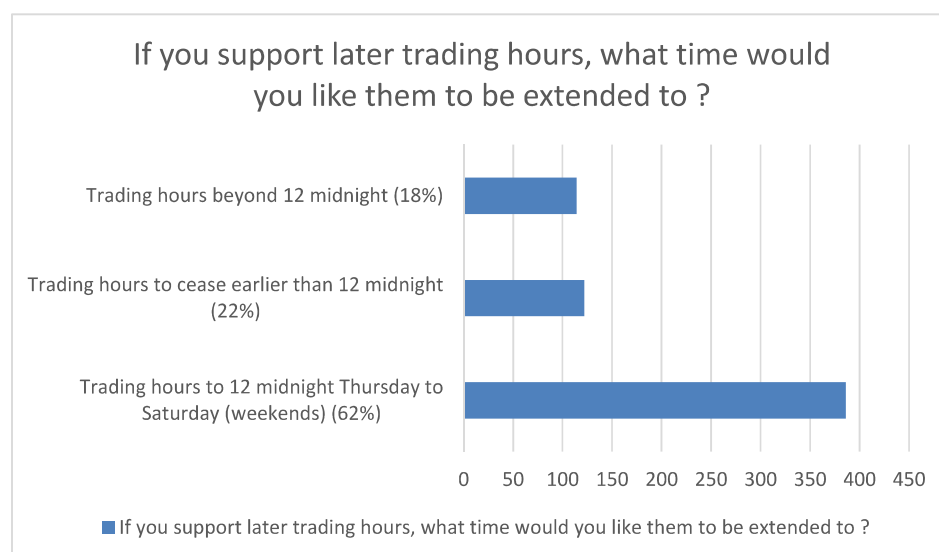
A total 636 (69%) of respondents said yes they would like to see later trading hours in Kirribilli Village.



### 2.1.6 Suggested extended trading hours

The survey advised that trading in Broughton Street and Ennis Road closes at 10pm (Sunday to Wednesday) and 11pm (Thursday to Saturday). Trading closes at 10pm in other Kirribilli streets. Those who supported later trading hours were asked what time they would like them to be extended to.

The majority of respondents supported trading hours until 12 midnight Thursday – Saturday (weekends). It is noted that this was an open-ended question and further detailed analysis will be undertaken with regards to suggested trading hours.





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### 2.1.7 Reasons for not supporting extended trading hours

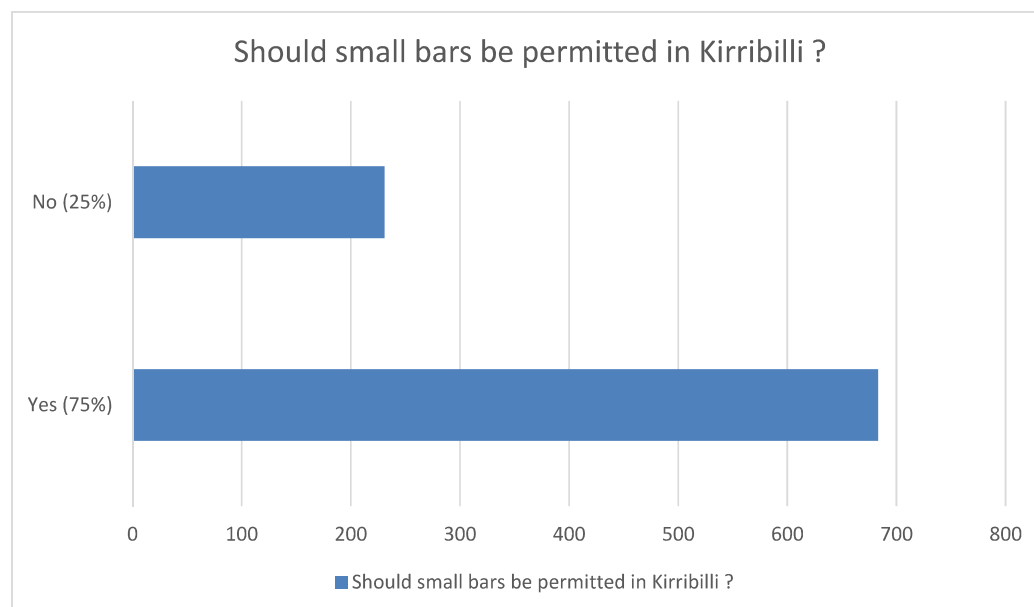
Of the 280 respondents who did not support extending trading hours beyond existing hours, the reasons given are summarised below:

#### Reasons for not supporting extended trading hours

- Loss of amenity
- Increased noise and disturbance, including from patrons leaving a premises
- Loss of the Village atmosphere of Kirribilli
- Uses such as medical centres, butchers, newsagents or banks are needed in the Village over more bars and bottle shops.
- Concerns with more litter in the area.
- More pressure on car parking
- Drunk and disorderly behavior
- Concerns with personal safety
- Increased violence
- Kirribilli is a family area and should not be turned into a late night venue.

### 2.1.8 Support for Small Bars in Kirribilli Village

A total of 683 (75%) responded yes, that small bars should be permitted in Kirribilli Village.



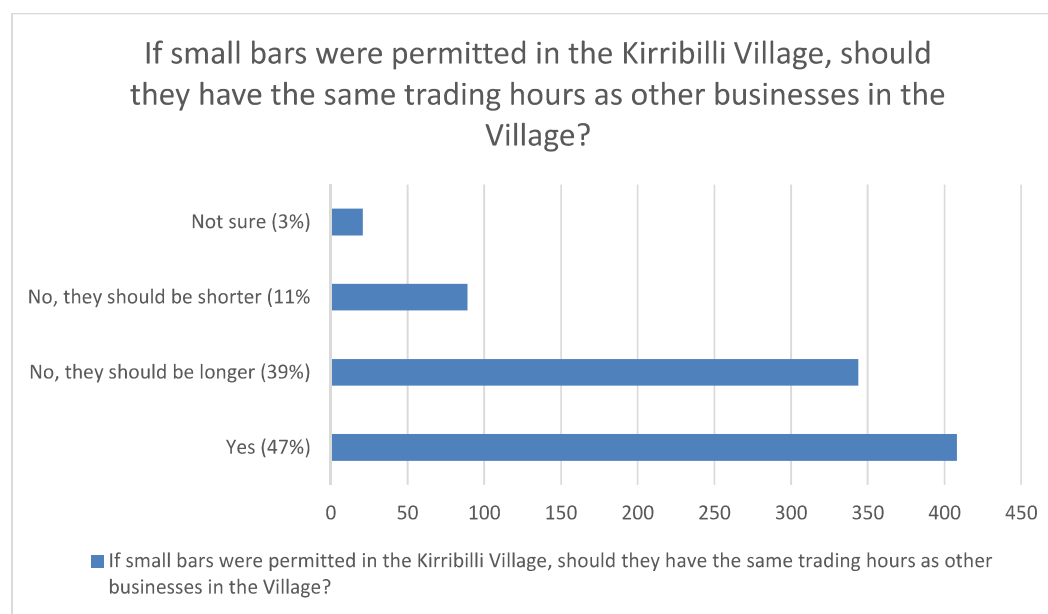
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## 2.1.9 Trading Hours for Small Bars

The majority of respondents (47%) considered that trading hours for small bars should be the same as other businesses. An additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.



### 2.1.10 Other comments on trading hours or small bars in the Kirribilli Village provided by respondents

A significant amount of 'other' feedback has been received. The predominant issues are summarised below and include responses provided as part of the survey together with the 9 individual submissions:

Comment
<p><b>Small bars and extended trading hours will enhance Kirribilli Village</b></p> <ul style="list-style-type: none"> <li>Kirribilli is a fabulous village and progress with eclectic bars and shops can only enhance this area.</li> <li>It would be great to get some more trendy restaurants and bars in Kirribilli.</li> <li>Kirribilli is dead after 10pm and should be vibrant.</li> <li>Places like the Botanist and Small Bar in Fitzroy Street have already brought some much needed diversity and vibrancy to the dining and drinking culture in the area.</li> <li>Kirribilli is becoming popular with a younger, professional market so it would be great. to be able to meet their needs to ensure the area and local economy continues to grow.</li> <li>Small bars create a buzzy neighbourhood instead of being forced to go to the city or the East.</li> <li>Bringing more people to the area can only benefit.</li> <li>It would be great to have a quiet drink after enjoying dinner in the neighbourhood.</li> <li>Current trading hours are antiquated.</li> <li>More cosmopolitan and more tourists.</li> <li>Council should support local businesses.</li> </ul>
<p><b>Adverse amenity impacts from small bars and extended trading hours</b></p> <ul style="list-style-type: none"> <li>Residents should be afforded some peace at night.</li> </ul>

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<ul style="list-style-type: none"> <li>• Small bars will encourage rowdy and violent behaviour in a currently peaceful area.</li> <li>• Bars invariably increase noise.</li> <li>• Kirribilli is a safe neighbourhood and should be kept this way.</li> <li>• Existing establishments are sufficient.</li> <li>• Late drinkers could wander into residential areas and cause trouble.</li> <li>• The aged population should not fear venturing out at night.</li> <li>• Small bars should integrate into the ambience of the neighbourhood, not change it.</li> <li>• The residents do not need or want for any business that compromises the safety and well-being of the residents.</li> <li>• Increased litter left behind by visitors, presumably walking back to their cars.</li> <li>• Increased crime.</li> <li>• Increased alcohol related violence and drugs.</li> <li>• Kirribilli may become a new Kings Cross.</li> </ul>
<p><b>Loss of village atmosphere</b></p> <ul style="list-style-type: none"> <li>• It is important that there is a balance maintained within the village between restaurants, bars, takeaways, retail. It feels like we are losing this balance and being turned into an entertainment precinct.</li> <li>• Small bars and longer trading would change the culture of Kirribilli Village from one that services day-time residents to one that is commercialised and associated with alcohol.</li> <li>• Additional small bars and extended hours will ruin the area.</li> <li>• The village is perfect the way it is.</li> <li>• The village is supposed to provide for the neighbourhood.</li> <li>• Let's keep Kirribilli as it is, it has everything we want and need.</li> <li>• Keep it quaint.</li> <li>• This is a neighbourhood not a commercial district or nightclub area.</li> <li>• Small bars would change the family friendly nature of Kirribilli.</li> <li>• It would be sad to see such a quiet community destroyed.</li> </ul>
<p><b>Parking and traffic impacts</b></p> <ul style="list-style-type: none"> <li>• Exacerbate existing parking and traffic issues.</li> <li>• Does Council have plans to increase parking areas in Kirribilli ?</li> </ul>
<p><b>Diversity of offerings is needed</b></p> <ul style="list-style-type: none"> <li>• Kirribilli already supports small bars, a large pub, bottle shops and many restaurants serving alcohol. Kirribilli Village needs to support the neighbourhood with desperately needed facilities such as a medical centre.</li> <li>• We already have too many restaurants and cafes. We have lost our facilities over the years and I especially miss the banks and doctors. We will soon be down to 1 chemist shop.</li> <li>• Essential services should be returned to our working village like a butcher, a newsagent / gift shop, another ATM.</li> <li>• Kirribilli should not become a collection of bars.</li> <li>• Kirribilli residents are losing access to local services in favour of bars for tourists.</li> <li>• A newsagent and good doctors are needed, like the Village used to have.</li> <li>• More variety of restaurants is needed and not small bars.</li> <li>• Small bars may drive out the few remaining shops and facilities, the number of which has already diminished significantly in recent years.</li> </ul>
<p><b>Small bars should go in the North Sydney CBD</b></p> <ul style="list-style-type: none"> <li>• Consider establishing a small bar culture in the North Sydney CBD which is lacking in vibrancy. North Sydney is 5 minutes away.</li> </ul>

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<p><b>Cap on the number of small bars</b></p> <ul style="list-style-type: none"> <li>• There should be limit on the number of small bars so as to maintain diversity of businesses serving the residents.</li> <li>• As long as small bars don't pop up everywhere.</li> <li>• If as a consequence of longer hours, Kirribilli becomes only bars, cafes and restaurants, that would be regrettable.</li> </ul>
<p><b>Small bars should not be large venues</b></p> <ul style="list-style-type: none"> <li>• Up to 100 people is too large.</li> </ul>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• No poker machines should be permitted.</li> <li>• Consider trial hours for later trading hours.</li> <li>• Opportunities for more small bars Milsons Point should be considered.</li> <li>• Night clubs are not welcome.</li> </ul>

**Note:** A number of respondents have referred to existing small bars in Kirribilli. These small bars are in fact Licensed restaurants with primary service provision. This means the business must earn most of its income from food, but may serve alcohol without a meal. There is no such requisite placed upon small bars which must have food available but can earn all of its income from the sale of alcohol.

## 2.2 North Sydney Local Area Command – Licensing

Council notified the North Sydney Local Area Command (Licensing) on the consultation being undertaken. The North Sydney Police verbally advised they raise no objection in principle to considering extending trading hours and small bars within Kirribilli Village, subject to careful consideration of the appropriate trading hours for the locality and amenity impacts. Concern was raised with allowing small bars and later trading hours for businesses located in close proximity of a residential zone interface. Premises located on the interface with residential zones are likely to result in a greater level of amenity impact.

## 2.3 Milson Precinct

Milsons Precinct agreed the following motions at its meeting held on 2 August 2018:

- Milson Precinct requests that North Sydney Council not change the zoning for Kirribilli from B1 Neighbourhood Centre, to not permit small bars to operate within the Village
- Milson Precinct feels that it would be ok to increase the hours of operation by an hour for the indoor trading hours of operation for Thursday to Saturday, of the existing entities operating in the Village, properties like the Botanist and Small Bar.

## 3. Conclusion

The community consultation has indicated a general majority support for extended trading hours and permitting small bars within Kirribilli. Of the responses received, over 69% supported an extension to existing trading hours and over 75% supported small bars being permitted in Kirribilli Village.

Concerns raised in responses from those who did not support later trading hours and small bars in Kirribilli included loss of amenity for residents, increased noise and disturbance, decreased level of safety, increased level of crime, loss of the Village atmosphere and character, loss of diversity of offerings in the Kirribilli if small bars proliferate the locality, and lack of car

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parking resulting in greater traffic impacts.

A further report outlining options for implementation will be prepared and reported to Council, informed by the detailed findings of the community consultation.

7. If you do not support later trading hours, what are your reasons?

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8. Should small bars be permitted in Kirribilli Village?

☐ Yes ☐ No

9. If small bars were permitted in the Kirribilli Village, should they have the same trading hours as other businesses in the Village?

☐ Yes  
☐ No, they should be longer  
☐ No, they should be shorter  
☐ Not sure

10. Do you have any other comments on trading hours or small bars in the Kirribilli Village?

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Thank you for completing this form. Return to Council by 17 August 2018 by post PO Box 12, North Sydney NSW 2059 or email [yoursay@northsydney.nsw.gov.au](mailto:yoursay@northsydney.nsw.gov.au)

The survey can also be completed online at [yoursay.northsydney.nsw.gov.au/kirribilli-village](http://yoursay.northsydney.nsw.gov.au/kirribilli-village)

If you would like Council to keep you informed about the project, please provide your contact details below:

Name 

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Postal address 

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Email address 

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## ATTACHMENT TO ITEM 10 - 23/09/19

### SUBMISSIONS

To have your say:

**Complete** the attached survey

**Scan** the QR code and complete the survey online



**Visit** [yoursay.northsydney.nsw.gov.au/kirribilli-village](http://yoursay.northsydney.nsw.gov.au/kirribilli-village) and complete the survey online

**Email** [yoursay@northsydney.nsw.gov.au](mailto:yoursay@northsydney.nsw.gov.au)

**Write to** General Manager, North Sydney Council, PO Box 12, North Sydney NSW 2059

For more information contact  
Lara Huckstepp on 9936 8100



### PRIVACY STATEMENT

Supply of your contact details is optional. Please note that all comments received will be considered, however it is not intended to reply to individual respondents.

Privacy Statement: Any personal data captured in this submission will be stored by Council in accordance with its Privacy Statement, Privacy Management Plan, Government Information (Public Access) Act 2009 and the Privacy and Personal Information and Protection Act 1998. Personal information captured will be used only for participation in this project and will not be disclosed to any third party without your written consent.

Details of individual submissions may be made public in accordance with Part 3, Division 1, Clause 18(g) of the Government Information (Public Access) Act 2009. Personal information will only be made available by application in accordance with Part 2, Division 2 - Public interest considerations - of the Government Information (Public Access) Act 2009.

Attachment 9.6.2



# HAVE YOUR SAY



## Kirribilli Village Trading hours and small bars

Council is seeking the views of businesses, residents, industry and government

# HAVE YOUR SAY

## KIRRIBILLI VILLAGE - TRADING HOURS AND SMALL BARS

- Please tell us how you are connected to the North Sydney Council area. Tick all that apply:
  - ☐ I am a resident of the North Sydney Council area
  - ☐ I am a ratepayer of the North Sydney Council area
  - ☐ I own/operate a business within the North Sydney Council area
  - ☐ I work in the North Sydney Council area
  - ☐ I am a visitor
  - ☐ Other \_\_\_\_\_
- If you are a resident of the North Sydney Council area, what suburb do you live in?
 

Name of suburb \_\_\_\_\_

☐ Not applicable
- If you live in Kirribilli, do you live within 2 minutes walk of the Kirribilli Village?
 

☐ Yes      ☐ No      ☐ Not applicable
- If you own or operate a business in the North Sydney Council area, what suburb is your business based in?
 

Name of suburb \_\_\_\_\_

☐ Not applicable
- Would you like to see businesses, including restaurants and cafes, open until later in Kirribilli?
 

☐ Yes, go to Q6      ☐ No, go to Q7
- Trading in Broughton Street and Ennis Road closes at 10pm (Sunday to Wednesday) and 11pm (Thursday to Saturday). Trading closes at 10pm in other Kirribilli streets. If you support later trading hours, what time would you like them to be extended to?
 

\_\_\_\_\_

\_\_\_\_\_



### KIRRIBILLI VILLAGE

The focal point of the Kirribilli Peninsula and beyond is the Kirribilli Village Centre, a compact and lively area with local shops and outdoor cafes that serve the needs of the local community.

### TRADING HOURS

Feedback is sought on whether planning controls should be amended to allow later trading hours within Kirribilli Village

Under current planning controls, restaurants, cafés and businesses within Kirribilli Village can trade between the following hours:

Locality	Indoor trading hours	Outdoor trading hours
Broughton Street and Ennis Road	7am – 10pm (Sun-Wed) 7am-11pm (Thurs-Sat)	7am – 9pm
All other locations in Kirribilli	7am-10pm	8am-8pm

### SMALL BARS

Feedback is sought on whether small bars should be permitted in Kirribilli Village

Kirribilli Village is zoned B1 Neighbourhood Centre which does not permit small bars to operate within the Village. A small bar is defined as a *small bar within the meaning of the Liquor Act 2007* and is a bar that can cater for a maximum of 100 people.

### HAVE YOUR SAY

Complete Council's on-line feedback form or complete the attached feedback form and submit to Council. Responses will be received by 17 August 2018.

The outcome of the feedback will assist Council as to whether current planning controls relating to Kirribilli Village should be reviewed.





**Rezoning Kirribilli Village to B4 Mixed Use Zone under NSLEP 2013:** A comparison between the current and potential objectives and permissible land uses between the B1 Neighbourhood Centre zone and the B4 Mixed Use Zone is provided in Table 1:

**Note:** For the purposes of establishing permissibility, “small bars” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

TABLE 1: Comparison of objectives and permissible land uses under NSLEP 2013			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B4 Mixed Use Zone</i>	<i>Difference</i>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</li> <li>To encourage active street life while maintaining high levels of residential amenity.</li> <li>To encourage development for the purpose of shop top housing.</li> </ul>	<ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.</li> <li>To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.</li> </ul>	Neighbourhood Centre zone aims to provide small scale services to the local community without compromising the high levels of residential amenity, whilst Mixed Use zone aims to achieve higher density mixed use development in the form of shop top housing, with compulsory commercial ground level uses.
<b>Permissible Development</b>	Boarding houses; Business premises; Centre-based child care facilities;; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential Flat Buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals	<p><b>Additional Permissible Development:</b> Amusement centres; Backpackers' accommodation, Car parks; Commercial premises; Educational establishments; Function centres; Hostels; Hotel or motel accommodation; Passenger transport facilities; Registered clubs; Residential Flat buildings, Restricted premises; Seniors housing; Serviced apartments; Sex services premises; Vehicular repair stations; Veterinary hospitals.</p> <p><b>No longer Permissible Development:</b> Public administration buildings; Community health service facilities; Health consulting rooms; Patient transport facilities, including helipads and ambulance facilities; hospitals.</p>



**Rezoning Kirribilli Village to B3 Commercial Core under NSLEP 2013:** A comparison between the current and potential objectives and permissible land uses should Kirribilli be rezoned from the *B1 Neighbourhood Centre* zone to the *B3 Commercial* zone is provided in Table 2.

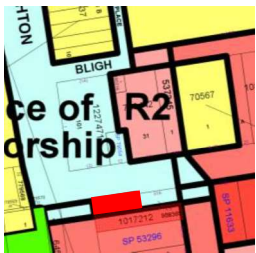


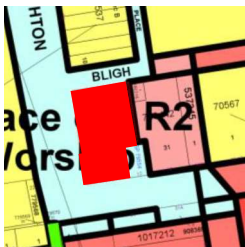
**Note:** For the purposes of establishing permissibility, “small bars” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

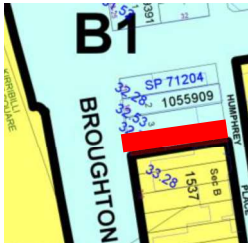

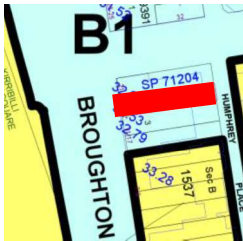


TABLE 2: Comparison of Objectives and permissible land uses under NSLEP 2001			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B3 Commercial Zone</i>	<i>Difference</i>
<b>Objectives of zone</b>	<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</li> <li>To encourage active street life while maintaining high levels of residential amenity.</li> <li>To encourage development for the purpose of shop top housing.</li> </ul>	<ul style="list-style-type: none"> <li>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</li> <li>To encourage appropriate employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> <li>To prohibit further residential development in the core of the North Sydney Centre.</li> <li>To minimise the adverse effects of development on residents and occupiers of existing and new development.</li> </ul>	Neighbourhood Centre zone aims to complement surrounding residential uses, whilst Commercial zone aims to protect economic and employment interests and prevent residential development.
<b>Permissible Development</b>	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Amusement centres; Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Serviced apartments; Sex services premises; Signage; Vehicle repair stations; Veterinary hospitals	<p><b>Additional Permissible Development:</b> Amusement centres; Backpackers' accommodation; Commercial premises; Educational establishments; Function centres; Hotel or motel accommodation; Passenger transport facilities; Restricted premises; Services apartments; Sex service premises; Vehicle repair stations; Veterinary hospitals.</p> <p><b>No longer Permissible Development:</b> Boarding houses; Public administration buildings; Shop top housing; Community health service facilities; Health consulting rooms; Patient transport facilities, including helipads and ambulance facilities; hospitals.</p>





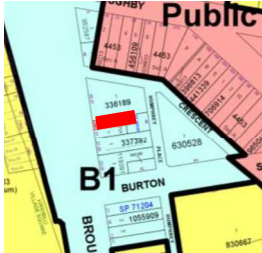
**Rezoning Kirribilli Village to a new zone prescribed under the Standard Instrument – B2 Local Centre Zone:** A zone that is available with the Standard Instrument however is not currently utilized with the NSLEP 2013 is the B2 Local Centre zone. A comparison between the objectives and permissible land uses of the current *B1 Neighbourhood Centre* zone and potential *B2 Local Centre* zone is provided in Table 3.

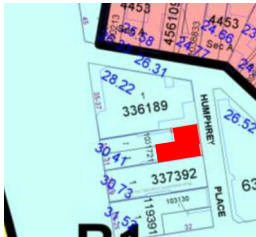
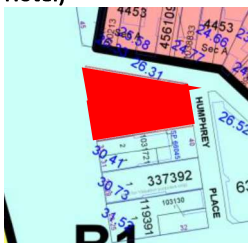



**Note:** For the purposes of establishing permissibility, “*small bars*” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

TABLE 3: Comparison of Objectives and permissible land uses under NSLEP 2001			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B2 Local Centre Zone</i>	<i>Difference</i>
<b>Objectives of zone</b>	<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</li> <li>To encourage active street life while maintaining high levels of residential amenity.</li> <li>To encourage development for the purpose of shop top housing.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>	Neighbourhood Centre zone aims to complement surrounding residential uses, whilst Local Centre zone focuses on encouraging employment and attracting services, without mention of residential uses or residential amenity.
<b>Permissible Development</b>	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation	<p><b>Additional Permissible Development:</b> Commercial premises; Educational establishments; Function centres; Passenger transport facilities; Registered clubs; Restricted premises; Service stations; Tourist and visitor accommodation.</p> <p><b>No longer Permissible Development:</b> Centre-based child care facilities; Places of public worship; Public administration buildings; Recreation areas; Signage.</p>

Site Analysis - Likely impacts of small bars across Kirribilli Village		
Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<b>31 Fitzroy Street</b> 	Fitzroy Street frontage likely to impact residential amenity at the zone interface.	No
<b>31A Fitzroy Street</b> 	Fitzroy Street frontage and Jeffrey Street frontage likely to impact residential amenity at the zone interface.	No
<b>12 Fitzroy Street</b> 	Fitzroy Street frontage likely to impact residential amenity at the zone interface.	No
<b>1-3 Broughton Street</b> 	<p>Bligh Street and Fitzroy Street frontages likely to impact residential amenity at the zone interface.</p> <p>Shared boundary with R2 residential zone likely to impact residential amenity at the zone interface.</p>	No

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<b>17 Broughton Street</b> 	Likely acceptable impacts. Primary entry should be provided from Broughton Street.	Yes
<b>19 Broughton Street</b> 	Likely acceptable impacts. Primary entry should be provided from Broughton Street.	Yes
<b>21 Broughton Street</b> 	Likely acceptable impacts. Primary entry should be provided from Broughton Street.	Yes
<b>23 Broughton Street</b> 	Impacts likely to be acceptable. Primary entry should be provided from Broughton or Burton Street.	Yes
<b>32 Burton Street</b> 	Impacts likely to be acceptable.	Yes

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<b>23-25 Broughton Street</b> 	Impacts likely to be acceptable. Primary entry should be from Broughton or Burton Street.	Yes
<b>34 Burton Street</b> 	<p>Burton Street and Crescent Place frontages likely to impact residential amenity at the zone interface.</p> <p>Primary entry from Humphrey Place is not desirable.</p>	No
<b>27-29 Broughton Street</b> 	Impacts likely to be acceptable. Primary entry should be from Broughton Street.	Yes
<b>31 Broughton Street</b> 	Impacts likely to be acceptable.	Yes
<b>33 Broughton Street</b> 	Impacts likely to be acceptable.	Yes

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<b>40 Humphrey Place</b> 	Primary entrance from Humphrey Place is not desirable. No other access is available.	No
<b>35-37 Broughton Street (Kirribilli Hotel)</b> 	N/A. Existing pub permitted as a Schedule 1 use.	N/a
<b>45 Broughton Street</b> 	Likely to impact residential amenity at the zone interface.	No
<b>17 Willoughby Road (The Botanist)</b> 	Likely to impact residential amenity at the zone interface.	No
<b>2-28 Ennis Road</b> 	Likely to be acceptable given adequate setback to residential zone.	Yes



## SECTION 7 LATE NIGHT TRADING HOURS

### 7.1 INTRODUCTION

Late night trading premises can positively contribute to the character of an area through increased vitality and vibrancy of the urban environment outside of normal business hours. Conversely, the operation of such premises and associated actions of patrons also has the potential to adversely impact upon the amenity of nearby residential or other sensitive land uses.

This section of the DCP aims to assist in the management of impacts from the operation of late night trading premises on the sites and neighbourhoods in which they are located and in particular, to protect the amenity of local residents. This is to be primarily achieved through restricting trading hours dependant upon a premises location and promoting ongoing good management practices.

The provisions of this Section do not set out to curb or increase potential trading hours in a blanket fashion, but to allow opportunities for late night trading hours to occur in appropriate locations and with appropriate management actions.

It is particularly important for proponents of late night trading premises to demonstrate responsible management over time. This commitment should be demonstrated both at the development application stage and throughout the history of the operation of a premises.

Late night trading hours are considered by Council to be a privilege and not a right.

#### 7.1.1 General Objectives

The objectives of this Section of the DCP are to:

- O1 identify appropriate locations and trading hours for late night trading premises;
- O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;
- O3 ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management;
- O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate to the status of the zone within which it is located;
- O5 encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work, live and visit North Sydney;
- O6 encourage a diversity of night-time activity in defined areas;
- O7 prevent the proliferation of poorly managed late night trading premises;
- O8 ensure that new late night trading premises do not reduce the diversity of retail services in an area;
- O9 ensure that development applications are accompanied by sufficient information so that proposals for night trading premises can be fully and appropriately assessed;
- O10 ensure that appropriate hours are permitted for outdoor trading; and
- O11 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

#### 7.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for non-residential uses seeking to operation wholly or in part for trading hours between 8pm and 7am that involve:

- (a) a change of use of a premises;





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- (b) new or extended trading hours to existing premises;
- (c) refurbishment, additions or extensions that will result in an intensification of an existing use; or
- (d) formalisation of trading hours following a trial period as prescribed in this Section of the DCP; or outdoor trading beyond 8pm.

For the purposes of (c) above, an intensification of use means any increase in the capacity of the premises to accommodate additional patrons, determined by:

- (a) an increase in the amount of licensed floor area (via a liquor licence);
- (b) an increase in the amount of floor space accessible to the public (excluding toilets, lifts, stairways, ramps, escalators, corridors, hallways, lobbies and the like);
- (c) an increase in patron capacity; or
- (d) an increase in the amount of footpath seating areas.

The application of this Section of the DCP is not retrospective nor does it derogate from existing consents.

This section of the DCP does not apply to development for new or alterations and additions to an existing brothel, home occupation (sex services), restricted premise, or sex service premise:

#### **7.1.3 Relationships to other sections**

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 2 – Commercial and Mixed Use Development;
- (c) Part B: Section 3 – Non-residential Development in Residential Zones; and
- (d) Part B: Section 8 – Outdoor Dining and Goods Display on the Footpath.

## **7.2 MATTERS FOR CONSIDERATION**

### **Objectives**

- O1 To ensure that relevant matters are considered when determining what operating hours are considered to be acceptable.

### **Provisions**

- P1 Appropriate trading hours will be determined by taking into account a number of primary issues which include (but are not limited to):
  - (a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;
  - (b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;
  - (c) the existing hours of operation of surrounding businesses;
  - (d) the size and patron capacity of the premises;
  - (e) the availability of amenities provided to premises;
  - (f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;
  - (g) the likely operation of the proposal during day time hours;



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- (h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;
  - (i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;
  - (j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;
  - (k) the accessibility and frequency of public transport during late night trading hours.
- P2 Consideration of all of these factors provides the basis for a consistent approach to the determination of appropriate trading hours and creates greater certainty both for the community and proponents of late night trading premises.
- P3 Once these factors are taken into consideration late night trading hours may be permitted in appropriate circumstances, particularly in areas of North Sydney that already exhibit or have an emerging vibrant night-time character, as opposed to parts of the LGA that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

## 7.3 TRADING HOURS

### 7.3.1 Trading Hours

Maximum allowable trading hours have been established that are considered to represent the desired late night trading character for each zone. A development application for late night trading will only be granted the maximum trading hours where an application can demonstrate the use of the premises during these hours will satisfy all provisions within this DCP Section and result in acceptable impacts upon the surrounding locality.

Many of these late night trading areas directly adjoin residential zones. The impacts of late night premises within these interface areas must be carefully considered. In addition, many late night premises are located within mixed use buildings where residences are located directly above. Where these impacts cannot be reasonably addressed, these sites may be granted trading hours less than the maximum hours set out within the table.

Council will consider the extension of trading hours within the North Sydney CBD up to 24 hour trading but only where the uses are suitable for the locality. These uses will be subject to on-going trial periods with the maximum 5 year trial period permitted. This will enable monitoring of premises within the CBD to ensure these uses do not detract from the character of the area.

#### Objectives

- O1 To ensure that trading hours are consistent with the desired character of each zone.
- O2 To minimise adverse amenity impacts on nearby residents.
- O3 To encourage a vibrant late night economy within North Sydney.
- O4 To ensure a reasonable balance is achieved between late night uses and residential amenity.
- O5 To ensure that residential zones located within the interface to late night trading areas are reasonably protected.
- O6 To minimise amenity impacts resulting from parking and traffic caused by late night uses.

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### **Provisions**

P1 The **maximum** trading hours that will be granted for a premises within each zone are outlined within Table B-7.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 7.2 and all other relevant sections outlined within this Section of the DCP.

<b>TABLE B-7.1 Maximum Trading Hours</b>			
<b>Zone</b>		<b>Trading Hours</b>	
		<b>Indoor</b>	<b>Outdoor</b>
<b>B3 Commercial Core</b>		6am to Midnight	7am to 11pm
<b>*Refer to P2 &amp; P3</b>			
<b>B4 Mixed Use</b>		7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
<b>B1 Neighbourhood Centre</b>	Properties in Kirribilli Village that are detailed in Figure 1 below (including 2-28 Ennis Road)	<u>7am to 11pm (Mon-Wed)</u> <u>7am to Midnight (Thurs-Sat)</u> <u>7am to 10pm (Sun)</u>	<u>7am to 10pm</u>
	1) Properties within Kirribilli Village (other than those detailed in Figure 1, a frontage to Broughton St, 2-28 Ennis Rd, Milsons Point	7am to 10pm (Sun-Wed) 7am – 11pm (Thurs – Sat)	7am to 9pm
	2) Properties with a frontage to Miller St, Cammeray		
	3) Blues Point Road, McMahons Point		
All other locations		7am to 10pm	8am to 8pm
<b>All other zones</b>		7am to 10pm	8am to 8pm

**Note:** 1. All service of food, alcohol or relevant services shall cease immediately at the time specified above with all patrons being required to leave within 30 minutes of the closing time.

2. Outdoor furniture shall be set up and removed within 30 minutes of approved outdoor seating trading hours.

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*Figure 1: Areas within Kirribilli Village where small bars are permitted*

For clarity purposes, Figure 1 includes 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and Bays 2-44 Ennis Road, Milsons Point.

**B3 Commercial Zone – North Sydney Centre**

- P2 In addition to the hours stipulated in Table B-7.1, where an application satisfies the matters for consideration in Section 7.2 and all other relevant provisions of the DCP, an extension of trading hours up to 24 hour trading will be considered for premises located within the B3 Commercial Core zone in the North Sydney Centre only.
- P3 Any extension beyond 12 midnight would be subject to an on-going trial period with the maximum trial period granted of up to 5 years.

**Existing Premises**

- P4 Existing premises which have approval to trade outside maximum trading hours may apply for these existing hours in new and refurbished areas within the premises and these will be considered provided it can be demonstrated that:
- (a) The existing premises' operation has an acceptable impact upon the surrounding locality; and
  - (b) The impacts of the proposed trading hours are satisfactory having regard to the matters for consideration outlined in Section 7.2 and all other relevant DCP provisions.

**Luna Park**

- P5 No extension to existing approved trading hours for Luna Park will be granted.



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#### ***Extended Trading Hours – Non-licensed premises***

- P6 In addition to the hours stipulated in Table B-7-1, where an application satisfies the matters for consideration in Section 7.2 and all other relevant provisions of the DCP, extended trading hours may be considered for non-licensed premises such as shops, service stations, health service facilities, recreational facilities, information and education facilities and the like. Any extension beyond the trading hours set out within the DCP may be subject to a trial period.

### **7.3.2 Trial Periods**

#### **Objectives**

- O1 To enable Council to monitor and assess the management performance of a premises and its impact on neighbourhood amenity.

#### **Provisions**

- P1 Prior to granting consent for the maximum or extended trading hours, Council may impose a one year trial period for a premises that, in the opinion of Council, may have the potential to generate adverse impacts on the amenity of the surrounding area.
- P2 A Section ~~4.55~~<sup>96</sup> application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. In most instances, a condition of consent will clarify that the extended trading hours will stand in place until such time as the modification application is determined.
- P3 Following the trial period, the trial hours will be granted on a permanent basis only if Council is satisfied that the premises has demonstrated good management performance and compliance with a Plan of Management (if applicable), other than for premises within the North ~~Sydney~~ CBD as set out within P4.
- P4 Trial periods within the North Sydney Centre shall be on-going and a maximum trial period of up to 5 years shall be granted. A Section ~~96~~<sup>4.55</sup> application must be lodged every 5 years should the applicant seek to renew these trading hours.

### **7.3.3 Acoustic Impacts**

#### **Objectives**

- O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

#### **Provisions**

- P1 The premises must comply with the following relevant noise criteria:
- (a) the noise emission limits set out in Section 2.3.2 – Noise to Part B of the DCP for development located in the:
    - (i) *B1 Neighbourhood Centre zone*;
    - (ii) *B3 Commercial Core zone*; and
    - (iii) *B4 Mixed Use zone*.
  - (b) the noise emission limits set out in Section 3.2.5 – Noise to Part B of the DCP for development located in all other zones.
  - (c) All relevant noise criteria required by the NSW Office of Liquor, Gaming and Racing Authority (OLGR) for licensed premises.
- P2 An Acoustic Report prepared by an appropriately qualified Acoustic Consultant which predicts the likely level of compliance with the criteria outlined in P1 as relevant must be submitted with a development application for any of the following late night trading premises or activities:
- (a) pubs,

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- (b) small bars,
  - (c) outdoor dining,
  - (d) smoking areas, and
  - (e) any use proposed to operate beyond the maximum trading hours.
- P3 Where relevant, an Acoustic Report should take into account any mechanical plant associated with the use of the site.
- P4 The recommendations of any Acoustic Report must form part of the Plan of Management where relevant and shall be adhered to at all times.
- P5 The applicant may be required to undertake on-going acoustic monitoring and this will be required as part of a condition of consent.
- Note:** It is at Council's discretion to request the submittal of an Acoustic Report for any development application if it considered the proposal may impact adversely on the amenity of the area.

## 7.3.4 External doors, windows and openings

## Objectives

- O1 To minimise noise impacts on surrounding residential properties.
- O2 To protect adjacent residential properties located within close proximity to late night premises.

## Provisions

- P1 Where a premises is located within close proximity of a residential property or other sensitive noise receiver and is likely to result in adverse acoustic impacts, all doors and windows on a building's elevation fronting a residential receiver, must be kept closed no later than the hours specified in the following table, other than to allow entry or egress.

TABLE B-7.2 – Doors and windows to be kept closed		
Zone		Doors and windows to be kept closed by:
B3 Commercial Core		11pm
B4 Mixed Use		10pm
B1 Neighbourhood Centre	Properties in Kirribilli Village that are detailed in Figure 1 below (including 2-28 Ennis Road)	10pm
	1) Properties with a frontage to Broughton St, within Kirribilli Village (other than those detailed in Figure 1).	9pm
	2) 2-28 Ennis Rd, Milsons Point	
	3) Properties with a frontage to Miller St, Cammeray	
All other locations		8pm
All other zones		8pm

- P2 Notwithstanding P2, doors and windows must be closed in accordance with the recommendations of any applicable Acoustic Report, where the recommendation is more restrictive than the hours specified in P2.
- P3 Where a site has two frontages, entry or exit after 10pm should occur only from the primary frontage or road and not onto a secondary road or laneway.
- P4 The applicant must demonstrate that the premises can be adequately ventilated to accommodate the closure of these doors and windows and that the premises can comply with relevant BCA provisions including egress and fire safety.

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### 7.3.5 Waste Management

#### Objectives

- O1 To ensure the appropriate siting of waste facilities to minimise noise impacts to surrounding residential properties.

#### Provisions

- P1 An area for on-site management of waste and recycling shall be nominated and its design shall be in accordance with relevant Environmental Health Guidelines.
- P2 The garbage/recycling area must be appropriately sited as far as possible from nearby residential properties.
- P3 The transfer of waste, particularly glass bottles, into an outdoor garbage/recycling area must not occur after 10pm where this would likely be audible from surrounding residential properties.

### 7.3.6 Use of Smoking Areas

#### Objectives

- O1 To ensure that the impacts of the use of areas on the site for smoking are properly considered.
- O2 To minimise the impacts of the use of smoking areas on surrounding residential amenity.

#### Provisions

- P1 Operating hours for smoking areas may equal those for indoor areas as shown in Table B-7.1 if Council is satisfied that the requirements of this section can be met.
- P2 Council must be satisfied that the operation of late night smoking areas will not result in any additional impact on the surrounding area. Where a smoking area may impact upon the amenity of surrounding residential receivers, the following will need to be confirmed with any application for late night smoking areas for licensed premises:
- (a) the purpose of the smoking area is to establish a short stop or short term 'breakout area' for smokers;
    - (i) there must be no music, entertainment or gaming machines in the area;
    - (ii) appropriate ashtrays will be installed;
    - (iii) smokers will be discouraged from remaining in the area longer than necessary than to have a cigarette.
    - (iv) The Plan of Management must nominate the maximum capacity for this area at any one time.
  - (b) Other than those required by emergency systems, PA or audio systems are not to be installed in outdoor smoking areas.
  - (c) Where necessary, the outdoor smoking area must incorporate the added feature of an air lock to minimise the potential for noise spill from the interior of the premises. Doors to air locks are to be fitted with appropriate door closing hardware to ensure that they are not 'held open' which could negate the acoustic benefits.
  - (d) The smoker's area is not to be used as an additional place for drinking and dining. No tables, chairs or service are to be provided. Service to patrons is to be restricted to internal areas. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.
  - (e) If a smoking area also doubles as an outdoor dining/drinking area, then any associated tables, chairs and the service of food, drinks and the like can be



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provided for the period of the approved outdoor trading hours only. Once the maximum approved outdoor trading hours have been reached, patrons cannot be given access to the chairs, tables, or the service of food and drink in these locations. The service of patrons is to be restricted to internal areas of the premises only. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

- (f) In instances where there is uncertainty over the appropriateness of the smokers' area, consent for its use as a smokers area will only be granted for a limited time (e.g. 12 months). After 12 months from the release of an Occupation Certificate, an applicant may seek the removal of the restrictive condition, via the lodgement of a Section 96 application. Any such application must be accompanied by an Acoustic Report providing details of acoustic testing carried out and the results of such tests demonstrating compliance with all relevant Acoustic Criteria in Section 7.3.3.

## 7.4 PREMISES MANAGEMENT CHECKLISTS AND PLANS OF MANAGEMENT

All development applications for late night trading premises must be accompanied by a **Premises Management Checklist** as a minimum. This will provide Council with relevant information required to assess any late night trading Development Application.

Development Applications which have the potential to impact adversely on residential amenity and neighbourhood safety such as pubs and small bars are required to prepare a **Plan of Management** that includes verifiable data and actions. Plans of Management are to include information about the operational and contextual aspects of a premises (e.g. locality description, security numbers, noise emission, trading hours etc.) as well as details about what actions will be taken to ensure that premises will be responsibly managed (e.g. crowd control procedures, noise minimisation, waste management etc).

This ensures that proponents of late night trading premises have considered and addressed any potential impacts that may arise from the premise's operation during late night hours, as well as enabling the Council to effectively assess the impacts of a proposal. It is the responsibility of the licensee to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

### Objectives

- O1 To ensure that potential impacts from the operation of the premises are considered and addressed during the assessment of an application; and
- O2 To enable Council to review Plans of Management to ensure that management practices are being appropriately applied to late night trading premises.

### Provisions

#### **Premises Management Checklist**

- P1 A Premises Management Checklist addressing all criteria set out in Section 7.4.1 of this Section of the DCP, must be submitted for any for development application proposing to operate between 8pm and 7am unless a Plan of Management is required.

#### **Plan of Management**

- P2 A Plan of Management addressing all criteria set out in Section 7.4.2 of this Section of the DCP, must be submitted with a development application for any of the following late night trading premises proposing to operate between 8pm and 7am:
- (a) pub,
  - (b) small bar,
  - (c) any use proposed to operate beyond the maximum trading hours;

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### **Late Night Trading Hours**

P3 Plans of Management must be reviewed following any trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

P4 The Plan of Management shall form part of any development consent granted by Council.

**Notes:** It is at Council's discretion to request further information regarding the management of any late night premises if it is considered that the proposal may impact adversely on the amenity of the area.

*This additional information may be either in the form of a formal Plan of Management, or (where requested by Council) a letter that addresses a specific matter (or matters) of concern particular to the proposal (e.g. security provision, noise, waste management, staffing etc.)*

#### **7.4.1 Premises Management Checklists**

Where relevant, at a minimum, management checklists must:

- (a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;
- (b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (e.g. disposal of bottles, waste removal etc.);
- (c) Provide details of the type and number of staff that will be employed on the premises at any one time;
- (d) Describe any arrangements that have been made for on-site security (if relevant). This is to include specific information on the number of licensed security staff, including details of any electronic surveillance systems within the premises;
- (e) Describe any steps that will be taken to manage patron behaviour when leaving the premises late at night;
- (f) Describe any methods for controlling and managing crowds within and outside the premises;
- (g) Describe measures will be taken to manage large groups of people during peak trading periods;
- (h) Provide a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;
- (i) State the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
- (j) State the operating and/or trading hours of the premises;
- (k) Describe any measures to increase patron awareness of public transport availability in the locality;
- (l) Describe when and how the site will be cleaned and generally serviced; and

#### **7.4.2 Plans of Management Criteria**

Plans of Management should include the following information where relevant:

##### **Site and Locality Details**

- (a) A description of the primary use of the premises as well as any secondary/ancillary uses (e.g. retail liquor sales, entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site;
- (b) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. Outdoor seating, footway dining, patron queuing areas, parking etc);

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- (c) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses;
- (d) Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
- (e) The location of waste storage areas;
- (f) Location of air conditioning, exhaust fan systems and security alarms;
- (g) A site context plan that provides empirical details of on-site and off-site car parking within 100 metres radius of the site, including a description of the availability of public transport in the locality during the proposed trading hours. This should also include routes to taxi ranks or possible taxi pick-up and drop-off areas.
- (h) Identification of the most commonly used pedestrian routes to and from the premises, and

**Operational Details****(a) Organisational Overview**

An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

- (i) the number and type of staff (including security);
- (ii) other similar premises within the company's portfolio (if relevant);
- (iii) any Liquor Licenses for the premises;
- (iv) a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;
- (v) membership of a Licensing Accord within the North Sydney LGA;
- (vi) actions taken to liaise with the local community about premises management and activities (e.g. meetings, letter drops).

**(b) Hours of Operation**

- (i) A schedule of the proposed operating hours for each day of the week for all areas of the premises (e.g. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above.

**(c) Noise**

- (i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:
  - entertainment, including amplified music from a band or disc jockey;
  - external (outside) areas such as courtyards, rooftops, balconies etc;
  - patrons leaving and entering the premises;
  - the operation of mechanical plant and equipment; and
  - waste disposal, sorting and collection of bottles etc.
- (ii) A description of the existing acoustic environment during hours proposed beyond midnight (e.g. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.);
- (iii) The identification of all noise sensitive areas of different occupancy in close proximity to the proposed use (e.g. residential dwellings; boarding houses, backpacker accommodation, hostels etc.).

**(d) Safety and Security**

- (i) A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

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- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
  - the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
  - identification of the physical extent of any patrolled areas outside the premises;
  - hours that security personnel will be on duty (including the period after closing time); and
  - staff security training, weapons detection, and other security response methods.
- (ii) Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras and camera technical specifications (e.g. recording capacity, frames per second etc.)
- (iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;
- (iv) Written confirmation that the NSW Police Service raises no objection to trading hours beyond midnight (if trading hours beyond midnight are sought) and there is no record of significant crimes generated by the premises or records showing an increase in crime associated with the premises; and
- (v) Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:
- Complaint date and time;
  - Name, contact and address details of person(s) making the complaint;
  - Nature of complaint;
  - Name of staff on duty; and
  - Action taken by premises to resolve the complaint.

#### **Management Measures**

##### **(a) General Amenity**

- (i) Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised. This should identify (where relevant) any measures taken to ensure that the operation of the premises will not materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (ii) Details of all actions that will be taken to respond to complaints made about the operation of the premises (e.g. consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);
- (iii) A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.;
- (iv) Details of when (frequency) and how the premises will be cleaned and serviced;
- (v) If the premises has gaming machines, details of where gaming areas will be located in order to not be viewable from the street (e.g. away from the street frontage, not at ground level if multiple floors, appropriate screening); and how these areas will be patrolled;

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- (vi) A statement that addresses how the premises/use will impact/ contribute on the mix of uses in the area/locality during both day and night trading hours;
  - (vii) Details of methods that will increase patron awareness of public transport availability (e.g. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (e.g. provision of a shuttle service, taxi assistance etc.); and
  - (viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts;
  - (ix) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.
- (b) **Noise**
- (i) Details of all on-site and off-site noise and vibration attenuation measures;
  - (ii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, [Protection of the Environment Operations Act 1997](#), EPA Industrial Noise Guidelines, etc.);
  - (iii) Details of all actions that will be taken to ensure that the operation of the premises will not give rise to any "offensive noise" as defined under the [Protection of the Environment Operations Act 1997](#);
  - (iv) Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (e.g. liaison with neighbours and local police, maintaining a complaint register etc);
  - (v) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies etc; and
  - (vi) Details of any noise limiting devices to be installed.
- (c) **Security and Safety**
- (i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering and leaving the premises will minimise disturbance to the neighbourhood;
  - (ii) Any provisions that will be made to increase security in times where higher than average patronage is expected (e.g. During live entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.);
  - (iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;
  - (iv) Details of measures that will be implemented to ensure that neighbourhood amenity and safety is protected. At a minimum this should include:
    - emergency procedures;
    - crowd control;
    - search procedures;
    - maintenance of an incident register;
    - monitoring of patron behaviour;
    - monitoring of numbers of patrons within the premises;
    - recording of complaints and reporting of incidents to Police;
    - where relevant, membership of the proprietor/licensee to a Licensing Accord (please refer to the Office of Gaming Liquor & Racing's website for

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- details of Licensing Accords operating within the North Sydney LGA) and a demonstrated commitment to the strategies and principles of the Accord;
- dress codes;
  - staff security training;
  - distinctive security attire;
  - availability of cloak rooms;
  - internal and external security patrols;
  - the location, design and type of footpath and external lighting that will be installed;
  - measures to prevent glass drinking receptacles being carried from the premises by patrons;
  - measures to ensure safe capacities (e.g. electronic counting of patrons, occupancy limits, signage); and
  - provision of pre-booking services for taxis; and
  - availability of courtesy bus services.
- (v) If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that queuing is controlled in a manner that will not adversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded. This description may address such matters as:
- the use of temporary ropes and bollards;
  - maximum queue numbers;
  - actions taken to minimise loitering; and
  - actions ensuring the fast and efficient movement of a queue.
- (vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements of the Casino, Liquor and Gaming Authority such as:
- employee training and awareness regarding RSA and harm minimisation;
  - approaches that will be used to manage intoxicated and/or disorderly persons;
  - promotion of non-alcoholic beverages;
  - display of the premises' house policy;
  - assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
  - encouraging responsible drinking; and
  - actions taken to discourage drug use and to manage drug related incidents.

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