

SUPPLEMENTARY REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL



PANEL REFERENCE & DA NUMBER	PPSHCC-295 MA2024/00006
LGA	City of Newcastle (CN)
PROPOSED DEVELOPMENT	<p>This section 4.55(2) application proposes to modify and extend the hours of operation of the ground floor sports bar and gaming lounge, known as "Lyrique Bar", subject to DA2019/01150.</p> <p>The premises is currently approved to operate with the following hours:</p> <ul style="list-style-type: none"> Monday to Saturday: 10.00am – 12.00 midnight Sunday: 10.00am – 10.00pm <p>This modification seeks approval to extend the hours of operation for the "Lyrique Bar" to:</p> <ul style="list-style-type: none"> Monday to Saturday: 10.00am – 2.00am Sunday: 10.00am – 12.00midnight
STREET ADDRESS	185 Hunter Street, Newcastle
APPLICANT	URBIS PTY LTD
OWNER	EAST END STAGE 1 PTY LTD
DATE OF DETERMINATION MEETING	5 November 2024
APPLICATION TYPE	Modification Application under Section 4.55(2)
REGIONALLY SIGNIFICANT CRITERIA	<p>Section 275 of the <i>Environmental Planning and Assessment Regulation 2021</i> states that a council must not determine an application to modify a development consent under the Act, Section 4.55(2), on behalf of a regional planning panel, if the application is of a kind specified in the <i>Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents</i> published on the NSW Planning Portal on 30 June 2020.</p> <p>A council is not to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application meets the criteria relating to contentious development.</p> <p>This modification application is considered "contentious development" due to receiving 10 or more unique submission by way of objection.</p>
RECOMMENDATION	<p>Approval, subject to conditions of consent in addition to a 12-month trial period for the hours of operation:</p> <ul style="list-style-type: none"> Monday to Saturday: 12:00 midnight – 2.00am; and

	<ul style="list-style-type: none">• Sunday: 10.00pm – 12.00 midnight
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Background

This supplementary report provides further information in response to matters raised during the determination meeting held on 5 August 2024 and provides associated amended conditions of consent.

The Panel has considered the report prepared on this matter. Following a review of the assessment report and the issues raised by the submitters, several matters relating to the management and operation of premises required further clarification prior to determination.

These matters relate to:

- i) A Plan of Management (PoM);
- ii) Additional and / or amended conditions in relation to the following matters raised by HCCRPP:

The Panel requires further analysis of these matters raised above to undertake further consideration and to determine the matter.

The supplementary assessment should be read in conjunction with the original assessment report.

A new version of the amended conditions is provided at **Attachment A**.

Response to matters raised by the HCCRPP

- i) Plan of Management (PoM)

QT is the operator for the hotel building complex, apart from the ground floor sports bar/gaming lounge, known as "Lyrique Bar", which is the subject of this application.

CN requested the applicant prepare a PoM that is specific to the operation of the Lyrique Bar.

The Plan of Management, dated November 2024 has addressed:

- Smoking inside the premises (section 11, pg. 9);
 - Patron capacity (section 17, pg. 11);
 - Security measures, including roles and responsibilities of security guards (section 22, pg. 13);
 - Queuing and parting management (section 23, pg. 15);
 - General security procedures (section 25, pg. 15);
 - Complaints and incident register (section 33, pg. 18);
 - Operation of CCTV (section 34, pg. 19); and
 - Noise (section 36, pg. 20)
- ii) Additional and / or amended conditions

In regard to the proposed security measures (section 22, pg. 13-14), the POM states:

"On Friday and Saturdays, from 8 pm until 30 minutes after closing time, one uniformed security person shall be employed at the Lyrique Bar...."

Following a review of the PoM, a key recommendation of this assessment is for one security person to be employed at the Lyrique Bar, from 8:00pm until 30 minutes after closing time, Thursday to Sunday to ensure that patrons leave in a quiet and timely manner and do not smoke in the immediate vicinity of the premises. For clarity, a new stand-alone condition of consent is recommended requiring the PoM to be in accordance with this requirement.

Regarding complaints and incident register (section 33, pg. 18), the PoM states:

"Persons who wish to make a complaint will contact the Lyrique Bar on (02) 4047 9960 . That number shall be displayed on a sign at its Lyric Lane entrance. Calls to this number must be answered at all times when the premises are trading and for, at least, 30 minutes after closing time".

For clarity, a stand-alone condition of consent is recommended requiring the telephone number be displayed on a sign at its Lyrique Lane entrance for any person who wishes to make a complaint. Calls to this number must be answered at all times when the premises are trading and for, at least, 30 minutes after closing time.

The amenity impacts on the locality are considered capable of being managed in accordance with the updated PoM and amended conditions of consent.

New conditions

80A. The Plan of Management for the Lyrique Bar, dated November 2024 is to be amended in accordance with the conditions of this consent, including the following:

- a) All acoustic and management measures proposed to be implemented to minimise potential noise impacts from the premises, including the relevant recommendations of the Noise Assessment prepared by Acoustic Logic, dated 31 January 2024.
- b) One (1) uniformed licensed security person is to be employed from 8:00pm until 30 minutes after closing of the Lyrique Bar, Thursday to Sunday.
- c) Ensure the manner in which the business of the premises is conducted and/ or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations.
- c) Record in a Register, the full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s, complainant's details (if provided) and all actions undertaken by management/ staff to resolve such complaints.
- d) The final Plan of Management, as outlined as a condition of this consent, incorporating security management and responsible service of alcohol being implemented at all times and updated in response to complaints lodged through consultation with NSW Liquor and Gaming, NSW Police and / or Council.
- e) A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of Liquor and Gaming, Police, Council and / or any members of the public.
Note: Any further amendments or proposed variation to the approved Plan of Management require approval from Council through the submission of a s.4.55 modification application.

81A. A telephone number must be displayed on a sign at the Lyrique Bar's entrance (Lyrique Lane) entrance

for any person who wishes to make a complaint.

Conclusion

The above supplementary report, in combination with the revised POM and revisions to the draft conditions address addresses the concerns and issues arising from the Panel's determination meeting, dated 5 November 2024.

It is recommended that the application be supported on the combined basis of the 'Council Assessment Report' and this Supplementary Report subject to the revised draft conditions of consent.

Attachment A – Draft Conditions of Consent (amended)

Attachment B - Plan of Management (Lyrique Bar), dated November 2024