

**DECISION OF 3661st COUNCIL MEETING
HELD ON 16 MARCH 2015**

58. CiS06: Post-Exhibition Report - Late Night Trading: Proposed DCP Amendments

Report of Lara Huckstepp, Executive Planner

The draft Development Control Plan (DCP) amendment (Late Night Trading) was placed on public exhibition from 27 November 2014 to 30 January 2015. This report considers the submissions made during the exhibition period and makes recommendations as to how the draft DCP amendment is to proceed.

A total of 6 individual submissions were received raising issues relating to proposed controls applicable to existing premises, smoking areas, trial periods and various other points of clarification. These submissions have been carefully considered and it is recommended that no further amendments are warranted to the draft DCP amendment.

It is recommended that the draft DCP amendment be adopted by Council.

Recommending:

1. **THAT** Council note the results of the Exhibition of the draft DCP Amendment.
2. **THAT** Council adopt the amendments to NSDCP 2013 Section 7 (Late Night Trading) as attached to this report (Attachment 2).
3. **THAT** public notice of the amendments to North Sydney Development Control Plan 2013 be given.

The Motion was moved by Councillor Baker and seconded by Councillor Barbour.

Motion was put and carried.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Reymond	Y		Morris	Y	
Clare	Y		Burke	Y	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	
Beregi	Y				

RESOLVED:

1. **THAT** Council note the results of the Exhibition of the draft DCP Amendment.
2. **THAT** Council adopt the amendments to NSDCP 2013 Section 7 (Late Night Trading) as attached to this report (Attachment 2).
3. **THAT** public notice of the amendments to North Sydney Development Control Plan 2013 be given.



Report to General Manager

Attachments:

1. Summary of Public Submissions
2. Draft Amendment to NSDCP 2013 Part B Section 7 - Late Night Trading Hours
3. 'Late Night Trading - Post Exhibition Report Proposed DCP Amendments Report dated 17 November 2014 (including attachments)

SUBJECT: Post-Exhibition Report - Late Night Trading: Proposed DCP Amendments

AUTHOR: Lara Huckstepp, Executive Planner

ENDORSED BY: Marcelo Occhiuzzi, Manager Strategic Planning

EXECUTIVE SUMMARY:

The draft Development Control Plan (DCP) amendment (Late Night Trading) was placed on public exhibition from 27 November 2014 to 30 January 2015. This report considers the submissions made during the exhibition period and makes recommendations as to how the draft DCP amendment is to proceed.

A total of 6 individual submissions were received raising issues relating to proposed controls applicable to existing premises, smoking areas, trial periods and various other points of clarification. These submissions have been carefully considered and it is recommended that no further amendments are warranted to the draft DCP amendment.

It is recommended that the draft DCP amendment be adopted by Council.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. **THAT** Council note the results of the Exhibition of the draft DCP Amendment.
 2. **THAT** Council adopt the amendments to NSDCP 2013 Section 7 (Late Night Trading) as attached to this report (Attachment 2).
 3. **THAT** public notice of the amendments to North Sydney Development Control Plan 2013 be given.
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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

BACKGROUND

In response to the need to revisit and resolve issues pertaining to late night trading and address the Direction 3.1.1.1 in Council's Delivery Program, Council officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review) in July 2013. *(Note: Detailed background to the review is contained within the attached reports).*

Council undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and property owners within and surrounding those areas where late night trading is permitted. Council received over 800 submissions in response to the brochure and questionnaire, representing a highly successful consultation process.

On 3 March 2014, Council Officers prepared a report to the Legal and Planning Committee to present the findings of the preliminary consultation wherein the Committee resolved to continue to pursue the development of appropriate planning controls relating to Late Night Trading.

A draft Development Control Plan (DCP) Amendment (Late Night Trading) was formulated having regard to the results of the preliminary consultation, research and analysis of Council's current practice, and consultation with various stakeholders. The draft DCP was reported to Council to its meeting on 23 June 2014. At this meeting, Council resolved to adopt the draft amendment for the purposes of public exhibition for a minimum of 28 days and that a report be provided to Council after the conclusion of the exhibition period.

The draft DCP amendment was placed on public exhibition between 24 July and 21 August 2014, wherein staff undertook a comprehensive consultation program. In response, a total of 53 individual submissions were received, one pro-forma letter from 23 properties, a submission on behalf of the Harbourside Liquor Accord endorsed by 20 businesses, 2 precinct responses, a petition containing 285 signatures, 1 public authority response and one internal response.

A number of issues arose from this consultation with two key issues being trading hours within McMahons Point and application of the controls on existing premises.

A post exhibition report was presented to Council at its meeting of 17 November 2014. Council resolved to adopt the further amendments to the draft amendment (Late Night Trading) DCP. The amendments including modification to trading hours in McMahons Point, modifications to provisions relating to existing premises and various other amendments. It was resolved that the proposed further amendments to the draft DCP be placed on public exhibition and that the results be reported back to Council.

The draft DCP amendment was placed on public exhibition from 27 November 2014 - 30 January 2015 wherein staff undertook a further comprehensive consultation program.

A total of 6 submissions were considered during the consultation period raising issues relating to proposed controls applicable to existing premises, smoking areas, trial periods and various other points of clarification. This report considers the submissions made during the exhibition period. No further amendment to the draft DCP Amendment is considered to be warranted. It is recommended that Council adopt the draft DCP Amendments.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and relevant requirements under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none">The types of businesses and their hours of operation, in conjunction with their location, have implications for surrounding residential uses in terms of noise, safety and general amenity.
Social	<ul style="list-style-type: none">Council needs to strike a balance between the interests of businesses and residents where they do not meet to ensure that dense and integrated communities can flourish under co-existing land uses.
Economic	<ul style="list-style-type: none">Decisions made regarding the operation of businesses can have direct impacts on the economic sustainability of those businesses.
Governance	<ul style="list-style-type: none">Council needs to manage the sometimes divergent needs and wishes of local businesses and residents. A considered and consistent approach to such matters demonstrates appropriate local governance.

DETAIL

This report considers the issues raised in submissions made in response to the public exhibition of the draft DCP Amendment (Late Night Trading) and recommends how these issues are to be addressed.

1. Public Exhibition of Draft DCP Amendment: Late Night trading

Draft DCP Amendment Late Night trading was publicly notified from 27 November 2014-30 January 2015, being in excess of the statutory 28 day period. Public exhibition included the following:

- Letters sent to all those who previously requested to be kept informed;
- Weekly advertising in the Mosman Daily (including 27 November 2014, 11 December 2014, 8 January 2015 and 22 January 2015)
- Notification in various Council e-Newsletters and Bulletins.
- Notification to Precinct Committees.
- Exhibition displays in Stanton Library and Council Chambers.
- Dedicated exhibition page on Council's website.

2. Submissions

A total of 6 individual submissions were received. Of these submissions:

- 5 general public
- 1 public authority

3. Issues arising from submissions

A summary and response to all submissions received is located in the attached Submissions Summary Tables (Attachment 1). A complete copy of all submissions has been made available to Councillors via the submissions folder placed in the Councillor's Room.

Key issues raised are summarised and addressed below:

Key Issues

3.1 Existing Premises should be exempt from all other DCP sections other than Section 7.3.1 P4 (Existing Premises)

Two submissions raised concerns that where the provisions of Section 7.3.1 P4 (Existing Premises) apply, the remainder of Section 7 (Late Night Trading) should not be applied. The submissions refer to the 'Matters for Consideration' in Section 7.2. The primary concern is that the controls may be conflicting wherein a proposal for an existing premises cannot satisfy the other controls.

It is considered that the 'Matters for Consideration' and other provisions within the draft DCP would inform considerations relating to likely impacts of a proposal. The intent of Section 7.3.1 P4 is to allow the existing trading hours and operation of an existing premises, to be given appropriate weight in a merit consideration. The intent is not to exempt existing premises from any other DCP consideration. All other DCP provisions remain relevant and important considerations in ensuring that the surrounding residential amenity is reasonably maintained.

Recommendation A

That no further amendment be made to Section 7.3.1 (Existing Premises)

3.2. *Trial Periods should not be imposed on existing premises*

Two submissions raised concerns that trial periods should not be imposed on existing premises, with the primary reasons stated that an existing premises has already demonstrated good management by the proposal being satisfactory pursuant to Section 7.3.1 P4.

The draft DCP Amendment allows Council to impose a trial period where in the opinion of Council, such a use may generate adverse impacts on the amenity of the locality. This imposition of trial periods is a widely used assessment tool, and is intended to formalise North Sydney Council's current practice.

With regards to the non-discretionary trial periods applicable within the North Sydney CBD, these were recommended by the North Sydney Police and this approach is supported by Council Officers.

Such mechanisms are considered relevant to both existing and new premises.

Recommendation B

That no further amendment be made to trial periods relating to existing premises

3.3. *Trial Periods should relate only to new works*

One submission was concerned that where new works are proposed, trial periods may be imposed on the entire existing establishment. The submission considered that trial periods should relate only to those areas wherein the new works are proposed.

Whilst the limiting of trial periods to new building components may be appropriate in some instances, in other instances the new works may have an impact on the entire existing building operation.

The terms of the imposition of a trial period will be determined on their merit considering various issues including the scope of works, location of works, site location and various other factors as relevant. The imposed conditions of consent have the flexibility to determine which areas of an existing building wherein any trial periods will refer, as necessary.

Recommendation C

That no further amendment be made to trial periods relating to existing premises

3.4. *Smoking Areas within Existing Premises*

One submission raised concerns that the provision of smoking area controls set out in Section 7.3.6 should not be applied to existing premises. Alternatively, it was suggested that the provisions be amended so that smoking areas can operate equal to internal hours. The submission noted that the provision of smoking areas as being critical for some premises, particularly with lock-out restrictions on some premises.

Section 7.3.6 P1 proposes to allow smoking areas to operate in line with indoor trading hours where Council is satisfied that the use of the smoking areas will not result in unreasonable impacts to surrounding properties, with controls set out in Section 7.3.6 P2.

These controls are considered relevant to all new smoking areas, either located within a new building or existing premises. In any case, controls relating to existing premises under Section 7.3.1 P4 are considered to reasonably address this issue for existing smoking areas.

Recommendation D

That no further amendment be made to Section 7.3.6 (Smoking Areas)

3.5. *Clarification of Intensive Use*

Two submissions raised concerns that the ‘intensification of use’ definition provides no threshold of materiality, so that it may capture a minor development application.

The draft DCP Amendment is intended to be applicable to all Development Applications lodged which fall within this definition. Each development application will be assessed on its merits accordingly.

Recommendation E

That no amendment be made to the definition of the ‘intensification of use’

3.6. *Outdoor Areas*

One submission raised concerns that clarification was required that new and refurbished areas within Section 7.3.1 P4 included outdoor areas. The premises is considered to include all site components and further clarification in this instance is not considered to be warranted.

Recommendation F

That no further amendment be made to the reference to ‘new and refurbished’ areas within Section 7.3.1 P4.

3.7. *Trial periods should not be mandatory*

Two submissions raised concerns that all trial periods should be discretionary and not mandatory. As set out within this report, mandatory trial periods are proposed for trading beyond 12 midnight as recommended by the North Sydney Police. All other trial periods are discretionary and each instance will be considered on its merits.

Recommendation G

That no further amendment be made to the provisions regarding trial periods in Section 7.3.2

3.8. *Trial Periods should include summer and winter months*

One submission suggested that trial periods should incorporate summer and winter months, together with a shoulder period prior to the formalisation of any trial period. Section 7.3.2 P1 sets out that a 12 month trial period will be granted and as such, will consider the impacts across all seasons.

Recommendation H

That no change be made to the duration of trial periods.

3.9. *Special Use Site*

One submission raised concerns that their venue is zoned Special Use and therefore falls within the most restrictive trading hours within the Table B-7-1. The venue considers this site should instead be provided with controls applicable to the B1 Neighbourhood Zone on account of its character.

The maximum trading hours table Table B-7-1 has been established accordingly to zoning, considered to be consistent with the desired character for each of these localities. The table does not or can not reasonable capture all outliers across each zone. Consideration of existing outliers is considered to be satisfactorily addressed through the mechanisms of Section 7.3.1 P4 (Existing premises).

Recommendation I

That no amendment be made to Table B-7-1 (Maximum Trading Hours).

3.10. *Definition of North Sydney Centre*

One submission raised concerns that the 'North Sydney Centre' should be further defined. This has been addressed within the previous report to Council. The LEP maps clearly define the North Sydney Centre and not further amendment is warranted in this instance.

Recommendation I

That no amendment be made to the references to the North Sydney Centre.

Conclusion

All submissions have been considered and arising from this assessment, no further amendment to the draft DCP Amendment (Late Night Trading) is recommended for reasons set out within this report. It is recommended that Council adopt the draft DCP Amendment (Late Night Trading).

ATTACHMENT 1

Draft Amendment to North Sydney Development Plan 2013
- Part B – Section 7 Late Night Trading
Summary of public submissions received during public exhibition period (27 November
2014 – 30 January 2015)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Draft amendment to North Sydney Development Control Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Draft Plan or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Draft amendment North Sydney Development Control Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the draft plan.
 - b was already in the draft plan or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft proposals.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft plan was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 27 November 2014 – 30 January 2015)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1)	Amendments generally	Proposed amendments in relation to existing premises address a number of previous issues raised. However Council has dismissed submissions in relation to intensification of use and change in use. The current drafting is considered liable to create confusion.	Noted.	Nil	2e
		Clarification of Intensification of use	Intensification is so broadly defined and could capture any application that involves a nominal increase in floor area or any application that in the opinion of Council involve even the most minor increase in patron capacity. There should be threshold of materiality.	Addressed in Section 3.5 of the Report.	Nil	2e
		Existing premises	Section 7.3.1 P4 provides that existing premises can apply to retain existing trading hours where it is demonstrated no additional impacts would occur. To avoid conflicting policies, these existing premises should be exempt from the remainder of the draft DCP provisions, including the matters for consideration set out in Section 7.2.	Addressed in Section 3.1 of the Report.	Nil	2e
		Trial Periods for Extension of Existing Premises	Trial periods should not be applied to improvements to existing premises. Given the premises is currently operating, the satisfaction of Provision 7.3.1 P4 should be sufficient. An exemption should be put in place to ensure the DCP does not result in a derogation from existing approvals.	Addressed in Section 3.3 of the Report.	Nil	2e
		Definition of North Sydney Centre	It is suggested the reference to the North Sydney Centre be better defined, including a reference to LEP maps.	Addressed in Section 3.10 of the Report.	Nil	2e
2		Amendments generally	The amendments have acknowledged the concerns of existing premises in relation to the potential for the DCP for existing premises. However, concern continues to be raised in its application to existing premises.	Noted	Nil	2e

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 27 November 2014 – 30 January 2015)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Outdoor areas	Provision P4 Section 7.3.1 refers to 'new and refurbished areas within the premises. For clarity, this should be amended to specify the inclusion of outdoor areas.	Addressed in Section 3.6 of the Report.	Nil	2e
		Existing premises	Where provision P4 Section 7.3.1 applies, the remainder of the DCP should not be applicable. This could create confusion.	Addressed in Section 3.1 of the Report	Nil	2e
		Trial periods for existing premises	It is unclear whether trial periods under Section 7.3.1 will apply to existing premises. We believe trial periods would not be imposed where a premises has demonstrated compliance with Section 7.3.1 P4.	Addressed in Section 3.2 of the Report	Nil	2e
		Trial periods	The imposition of trial periods should be discretionary.	Addressed in Section 3.7 of the Report	Nil	2e
		Intensification	We remain concerned that there is no threshold of materiality for intensification of use.	Addressed in Section 3.5 of the Report	Nil	2e
		Smoking Areas	Existing premises which trade beyond DCP hours should be exempt from Section 7.3.6, or alternatively, should be amended so that trading hours for smoking areas can equal those for indoor areas.	Addressed in Section 3.4 of the Report	Nil	2e
		Special Use Classification	Our property is a special use zone and therefore included within 'all other zones' in Table B-7-2. We request our site be dealt with in the same manner as Cammeray Town Centre and ask that the DCP be amended accordingly.	Addressed in Section 3.9 of the Report	Nil	2e
3		Trial periods	It is unclear whether the trial periods for a premises will relate to the new works, the subject of the proposal, and not the whole premises. It is suggested it apply to only new sections only, to ensure existing well managed venues to meet	Addressed in Section 3.3 of the Report.	Nil	2e

ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 27 November 2014 – 30 January 2015)						
No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			community demands over time without risking current operating hours for existing floor space.			
4		Amendments	Thank you for listening to the residents and making this proposal more sensible.	Noted.	Nil	2c
5		Amendments	No objection raised.	Noted	Nil	2d
6		Trial periods	Any trial periods should incorporate summer and winter months and a shoulder period prior to final determination.	Addressed in Section 3.8 of the Report.	Nil	2b
		North Sydney CBD	North Sydney's CBD has a lively character that can be extended by degrees – not by blanket removal of restrictions that facilitate radical change in character.	Noted	Nil	2c
		Amendments generally	I support incremental changes that accord with proven data supporting the views of proponents and residents alike.	Noted	Nil	2c



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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Late Night Trading Hours

- (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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**Late Night Trading Hours**

- (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.

Draft North Sydney Development Control Plan 2013

Late Night Trading Hours**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.

TABLE B-7.1 Maximum Trading Hours			
Zone		Trading Hours	
		Indoor	Outdoor
B3 - Commercial Core		6am to Midnight	7am to 11pm
*Refer to P2 & P3			
B4 - Mixed Use		7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton St, 2-28 Ennis Rd, Milsons Point	7am to 10pm (Sun-Wed)	7am to 9pm
	2) Properties with a frontage to Miller St, Cammeray	7am – 11pm (Thurs – Sat)	
	3) Blues Point Road, McMahons Point		
	All other locations	7am to 10pm	8am to 8pm
All other zones		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.

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:

Draft North Sydney Development Control Plan 2013

**Late Night Trading Hours**

- The existing premises' operation has an acceptable impact upon the surrounding locality and;
- 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.

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 96 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 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 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:
- the noise emission limits set out in Section 2.3.2 – Noise to Part B of the DCP for development located in the:
 - B1 – Neighbourhood Centre zone;
 - B3 - Commercial Core zone; and

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- (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,
- (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	1) Properties with a frontage to Broughton St, Kirribilli.	9pm
	2) 2-28 Ennis Rd, Milsons Point	
	3) Properties with a frontage to Miller St, Cammeray	
	4) Blues Point Road, McMahons Point	
	All other locations	8pm
All other zones		8pm

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- 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.

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

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Late Night Trading Hours

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 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.

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**Late Night Trading Hours****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;

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:

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Late Night Trading Hours**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);
- (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.

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*Late Night Trading Hours*

- (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:
- 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.);

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- (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;
- (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;

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- 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 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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DRAFT

**DECISION OF 3658th COUNCIL MEETING
HELD ON 17 NOVEMBER 2014**

**483. CIS02: Post-Exhibition Report - Late Night Trading:
Proposed DCP Amendments**

Report of Lara Huckstepp, Executive Planner

The draft DCP amendment (Late Night Trading) was placed on public exhibition between 24 July and 21 August 2014. This report considers the submissions made during the exhibition period and makes recommendations as to how the draft DCP amendment is to proceed. A total of 53 individual submissions were received, one pro-forma letter from 23 properties, a submission on behalf of the Harbourside Liquor Accord endorsed by 20 businesses, 2 precinct responses, a petition containing 285 signatures, 1 public authority response, and one internal response.

A key issue arising from the consultation was objection to the proposed trading hours, predominantly outdoor trading, within Blues Point Road, McMahons Point, and that they were too restrictive. This report recommends this section be amended to extend trading hours within Blues Point Road to align with those recommended within the Kirribilli and Cammeray areas.

A second key issue arising from the consultation was the effect the controls would have upon the operation of existing premises. This report recommends this section be amended to clarify the application of this provision. The clarification outlines that existing premises can apply for existing and refurbished parts of their building to trade in line with existing trading hours, and that such applications will be considered on their merits. This was the intent of the provision and the amendments are considered to clarify this position.

Several other issues were raised regarding smoking areas, trial periods, consideration of non-residential uses and various other issues. These have been addressed within the report and a number of amendments proposed.

Due to the nature of the proposed amendments, and in particular the two issues outlined above, it is recommended that the draft DCP amendment be re-notified and the outcome be reported back to Council.

Recommending:

- 1. THAT** Council note the results of the Exhibition of the draft DCP Amendment.
- 2. THAT** Council adopt the proposed further draft amendments to NSDCP 2013 as attached to this report (Attachment 2).
- 3. THAT** the amendments to the draft DCP be placed on public exhibition for a minimum of 28 days and that if it is practical to commence the exhibition in 2014, an extended exhibition period covering the December 2014 and January 2015 period be undertaken.
- 4. THAT** the results of the exhibition be reported back to Council.

The Motion was moved by Councillor Baker and seconded by Councillor Bevan.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Reymond	Y		Morris		Out
Clare	Y		Burke		Absent
Baker	Y		Marchandean		Absent
Carr	Y		Bevan	Y	
Beregi	Y				

RESOLVED:

- 1. THAT** Council note the results of the Exhibition of the draft DCP Amendment.
- 2. THAT** Council adopt the proposed further draft amendments to NSDCP 2013 as attached to this report (Attachment 2).

3. THAT the amendments to the draft DCP be placed on public exhibition for a minimum of 28 days and that if it is practical to commence the exhibition in 2014, an extended exhibition period covering the December 2014 and January 2015 period be undertaken.

4. THAT the results of the exhibition be reported back to Council.

**Report to General Manager**

Attachments:

1. Summary of Public Submissions
2. Draft Amendment to NSDCP 2013 Part B Section 7 - Late Night Trading Hours
3. 'Late Night Trading – Proposed DCP Amendments Report dated 23 June 2014
4. 'Late Night Trading Review - Consultation Outcomes' Report

SUBJECT: Post-Exhibition Report - Late Night Trading: Proposed DCP Amendments**AUTHOR:** Lara Huckstepp, Executive Planner**ENDORSED BY:** Joseph Hill, Director Planning and Development Services**EXECUTIVE SUMMARY:**

The draft DCP amendment (Late Night Trading) was placed on public exhibition between 24 July and 21 August 2014. This report considers the submissions made during the exhibition period and makes recommendations as to how the draft DCP amendment is to proceed. A total of 53 individual submissions were received, one pro-forma letter from 23 properties, a submission on behalf of the Harbourside Liquor Accord endorsed by 20 businesses, 2 precinct responses, a petition containing 285 signatures, 1 public authority response, and one internal response.

A key issue arising from the consultation was objection to the proposed trading hours, predominantly outdoor trading, within Blues Point Road, McMahons Point, and that they were too restrictive. This report recommends this section be amended to extend trading hours within Blues Point Road to align with those recommended within the Kirribilli and Cammeray areas.

A second key issue arising from the consultation was the effect the controls would have upon the operation of existing premises. This report recommends this section be amended to clarify the application of this provision. The clarification outlines that existing premises can apply for existing and refurbished parts of their building to trade in line with existing trading hours, and that such applications will be considered on their merits. This was the intent of the provision and the amendments are considered to clarify this position.

Several other issues were raised regarding smoking areas, trial periods, consideration of non-residential uses and various other issues. These have been addressed within the report and a number of amendments proposed.

Due to the nature of the proposed amendments, and in particular the two issues outlined above, it is recommended that the draft DCP amendment be re-notified and the outcome be reported back to Council.

Report of Lara Huckstepp, Executive Planner
Re: Post Exhibition Report - Late Night Trading: Proposed DCP Amendments

(2)

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. **THAT** Council note the results of the Exhibition of the draft DCP Amendment.
 2. **THAT** Council adopt the proposed further draft amendments to NSDCP 2013 as attached to this report (Attachment 2).
 3. **THAT** the amendments to the draft DCP be placed on public exhibition for a minimum of 28 days and that if it is practical to commence the exhibition in 2014, an extended exhibition period covering the December 2014 and January 2015 period be undertaken.
 4. **THAT** the results of the exhibition be reported back to Council.
-

Report of Lara Huckstepp, Executive Planner
Re: Post Exhibition Report - Late Night Trading: Proposed DCP Amendments

(3)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

BACKGROUND

In response to the need to revisit and resolve issues pertaining to late night trading and address the Direction 3.1.1.1 in Council's Delivery Program, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review) in July 2013. *(Note: Detailed background to the review is contained within the attached reports).*

Council undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and property owners within and surrounding those areas where late night trading is permitted. Council received over 800 submissions in response to the brochure and questionnaire, representing a highly successful consultation process.

On 3 March 2014, Council Officers prepared a report to the Legal and Planning Committee to present the findings of the preliminary consultation wherein the Committee resolved to continue to pursue the development of appropriate planning controls relating to Late Night Trading.

A draft Development Control Plan (DCP) Amendment Late Night Trading was formulated having regard to the results of the preliminary consultation, research and analysis of Council's current practice, and consultation with various stakeholders. The draft DCP was reported to Council to its meeting on 23 June 2014, wherein Council resolved to adopt the draft amendment (Late Night Trading) DCP and that the draft DCP be placed on public exhibition for a minimum of 28 days and that a report be provided to Council after the conclusion of the exhibition period.

The draft DCP amendment was placed on public exhibition between 24 July and 21 August 2014, wherein staff undertook a comprehensive consultation program. This report considers the submissions made during the exhibition period and makes recommendations as to how the draft DCP amendment is to proceed.

Report of Lara Huckstepp, Executive Planner
 Re: Post Exhibition Report - Late Night Trading: Proposed DCP Amendments

(4)

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and relevant requirements under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none"> The types of businesses and their hours of operation, in conjunction with their location, have implications for surrounding residential uses in terms of noise, safety and general amenity.
Social	<ul style="list-style-type: none"> Council needs to strike a balance between the interests of businesses and residents where they do not meet to ensure that dense and integrated communities can flourish under co-existing land uses.
Economic	<ul style="list-style-type: none"> Decisions made regarding the operation of businesses can have direct impacts on the economic sustainability of those businesses.
Governance	<ul style="list-style-type: none"> Council needs to manage the sometimes divergent needs and wishes of local businesses and residents. A considered and consistent approach to such matters demonstrates appropriate local governance.

DETAIL

This report considers the issues raised in submissions made in response to the public exhibition of the draft DCP Amendment: Late Night Trading and recommends how these issues are to be addressed.

1. Public Exhibition of Draft DCP Amendment: Late Night trading

Draft DCP Amendment Late Night trading was publicly notified for a period of 28 days from Thursday 24 July 2014 – 21 August 2014. In accordance with S18(2) of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation). Public Exhibition included the following:

- Letters sent to all those who previously requested to be kept informed;
- Weekly advertising in the Mosman Daily (including 7 August; 14 August; 24 July and 31 July 2014)
- Notification in various Council e-Newsletters and Bulletins.
- Notification to Precinct Committees.
- Exhibition displays in Stanton Library and Council Chambers.
- Dedicated exhibition page on Council's website.

2. Submissions

A total of 54 individual submissions were received. Of these submissions:

Report of Lara Huckstepp, Executive Planner

Re: Post Exhibition Report - Late Night Trading: Proposed DCP Amendments

(5)

- 51 general public
- 1 public authority
- 2 Precinct committees

A proforma letter was received from 23 properties. The proforma considered the trading hours in McMahons Point to be too restrictive. Further, the submission outlined that the extended trading hours should be considered in all zones, and small bars should also be permitted.

A petition was received containing 285 signatures. The petition outlined that trading hours proposed within Blues Point Road, McMahons Point, are considered to be too restrictive.

Correspondence was received on behalf of the Harbourside North Liquor Accord and was endorsed by 20 businesses objecting to various issues.

One submission was received from an internal Council Department, Environmental Health.

3. Issues arising from submissions

A summary and response to all submissions received are located in the attached Submissions Summary Tables (refer to attachment 1). A complete copy of all submissions has been made available to Councillors via the submissions folder placed in the Councillor's Room.

Changes recommended are outlined within the following section.

Key Issues

3.1 Trading hours in Blues Point Road, McMahons Point

A total of 29 individual submissions, a petition of 285 signatures and a pro-forma letter containing 23 signatures, all raised concerns that trading hours proposed in Blues Point Road, McMahons Point are too restrictive.

Blues Point Road is located within the B1 Neighbourhood Centre zone wherein an objective of this zone is to '*Encourage active street life, while maintaining high levels of residential amenity*'. Trading hours within these areas must align with a high level of residential amenity.

Accordingly, trading hours for this zone were proposed in the exhibited draft DCP Amendment to operate between 7am to 10pm (indoor) and 8am – 8pm (outdoor), with the exception of Kirribilli and Cammeray.

Kirribilli and Cammeray were considered to be well established restaurant precincts, with generous setbacks provided to adjacent residential zones, and as such in addition to those hours outlined above, the draft DCP Amendment proposed extended hours within these two localities allowing trading until 11pm (Thursday – Saturday) and outdoor trading until 9pm daily.

Blues Point Road in McMahons Point is also a well established restaurant destination albeit on a smaller scale. The survey results for Blues Point Road indicated close to an even split result between those who wanted additional trading compared to those who did not support additional trading hours. On review of the locality and having regard to submissions received to the draft DCP Amendment, it is considered that trading hours in line with those proposed

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for Kirribilli and Cammeray would be appropriate within Blues Point Road, McMahons Point, and it is recommended the DDCP be amended accordingly. These trading hours are considered reasonable to recognise the locality as a vibrant eat street, however, acknowledging the character and zoning as a neighbourhood character, and not a mixed use zone.

Recommendation A

That trading hours for Blues Point Road, McMahons Point set out in Table B-7-1 be amended to allow indoor trading from 7am – 10pm (Sunday – Wednesday); 7am – 11pm (Thursday – Saturday) and outdoor trading until 9pm daily.

Table B-7-2 is also recommended to be amended to require doors / windows to be kept closed by 9pm for properties in Blues Point Road aligning with the requirements that apply to Cammeray and Kirribilli.

3.2. Existing premises

11 individual submissions and a submission endorsed with 20 signatures, raised concerns that the draft DCP amendment would have a detrimental impact on existing premises. Concerns raised included:

- The provisions may result in a reduction in trading hours upon refurbishment where a premises has consent to operate outside proposed DCP trading hours;
- Premises would be discouraged from undertaking any refurbishment for fear their trading hours may be reduced;
- Council is attempting to gradually roll back trading hours of existing premises.
- The draft DCP amendment should not apply to existing premises.
- Arbitrary trading hours fail to acknowledge the good management of existing premises.

The intent of the draft DCP Amendment is not to reduce the trading hours of an existing premises. Where a premises is proposing refurbishment, additions or extensions, the controls are intended to outline that the applicant can apply to retain existing trading hours in these new areas, however approval would be subject to a merit consideration of any likely greater or adverse impacts, and the applicant in addition would have to otherwise satisfy all DCP provisions. To communicate that consideration would Section 7.3.1 P4 (Existing Premises) in the draft DCP amendment was proposed as follows:

‘Consideration of trading hours for alterations and additions to existing premises which have existing approval to trade outside the maximum trading hours will be considered against relevant DCP provisions as well as the existing impacts and operation of the premises’.

To clarify the intent of the provision, it is recommended that Provision P4 be amended.

Recommendation B

That P4 of 7.3.1 (existing premises) be amended as follows:

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:

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1. The existing premises' operation has an acceptable impact upon the surrounding locality and;

2. The proposed trading hours would not result in any greater or adverse impacts compared to the existing premises and;

2. The impacts of the proposed trading hours would satisfy the matters for consideration outlined in Section 7.2 and all other relevant DCP provisions.

3.3. *Smoking Areas*

Two individual submissions, and one submission endorsed by 20 signatures raised concerns with Section 7.3.6 (Use of Smoking Areas). Concerns raised are summarized to include:

- The draft DCP Amendment applies unnecessarily restrictive requirements which oblige smoking areas to be devoid of tables, chairs and gaming machines despite impacts.
- If it can be shown that impacts can be neutralised, smoking areas should be able to be designed to address customer needs rather than arbitrary requirements being imposed.
- Controls requiring smoking areas to be short term break out areas only, are considered to be arbitrary.
- Unreasonable to remove furniture from these areas in many cases.
- The draft DCP Amendment will discourage refurbishment of existing areas and not promote innovative ways to deal with the separation of smokers and non-smokers.

Section 7.3.6 outlines provisions for smoking areas to ensure their use does not impact upon the surrounding locality. Outdoor areas, including smoking areas, can result in unreasonable impacts on surrounding development. It is acknowledged that many premises provide a smoking area intended to align with the duration of the indoor trading hours, including clubs and pubs.

The intent of this provision is to reduce impacts on surrounding properties, and not to govern how a premise designs and utilizes its smoking area. An amendment is therefore recommended to Provision P2 which clarifies Council's intention, being that restrictions on the use of smoking areas are to be implemented where the use of the area may adversely impact upon the amenity of surrounding residential amenity.

Recommendation C

That P2 in Section 7.3.6 be amended to outline that requirements to use a smoking area as a short stop area applies *Where a smoking area may impact upon the amenity of surrounding residential amenity*'.

3.4. *Trial Periods*

Five individual submissions and a submission endorsed with 20 signatures raised concerns with Section 7.3.2 (Trial periods). Section 7.3.2 of the draft DCP Amendment outlines the instances and circumstances wherein trial periods will be implemented. Concerns raised are summarised to include:

- It is unclear how the length of a trial period shall be determined.
- It is unclear whether a trial period continues to operate whilst a Section 96 modification has been submitted seeking an extension following the expiration of 12 months;

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- Requiring operators to lodge a Section 96 modification every few years is administratively burdensome.
- Trial periods including perpetual trial periods, fail to provide certainty;
- Trial periods are unreasonable for any indoor operating hours prior to midnight, and any outdoor use prior to 10pm.

In response to concerns raised to provide certainty, it is recommended the draft controls be amended to clarify that a 1 year trial will initially be imposed in circumstances where a trial period is required. Following this time, should the premises demonstrate adequate impacts during that the trial period, a Section 96 modification can be lodged to formalise these hours as permanent in all locations other than the North Sydney Centre wherein a maximum 5 year consent will be imposed for premises operating later than 12 midnight.

Concerns were also raised as to whether a premises can continue to operate with extended trading hours whilst a modification application is being determined by Council. This can only be implemented through the imposition of a condition of consent at the time of any development approval, and the draft DCP Amendment is recommended to include this clarification.

The concern that trial periods fail to provide certainty or are unreasonable, is not supported. A trial period is a useful consideration to determine the impacts of a development on a locality and encourages good management. The proposed five year on-going trial periods for uses proposed to trade after 12 midnight in the North Sydney Centre is a measure supported by NSW Police, and ensures that the character of the locality is not adversely affected by impacts of a premises. The proposed trading hours recognise that 24 hour trading can be considered within the North Sydney Centre and on this basis, is consistent with the desired future character to promote the vitality of the North Sydney Centre, whilst ensuring a high level of amenity and safety can be managed.

Recommendation D

That Section 7.3.2 be amended to provide additional clarity regarding trial periods.

3.5. Extended Trading Hours for Non-Licensed premise such as supermarkets

One submission raised concerns that the trading hours applied to non-licensed premises such as supermarkets should not be subject to the same requirements as other late night uses particularly for licensed premises.

Upon consideration of this concern, it is acknowledged that uses such as supermarkets, gyms and other non-licensed premises presently operate throughout many zones across the LGA. In such instances, it is considered reasonable that these uses may apply to operate beyond standard trading hours where they can provide a benefit to the community, where it can be demonstrated that there are no adverse impacts resulting from the trading hours. It is recommended an additional provision be included with the draft DCP Amendment to allow consideration of such extensions.

Recommendation E

New provision P6 of Section 7.3.1 be included which provides that *'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,*

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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.

3.6. Trading Hours generally (other than Blues Point Road, McMahons Point)

13 individual submissions and one submission endorsed by 20 signatures raised concerns with trading hours generally. Concerns can be summarised as follows:

- Crows Nest trading hours should be increased (1 individual submission).
- Neutral Bay trading hours should be increased (1 individual submission)
- Kirribilli trading hours should be increased (1 individual submission)
- CBD trading hours are too restrictive (2 individual submissions)
- Existing trading hours are adequate and should not be extended (2 individual submissions)
- Outdoor trading should not be regulated.
- Outdoor dining required to cease by 8pm effectively cannot be used for outdoor dining.
- Difficult to operate a restaurant when trading is restricted to 10pm.
- Base trading hours should be identified, then any premises should be able to apply for extended trading hours.
- Trial periods should be available for all premises.

The trading hours imposed both for indoor and outdoor trading continue to be considered reasonable, representing the desired character of the localities. The trading hours are considered to generally reinforce Council's existing practice in imposing trading hours. This provides more certainty to both residents and business, and is considered to provide a balance between late night uses and residential amenity, based upon zoning.

The requirement for outdoor trading to cease by 8pm applies only to properties within the B1 Neighbourhood Centre Zone which generally comprise small pockets of non-residential tenancies, surrounded by residential zones. This outdoor seating can be used during the day, however to balance the uses with residential amenity, the use of these premises following this time should be internalized to reduce impacts. All other areas including Kirribilli, Cammeray, McMahons Point (now proposed) Mixed Use and Commercial zones are permitted to operate later, as set out in amended Table B-7-1.

Recommendation F

That no further amendment be made to the trading hours for all other areas (other than McMahons Point).

3.7. Clarification of a change of use

Two submissions raised concerns that a change of use is not properly defined in the draft DCP Amendment, and that an internal configuration may in fact constitute a change of use of the premises. This issue would be considered on a case by case basis. However, it is considered likely that if the DA is required for the change, it is likely this would be considered to be a change of use.

Notwithstanding this, it is considered that the amendments proposed to the provisions relating to Existing Premises in Section 3.2 of this report would assist in addressing the above concern.

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Recommendation G

That no further amendment be made to the provisions outlining a change of use.

3.8. Intensification of use Explanation

One individual submission and a submission endorsed by 20 signatures raised concerns with the definition of intensification of a use. The draft DCP amendment outlines that 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'.*

Submissions received raised the following concerns:

- Intensification of use should refer to an increase in patron numbers and not be determined by floor area.
- A material threshold of intensity should be provided, not merely a numeric increase;
- Footpath seating should be excluded from being considered as an intensification;
- The definition cannot include a change in licensed floor area when a change to a licensed floor area is only approved following the issue of a development consent.

An intensification of use is intended to capture all of the above changes to a premises, including any increase, refurbishment, footpath seating and the like to allow consideration of whether the changes result in adverse or different impacts on the surrounding locality.

With regards to the definition of a licensed floor area, it is the area 'proposed' to be used as licensed floor area, and this is considered to be adequately outlined.

Notwithstanding this, it is considered that the amendments proposed to the provisions relating to Existing Premises in Section 3.2 of this report would assist in addressing a number of the above concerns.

Recommendation H

That no change be made to the definition of intensification that is set out in Section 7.1.2.

3.9. Luna Park Trading Hours

One submission raised concerns that limiting Luna Park trading hours may impact upon the operation of the Theme Park and the ability of the premises to meet the Government's vision for Luna Park.

Section 7.3.1 P5 sets out that Luna Park Trading hours are not to extend beyond existing trading hours, and this is considered to be reasonable in the circumstances. It is acknowledged that the consent authority for this establishment is the NSW Department of Planning & Environment in any case.

The existing trading hours have been granted by the Department and are beyond the base trading hours generally for that locality. It is recommended this provision remain in place. As above, the Department of Planning will be the determining body for any proposed change to the Luna Park operation.

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Recommendation I

That no amendment be made to Section 7.3.1 P5 (Luna Park) Trading Hours.

3.10. Area defined as 'North Sydney Centre'

One submission raised concern that the draft DCP amendment references trading hours within the 'North Sydney Centre' and considered this should instead be defined as the 'North Sydney CBD' for clarity to align with that in the Character Statement. LEP maps define the 'North Sydney Centre' which is considered to be the intent of this control. As such, no change is proposed to this definition.

Recommendation J

That no amendment be made to the reference to the North Sydney Centre.

3.11. Implications for Vivid Sydney

One submission suggests that a blanket exception should be imposed for all Commercial Core (B3); Mixed Use (B4); and Neighbourhood Centre (B1) zones for the duration of the Vivid Festival. Such a provision is not considered appropriate for the proposed draft amended DCP given this applies only when a Development Application is lodged. There are other mechanisms that could be pursued for any such request however these are not appropriate to be included as DCP controls.

Recommendation K

That no amendment be made to trading hours having regard to Vivid.

3.12. Gaming Machines Act

One submission raised concerns with the provisions relating to gaming machines and that the Gaming Machines Act 2001 prohibits Council from imposing conditions of consent or prohibiting or otherwise regulating to restrict the installation or operation of gaming machines. The objection considered this was not Council's role.

The intent of references to Gaming Machines is to manage associated amenity impacts, and not to restrict or otherwise their provision. The draft DCP provisions are not considered to be restrictive or to attempt to override any other relevant legislation. No amendment is considered necessary.

Recommendation L

That no amendment be made to the references to gaming machines in the draft DCP Amendment.

3.13. Small bars should be permitted in all zones

One submission and a pro-forma letter signed by 23 people requested that small bars be provided in all zones. This issue has been considered in detail in the report 'Small Bars in the Kirribilli Village' and the detail is considered relevant to all areas. In any case, the draft DCP Amendment relates to trading hours, and not permissibility.

Recommendation M

That this issue has been previously considered and no further action to be undertaken.

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3.14. Trading Hours Formulation

Two objections received considered that trading hours fail to include and consider the trading hours of existing premises and only considered those trading hours approved since 2006.

Despite the above, it is considered that the duration of time wherein Council has considered the previously approved trading hours is adequate to determine the characteristic hours that Council has been granting and establishes the desired character of the locality, improving certainty for residents and businesses. It is noted that there are a number of outliers and that these are important parts of each locality. These premises, such as pubs, often benefit from being located in close proximity to a taxi stand, public transport and benefit from later trading hours. These outliers have been considered in any case. As above, the clarification to Section 7.3.1 Provision P4 (Existing Premises) is considered to assist in the clarification of this issue.

Recommendation N

That no further consideration is necessary with regard to trading hours formulation.

3.15. Assessment of a Trial Period

One submission considered that additional criteria should be included to outline the process whereby trial periods are assessed against, and that this should not be left up to the sole discretion of the Council.

It is considered that any proposal seeking to formalise trading hours following a trial period would be considered against all DCP provisions and as such, no new set of guidelines or criteria are necessary to apply to trial periods.

Recommendation O

That no further detail is required to be included in the consideration of trial periods.

3.16 Other Legislation as Assessment Tools

Two individual submissions and a submission endorsed by 20 signatures considered that the Liquor Act, and various other regulations are available to regulate the use a premises, and that Council does not have to be overly conservative in approving trading areas.

Whilst there are a number of other tools, the imposition of trading is an important component of any development consent. Despite other available tools through alternative legislation, trading hours provide a level of certainty to operators and residents, and work together with other levels of legislation.

Recommendation P

That these comments are noted

3.17 Plans of Management

One submission endorsed with 20 signatures raised concerns that the following issues required to be included in the Plan of Management are overly onerous and should not be included:

- Requirement for a summary of other late night trading uses within 200m of the locality.

This is considered to be a reasonable objection and is recommended to deletion.

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- Requirement to obtain written confirmation from NSW Police.

A Plan of Management is required only for late night uses including pubs, small bars and any use proposed to operate beyond the maximum trading hours. Council works closely with the NSW Police and it would be envisaged that such a use would have involved some consultation with the NSW Police prior to lodgement in any case. In this regard the provision is considered to be reasonable and is recommended to be retained.

Recommendation Q

That the plan of management be amended to delete Section 7.4.2 (Premises Checklist)(Part k); and Section 7.4.2 (Plans of Management) (Site and Locality Details)(i) which requires the applicant to provide details of other late night trading venues in the locality.

3.18 Proximity of Late Night Trading Venues

One internal submission raised the point that it is not necessarily the distance between a premises and a sensitive receiver that is the only factor that should be relied upon to assess impacts.

This is agreed, and Section 7.3.4 is recommended to be amended to clarify that the requirement for doors and windows to be closed following a certain time is to occur when a premise is in close proximity, *or likely to have an adverse impact upon*, a surrounding residential property.

Recommendation R

That the Section 7.3.4 be amended to require a premises to close doors and windows after a certain time '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.**'

3.19 Acoustic Reports

One internal submission raised the point with regards to Section 7.3.3 that an Acoustic report can only 'predict' the likely acoustic impacts of the use of the premise from the proposed use at DA stage, rather than demonstrates these impacts given that the use has not yet commenced.

This is agreed, and Section 7.3.3 P2 draft DCP amendment is recommended to be amended to require an Acoustic Report to 'predict' rather than 'demonstrate' compliance for clarification.

Recommendation S

That the Section 7.3.3 be amended with regards to the wording, to require Acoustic Reports to be submitted to 'predict' compliance rather than demonstrate it.

3.20 Noise associated with table / chair set-up

One internal submission raised concern that noise associated with the setting up and packing up of tables and chairs can also result in acoustic impacts on surrounding properties.

This is agreed, and as such a note is recommended to be added to Table B-7-1 requiring chairs / tables and the like be both set up and removed within 30 minutes of the applicable outdoor trading hours where relevant and could be imposed as a condition of consent.

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Recommendation T

That a note be added to Table B-7-1 (Maximum Trading Hours) to require that '*Tables and chairs and the like should be both set-up and removed within 30 minutes of the approved outdoor seating areas.*

3.21 Kirribilli Trading Hours

The proposed trading hours for Kirribilli recommended that premises could trade between 7am – 10pm (Sunday – Wednesday) and 7am – 11pm (Thursday – Saturday), with outdoor seating until 9pm, only within the following areas:

Properties with a frontage to Broughton Street, Kirribilli located between Crescent Place and Bligh Street.

All other areas within Kirribilli are required to cease trading by 10pm.

Recently the court approved a development consent, issued since the initial preparation of the draft DCP Amendment, for DA380/13 at 17 Willoughby Street (The Botanist). This property is located at the northern end of Broughton Street and not within the area defined for 11pm (Thursday – Saturday) trading under the Draft DCP Amendment. The approval provided operating hours of up to 11.15pm (indoors). The previous approval was for 11pm trading indoors.

It is considered a reasonable approach, that with the location of this property at the northern end of Broughton St, that the entire street frontage of Broughton St be brought into line with the original proposal for this site. The provision is proposed to be amended to allow trading until 11pm on (Thursday – Saturday) within the following area:

All properties with a frontage to Broughton Street, Kirribilli ~~located between Crescent Place and Bligh Street.~~

The character of Broughton Street being located adjacent to the transport interchange, is considered capable of accommodating these trading hours. It is recommended that Table B-7-1 (Maximum Trading hours) be amended to encompass the length of Broughton Street as set out above.

Recommendation U

That Trading hours for Kirribilli set out in Table B-7-1 be amended to allow all properties in Broughton Street to operate from 7am -10pm (Sunday – Wednesday); 7am – 11pm (Thursday – Saturday) and outdoor trading be permitted until 9pm daily.

Table B-7-2 is also recommended to be amended to require doors / windows to be kept closed by 9pm for properties in Broughton Street.

3.22 Typographical Errors

One internal submission advised that the reference in Section 7.1.2 to part (d) should read part (c). This is agreed as a typographical error and should be amended.

Recommendation V

That the typographical error in Section 7.1.2 referring to Part (d) should be corrected to refer to part (c).

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Summary of Amended DCP Trading Hours

In summary, the draft DCP trading hour table has been amended as follows:-

TABLE B-7.1 Maximum Trading Hours		
Zone	Trading Hours	
	Indoor	Outdoor
B3 - Commercial Core *Refer to P2 & P3	6am to Midnight	7am to 11pm
B4 - Mixed Use	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton St, Kirribilli 2) 2-28 Ennis Road, Milsons Point 3) Properties with a frontage to Miller St, Cammeray 4) Blues Point Road, McMahons Point	7am to 10pm (Sun-Wed) 7am – 11pm (Thurs – Sat)
	All other locations	7am to 10pm
All other zones	7am to 10pm	8am to 8pm

Refer to amended Draft DCP document for extended trading in the North Sydney Centre, other non-licensed premises, and other variations.

Conclusion

Council has completed its public consultation requirements for the draft DCP amendments: Late night. The attachments to this report and the report itself has summarised submissions received and contain recommendations for the amendment of the draft DCP where considered appropriate.

It is recommended that the amendments should be notified due to the proposed amendments, in particular:

- Extension of trading hours in Blues Point Road, McMahons Point; and
- Amendment to provisions relating to existing premises.

Following notification, the outcome and summary of submissions will again be reported to Council.

ATTACHMENT 1

Draft Amendment to North Sydney Development Plan 2013
- Part B – Section 7 Late Night Trading
Summary of public submissions received during public exhibition period (24 July 2014 – 21 August 2014)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Draft amendment to North Sydney Development Control Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Draft Plan or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Draft amendment North Sydney Development Control Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the draft plan.
 - b was already in the draft plan or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft proposals.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft plan was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	NOT PUBLISHED	Support for DCP	Support more certainty in trading hours.	Noted.	Nil	2d
2	NOT PUBLISHED	Support for DCP	Supports more certainty in trading hours.	Noted	Nil	2d
3	NOT PUBLISHED	Support for DCP	Standard trading hours provide a level playing field.	Noted	Nil	2d
4	NOT PUBLISHED	<p>Survey Results</p> <p>Business Database</p> <p>Trading Hours – General</p>	<p>Disappointed only 6% of respondents to LNT survey were from business.</p> <p>Council has never attempted to establish a register or database of business owners.</p> <p>Outdoor Trading hours in Kirribilli and Crows Nest are too restrictive and should be the same as indoor trading hours. Our existing outdoor seating trades beyond these times. Our business would not be viable if we did have these hours.</p>	<p>All business and residents within those zones whereby late night trading is permitted, were notified by letter.</p> <p>Refer to Section 3.6 of the Report to Council.</p>	<p>Nil</p> <p>Nil</p>	<p>2c</p> <p>2e</p>
5	NOT PUBLISHED	Outdoor Trading Hours – Blues Point Road	Outdoor Trading hours in Blues Point Road are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1 draft DCP amendment.	1a
6	NOT PUBLISHED	Survey Results	Disappointed only 6% of respondents to LNT survey were from business. In the restaurant sector, 84%	All business and residents within those zones whereby late night trading is permitted, were notified by letter.	Nil	2c
7	NOT PUBLISHED	Outdoor Trading Hours – Blues Point Road	Trading hours in Blues Point Road for outdoor trading too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1 draft DCP amendment.	1a
8	NOT PUBLISHED	Outdoor Trading Hours – Blues Point Road	Trading hours in Blues Point Road for outdoor trading too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1 draft DCP amendment.	1a
9	NOT PUBLISHED	Outdoor Trading Hours – Blues Point Road	Trading hours in Blues Point Road for outdoor trading too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1 draft DCP amendment.	1a

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
10	NOT PUBLISHED	Outdoor Trading Hours – Blues Point Road	Outdoor trading in Blues Point Road too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1 draft DCP amendment.	1a
11	NOT PUBLISHED	<p>Existing Premises</p> <p>Existing Premises</p> <p>Trial periods</p> <p>Intensification of use</p> <p>Smoking Area Trading hours</p> <p>Removal of furniture in smoking areas</p> <p>Use of smoking area</p> <p>Restriction of gaming machines from smoking areas</p>	<p>Our premises' are unique and the DCP should be amended to not apply. Alternatively, they should be placed in a different category.</p> <p>The changes will discourage refurbishment of existing premises. This will impact on the financial viability of our premises'.</p> <p>Trial periods beyond standard trading hours should be available to our premises. This would allow well-managed venues to operate within appropriate trading hours rather than arbitrary imposed hours.</p> <p>The definition of intensification should be redefined to refer to an increase in patron numbers in line with the Liquor Act regulation, rather than floorspace.</p> <p>Provision 7.3.6 P1 requiring the use of smoking areas to equal those in Table B1 would reduce our trading following any refurbishment. Reference to Table B1 should be deleted.</p> <p>It is unreasonable and impractical to require the removal of furniture from smoking areas. Also elderly patrons often require some form of seating.</p> <p>It is unclear how 7.3.6 P2(e) would be reconciled. This ambiguity should be addressed by deleting the reference to Table B-7-1 from P1.</p> <p>This control is not practical. Permitting smoking in poker machine areas just splits those patrons who smokers from those who do not to ensure smoking doesn't interfere with other patron's enjoyment of the facilities. There are a number of innovative ways to manage patrons who smoke however the</p>	<p>Refer to Section 3.2 of the Report to Council.</p> <p>Refer to Section 3.4 of the Report to Council.</p> <p>Refer to Section 3.8 of the Report to Council.</p> <p>Refer to Section 3.3 of the Report to Council.</p> <p>Refer to Section 3.12 of the Report to Council.</p>	<p>Amend Section 7.3.1 P4 draft DCP Amendment</p> <p>Amend Section 7.3.2 draft DCP Amendment</p> <p>Nil</p> <p>Amend Section 7.3.6 draft DCP Amendment</p> <p>Nil</p>	<p>1d</p> <p>1e</p> <p>2e</p> <p>1e</p> <p>2e</p>

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			proposed DCP controls will only serve to entrench the current areas used by smokers for fear of restrictions apply upon refurbishment.			
12	NOT PUBLISHED	Trading Hours – Blues Point Road	Outdoor trading in Blues Point Road should be permitted until 10pm. Cafes should be permitted to open at 6am.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
13	NOT PUBLISHED	Trading Hours – Blues Point Road	Trading hours in Blues Point Road are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
14	NOT PUBLISHED	Trading Hours – Blues Point Road Council responsibilities	Trading hours in Blues Point Road are too restrictive. How about Council focus efforts, attention and money on fixing roads, street lighting and ensuring safe building sites rather than dictating trading hours.	Refer to Section 3.1.4 of the Report to Council. Noted.	Amend Section 7.31 P1 Nil	1a 2c
15	NOT PUBLISHED	Trading Hours – Blues Point Road Loss of business	Proposed trading hours in Blues Point Road are too restrictive. Reducing outdoor trading hours would impact my business with less foot traffic.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
16	NOT PUBLISHED	Trading Hours – Blues Point Road	Proposed trading hours in Blues Point Road are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
17	NOT PUBLISHED	Trading Hours – Blues Point Road	Existing hours should be maintained including outdoor trading hours in Blues Point Road.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
18	NOT PUBLISHED	Trading Hours – Blues Point Road	I object to any change to existing trading hours in Blues Point Road.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
19	NOT PUBLISHED	Trading Hours – Blues Point Road	I object to any change to existing trading hours in Blues Point Road.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
20	NOT PUBLISHED	Trading hours – Blues Point Road	I object to any change in trading hours in Blues Point Road.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
21	NOT PUBLISHED	Trading hours – Luna Park	Object to restricting Luna Park Trading hours to existing hours. The suggested draft amendment may severely restrict and inhibit the operators ability to meet the governments vision for Luna Park, “ to operate as a viable and successful amusement park which remains as public land and conserves the site’s special identity and heritage features, while providing a wide range of entertainment and social facilities for the people of Sydney and its visitors.	Refer to Section 3.9 of the Report to Council.	Nil.	2e
22	NOT PUBLISHED	Trading hours - Blues Point Road	Object to proposed trading hours in Blues Point Road. Outdoor trading should be permitted between 7am – 10pm. Indoor trading on Friday and Saturday evenings should be permitted until 11pm.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
23	NOT PUBLISHED	Outdoor Trading hours Blues Point Road Public safety	The proposed outdoor trading hours in Blues Point Road are too restrictive. Lack of people on the street would result in Blues Point Road being less safe.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
24	NOT PUBLISHED	Trading Hours – Neutral Bay Trial Periods Existing Premises Clarification of change of use	The trading hours in Neutral Bay do not accurately represent all late night uses that exist in the locality. The trading hours within Neutral Bay are too restrictive. Trial periods beyond the maximum trading hours should be available within all zones. The proposed amendments would prohibit Council from permitting a renovated venue to continue to trade to previously approved hours. The DCP must include a clause which permits alterations and additions to existing venues to trade the same hours as the existing operating hours of the remainder of the premises. It is considered to be unclear what is meant to a change of use.	Refer to Section 3.6 of the Report to Council. Refer to Section 3.2 of the Report to Council. Refer to Section 3.7 of the Report to Council.	Nil Amend Section 7.3.1 P4 Nil	2e 1d 2e
25	NOT PUBLISHED	CBD Definition	The area defined as the North Sydney Centre should be defined as ‘North Sydney CBD’ for clarity.	Refer to Section 3.10 of the Report to Council.	Nil	2f

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		24 hour trading in CBD	We support 24 hour trading within the CBD.	Refer to Section 3.6 of the Report to Council.	Nil	2e
		Trading hours – CBD	Maximum trading hours within the CBD are too restrictive.		Amend Section 7.3.1	1d
		Existing premises	DCP controls should outline that new or expanded portions of existing premises will be permitted to operate the same hours as the existing premises where there are no additional impacts.	Refer to Section 3.2 of the Report to Council.		
		Clarification of change of use	It is considered to be unclear what is meant to a change of use.	Refer to Section 3.7 of the Report to Council.	Nil	2e
		Perpetual Trial Periods	Perpetual trial periods provide uncertainty and unreasonable cost impost.	Refer to Section 3.4 of the Report to Council.	Nil	2e
26	NOT PUBLISHED	Trading Hours – Kirribilli	No objection.	Noted.	Nil	2c
27	NOT PUBLISHED	Survey results	808 responses out of 20,000 letters is hardly an agreeable result.	The response to the Survey was considered acceptable in the circumstances.	Nil	2c
		Trading hours	There is no need to extend trading hours longer than what we have. The amenity of residents needs to be considered.	Refer to Section 3.6 of the Report to Council.	Nil	2e
28	NOT PUBLISHED	Trading hours – McMahons Point	I object to any change to existing trading hours in McMahons Point.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
29	NOT PUBLISHED	Existing Premises	The DCP should be amended to clearly articulate that it does not apply to existing premises, or premises that are being rebuilt.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	1d
30	NOT PUBLISHED	Trading Hours – Blues Point Road	The proposed outdoor trading hours in Blues Point Road are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
31	NOT PUBLISHED	Trading hours – Waverton	No objection.	Noted.	Nil	2d
32	NOT PUBLISHED	Notification	What communication has Council used? I was not aware of the proposed amendment.	Refer to 'Detail' part 1 of the Report to Council.	Nil	2c

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Existing Premises	Existing premises should not have their hours reduced if they apply for a refurbishment.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	1d
		New Premises	Trading hours for new premises should be consistent with adjacent restaurants to ensure a level playing field is created.	Refer to Section 3.6 of the Report to Council.	Nil	2e
		Trading hours – McMahons Point	Proposed trading hours in McMahons Point are too restrictive.	Addressed in Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
33	NOT PUBLISHED	Trading hours – McMahons Point	Trading hours proposed for McMahons Point are too restrictive. Indoor trading should be approved until 12midnight, and outdoor should be approved until 10pm.	Addressed in Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
		Existing premises	These controls will dis-incentivise all operators and landlords from refurbishment.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	1d
34	NOT PUBLISHED	Trading hours – McMahons Point	Support the trading hours.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
35	NOT PUBLISHED	Trading hours – McMahons Point	Proposed trading hours in McMahons Point are too early.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
36	NOT PUBLISHED	Outdoor trading hours – B1 Neighbourhood zone	Proposed outdoor trading hours for the B1 Neighbourhood zone should be extended.	Refer to Section 3.6 of the Report to Council.	Nil	2e
		Existing premises	If these controls apply to existing premises it would disincentivise premises from refurbishing.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	1d
37	NOT PUBLISHED	Outdoor trading – Kirribilli & Cammeray	Proposed outdoor trading hours are too restrictive.	Refer to Section 3.6 of the Report to Council.	Nil	2e

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Indoor trading	Indoor trading ceasing at 12 midnight is too early.	Noted.	Nil	2c
		Bureaucracy	Too much bureaucracy is proposed that does not encourage the establishment of small businesses.			
38	NOT PUBLISHED	Trading hours – McMahons Point	Existing trading hours should not be modified and	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
		Council Policy	Council should not impose trading hours. This is a decision that should be made by the masses and not a few select people.	Refer to Section 3.16 of the Report to Council.	Nil	2c
39	NOT PUBLISHED	Survey	We were never surveyed about the trading hours.	Refer to 'Detail' part 1 section of the Report to Council.	Nil	2c
		Trading hours – McMahons Point	We object to any reduction in hours in McMahons Point.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
40	NOT PUBLISHED	Trading hours – St Leonards	Proposed trading in St Leonards are considered reasonable given the minor additional hour proposed.	Noted.	Nil	2e
		Monitoring	Council should monitor these impacts and seek to address any and all concerns if existing amenity suffers.	Noted and agreed.	Nil	2e
41	NOT PUBLISHED	Outdoor Trading	We do not support limiting outdoor trading hours. These should be consistent with internal trading hours.	Refer to Section 3.6 of the Report to Council.	Nil	2e
		Compliance Action	If an outdoor trading area causes discomfort to residents, then action can be taken to reduce the trading hours. The success of responsible business owners should not be limited by an irresponsible owner.	Refer to Section 3.11 of the Report to Council.	Nil.	2e
		Vivid	Limiting outdoor trading in the CBD seems counter-productive to Council's commitment to revitalising the CBD. We request a blanket exemption to this rule for the duration of Vivid Sydney 2015 in all of the commercial core (B3), Mixed Use (B4) and			

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			Neighbourhood Centre (B1) zone.			
42	NOT PUBLISHED	Outdoor Trading – McMahons Point	Outdoor trading hours are too restrictive. They should be extended past 8pm and outdoor cafes should be permitted to open from 7am.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
43	NOT PUBLISHED	Outdoor trading – McMahons Point	Outdoor trading hours are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
44	NOT PUBLISHED	Existing Premises	We hold a 24 hour license and restrictions to our trading hours could seriously jeopardise the Club's financial viability.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	1d
45	NOT PUBLISHED	Trading hours Existing premises	Limiting after-midnight venues to only the CBD or placing pre-set limitations on permissible hours is contrary to Council's goal of enlivening the North Sydney LGA. North Sydney has a low alcohol-related crime rate. Existing premises which have a good history of non-disturbance should be able to apply for longer trading hours.	Refer to Section 3.6 of the Report to Council. Refer to Section 3.2 of the Report to Council.	Nil Amend Section 7.3.1	2e 1a
46	NOT PUBLISHED	Trading hours – McMahons Point	Proposed indoor and outdoor trading for McMahons Point is too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
47	NOT PUBLISHED	Trading hours – McMahons Point	Proposed trading hours are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
48	NOT PUBLISHED	Outdoor Trading hours – McMahons Point Public safety	Proposed outdoor trading hours until 8pm are too restrictive. Limiting outdoor trading to 8pm will result in our streets being less safe.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.31 P1	1a
49	NOT PUBLISHED	Existing premises Trading hours	The plan will provide uncertainty for premises seeking to renovate if the draft hours are applied. Proposed trading hours of 10pm (indoors) and 8pm (outdoors) for most areas in the LGA are too	Refer to Section 3.2 of the Report to Council. Refer to Section 3.6 of the Report to Council.	Amend Section 7.3.1 Nil	1a 2e

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Average trading hours	restrictive. Average trading hours failed to consider existing premises and should be reassessed.	As above	Nil	2e
		Council's role	Trading hours are a matter for the NSW Government and Government Authorities, not Councils.	Refer to Section 3.16 of the Report to Council.	Amend Section 7.3.6 draft DCP Amendment	1e
		Smoking Area controls	We consider the controls requiring smoking areas to be short term break out areas only to be arbitrary, overzealous, and manifestly disproportionate to the potential issues they seek to address.	Refer to Section 3.3 of the Report to Council.		2e
		Gaming machines in smoking areas	The Gaming Machines Act 2001 prohibits local Councils from imposing conditions of consent or prohibiting or otherwise regulating to restrict the installation or operation of gaming machines in clubs.	Refer to Section 3.12 of the Report to Council.		2e
<i>Submissions received after closing of exhibition period</i>						
50	NOT PUBLISHED	Trial periods	It is unclear the length of the time trial periods will be implemented for ie multiples of 1 year. The administration and costs around continual re-application can be tedious.	Refer to Section 3.4 of the Report to Council.	Amend Section 7.3.2.	1e
		Trading hours – Crows Nest	Given that the survey resulted in over 70% support for extended trading in Crows Nest, we are puzzled why 24 hour trading has not been allocated to Crows Nest.	Refer to Section 3.6 of the Report to Council.	Nil	2e
		Existing premises	Concerns that extensions to a premises or outdoor area would jeopardise existing hours of operation.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1	2e
51	NOT PUBLISHED	Trial periods in the CBD	Support for 24 hour trading in the CBD, however request Council reconsider its proposal to only grant approvals for a maximum of 5 years for businesses such as supermarkets. Re-applying for extended trading is costly and creates uncertainty.	Refer to Section 3.5 of the Report to Council.	Add new Section 7.3.1 P6.	1a.

**ATTACHMENT 1 - DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 1 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			Our comments are limited to supermarket trading, and we believe our operating model does not cause any nuisance nor detract from the character of neighbourhoods. It would appear that Council's intent for the DCP may be targeting other businesses in the LGA.			
52	NOT PUBLISHED	Process	Who's idea was it to even consider the proposal ? What instigated the proposal in the first place ? How much of the ratepayers money went toward funding the whole thing ?	The formulation of a Late Night Trading policy was initiated originally following a report being considered by Council on 14 July 2008, which responded to a Notice of Motion on 14 July 2008 wherein Council resolved to use the City of Sydney DCP model to adapt to North Sydney. The project has been on-going since this time. Significant staff time has been expended on this project. Such time has not been quantified. Costs associated with the community consultation have been in the order of \$30,000 since 2009 primarily based on mailing costs.	Nil	2c
53	NOT PUBLISHED	Process	Who in Council authorised this expedition ? How much did Council spend on this idea including all costs of employees time, printing etc. Please itemise the expenditure ? What has been the outcome?	The formulation of a Late Night Trading policy was initiated originally following a report being considered by Council on 14 July 2008, which responded to a Notice of Motion on 14 July 2008 wherein Council resolved to use the City of Sydney DCP model to adapt to North Sydney. The project has been on-going since this time. Significant staff time has been expended on this project. Such time has not been quantified. Costs associated with the community consultation have been in the order of \$30,000 since 2009 primarily based on mailing costs. The outcome of the review has been to formulate a comprehensive draft DCP which aims to provide greater certainty to both residents and businesses, and to guide the future character of Late Night Trading across the LGA.	Nil	2c

Summary of Harbour Side Liquor Accord Submission (20 signatures) received during public exhibition period (24 July 2014 – 21 August 2014)

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	NOT PUBLISHED	Trading hours formulation	Assessment of trading hours using approvals between 2006 – 2013 fails to include many long established venues which play a key role in defining the character of many localities.	Refer to Section 3.14 of the Report to Council.	Nil	2c
		Existing Premises	DCP wording confirms that DCP provisions will be applied when existing premises make applications for alterations and additions. This creates uncertainty and may discourage long standing premises from refurbishing their premises. Premises may become dated and unattractive. Section 7.3 P4 should be amended to expressly provide that existing premises can apply for new or refurbished areas to trade as the same hours as their existing approved hours, and Council will be able to consider these on their merits and not be bound by the DCP trading hours.	Refer to Section 3.2 of the Report to Council.	Amend Section 7.3.1 P4 draft DCP Amendment	1d
		Typographical error	Section 7.1.2 (d) should refer to part (c).	Refer to Section 3.22 of the Report to Council.	Amend Section 7.1.2 (d)	1e
		Intensification of use	The DCP definition of intensification should provide a material threshold of intensity, so that minor increases in patron capacity or floor area will not necessarily attract the operation of the DCP. An increase in footpath seating should not be criteria for determining an increase in intensity for a premises. We do not understand how the definition of intensification includes any change to the licensed floor area, given that an approved change to a licensed floor area is only granted (by the OLGR) after development consent is issued.	Refer to Section 3.8 of the Report to Council. Refer to Section 3.1 and 3.6 of the Report to	Nil	2e

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Indoor Trading Hours	<p>Indoor trading areas are too low, particularly where no extensions are available.</p> <p>North Sydney has a much lower crime rate than the City of Sydney, yet the City of Sydney LNT DCP allows extended trading hours until midnight for indoor trading hours across all zones.</p> <p>It is difficult to operate a restaurant with trading hours that are restricted to 10pm.</p> <p>Arbitrary trading hours applied across all zones fail to recognise the differences and site specific characteristics which exist within each of the LGA's varied localities.</p> <p>Arbitrary trading hours fail to recognise site specific characteristics, good management or mitigation measures.</p> <p>The DCP should identify base hours, extended trading hours that are likely to be acceptable in most situations, and to allow that in exceptional circumstances, Council may consider approving hours outside the DCP, where impacts can be managed.</p>	<p>Council.</p>	<p>Amend Section 7.3.4 P1.</p>	<p>1a</p>
		Outdoor Trading Hours	<p>It is unclear whether the Section 7.1.2 will apply to a Development Application by an existing premises that seeks to convert an indoor area to an outdoor area, with no resulting intensification of use. However, we assume that this was an error on behalf of Council.</p> <p>Comments relevant to trading hours apply to outdoor trading hours.</p> <p>Outdoor dining that must cease by 8pm effectively cannot be used during the dinner period as diner will rarely be finished with meals at this time.</p>	<p>Refer to Section 3.1 and 3.6 of the Report to Council.</p>	<p>Amend Section 7.3.4 P1 of draft DCP Amendment</p>	<p>1a</p>

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Trial Periods	<p>Where an application for outdoor trading can satisfy acoustic requirements, this should not be refused only for numeric non-compliance with the DCP control.</p> <p>We support trial periods as a tool to reward good operators within the locality with extended trading hours.</p> <p>Trial periods for indoor operating hours before midnight and outdoor hours before 10pm is unreasonable. Trial periods should be extended to all zones.</p>	<p>Refer to Section 3.4 of the Report to Council.</p>	Amend Section 7.3.2 of draft DCP Amendment	1e
		Clarification of trial period application	<p>The DCP requires that a Section 96 application be lodged prior to the expiration of a trial period however it is unclear as to whether the trial period continues until the Section 96 is finally determined. In our view, the trial period should remain in place until the Council (or the Court) finally determines any Section 96 application. This would prevent an application being lodged prior to 12 months and defeat the purpose of a 12 month trial period.</p>	<p>Refer to Section 3.4 of the Report to Council.</p>	Amend Section 7.3.2 of draft DCP Amendment	1e
		Assessing a Trial Period	<p>We recommended Section 7.3.2 P2 include a statement <i>'Any trial period is to continue until such time as the section 96 application is finally determined and the trial revoked, re-instated for the same or longer period or the trial period or the trial hours are formalised by Council (or the Court, on appeal).'</i></p> <p>The DCP does not specify how the consent authority will determine whether a trial period has been satisfactory. It cannot be left up to Council's sole discretion. Some objective criteria to measure performance is required.</p> <p>Complaints or claimed breaches of conditions made during a trial period must be verified by Council staff or the police, if they are to be relied upon as part of</p>	<p>Refer to Section 3.4 of the Report to Council.</p>	Amend Section 7.3.2 of draft DCP Amendment	1e

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Perpetual Trial	<p>the assessment.</p> <p>It remains unclear how the length of a trial period is to be determined.</p> <p>It is wholly unnecessary to keep premises on a constant trial period due to the broad and effective enforcement mechanisms available to Council.</p> <p>Requiring operators to lodge a Section 96 modification every few years to continue to trade the extended trading hours is administratively burdensome. We can attest from extensive experience any application referring to extended trading hours for licensed premises will inevitably concern neighbouring residents and will provoke objections, regardless of whether or not those objectors have previously made any complaints about the operation of the premises.</p> <p>There is the real risk the operator will miss the expiration of a trial period as this can be difficult to keep track of.</p> <p>If Council intends to maintain the rolling trial period regime, we request a criteria be established which permits trial periods be granted for longer periods of time on each occasion.</p> <p>In order to provide more certainty to those entering the industry and considering the lodgement of a request for extended trading hours, it would be very helpful to understand the way in which a trial period length is to be determined.</p>	<p>Refer to Section 3.4 of the Report to Council.</p>	<p>Amend Section 7.3.2 of draft DCP Amendment</p>	<p>1e</p>
		Liquor Act	<p>The liquor Act is a very powerful tool for regulating the ongoing operation of a licensed venue. Council does not need to be overly conservative in approving trading hours for licensed premises or in requiring perpetual trial periods, as there will always be an efficient and effective means of dealing with</p>	<p>Refer to Section 3.16 of the Report to Council.</p>	<p>Nil</p>	<p>2e</p>

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Smoking Areas	<p>poor operators through the Liquor Act.</p> <p>We support the operating hours for smoking areas being equal to indoor trading hours.</p> <p>The controls apply some unnecessarily restrictive requirements which oblige smoking areas to be devoid of tables, chairs and gaming machines. In circumstances where it can be shown that the use of a smoking area would have no impact on the amenity of the surrounding area, there should not be any restriction on the layout and setting of these spaces.</p> <p>The removal of tables and chairs from a particular space can be impossible in many instances. Further, their removal may have no impact on the surrounding area.</p> <p>If it can be shown that impacts can be neutralised, smoking areas should be able to be designed to address customer needs rather than an arbitrary requirement.</p> <p>Trial periods and on-going acoustic monitoring can be considered.</p>	<p>Refer to Section 3.3 of the Report to Council.</p>	Amend Section 7.3.6 draft DCP Amendment	1e
		Plans of management	<p>We support the implementation of plans of management however some requirements are excessive and wholly unnecessary.</p> <p>The requirement for a summary of other late night uses in the locality within 200m seems to blur the line between the issues Council may consider relevant in the assessment, and operational matters that should be included in a plan of management.</p> <p>The requirement that written confirmation that the police did not object to trading hours elevates the role of the police to that of a concurrence authority,</p>	<p>Refer to Section 3.17 of the Report to Council.</p>	Amend Section 7.4.1 & 7.4.2 of the draft DCP Amendment	1a

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Gaming Machines	<p>which they are not. It is generally the case that the police , as a matter of course, object to every development application for licensed premises on relatively generic grounds. Such a requirement will only serve to restrict Council's ability to approve venues otherwise meritorious development applications.</p> <p>The location of gaming machines is a matter that is regulated and governed very closely by the Gaming Machines Act 2001 and are not issues for plans of management approved by a local council.</p>	Refer to Section 3.12 of the Report to Council.	Nil	2e

Summary of PETITION (285 signatures) received during public exhibition period (24 July 2014 – 21 August 2014)

**ATTACHMENT ...: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 2014 - 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
N/A	285 signatures	McMahons Trading hours	Object to the proposed indoor and outdoor trading hours for McMahons Point are too restrictive.	Refer to Section 3.1.4 of the Report to Council.	Amend Section 7.3.1 P1	1a

Summary of public submissions (Proforma Letter) received during public exhibition period (24 July 2014 – 21 August 2014)

**ATTACHMENT 1 : DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 - 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
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**ATTACHMENT 1 : DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 - 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
	Pro-forma letter with 23 signatures	Survey	53% of residents are in favour of extended trading hours in McMahons Point, and 64% indicated general support for extended trading hours.	Refer to Section 3.1.4 of Report to Council	Amend Section 7.3.1 P1	1a
1	NOT PUBLISHED					
2	NOT PUBLISHED					
3	NOT PUBLISHED	Trading hours	Council has spent rate payers money on survey and not followed the wishes of the majority.	Noted.	Nil	2c
4	NOT PUBLISHED					
5	NOT PUBLISHED					
6	NOT PUBLISHED	Small bars	Extended trading should be permitted across all North Sydney Council Zones ie B1, B3 & B4. Council is determined to take a Draconian attitude to progress by limited outdoor trading to 8pm.	Refer to Section 3.6 of Report to Council	Nil	2e
7	NOT PUBLISHED					
8	NOT PUBLISHED					
9	NOT PUBLISHED	Small bars should be allowed across all North Sydney Council zones ie B1, B3 & B4.	Refer to Section 3.13 of Report to Council	Refer to Section 3.13 of Report to Council	Nil	2e
10	NOT PUBLISHED					
11	NOT PUBLISHED					
12	NOT PUBLISHED					
13	NOT PUBLISHED					
14	NOT PUBLISHED					
15	NOT PUBLISHED					
16	NOT PUBLISHED					
17	NOT PUBLISHED					
18	NOT PUBLISHED					
19	NOT PUBLISHED					
20	NOT PUBLISHED					
21	NOT PUBLISHED					

**ATTACHMENT 1 : DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 - 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
22	NOT PUBLISHED					
23	NOT PUBLISHED					

**Summary of INTERNAL submissions received during public exhibition period (24 July 2014
– 21 August 2014)**

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1.	Environmental Health Acting Team Leader	Proximity of LNT venues	Distance between a premises and a sensitive receiver is not the only factor that should be relied upon to mitigate noise	Refer to Section 3.18 of the Report.	Amend Section 7.3.4 draft DCP Amendment	1C
		Acoustic report clarification	At application stage, Acoustic Reports generally "predict" outcomes through modelling.	Refer to Section 3.19 of the Report	Amend Section 7.3.3 draft DCP Amendment	1C
		Acoustic Report non-compliance	Are there parameters set for what may be considered a reasonable non-compliance with the criteria outlined in 7.3.3 P2 ? Assessment tools should be available to planning staff to determine the adequacy of information submitted with a proposal.	This is a matter for the assessment process.	Nil	2G
		Waste Management	Section 7.3.5 Waste Management is not a matter for Environmental Health.	Noted	Nil	2a
		Noise associated with venue set up	Setting up of tables, chairs is a particular concern in outdoor areas. It is recommended that a requirement be included to require tables, chairs, advertising screens be removed and packed away prior to an agreed time, and prohibiting these being	Refer to Section 3.20 of the Report	Amend Section P1 of draft DCP Amendment	1C

**ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – PART B: SECTION 7 – LATE NIGHT TRADING
PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 24 July 2014 – 21 August 2014)**

No.	Name and Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Noise from people talking etc	<p>dragged around too early in the morning.</p> <p>Noise from people talking and general operation of a venue is difficult to predict. This is typically addressed through trading hours, and requirement for window/door closures. Reliance on staff on duty to close a door etc would be considered to be ineffective as a stand along long term mitigation measure.</p>	The requirement to close doors and windows etc is a widely imposed condition and can assist in the mitigation or reduction of noise to adjoining premises.	Nil	2g

IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.

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Late Night Trading Hours



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:

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- (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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Late Night Trading Hours

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.

TABLE B-7.1 Maximum Trading Hours			
Zone	Trading Hours		
	Indoor	Outdoor	
B3 - Commercial Core	6am to Midnight	7am to 11pm	
<i>*Refer to P2 & P3</i>			
B4 - Mixed Use	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm	
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton St, 2-28 Ennis Rd, Milsons Point	7am to 10pm (Sun-Wed)	
	2) Properties with a frontage to Miller St, Cammeray	7am - 11pm (Thurs - Sat)	
	3) <u>Blues Point Road, McMahons Point</u>		
	All other locations	7am to 10pm	8am to 8pm
All other zones	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.

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:

Deleted: Extended Trading Hours

Deleted: Indoor / Outdoor

Deleted: Up to 24 hour trading within the North Sydney Centre only, subject to meeting Provisions P2 and P3

Deleted: No extension

Deleted: Kirribilli located between Crescent Pl and Bligh St

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Deleted: Consideration of trading hours for alterations and additions to existing premises which have existing approval to trade outside the maximum trading hours will be considered against relevant DCP provisions as well as the existing impacts and operation of the premises.

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- The existing premises' operation has an acceptable impact upon the surrounding locality and;
- The proposed trading hours would not result in any greater or adverse impacts compared to the existing premises and.
- The impacts of the proposed trading hours would satisfy the matters for consideration outlined in Section 7.2 and all other relevant DCP provisions.

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Luna Park

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

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.

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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 96 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 CBD as set out within P4.~~

Deleted: Formalisation of extended trading hours will

Deleted: be permitted

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 application must be lodged every 5 years should the applicant seek to renew these trading hours.~~

Deleted: <#>If Council determines that a trial period has been unsatisfactory, then trading hours will revert back to the approved trading hours as specified within the development consent. Alternatively, Council may grant approval for a further trial period to allow further monitoring and assessment of the impacts of the premises.¶

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;



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- (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,
 - (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.

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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.

Zone		Doors and windows to be kept closed by:
B3 - Commercial Core		11pm
B4 - Mixed Use		10pm
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton St, Kirribilli	9pm
	2) 2-28 Ennis Rd, Milsons Point	
	3) Properties with a frontage to Miller St, Cammeray	8pm
	4) Blues Point Road, McMahons Point	
All other locations		8pm

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All other zones	8pm
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- 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.

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.

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- (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 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.

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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;

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;



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- (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);
- (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;

Deleted: <#>Provide details of the trading hours of other late night trading premises currently operating within a 50 metre radius (i.e. commercial premises that operate after 10pm).¶

Deleted: <#>A summary of other late night trading premises that operate to similar hours to those proposed to the subject property, within a 200 metre radius of the premises, indicating the nature of their use, their trading hours and distance from the premises.¶

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Late Night Trading Hours

- 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:
- 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;



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Late Night Trading Hours

- (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;
 - (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;

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Late Night Trading Hours

- (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 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);



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Late Night Trading Hours

- encouraging responsible drinking; and
- actions taken to discourage drug use and to manage drug related incidents.

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**DECISION OF 3650th COUNCIL MEETING
HELD ON 23 JUNE 2014**

227. PDS05: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP Amendments

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
The draft Development Control Plan (DCP) Amendment Late Night Trading has been formulated following an extensive late night trading review including public consultation on late night trading issues.

The draft DCP intends to address issues specific and unique to North Sydney. It sets trading hours that allow for the contemporary requirements of late night trading across North Sydney, encouraging the vibrancy of many areas as a late night destination. In addition, the controls acknowledge the proximity of residential development to many of the late night trading sites by clearly defining trading hours for the Sunday to Wednesday period. Importantly, specific amenity controls have been formulated to ensure that noise and amenity impacts can be appropriately managed, and not unreasonably restrict surrounding development.

The controls are generally considered to represent Council's current practice with regards to late night trading, which has been shown to closely align with community expectations. The results of the questionnaire generally acknowledged that the North Sydney Local Government Area (LGA) provides a diverse and desirable night time economy and the proposed controls continue to encourage this approach. Consultation with North Sydney Harbourside Police indicates that crime and anti-social behaviour within the locality continues to trend favourably, compared to previous years, and they have raised no concerns regarding Council's current approach to late night trading.

The proposed controls seek to formalise this existing approach and ensure that a balanced approach continues to be implemented. The draft DCP amendment is presented to Council for endorsement to enable it to be placed on public exhibition.

Recommending:

- 1. THAT** Council adopt the draft amendment to NSDCP 2013 as attached to this report (Attachment 1).
- 2. THAT** the draft DCP be placed on public exhibition for a minimum of 28 days.

A Motion was moved by Councillor Baker and seconded by Councillor Barbour

1. THAT the draft amendment to NSDCP 2013 as attached to this report (Attachment 1) be placed on public exhibition for a minimum of 28 days and that a report be provided to Council after the conclusion of the exhibition period.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Reymond	Y		Morris	Y	
Clare	Y		Burke	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	
Beregi	Y				

RESOLVED:

1. THAT the draft amendment to NSDCP 2013 as attached to this report (Attachment 1) be placed on public exhibition for a minimum of 28 days and that a report be provided to Council after the conclusion of the exhibition period.

ADOPTED



Report to General Manager

Attachments:

1. Draft Amendment to NSDCP 2013 Part B Section 7 - Late Night Trading Hours
2. 'Late Night Trading Review - Consultation Outcomes' Report
3. Summary of Written Submissions (Nov 2013 - Jan 2014)

SUBJECT: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP Amendments

AUTHOR: Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer

ENDORSED BY: Joseph Hill, Acting Director Planning and Development Services

EXECUTIVE SUMMARY:

The draft Development Control Plan (DCP) Amendment Late Night Trading has been formulated following an extensive late night trading review including public consultation on late night trading issues.

The draft DCP intends to address issues specific and unique to North Sydney. It sets trading hours that allow for the contemporary requirements of late night trading across North Sydney, encouraging the vibrancy of many areas as a late night destination. In addition, the controls acknowledge the proximity of residential development to many of the late night trading sites by clearly defining trading hours for the Sunday to Wednesday period. Importantly, specific amenity controls have been formulated to ensure that noise and amenity impacts can be appropriately managed, and not unreasonably restrict surrounding development.

The controls are generally considered to represent Council's current practice with regards to late night trading, which has been shown to closely align with community expectations. The results of the questionnaire generally acknowledged that the North Sydney Local Government Area (LGA) provides a diverse and desirable night time economy and the proposed controls continue to encourage this approach. Consultation with North Sydney Harbourside Police indicates that crime and anti-social behaviour within the locality continues to trend favourably, compared to previous years, and they have raised no concerns regarding Council's current approach to late night trading.

The proposed controls seek to formalise this existing approach and ensure that a balanced approach continues to be implemented. The draft DCP amendment is presented to Council for endorsement to enable it to be placed on public exhibition.

FINANCIAL IMPLICATIONS:

Nil

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
Re: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP
Amendments

(2)

RECOMMENDATION:

1. **THAT** Council adopt the draft amendment to NSDCP 2013 as attached to this report (Attachment 1).
 2. **THAT** the draft DCP be placed on public exhibition for a minimum of 28 days.
-

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
 Re: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP
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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence
 2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

BACKGROUND

In response to the need to revisit and resolve issues pertaining to late night trading and address the Direction 3.1.1.1 in Council's Delivery Program, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review) in July 2013.

Council undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and property owners across the LGA. Council considered a report addressing this work at its Legal and Planning Committee on 3 March 2014, where in council resolved to adopt its findings. The report is provided in Attachment 2 and also includes further background information to this Review.

This report deals with the next stage of the Review which involves the establishment of planning controls, informed by the preliminary consultation.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and relevant requirements under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none"> The types of businesses and their hours of operation, in conjunction with their location, have implications for surrounding residential uses in terms of noise, safety and general amenity.

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QBL Pillar	Implications
Social	<ul style="list-style-type: none"> • Council needs to strike a balance between the interests of businesses and residents where they do not meet to ensure that dense and integrated communities can flourish under co-existing land uses.
Economic	<ul style="list-style-type: none"> • Decisions made regarding the operation of businesses can have direct impacts on the economic sustainability of those businesses.
Governance	<ul style="list-style-type: none"> • Council needs to manage the sometimes divergent needs and wishes of local businesses and residents. A considered and consistent approach to such matters demonstrates appropriate local governance.

DETAIL

1. Overview

Council initiated the Late Night Trading, Extended Trading Hours and Small Bars Review (the Review) in July 2013, following on from the previous deferral of the Late Night Trading sections from both NSDCP 2002 and NSDCP 2013 and in response to Direction 3.1.1.1 of Council's Delivery Program 2013/14-2016/17. The overarching aim of the Review is to develop planning controls (in the form of a draft amendment to NSDCP 2013 Part B Section 7) for late night trading across the LGA.

As part of the Review a number of tasks were identified to determine if new development controls were needed, and if needed, what they should address. A description of these tasks and their progress are outlined in Figure 1 and the following subsections.

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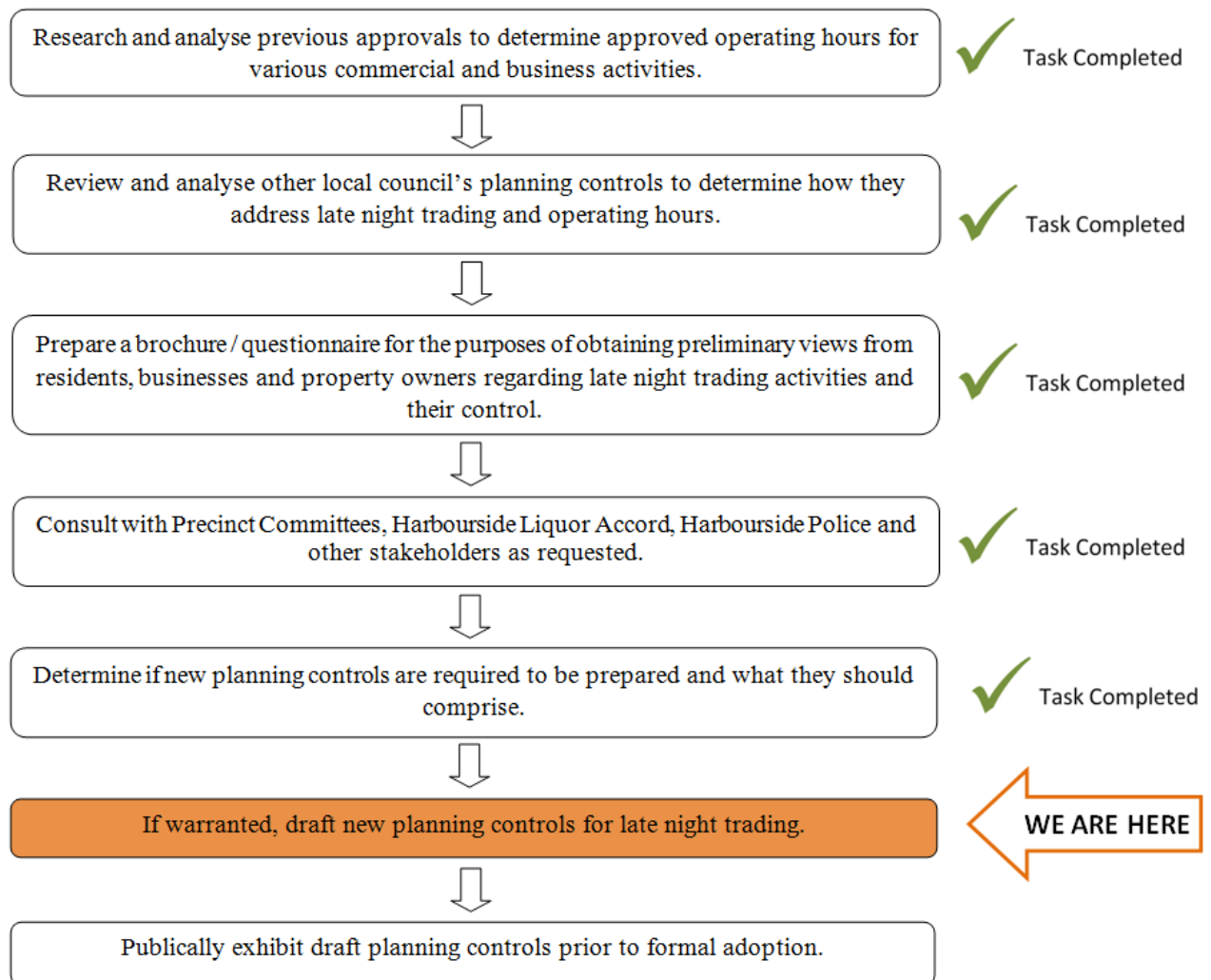


Figure 1 - Late Night Trading Review Process

1.1 Task 1: Existing Late Night Trading across the North Sydney LGA

As part of the initial stages of the Review, Strategic and Assessment Planning staff undertook a comprehensive review of the existing development approvals for late night trading. The purpose of undertaking this activity was to gauge an understanding of the extent of late night trading approvals, as well as typical late night trading hours relative to certain zones, suburbs and land uses.

For the purpose of this research, officers focused on premises which operated before 8am and/or after 6pm on any day. A large sample size to enable a robust and highly accurate analysis was taken, with all approvals from 2006 - 2013 tabled. The following details from each approval were recorded:

- Address of premises;
- Determination date;
- Operating hours;
- Outdoor dining details (if any); and
- Trial periods (if any).

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A total of 400 development applications (including Section 96 applications) were tabulated as part of this exercise. Through filtering the information contained in the table, Planning staff were able to, among other things, identify patterns relating to operating times of premises dependent on a number of variables including use, location and zoning. Table 1 indicates the typical trading hours for the zones and corresponding late night trading localities.

Table 1: Typical Trading Hours			
Zone	Locality	Characteristic Opening Time	Characteristic Closing Time
B1 Neighbourhood Business	Blues Point Road, Cammeray, Kirribilli, Waverton, various isolated sites in residential areas	7am (Mon-Sun)	10pm (Mon-Sun)
B3 Commercial Core	North Sydney CBD	6am (Mon-Sun)	12 Midnight (Mon-Sun)
B4 Mixed Use	Cremorne, Crows Nest, Milsons Point, Neutral Bay, North Sydney, St Leonards	7am (Mon-Sun)	11pm (Mon-Sat) 10pm (Sun)

As evident from Table 1, Council has adopted a fairly consistent approach when approving trading hours for late night trading premises, dependent on their location. This highlights that the current process being used by Council Officers, and the associated outcomes, have significant merit.

As expected, outliers do exist where premises have approved trading hours beyond those in Table 1 and these were observed and reflected throughout the tabulation process. In the instances where extended or longer trading hours have been granted, applications have been considered on their merits by Council Officers during the assessment process and deemed to be appropriate. In many instances these approvals have been subject to a number of conditions of consent to manage any potential for amenity impacts.

While the approach and process currently being used by Council Officers in assessing development applications for late night trading is successful and has produced a consistent approval basis, it is not formally communicated in Council's local planning controls. With no written planning controls outlining Council's expectations with regard to late night trading (including trading hours and venue management), there is a lack of clarity and certainty for applicants, residents and businesses when applying for late night trading hours. As such, an objective of the Review is to establish new planning controls in order to "*provide greater certainty for applicants and residents*".

1.2 Task 2: Review other Council's Planning Controls

The previous deferred Late Night Trading sections from both NSDCP 2002 and NSDCP 2013 were both modeled largely on the City of Sydney Late Night Trading Premises DCP 2007. Council's review considered these documents together with the practice of other Local Government controls. It was apparent that controls were required that were specific to the unique nature of Late Night Trading within the North Sydney LGA and that a comprehensive review to formulate new controls should be undertaken.

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1.3 Task 3: Preliminary Consultation

Council undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA. Council considered a report addressing this work at its Legal and Planning Committee Meeting on 3 March 2014, wherein council resolved to adopt its findings (refer to Attachment 2).

The Brochure provided an outline of the Review and explained that the intention of the controls was to provide greater certainty for applicants and residents with regard to late night trading premises. It also gave an indication of the intent, and type of new late night trading controls which were potentially being considered by Council.

The Questionnaire sought to ascertain respondent's views on late night trading with specific responses requested relating to formalising trading hours and implementing trial periods for extended trading hours. A specific question was also asked relating to the North Sydney Centre and how it can be improved as a late night destination.

Council received over 800 submissions in response to the brochure and questionnaire representing a highly successful consultation process. The number, and quality, of submissions, provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which have been used in formulating the draft planning controls.

Results indicated that of the respondents, 60% supported the establishment of typical base operating hours and the ability to extend those base hours under certain circumstances. Overall, it is evident that there is general support for extended trading hours with 64% of respondents supporting this approach. However, the results of the questionnaire vary between suburbs and consideration was given to this when drafting planning controls. Approximately 75% of respondents also agreed that the North Sydney Centre could be improved as a late night destination.

Despite this general support for extended trading hours, issues were raised regarding the management of any extended trading hours and/or trial periods and how the community would be involved in this process. Suggestions were also made that extended trading hours should not be considered where venues are in close proximity to residential premises. Concern also existed around the lack of certainty and financial implications for local businesses that would be subject to on-going trial periods.

In addition to distributing the Brochure and Questionnaire, Council met with Precinct Committees upon request, addressed the Harbourside Liquor Accord, and conducted face to face meetings with the Harbourside Police and other stakeholders as requested.

The consultation process highlighted that Council's current development approvals practice is in line with community and business expectations. Council was encouraged to continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community. Council has now used this consultation to inform the development of the draft planning controls for late night trading a copy of which are presented in Attachment 1.

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
Re: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP
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In addition to the completed questionnaires, Council received a number of written submissions from both businesses and residents. A summary of these submissions is provided in Attachment 3.

1.4 Task 4: Consultation with key stakeholders including the Harbourside Police

Comments were sought during the review from key stakeholders include Precincts, Harbourside Liquor Accord and a number of other stakeholders.

The Harbourside Police were also consulted. An extract of their advice regarding the existing state of late night trading across the North Sydney LGA is provided:

'Areas of concern in regard to late night trading would be premises being established in close proximity to residential buildings. Noise from both the premises itself and the patrons coming and going seem to be the most prevalent complaints we, the Police deal with. The lack of, or the long distance to public transport can also be a problem with patrons loitering around causing trouble or committing crimes.'

Harbourside Local Area Command has worked hard in the last five years to minimise all incidents involving alcohol related crime within the North Sydney Local Government Area. These efforts have seen a large decrease in alcohol related crimes within the area with some figures at their lowest ever.

The typical trading hours as mentioned by North Sydney Council are satisfactory and we believe that only the North Sydney CBD be given the opportunity to extend their hours subject to on-going trial periods.

We believe the North Sydney Local Government Area would benefit from late night trading if undertaken in the most suitable of locations'

It is encouraging that alcohol related crime within the North Sydney LGA has decreased in recent years. On this basis, it is recommended that existing Council practice be formalised to ensure late night trading continues to be appropriately managed across the LGA.

In response to the North Sydney Police recommendations regarding trading beyond midnight, the attached draft DCP amendment only considers this issue within the core of the North Sydney Centre.

1.5 Task 5: Previous submissions regarding Late Night Trading

Consideration was given to the responses from previous public consultation undertaken with the community and relevant stakeholders in relation to draft amendments to NSDCP 2002 and as part of Draft NSDCP 2010 with regards to late night trading as well as responses from the preliminary consultation phase of the current Review. Table 2 provides a summary of the key issues raised and how they are being responded to.

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
 Re: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP Amendments

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TABLE 2: Submission Issues	
Issue	Response
Luna Park	This is discussed further in Section 2.3 of this report. Outcomes from previous consultation phases showed strong support to restricting the operating hours of Luna Park to that currently approved. A draft control limiting the operating hours of Luna Park to its existing approved operating hours is contained within the attached draft DCP amendment.
Objectives of Part B Section 7 of NSDCP 2013	<p>A number of submissions made to previous draft DCP provisions, alleged that the general objectives of the late night trading section of the DCP contradicted the provisions contained in the remainder of the Section and that the proposed provisions will result in a reduction in certainty for operators as operating hours are not fixed. In response to these issues, Council resolved on 8 October 2012 to undertake a more detailed review to determine the impact on existing premises and the legitimacy of such controls.</p> <p>Further preliminary consultation undertaken as part of this Review generated similar concern from business operators regarding lack of certainty associated with on-going trial periods, and the ability for Council to restrict existing operating hours upon lodgment of a new development application for the premises.</p> <p>Council has subsequently established operating hours and trial periods as part of the attached draft DCP amendment in response to these concerns in an attempt to provide greater certainty for operators. Trial periods are proposed only for the core of the North Sydney Centre trading after 12 midnight. These changes are explained in greater detail in Section 2.2 and 2.4 of this report. Clarification is also provided as to Council's position regarding operating hours of existing premises.</p>
Determining Bodies	<p>In response to the consideration of the post exhibition report to Draft NSDCP 2010 on 8 October 2012, Council resolved to revise subsection 7.2 to Part B relating to the role of particular determining bodies regarding trading hours attached to licensed premises to provide better clarity.</p> <p>A number of comments regarding what government body should be determining operating hours, particularly for licensed premises, was also raised throughout the consultation period of the Review.</p> <p>The issues of clarifying the role of particular determining bodies for late night trading premises is addressed in Section 3.2 of this report.</p>
Trial Periods	<p>Outcomes from previous consultation phases undertaken indicated that trial periods provide no certainty for operators. This was again expressed in the preliminary consultation undertaken as part of the Review.</p> <p>The proposed controls relating to trading hours and trial periods in the attached draft DCP amendment are addressed in Sections 2.2 and 2.4 of this report.</p>
Smoking Areas	Previous consultation identified confusion around spaces which are solely used for smoking versus those which have dual purposes. The attached draft DCP amendment has attempted to clarify this issue.
Weekday vs Weekend Trading	<p>Queries were raised in previous consultation with respect to providing different hours for weekdays as opposed to the weekends. Similar comments were also provided during the preliminary consultation as part of this Review.</p> <p>In response to these comments, the attached draft DCP amendment differentiates between weekday and weekend trading hours in particular locations. This is addressed further in Sections 2.2 of this report.</p>

Report of Lara Huckstepp, Executive Planner and Natalie Moore, Assessment Officer
 Re: Late Night Trading, Extended Hours and Small Bars Review: Proposed DCP Amendments

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TABLE 2: Submission Issues	
Issue	Response
Meeting with Council	Following previous consultation, various requests were made for meetings with Council to discuss the draft controls. Since this time, Council has undertaken extensive preliminary consultation as part of the Review. Council received a significant number of responses in relation to this consultation, and also met with a number of key stakeholders.
Existing premises	Submissions as part of previous consultation phases raised concern that the proposed controls would have an adverse impact on the operation of existing premises and claimed that the existing premises that currently have approval for hours of operation in excess of the Draft NSDCP 2010 would not redevelop as it might result in a reduction of operating hours. Similar concerns were raised during the preliminary consultation period for the Review. Draft NSDCP 2010 did note that the controls did not derogate from existing consents, and provided a clear set of criteria that would trigger the need to re-consider trading hours for an existing use. Despite this, the attached draft DCP amendment has been constructed to address this concern. This issue is discussed in greater detail in Section 2.6 of this report.

2. Details of Draft Amendment to NSDCP 2013

The draft amendment to NSDCP 2013 Part B Section 7 - Late Night Trading Hours is attached at Appendix 1. The primary components of the draft documentation are discussed in the following subsections.

2.1 Application

The draft controls are proposed to apply to all premises proposing to trade between 8pm and 7am, and will apply to requests for a change of use, new or extended trading hours (including consideration following an imposed trial period), refurbishments and alterations and additions that will result in an intensification of the existing use.

2.2 Zone Based Trading Hours

The draft amendment seeks to impose maximum trading hours specific to each zone and specify hours for indoor and outdoor trading, as set out in the following subsections.

2.2.1 B3 - Commercial Core Zone

The *B3 - Commercial Core* zone includes North Sydney Centre, part of St Leonard's Town Centre adjacent to St Leonards Railway Station, and a part of the Crows Nest Town Centre on the corner of Falcon and Alexander Streets.

ZONE	TRADING HOURS		EXTENDED TRADING HOURS
	Indoor	Outdoor	Indoor / Outdoor
B3 - Commercial Core	6am to Midnight	7am to 11pm	Up to 24 hour trading within the North Sydney Centre.

These trading hours have been determined having regard to the following considerations:

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- A review of existing trading hours within the *B3 Commercial Core* zone details typical indoor trading ceases by 12 midnight, although outliers do exist throughout the zone.
- The results of the questionnaire detailed that 63% of respondents relating to the Commercial Core zones supported base trading hours to 12 midnight and 71% of respondents also supported allowing an extension beyond the base trading hours in certain circumstances.
- North Sydney Harbourside Police recommended extended trading hours beyond midnight were appropriate within the core of the North Sydney Centre only, subject to on-going trial periods.

These trading hours are considered to encourage and support the North Sydney Centre as Council's highest order business zone and the most appropriate location for the concentration of late night trading. They are considered to be consistent with the objectives of the *B3 - Commercial Core zone*. The prohibition of residential development within this zone further enables late night uses to occur with minimal impact upon residential amenity.

The proposed trading hours are considered to support and complement the North Sydney Centre Review which seeks to encourage more vibrancy and diversity within the North Sydney Centre.

2.2.2 B4 - Mixed Use Zone

The *B4 - Mixed Use* zone primarily includes the town centres of Neutral Bay, Cremorne, Milsons Point, Crows Nest, St Leonards and parts of North Sydney.

ZONE	TRADING HOURS		EXTENDED TRADING HOURS
	Indoor	Outdoor	Indoor / Outdoor
B4 - Mixed Use	7am to 10pm (Sun) 7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat)	7am to 10pm	No extended trading hours

These trading hours have been determined having regard to the following considerations:

- A review of existing trading hours within the *B4 Mixed Use* zone details typical indoor trading ceases by 11pm, however outliers do exist throughout the zone.
- The results of the questionnaire detailed that 43% of respondents across all *B4 - Mixed Use* zones supported base trading hours to 11pm and 70% of respondents also supported allowing an extension to the base trading hours, particularly on weekends.
- Trading hours proposed on Sunday - Wednesday are reflective of the typical approved hours expected of the zone and community during this part of the week.
- Trading hours proposed on Thursday - Saturday respond to the community consultation to facilitate and encourage more vibrancy in this zone. It is more appropriate to have later trading during this part of the week to support these areas as desired destinations.

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The majority of late night trading within the North Sydney LGA occurs within the *B4 - Mixed Use* zone. The proposed trading hours are intended to encourage a balanced approach between late night trading and residential amenity consistent with the objectives of the *B4 - Mixed Use* zone.

2.2.3 B1 - Neighbourhood Centre Zone and other zones

The *B1 -Neighbourhood Business* zones primarily includes the town centres of Cammeray, and Kirribilli, Blues Point Road in McMahons Point, Waverton Railway Shops, Clarke Road Shops in Neutral Bay, Cammeray Road Shops, Hayes Street shops in Neutral Bay, and various smaller isolated sites. These trading hours are proposed to also apply to any late night trading premises proposed within any other zone.

ZONE		TRADING HOURS		EXTENDED TRADING HOURS
		Indoor	Outdoor	Indoor / Outdoor
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton Street Kirribilli between Crescent Place and Bligh Street.	7am to 10pm (Sun-Wed)	7am to 9pm	No extension
	2) 2-28 Ennis Road, Milsons Point	7am – 11pm (Thurs – Sat)		
	3) Properties with a frontage to Miller Street, Cammeray			
	All other locations	7am to 10pm	8am to 8pm	No extension
All other zones		7am to 10pm	8am to 8pm	No extension

These trading hours have been determined having regard to the following considerations:

- A review of existing trading hours within the *B1 - Neighbourhood Centre* zone details typical indoor trading ceases by 10pm, however outliers do exist throughout the zone.
- The results of the questionnaire detailed that 55% of respondents across all *B1 - Neighbourhood Centre* zones supported base trading hours to 10pm and 56% of respondents also supported extended trading hours beyond these base hours, particularly on weekends. It is noted that responses for Kirribilli indicated only 46% support for extended hours, whereas all other areas indicated a majority (over 50%). The questionnaire results within this zone are considered to be finely balanced.
- The primary concerns raised within the questionnaire related mostly to impacts of late night trading on residential amenity.
- A detailed review was undertaken of all *B1 -Neighbourhood Centre* zones and it was determined that all of these localities other than Kirribilli and Cammeray were located within close proximity (20m or less) to residential zones. Due to the limited size of these neighbourhoods, proximity to residential zones and their existing neighbourhood character area, cessation of trade by 10pm is recommended.
- The town centres of Cammeray and Kirribilli are considered to be unique in character compared to other smaller neighbourhoods. These localities are more extensive in size

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with their centre's benefiting from a greater setback to surrounding residential zones. Accordingly, the draft controls identify the following localities as able to support trading until 11pm only on Thursday, Friday and Saturdays:

- 1) ***Properties with a frontage to Broughton Street, Kirribilli between Crescent Place and Bligh Street*** - An adequate setback of over 20m is provided to the nearest residential zoned sites from these properties. The proximity to a busy transport exchange and Expressway contributes to providing a neighbourhood that can appropriately accommodate the recommended trading hours on these days.
- 2) ***2-28 Ennis Road, Milsons Point*** - An adequate setback of over 20m is provided to the nearest residential zoned sites from these properties. In addition these sites are also located in close proximity to the busy transport exchange.
- 3) ***Properties with a frontage to Miller Street, Cammeray*** - These properties are limited to those fronting Miller Street. Amherst Street and Palmer Street are considered to adequately separate these localities from surrounding residential development.

Permissible uses within the *B1 - Neighbourhood Centre* zone allow "neighbourhood shops" and "restaurants and cafes" encouraging small scale retail, business and community uses. "Pubs" and "small bars" are not permitted within this zone.

The intended trading hours are considered to appropriately preserve the primary desired character of the neighbourhood centre, representing the lowest order business zone within the LGA. These trading hours would ensure the preservation of a high level of residential amenity is maintained.

2.3 Luna Park

During the public consultation period for Draft NSDCP 2010, strong objection was raised to any increase in operating hours of Luna Park beyond what they currently have approved. Due to the changing nature of Milsons Point from a commercial centre to a predominantly residential suburb with limited ground floor commercial uses, a provision has been included to restrict any further extension of Luna Park trading hours to provide a level of amenity for existing and future residents.

2.4 Trial periods

The draft DCP amendment recommends on-going trial periods only for extended trading within the core of the North Sydney Centre after 12 midnight. On-going trial periods are considered to be an effective tool to enable monitoring of impacts occurring on the locality from extended trading hours. They provide an incentive for a premises to ensure good management and allow Council the opportunity to reduce trading hours where a premises' performance is unsatisfactory.

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2.5 Amenity Controls

Late night uses within North Sydney LGA located within the *B4 - Mixed Use* zone, *B1 - Neighbourhood Centre* zone or where a commercial zone interfaces with a residential zone, can have the potential to impact negatively upon surrounding residential amenity. The most effective control of these uses is to place a limitation on trading hours as proposed within the attached draft DCP amendment.

In addition, specific amenity controls have been formulated as set out below. These design and operational requirements generally represent Council's current practice in considering development applications for late night trading premises required to minimise impacts on surrounding residential properties. Their inclusion within the draft DCP amendment is proposed in order to provide both the applicant and residents with greater certainty and to generally formalise Council's current practice. The key features of the draft DCP amendment include:

- **Outdoor Trading Hours** - Specifying trading hours for outdoor seating areas to internalise noise impacts after certain times based upon zoning.
 - **Acoustic Controls** - Outlining acoustic controls in line with industry requirements regarding noise generation. An Acoustic Report will be required to be submitted for development applications including pubs, small bars, outdoor dining areas and smoking areas to demonstrate compliance. Council may require an Acoustic Report for other uses where it is considered likely to have an adverse impact.
 - **Doors, windows and openings** - Requiring doors and windows on elevations fronting residential properties to be closed in accordance with outdoor trading hours where noise is likely to escape and negatively impact upon adjoining residential properties.
 - **Dual Frontage Sites** - Requiring patron entry and exit from a primary road frontage after 10pm where a site benefits from two frontages to reduce noise and nuisance to surrounding residential properties.
 - **Waste Location** - Restricting the emptying of garbage / recycling (in particular glass bottles) after 10pm into externally located bins where this may be audible and disturb nearby residents.
 - **Smoking Areas** - New guidelines for smoking areas to ensure these are established as a short term 'breakout area' to minimise their impact upon surrounding properties.
 - **Premises Management Checklist** - Requiring applicants to prepare a Premises Management Checklist to provide Council with adequate information in which to assess the development application.
 - **Plan of Management** - Requiring applicants to prepare a Plan of Management for uses such as pubs, small bars and any proposed use beyond base trading hours to ensure the premises has properly considered their operation, context, impact as well as enabling Council to effectively assess the development application.
-

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2.6 Existing Premises

A number of submissions from the questionnaire as well as submissions raised during the previously exhibited draft DCP, raised concerns that the proposed controls would reduce trading hours for existing premises. The DCP cannot be retrospective in its application and is not intended to reduce trading hours of existing premises. Rather, the DCP sets the desired character of late night trading for each area. It must be acknowledged that many premises, being predominantly pubs, trade later than the proposed maximum trading hours and have historically done so. These premises are often well-located within town centres, provided with nearby public transport and taxi availability and have a long history of good management. Also, a number of supermarkets also operate beyond the maximum specified trading hours. All of these premises can provide a valuable contribution to the availability of late night trading within the locality and the intent of the draft DCP amendment is not to limit the trading hours of these existing premises.

However, any development application lodged is subject to consideration of all LEP and DCP provisions. The existing good management of a premises would form part of any assessment for a substantial refurbishment or change in operation of a premises. To clarify this issue, the following provision is proposed for inclusion in the draft DCP amendment:

Existing Premises

P2 Consideration of trading hours for alterations and additions to existing premises which have existing approval to trade outside the maximum trading hours will be considered against relevant DCP provisions as well as the existing impacts and operation of the premises.

3. Other Issues

3.1 Public Transport Availability

Ensuring patrons have available transport options at the cessation of trading is considered to be vital for ensuring safety and security, and reducing noise and amenity impacts within a locality. Neighbourhoods within the North Sydney Centre generally have good access to public transport. Access to public transport is reduced after 12 midnight. All zones other than the *B3 -Commercial Core* zone are required to cease trade by 12 midnight which is considered to address these issues.

A requirement to be addressed within the Plan of Management for premises proposing to operate within the *B3 - Commercial Core* zone after 12 midnight is the need to investigate parking and public transport options and will be a consideration in the assessment of the appropriateness of these late night uses.

3.2 Legislation Information

Submissions received raised the issue of uncertainty in separating competing requirements of Development Consents and Liquor Licenses and the clarification of appropriate determining bodies. To address these issues, information will be formulated to go on Council's website to assist businesses and residents with information relating to these processes. Locating this

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information on the website will allow for the periodic review of this information to ensure the information is up to date, without the need to constantly amend the DCP.

3.3 Litter

A number of submissions raised concerns with litter on the streets generated from the operation of late night premises. Standard conditions of consent are imposed on development approvals that require the proprietor/operator to ensure rubbish on the subject premises, site or immediately adjacent area is picked up by the proprietor/operator. This is an issue that can be dealt with by Council's Compliance Department and imposition of conditions on development consents.

4. Public Exhibition

The draft controls to the DCP as attached, seek to formalise an approach to late night trading that meets a balance of community expectation and the current approvals process. They are presented to Council for adoption such that they can be placed on public exhibition.

Council staff will again deliver an inclusive consultation program. This will clearly communicate and facilitate a greater understanding of this initiative and the issue of late night trading generally. Upon completion of the public exhibition, the matter will then be reported back to Council.



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;



- (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 (d) 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;



Late Night Trading Hours

- (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.



Late Night Trading Hours

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.

TABLE B-7.1 Maximum Trading Hours

Zone	Trading Hours		Extended Trading Hours	
	Indoor	Outdoor	Indoor / Outdoor	
B3 - Commercial Core	6am to Midnight	7am to 11pm	Up to 24 hour trading within the North Sydney Centre only, subject to meeting Provisions P2 and P3	
B4 - Mixed Use	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm	No extension	
B1 - Neighbourhood Centre	1) Properties with a frontage to Broughton St, Kirribilli located between Crescent Pl and Bligh St	7am to 10pm (Sun-Wed)	No extension	
	2) 2-28 Ennis Rd, Milsons Point	7am – 11pm (Thurs – Sat)		
	3) Properties with a frontage to Miller St, Cammeray			
	All other locations	7am to 10pm	8am to 8pm	No extension
All other zones		7am to 10pm	8am to 8pm	No extension

Note: 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.

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 Consideration of trading hours for alterations and additions to existing premises which have existing approval to trade outside the maximum trading hours will be considered against relevant DCP provisions as well as the existing impacts and operation of the premises.

Luna Park

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



Late Night Trading Hours

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 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 96 application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. Formalisation of extended trading hours will only be permitted if Council is satisfied that the premises has demonstrated good management performance and compliance with a Plan of Management (if applicable).
- P3 If Council determines that a trial period has been unsatisfactory, then trading hours will revert back to the approved trading hours as specified within the development consent. Alternatively, Council may grant approval for a further trial period to allow further monitoring and assessment of the impacts of the premises.
- 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 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 demonstrates 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,
 - (b) small bars,
 - (c) outdoor dining,
 - (d) smoking areas, and
 - (e) any use proposed to operate beyond the maximum trading hours.



Late Night 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, 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	1) Properties with a frontage to Broughton St, Kirribilli between Crescent Pl and Bligh St.
	2) 2-28 Ennis Rd, Milsons Point
	3) Properties with a frontage to Miller St, Cammeray
	All other locations
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.

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.



Late Night Trading Hours

- 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. 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 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;
- 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.)



Late Night Trading Hours

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
- (m) Provide details of the trading hours of other late night trading premises currently operating within a 50 metre radius (i.e. commercial premises that operate after 10pm).

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);
- (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;



Late Night Trading Hours

- (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
- (i) A summary of other late night trading premises that operate to similar hours to those proposed to the subject property, within a 200 metre radius of the premises, indicating the nature of their use, their trading hours and distance from the premises.

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:
 - any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;



Late Night Trading Hours

- 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;
- (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 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;



Late Night Trading Hours

- 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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DRAFT

**DECISION OF 3645th COUNCIL MEETING
HELD ON 17 MARCH 2014**

78. G02: Legal and Planning Committee - 3 March 2014

3. LP02: Late Night Trading Review - Consultation Outcomes

Report of Natalie Moore, Assessment Officer

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). As part of the Review, Council recently undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

Council has received over 800 submissions in response to the brochure and questionnaire representing a highly successful consultation process. The number, and quality, of submissions, has provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which will be used to formulate any future planning controls.

Of the respondents 60% supported the typical base operating hours or an extension of those hours. Overall, it is evident that there is general support for extended trading hours with 64% of respondents supporting this approach.

The consultation itself was informed by a significant analysis of 400 related development approvals. This analysis provided the typical operating hours being approved throughout the LGA and also highlighted approvals that have been granted for longer operating hours.

In general terms, it is evident that Council's current development approvals practice is in line with the observations made of the consultation findings. Council should continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community.

This report presents the findings of this preliminary consultation.

Recommending:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
- 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.

The Mayor arrived at the meeting at 6.36pm during discussion of this item and assumed the Chair.

Resolved to recommend:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
- 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.

The Motion was moved by Councillor Baker and seconded by Councillor Marchandau.

Voting was as follows:

For/Against 7/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Morris	Y	
Reymond	Y		Clare	Y	
Carr	Absent		Baker	Y	
Bevan	Absent		Robertson	Absent	
Butcher	Absent		Marchandean	Y	
Burke	Absent		Beregi	Y	
Barbour	Absent				

ADOPTED



Report to General Manager

Attachments:

1. Late Night Trading Review Brochure
2. Locality-based Responses

SUBJECT: Late Night Trading Review - Consultation Outcomes

AUTHOR: Natalie Moore, Assessment Officer

ENDORSED BY: Stephen Beattie, Acting Director Planning and Development Services

EXECUTIVE SUMMARY:

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). As part of the Review, Council recently undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

Council has received over 800 submissions in response to the brochure and questionnaire representing a highly successful consultation process. The number, and quality, of submissions, has provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which will be used to formulate any future planning controls.

Of the respondents 60% supported the typical base operating hours or an extension of those hours. Overall, it is evident that there is general support for extended trading hours with 64% of respondents supporting this approach.

The consultation itself was informed by a significant analysis of 400 related development approvals. This analysis provided the typical operating hours being approved throughout the LGA and also highlighted approvals that have been granted for longer operating hours.

In general terms, it is evident that Council's current development approvals practice is in line with the observations made of the consultation findings. Council should continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community.

This report presents the findings of this preliminary consultation.

FINANCIAL IMPLICATIONS:

Nil

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(2)

RECOMMENDATION:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
 - 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.
-

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(3)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

BACKGROUND

In response to the need to address issues pertaining to late night trading, Council commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review) in July 2013. The Review itself will inform a broader piece of work being the North Sydney Centre Review project.

CONSULTATION REQUIREMENTS

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

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none">The types of businesses and their hours of operation, in conjunction with their location, have implications for surrounding residential uses in terms of noise, safety and general amenity.
Social	<ul style="list-style-type: none">Council needs to strike a balance between the interests of businesses and residents where they do not meet to ensure that dense and integrated communities can flourish under co-existing land uses.
Economic	<ul style="list-style-type: none">Decisions made regarding the operation of businesses can have direct impacts on the economic sustainability of those businesses.
Governance	<ul style="list-style-type: none">Council needs to manage the sometimes divergent needs and wishes of local businesses and residents. A considered and consistent approach to such matters demonstrates appropriate local governance.

DETAIL

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). The objectives of the review are to:

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

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-
- provide greater certainty for applicants and residents;
 - give a clearer direction and expectation for late night trading across all areas of the LGA;
 - allow Council to adopt a consistent approach when considering development applications for late night trading; and
 - set clear objectives and controls for these applications.

A substantial consultation exercise was undertaken throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

Council has received over 800 submissions in this exercise representing a highly successful consultation process. The number, and quality, of submissions, has provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which will be used to formulate any future planning controls.

The consultation itself was informed by a significant analysis of 400 related development approvals. This analysis provided the typical operating hours being approved throughout the LGA and highlighted approvals that have been granted for longer operating hours.

This report presents the findings of this preliminary consultation.

1. Strategic Context

1.1 North Sydney Community Strategic Plan 2013 - 2023

The North Sydney Community Strategic Plan 2013 - 2023 identified a desire for increased after-hours activity across the LGA. In response to this, and the vision for North Sydney as a diverse, strong, sustainable and vibrant local economy, Direction 3.1.1 of the Plan identifies a need for Council to "expand opportunities for business particularly after hours and weekends through planning initiatives e.g. late night trading and small bars".

1.2 North Sydney Council Delivery Program 2013/14 - 2016/17

The North Sydney Council Delivery Program 2013/14 - 2016/17 outlines the actions that Council will take to contribute to the strategies and desired outcomes of the Community Strategic Plan. In accordance with this, Direction 3.1.1.1 of the Delivery Programme directs Council's Strategic Planning Department to "review Planning Controls relating to Late Night Trading, extended Trading Hours and Small Bars".

2. Late Night Trading, Extended Trading Hours and Small Bars Review

Council initiated the Late Night Trading, Extended Trading Hours and Small Bars Review in July 2013, following on from a previous deferral of the Late Night Trading section from NSDCP 2013. The overarching aim of the Review is to develop planning controls (in the form of a draft DCP) for late night trading across the LGA.

As part of the Review the following tasks had been identified to determine if new development controls are needed, and if needed, what should they address:

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

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- Researching and analysing previous approvals to determine approved operating hours for various commercial and business activities;
- Reviewing and analysing other councils' planning controls to determine how they address late night trading and operating hours;
- Prepare a brochure/questionnaire for the purposes of obtaining preliminary views from residents, businesses and property owners regarding late night trading activities and their control;
- Determine if new planning controls are required to be prepared and what they should comprise; and
- If warranted, publically exhibit any draft planning controls prior to formal adoption.

The relevant tasks that have been completed are addressed in the following subsections.

2.1 Existing Late Night Trading across the North Sydney Local Government Area

As part of the initial stages of the Review, Strategic and Assessment Planning staff undertook a comprehensive review of the existing development approvals for late night trading. The purpose of undertaking this activity was to gauge an understanding of the extent of late night trading approvals, as well as typical late night trading hours relative to certain zones, suburbs and land uses.

For the purpose of this research, officers focused on premises which operated before 8am and/or after 6pm on any day. A large sample size to enable a robust and highly accurate analysis was taken, with all approvals from 2006 – 2013 tabulated. The following details from each approval were recorded:

- Address of premises;
- Determination date;
- Operating hours;
- Outdoor dining details (if any); and
- Trial periods (if any).

A total of 400 development applications (including Section 96 applications) were tabulated as part of this exercise. Through filtering the information contained in the table, planning staff have been able to, among other things, identify patterns relating to operating times of premises dependent on a number of variables including use, location and zoning. **Table 1** indicates the typical trading hours for the zones and corresponding late night trading localities. A modified version of this table (excluding zoning details) was included in the consultation material (refer to **Attachment 1**).

Table 1: Typical Trading Hours			
Zone	Locality	Characteristic Opening Time	Characteristic Closing Time
B1 Neighbourhood Business	Blues Point Road, Cammeray, Kirribilli, Waverton, various isolated sites in residential areas	7am (Mon-Sun)	10pm (Mon-Sun)
B3 Commercial Core	North Sydney CBD	6am (Mon-Sun)	12 (Midnight)

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

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Table 1: Typical Trading Hours			
Zone	Locality	Characteristic Opening Time	Characteristic Closing Time
			(Mon-Sun)
B4 Mixed Use	Cremorne, Crows Nest, Milsons Point, Neutral Bay, North Sydney, St Leonards	7am (Mon-Sun)	11pm (Mon-Sat) 10pm (Sun)

Evident from **Table 1** is that Council has adopted a fairly consistent approach when approving trading hours for late night trading premises, dependent on their location. This highlights that the current process being used by Council, and the associated outcomes, have significant merit.

As expected, outliers do exist where premises have approved trading hours beyond those in **Table 1** and these were observed and reflected throughout the tabulation process. In the instances where extended or longer trading hours have been granted, applications have been considered on their merits by Council during the assessment process and deemed to be appropriate. In many instances these approvals have been subject to a number of conditions of consent to manage any potential for amenity impacts.

While the approach and process currently being used in assessing development applications for late night trading is successful, and has produced a consistent approval basis, it could clearly benefit from more formal communication in Council’s local planning controls. With no written planning controls outlining Council’s expectations with regard to late night trading (including trading hours and venue management) there is a lack of clarity and certainty for applicants, residents and businesses when applying for late night trading hours. Seeking redress on this matter would align with the Review objective to generate new planning controls in order to “*provide greater certainty for applicants and residents*”

2.2 Preliminary Consultation

Following background research, an Issues Paper was developed in the form of a brochure and questionnaire. This formed the main element of the preliminary consultation, targeting residents, businesses and property owners.

2.2.1 Brochure and Questionnaire

The Brochure provided an outline of the Review, including Council’s background research, and gave an indication of the intent, and type of new late night trading controls which are potentially being considered by Council. The brochure was drafted to suit a wide and varied community audience. Details of typical trading hours across various localities of the North Sydney LGA, obtained from a review of over 400 development applications since 2006, was provided.

The Questionnaire sought responses regarding general attitudes towards late night trading across the North Sydney LGA. More specific responses, relating to formalising trading hours and implementing trial periods for extended trading hours, were also invited and requested. A specific question was also asked relating to the North Sydney Centre (CBD) and how it can be improved as a late night destination.

A copy of the Brochure and Questionnaire is provided in **Attachment 1**.

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

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2.2.2 Consultation Period

The initial consultation phase commenced on 20 November 2013 and was schedule to conclude on 20 December 2013. This was in accordance with Council’s Community Engagement Strategy (August 2013), which states that, “*Consultation periods should not start and end during the period 1 December to 30 January*” (emphasis added).

Mayor Gibson at the CBD Working Group Meeting of 10 December 2013 requested that the consultation period be extended. Council’s Manager Strategic Planning advised at that meeting that an extension to 10 January 2014 could be accommodated without impact on the work program.

Following a request from Mayor Gibson on 8 January 2014, the consultation period was further extended until 31 January 2014 after due consideration from Council’s Acting Director Planning and Development Services. It was considered that such an extension would have little impact on the delivery of the policy review.

2.2.3 Consultation Methods

Multiple consultation methods were utilised, in accordance with Council’s Community Engagement Protocol, to promote the consultation phase of the Review. These methods are outlined in **Table 2** below.

Table 2: Consultation methods	
Method	Details
Brochure	A Brochure was formulated with an attached Questionnaire (refer to section 2.2.1 of this report and Attachment 1). The Brochure was mailed out to over 15,000 residents, businesses and property owners in the <i>B3 Commercial, B4 Mixed Use</i> and <i>B1 Neighbourhood Centre</i> zones, as well as premises on Council’s Food Premises Register.
Questionnaire	A Questionnaire was formulated and included as part of the Brochure. The Questionnaire was made up of eight (8) questions, seeking respondents views on various matters regarding trading hours and late night activities across the North Sydney LGA.
Letterbox Drop	A letter box drop was undertaken to all properties immediately adjacent to the <i>B3 Commercial, B4 Mixed Use</i> and <i>B1 Neighbourhood Centre</i> zones through late November/early December. This equated to approximately 3,000 properties.
Web Page	A ‘Late Night Trading Review’ web page was established and went live on 20 November 2013. The page provided all the details contained within the Late Night Trading Brochure, as well as the Questionnaire, allowing respondents to complete the Questionnaire on-line. It is intended that any documents produced pertaining to the Review will be uploaded onto this web page.
Social Media	Details of the Review, including links to Council’s web page were posted on Council’s Facebook and Twitter accounts.
Advertisement	Advertisements were placed in the Mosman Daily, for three (3) consecutive weeks (21 November 2013, 28 November 2013 & 5 December 2013), both in the North Sydney Council Public Notices section and also as a stand alone advertisement. A further public notice was also placed in the Mosman Daily on 16 January 2014 and 23 January 2014 advertising the extended consultation period.

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

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Table 2: Consultation methods	
Method	Details
Council e-news	Details of the Review, including a link to Council's website were included in Council's December and January e-News.
Precinct Committees	Details of the Review, together with 20 copies of the Brochure and Questionnaire were provided to each Precinct on 21 November 2013. Further copies were provided on request. Planning Officers also attended Precinct Committee Meetings, where invited, to discuss the Review and answer any questions.
Chambers of Commerce	Active Chambers of Commerce were sent a copy of the Brochure and Questionnaire, and notified via email of the Review, where a link to Council's website was provided.
Face-to-face Contact	Face-to-face meetings were arranged and held with a number of stakeholders throughout February 2014 to discuss the review including the Harbourside Police and Australian Leisure and Hospitality (ALH) Group. Council Officers also addressed the Harbourside Liquor Accord at its February meeting. Various attempts were made to contact Australia Hotels Association however no response was received.

2.3 Outcomes of Preliminary Consultation

2.3.1 Total Number of Responses and Response Timeframe

Table 3 indicates the number of responses received throughout the consultation period. A total of 808 responses were received, with 72% of these responses received during the original consultation period of 19 November - 20 December 2013. A total of 73% of questionnaires were completed on-line, with the remaining 27% hand written and either returned to Council via mail, or email.

Table 3: Number and Date of Responses Received		
Response Date	Number of Responses	Percentage %
20 Nov 2013 - 20 Dec 2013 (<i>original timeframe</i>)	584	72
21 Dec 2013 - 10 Jan 2014 (<i>first extension - requested at CBD Working Group Meeting on 10 December 2013</i>)	29	4
11 Jan 2014 - 31 Jan 2014 (<i>second extension -at the request of Mayor Gibson</i>)	182	22
4 Feb 2014 (<i>late responses</i>)	13	2
TOTAL	808	100
Questionnaires Completed Online	593	73
Questionnaires Received in Hardcopy and/or Scanned and Emailed	215	27

In addition to these completed Questionnaires, Council received 20 written submissions from various residents and/or business operators. These submissions will be considered when developing any draft DCP controls for Late Night Trading given their detailed nature.

Report of Natalie Moore, Assessment Officer
 Re: Late Night Trading Review - Consultation Outcomes

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2.3.2 Respondent Profile

The vast majority (a combined 87.1%) of responses received were from residents. A combined percentage of 15.5% identified with the business profile. 6.3% of respondents identified themselves as both a resident and a business. 3.7% respondents did not fit into any of these categories and typically included residents from surrounding LGAs, visitors to the North Sydney area, property managers, and property owners (who did not indicate whether they owned residential or commercial properties).

Table 4: Respondent Profile (Question 1)		
Respondent Group	Number of Responses	Percentage (%)
Total Responses - Residents	653	80.8
Total Responses - Businesses	74	9.2
Total Responses - Residents & Businesses	51	6.3
Total Responses - Other	30	3.7
TOTAL	808	100

As shown in **Figure 1** below, responses were received from various stakeholders across all suburbs of the LGA, with greatest interested associated with:

- North Sydney - 20%;
- Crows Nest - 15%; and
- Neutral Bay - 13%.

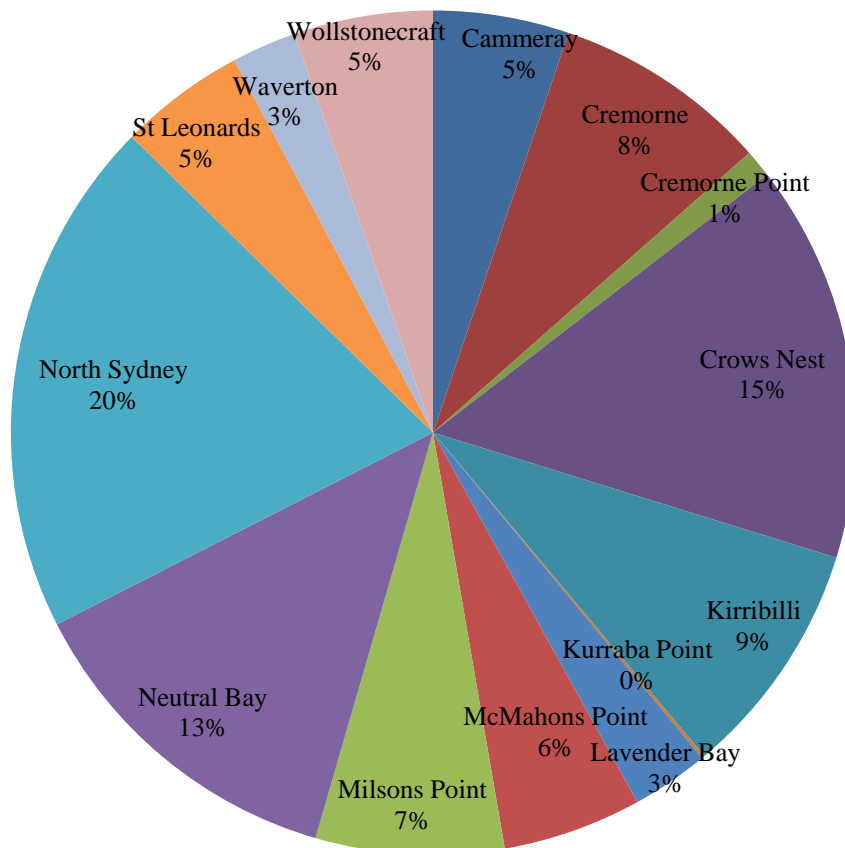


Figure 1: Percentage of Respondents by Suburb (Question 2)

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(10)

Note: Where respondents indicated an interest in more than one suburb, their responses will be reflected more than once in the data.

2.3.3 What are people thinking about late night trading across the North Sydney Area?

Question 3 and 4 asked respondents to comment on what they liked and did not like about Late Night Trading in their relevant area: **Table 5** provides a general summary of the key issues which were being raised in the responses received.

Table 5: Respondents Opinions on Late Night Trading (Questions 3 and 4)	
What do you like the most about late night trading in your area?	What are your main concerns with late night trading in your area?
<ul style="list-style-type: none"> • Good atmosphere (creates a good sense of community and enlivens the area, creating a city vibe) • Dynamic and exciting culture • Gives life to the suburb • Ability to enjoy the vibrancy of local restaurants and still get the sense of being a quiet neighbourhood • Ability to go out locally (no need to go into the city) and get home easily • Able to go out locally after working late • Ability to purchase urgent items at any time. • Feels safer than the city • Don't get the crowds like the Sydney CBD but still late night activities • Friendly atmosphere • Attractive to people of all ages • That the majority of people are responsible • Flexibility/convenience • Makes the North Sydney area an attractive area to live as there are local options for early morning and evening • Encourages a diversity of different land uses and venues • Availability and choice of restaurants and bars • New small, high quality venues (e.g. small bars). These provide more options than just traditional pubs • Economic benefits for local businesses • Night markets • There isn't enough of it • It's great as it is, working well • Do not like it at all • The hours aren't too late • Later hours would be even better 	<ul style="list-style-type: none"> • Alcohol abuse and misbehavior • Noise/loud music • Parking/congestion • Access to transport • Violence • Rubbish/garbage • Vandalism/crime/property damage • Food smells • Disturbed sleep • Unwanted visitors to the area • Over consumption of alcohol (particularly in the larger hotels) • Venues which do not practice responsible service of alcohol • Behaviour of patrons after they have left the premises - lack of respect by patrons of surrounding residents • Premises that disregard their approved operating hours • That it won't be patrolled or enforced. • No concerns - it is ok as it is • There is not enough late night trading and often have to go into the Sydney CBD. • Premises aren't open late enough - dining hours are too limited • Lack of people and lack of atmosphere without it • If we don't have late night trading people will go to the CBD and lower north shore will lose its night life

2.3.4 Support for base trading hours (BTH) (Question 5)

Question 5 requested a response on the appropriateness of the tabled base trading hours dependent on locality:

Question 5: Would you support the hours outlined in 'Table 1: Typical Trading Hours' as the base trading hours for your area? If no, why?

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As indicated in **Figure 2**, 47% of respondents supported the hours for their area while 51% were not in support. Reasons for not supporting the hours are conflicted. Some responses object that the hours are not long enough, and others object that the hours are too long.

Further analysis of those respondents not supporting base trading hours was undertaken. This found that 60% were supportive of extended trading hours for their area (refer to **Figure 3**).

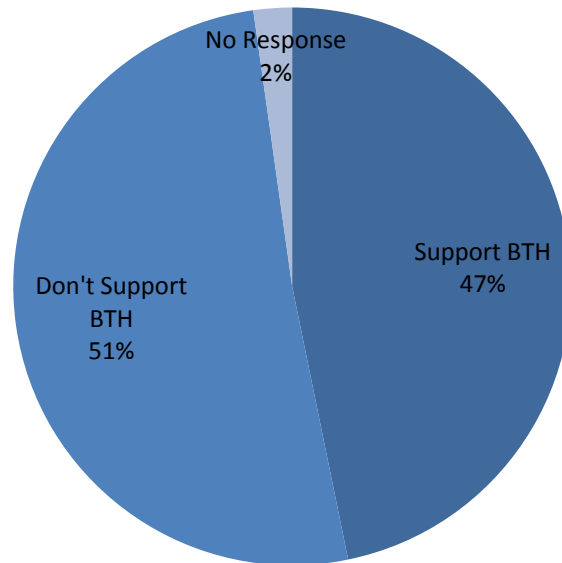


Figure 2: Would you support the hours outlines in 'Table 1: Typical Trading Hours' as the base trading hours for your area? (Question 5)

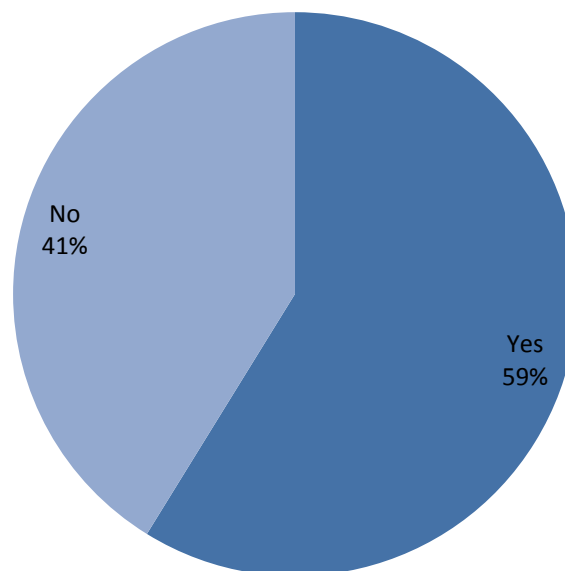


Figure 3: Percentage of respondents that did not support base trading hours but supported extended trading hours

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(12)

2.3.4 Support for extended trading hours (ETH) subject to on-going trial periods (Question 6)

Question 6 asked respondents about their opinion on extended trading hours in their locality, subject to on-going trial periods:

Question 6: Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach? Please provide the reasons for your response.

Overall there is a general support for extended trading hours, with 64% of respondents supporting the approach (refer to **Figure 4**).

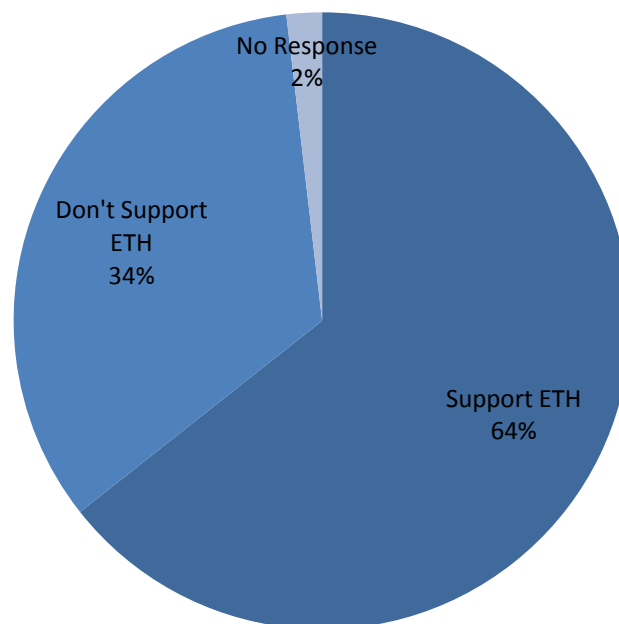


Figure 4: Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach? (Question 6)

2.3.5 Locality-based Responses

In an effort to enable more in-depth analysis and a better understanding of the opinions of respondents regarding late night trading, respondents were asked to respond to the questions on base trading hours and extended trading hours having regard to their nominated locality/suburb (i.e. Cammeray, Crows Nest, Kirribilli etc).

Furthermore, using the data from Question 1, officers have been able to provide an indication as to how different stakeholders (i.e. residents, businesses etc) are viewing late night trading in their locality/suburb of interest.

The breakdown of responses for Questions 5 and 6 dependent on locality/suburb and association with North Sydney LGA (i.e. residents, business etc) is provided in **Attachment 2**. A summary, indicating the primary reasons behind the responses as presented

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in each table is also provided.

2.3.6 Improvements to North Sydney Centre (CBD) as a late night destination

Question 7 asked respondents to indicate whether they thought the North Sydney Centre (CBD) can be improved as a late night destination. As shown in **Figure 5** below, a large majority of respondents considered that the Centre could be improved to encourage more late night activities.

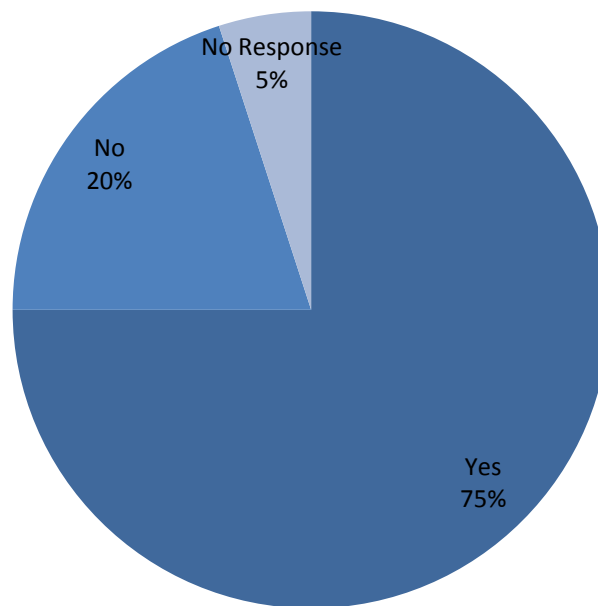


Figure 5: Do you think North Sydney Centre can be improved as a late night destination? (Question 7)

Council is currently undertaking the North Sydney Centre Review, which will aim to make the Centre a more attractive, vibrant and engaging space, and reinforce its place as the economic heart of Sydney's North Shore. The data generated from this question, including suggested improvements to the Centre, will be used to inform this Review.

2.4 Conclusion

The preliminary consultation phase of this Review has been highly successful, with over 800 submissions received. All submissions have provided Council with valuable feedback on the current views of late night trading across the North Sydney LGA, from the opinions of various stakeholders.

Results indicate that there is more support than opposition for extended hours, beyond the base hours in a majority of suburbs, with respondents seeking increased vitality and convenience through later trading hours. Issues were raised however with regard to the management of any extended trading hours and/or trial periods and how the community would be involved in this process. Suggestions were made that extended trading hours should not be considered where venues are in close proximity to residential premises. Concern also existed around the lack of certainty and financial implications for local businesses that would be subject to on-going trial periods.

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(14)

Encouragingly, Council's current development approvals practice has been in line with the consultation findings for some time. Council should now continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community.

Furthermore, feedback from respondents on the role of the North Sydney Centre as a late night destination will be used to inform the North Sydney Centre Review which is currently being undertaken.

6. Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach?

Yes No

Please provide the reasons for your response.

7. Do you think the North Sydney Centre (CBD) can be improved as a late night destination?

Yes No

If yes, how?

8. Any other comments regarding late night trading?

Thank you for taking time to complete this questionnaire. Please return to Council by **20 December 2013** either by post: PO Box 12, North Sydney NSW 2059 or email: Council@northsydney.nsw.gov.au. **The survey can also be completed online at www.northsydney.nsw.gov.au/tradinghours.**

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

Name: _____

Postal Address: _____

Email: _____

SUBMISSIONS

To have your say on late night trading, please complete the attached questionnaire (also online at www.northsydney.nsw.gov.au/tradinghours) or make a submission to the General Manager by:

Post: PO Box 12, North Sydney NSW 2059

Email: Council@northsydney.nsw.gov.au

All comments and completed questionnaires will be received by Council until 20 December 2013.

Privacy Statement

Supply of your contact details is optional. Access to such information is restricted to specific Council officers. You may apply for access or amendment to your personal information held by Council subject to Council's Privacy Management Plan, Section 18 Government Information (Public Access) Act 2009 & Schedule 5 - Government Information (Public Access) Regulation 2009.



Need more information?

Visit www.northsydney.nsw.gov.au/tradinghours or contact Natalie Moore from Council's Strategic Planning Department on 9936 8100



LATE NIGHT TRADING

HAVE YOUR SAY



Council is undertaking a comprehensive review of late night trading with the aim to develop contemporary planning controls for the North Sydney Local Government Area (LGA).

As part of the review Council is seeking business, resident, industry and government feedback about late night trading issues.





Trading hours from the 400 development consents issued since 2006 have been collated. The table below shows the typical trading hours for late night venues across the North Sydney LGA. Council intends to use these hours as base trading hours in the new planning controls.

Table 1: Typical Trading Hours

Locality	Opening Time	Closing Time
Blues Point Road, Cammeray, Kirribilli, Waverton, various isolated sites in residential areas	7am (Mon-Sun)	10pm (Mon-Sun)
North Sydney CBD	6am (Mon-Sun)	12 (Midnight) (Mon-Sun)
Cremorne, Crows Nest, Milsons Point, Neutral Bay, North Sydney, St Leonards	7am (Mon-Sun)	11pm (Mon-Sat) 10pm (Sun)

The North Sydney LGA enjoys a dynamic night time economy which provides economic and social benefits. Council's Community Strategic Plan 2013 - 2023 has identified a desire for increased after hours activity across the LGA.

Late night trading involves premises which operate after 10pm and includes dining, drinking, retail, theatre, educational and recreational uses among others. Since 2006, Council has approved over 400 development applications involving late night venues.

The late night trading review will develop new planning controls to help minimise impacts and possible negative effects of late night venues. It is envisaged that further formal consultation regarding these controls will occur in early 2014.

The new controls will:

- provide greater certainty for applicants and residents;
- give a clearer direction and expectation for late night trading across all areas of the LGA;
- allow Council to adopt a consistent approach when considering development applications for late night trading; and
- set clear objectives and controls for these applications.

The controls could include:

- establishment of base trading hours for indoor and outdoor areas;
- establishment of extended trading hours subject to on-going trial periods;
- classification of premises into high and low impact depending on use; and
- a requirement for Plans of Management and Acoustic Reports for certain applications.



HAVE YOUR SAY

Complete Council's online questionnaire at www.northsydney.nsw.gov.au/tradinghours

Alternatively, complete the attached questionnaire and submit to Council.

Responses will be received by Council until 20 December 2013.

LATE NIGHT TRADING QUESTIONNAIRE

If you require extra space for your responses, please attach additional pages.

1. Are you:

- A Resident of North Sydney Council
- A Business within North Sydney Council
- Other: _____

2. In what suburb in the North Sydney Council area do you live, work or own property?

3. What do you like the most about late night trading in your area?

4. What are your main concerns with late night trading in your area?

5. Would you support the hours outlined in 'Table 1: Typical Trading Hours' as the base trading hours for your area?

- Yes No

If no, why?

ATTACHMENT 2 – Locality-based Responses

Cammeray

Support Base Trading Hours for Cammeray	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	22	50	19	86.4	0	0	3	13.6	0	0
No	22	50	21	95.5	1	4.5	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

50% of respondents from Cammeray did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- 10pm is too early and will force people into the city thereby not supporting local businesses.
- The hours are not economical for businesses.
- The times are fine already and should remain as is.
- The base is too late and hours will extend beyond this.
- There are already too many cafes and restaurants in Miller Street.

Support Extended Trading Hours for Cammeray	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	28	63.6	24	85.7	0	0	3	10.7	1	3.6
No	15	34.1	15	100	0	0	0	0	0	0
No Response	1	2.3	1	100	0	0	0	0	0	0

63.6% of respondents from Cammeray supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Allows for later dining for those who work long hours.
- Would bring more people to the area and boost the local economy.
- Trial periods will give an opportunity for assessment, review and gradual introduction of extended hours so that public behaviour can be monitored.
- Extended hours and trial periods need to be appropriately monitored and reversed if issues are not resolved.
- Extensions to base hours should be in non-residential areas only.

34.1% of respondents from Cammeray did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Current hours should be retained with no time restrictions.
- Trial periods should not be forced onto premises that don't need them.
- Council cannot protect residents from the consequences of extended late night trading.
- Do not want alcohol and noise during the evenings.

Conclusion: Opinions on base trading hours in Cammeray were evenly divided; however there was greater support for extended trading (with on-going trial periods) providing that premises are well managed and monitored.

ATTACHMENT 2 – Locality-based Responses

Cremorne

Support Base Trading Hours for Cremorne	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	28	40	19	67.8	1	3.6	4	14.3	4	14.3
No	41	58.6	36	87.8	2	4.9	1	2.4	2	4.9
No Response	1	1.4	1	100	0	0	0	0	0	0

58.6% of respondents from Cremorne did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Current hours are appropriate and Council should not be determining trading hours of premises.
- The hours are not reflective of the demographic of Cremorne who want longer hours (should be at least midnight).
- The restrictions on hours will force locals to go elsewhere which will have a negative impact on the local economy.
- Business should be allowed to trade beyond these hours providing there are no adverse effects on residences.
- Later trading hours in Cremorne will attract people away from the dangerous areas of Kings Cross and provide a safer environment.
- Closing times should be dependent on the type of business and how close they are to residential areas.
- Hours are one dimensional and can't be applied to different uses such as cinemas, pubs or kebab shops.
- Hours should be later in areas identified as “nightlife” areas to encourage more of the café/wine bar culture.
- Later trading until 11pm should only be allowed on Friday and Saturday nights.
- Cremorne is a residential area and closing times should be 10pm.
- Later trading will create too much noise and there will be less street parking for residents.

Support Extended Trading Hours for Cremorne	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	45	64.3	35	77.8	1	2.2	5	11.1	4	8.9
No	23	32.9	19	82.6	2	8.7	0	0	2	8.7
No Response	2	2.9	2	100	0	0	0	0	0	0

64.3% of respondents from Cremorne supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- It is a beneficial approach for businesses and residents, as long as they are not causing nuisance to neighbours.
- People are working longer hours and need the flexibility that extended trading hours can provide.
- Businesses which enrich the nightlife should be encouraged to continue trading late.
- Extended hours are needed to support local business and will attract locals and visitors to the area and inject money into the local economy.
- Applications for late night trading should be considered on their merits.
- Additional sound proofing may be required if facilities are within mixed use buildings.

32.9% of respondents from Cremorne did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Restricting hours will discourage people coming to the local area and have consequences for the local economy.
- Establishments that cause no problems should be able to continue trading as they currently do.
- Hours should be pre-determined and inflexible to provide certainty to businesses and residents.

ATTACHMENT 2 – Locality-based Responses

- Appropriate controls would need to be put in place if extensions were to be granted.
- If trial periods are imposed, Council should set up a phone line so that residents can log any issues.
- Closing times should be 10pm 7 days – there is no need for restaurants and bars to go beyond this time.
- Extensions to trading hours will create too much noise, impact residents sleep and reduce parking.
- More focus should be placed on illegal brothels as oppose to punishing legitimate businesses.

Conclusion: A lack of support for the base trading hours was varied between those considering the base hours to be too restrictive and others believing them to be too excessive. However, support for extended trading hours was in the majority, with respondents believing they will encourage people to support local businesses and improve the vitality of Cremorne during the evenings. It was noted however that consideration would need to be given to surrounding neighbours should extended trading hours be granted.

ATTACHMENT 2 – Locality-based Responses

Cremorne Point

Support Base Trading Hours for Cremorne Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun) (Isolated Site)										
7am-11pm (Mon-Sat) 7am-10pm (Sun) (Cremorne)										
Yes	6	66.7	3	50	0	0	2	33.3	1	16.7
No	3	33.3	2	66.7	0	0	1	33.3	0	0
No Response	0	0	0	0	0	0	0	0	0	0

33.3% of respondents from Cremorne Point did not support the base trading hours for Cremorne Point. The primary reasons for not supporting these hours included:

- It is too early, and does not accommodate the majority wanting later dining options.
- Midnight would be more sensible and support the local economy.
- Businesses should be able to open when they want.
- There are some areas which would be capable of accommodating later hours, subject to local precinct community consultation.
- Life doesn't stop at 11pm and complaints about noise are often by few people.

Support Extended Trading Hours for Cremorne Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	8	88.9	4	50	0	0	3	37.5	1	12.5
No	1	11.1	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

88.9% of respondents from Cremorne Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extended hours will provide for an increase in vibrancy.
- Hours should more flexible in some areas where it is supported by the community.
- Businesses with demand should be able to control their own trading hours.

A single respondent (making up 11.1% of respondents) from Cremorne Point did not support extended trading hours beyond the base hours. No response was given as to why this approach was not supported.

Conclusion: A majority of respondents from Cremorne Point both supported the base trading and supported extensions to the base trading hours as a way of improving the vibrancy of Cremorne. Flexibility of operating hours, when supported by the local community, was considered to be a reasonable approach by some respondents.

ATTACHMENT 2 – Locality-based Responses
Crows Nest

Support Base Trading Hours for Crows Nest	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	41	31.8	29	70.7	9	22	2	4.9	1	2.4
No	87	67.4	69	79.3	13	14.9	3	3.4	2	2.4
No Response	1	0.8	0	0	1	100	0	0	0	0

67.4% of respondents from Crows Nest did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- The base hours are not long enough – 12am would be more appropriate.
- The hours discriminate against the smaller venues.
- Trading hours should remain as they are.
- The hours will kill the culture and vibrancy of the area and hurt the viability of local businesses.
- The hours will cause people to hang out on the streets.
- Trading until 11pm may create potential noise and violence problems.

Support Extended Trading Hours for Crows Nest	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	93	72.1	71	76.3	15	16.1	5	5.4	2	2.2
No	34	26.4	25	73.5	8	23.5	0	0	1	3.0
No Response	2	1.5	2	100	0	0	0	0	0	0

72.1% of respondents from Crows Nest supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Good for business, consumers and the local economy.
- As long as premises adhere to licensing conditions and do not pose a risk.
- If there is potential for them to lose these hours they will crack down on drunken patrons and inappropriate behaviour.
- Gives business an opportunity to gauge demand and see if it's sustainable.
- Allows for areas to prove themselves capable.
- Shouldn't be an ongoing trial though.

26.4% of respondents from Crows Nest did not support extended trading hours beyond the base 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting extended hours included:

- Not late enough hours
- Shouldn't apply to businesses that already have late night trading.
- Don't change the hours from what they currently are and keep with the present system.
- Concern for adjacent residents during the week nights.
- Once introduced the trials will be hard to remove.

Conclusion: A majority of respondents did not support the base trading hours in Crows Nest, considering that they are too restrictive and will impact on the culture and vibrancy of the area. Some concerns were also raised that the hours may cause loitering, noise and violence problems. An overwhelming majority supported extended trading hours in Crows Nest, believing that it will be beneficial to consumers and the local economy, and with trial hours venues will be able to be appropriately managed.

ATTACHMENT 2 – Locality-based Responses

Kirribilli

Support Base Trading Hours for Kirribilli	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	38	49.4	27	71	5	13.2	4	10.5	2	5.3
No	35	45.5	30	85.7	1	2.9	2	5.7	2	5.7
No Response	4	5.1	3	75	1	25	0	0	0	0

45.5% of respondents from Kirribilli did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- Too early for customers and businesses – should stay open until at least 11pm or people will go elsewhere.
- Kirribilli should have the same base hours as Milsons Point.
- Early morning trade would exacerbate noise problems and bring more cars into Kirribilli, increasing the parking problems.
- 10pm should be the limit, not the base. The most disruptive businesses already trade beyond 10pm.
- Noise and drunken behaviour, particularly when people are leaving premises.

Support Extended Trading Hours for Kirribilli	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	35	45.5	26	74.3	6	17.1	1	2.9	2	5.7
No	41	53.2	33	80.5	1	2.4	5	12.2	2	4.9
No Response	1	1.3	1	100	0	0	0	0	0	0

45.5% of respondents from Kirribilli supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Later trading will encourage a more diverse range of restaurants and enable people to recreate close to home rather than going into the city.
- This approach is logical and has been working for other Councils.
- Trial will highlight what can work and what might need to be reconsidered regarding late trading and whether any concerns are well-founded.
- Trial periods should be regularly reviewed i.e. every 3 months until there are no complaints over a 12 – 18 month period.
- Trials for extended hours are appropriate for retail based shopping rather than clubs/pubs/restaurants as this leads to increased drunken behaviour.
- Local residents should be involved in the feedback process following trial periods.
- Restaurants and bars alongside or close to residences should have restricted hours closer to the base hours so that residents are not disturbed.

53.2% of respondents from Kirribilli did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended trading hours will impact upon residential amenity and the character of Kirribilli, and lead to drunkenness, noise, littering, reduced parking and property damage.
- Extensions beyond the base hours should only be allowed for specific occasions such as New Years Eve.
- Extensions should not be permitted in or close to residential areas or along Broughton, Bligh and Fitzroy Streets.
- Residential amenity should take precedence. There are enough alcohol establishments and disturbance in the area.

Conclusion: Generally there was some support for the base trading hours; however a majority did not support extended hours, citing concern relating impacts on residential amenity.

Kurraba Point

Support Base Trading Hours for Kurraba Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	0	0	0	0	0	0	0	0	0	0
No	1	100	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

Of the single respondent from Kurraba Point, objection was raised to the base trading hours and it was considered that 10pm is too early and the current hours are appropriate.

Support Extended Trading Hours for Kurraba Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	0	0	0	0	0	0	0	0	0	0
No	1	100	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

Of the single respondent from Kurraba Point, objection was raised to the extended trading hours.

Conclusion: Of the information provided in the single response, the base trading hours were considered to be too restrictive.

ATTACHMENT 2 – Locality-based Responses

Lavender Bay

Support Base Trading Hours for Lavender Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	13	52	11	84.6	0	0	1	7.7	1	7.7
No	12	48	11	91.7	0	0	1	8.3	0	0
No Response	0	0	0	0	0	0	0	0	0	0

48% of respondents from Lavender Bay did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- The base hours are too early and are inconvenient for those working into the evening.
- Premises should close earlier in residential areas.
- The current trading hours should be the maximum allowed.
- Promotes antisocial behaviour, noise and traffic issues such as speeding.

Support Extended Trading Hours for Lavender Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	15	60	13	86.6	0	0	1	6.7	1	6.7
No	10	40	9	90	0	0	1	10	0	0
No Response	0	0	0	0	0	0	0	0	0	0

60% of respondents from Lavender Bay supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- It will promote vibrancy and community activity.
- It will be convenient for those working long hours.
- Trial periods are important in order to analyse the impacts of a premise.
- Extensions should be on Friday and Saturday evenings only.
- Extensions should be for restaurants and cafes only, and not for licensed premises.

40% of respondents from Lavender Bay did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended hours will reduce peacefulness of neighbourhoods and residential villages.
- Extended hours will promote alcohol dependency and anti-social behaviour and result in increased crime, noise, traffic and litter.

Conclusion: While attitudes were fairly evenly divided over base trading hours for Lavender Bay, there was a majority support for extended trading hours, which were perceived to enhance community activity and convenience (if applied to appropriate premises and during particular times). The importance of trial periods was a way of determining potential impacts was also noted.

ATTACHMENT 2 – Locality-based Responses

McMahons Point

Support Base Trading Hours for McMahons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	28	62.2	25	89.2	1	3.6	1	3.6	1	3.6
No	17	37.8	12	70.6	1	5.9	4	23.5	0	0
No Response	0	0	0	0	0	0	0	0	0	0

37.8% of respondents from McMahons Point did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- Closing time is too early and should be extended to midnight.
- People will go elsewhere to dine and drink which will result in a loss of business for local venues.
- These hours will lead to financial implications for local businesses.
- These should be the maximum hours, not the base hours with possibility for extensions.
- Restaurants generate noise well before 7am and after 10pm.
- Will result in a reduction in parking.

Support Extended Trading Hours for McMahons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	24	53.3	19	79.2	2	8.3	2	8.3	1	4.2
No	20	44.4	17	85	0	0	3	15	0	0
No Response	1	2.2	1	100	0	0	0	0	0	0

53.3% of respondents from McMahons Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extensions will bring North Sydney in line with other inner city suburbs and contribute to the vibrancy of the area.
- Extensions until 12am are appropriate, but there is little demand after this.
- Extensions would be suitable across some areas of McMahons Point, but only following community consultation.
- If extensions were granted, staff would need to manage patron behaviour, particularly outside the premises as customers leave and pubs with extensions would need to be restricted regarding noise
- Trial periods enable an understanding of how late night trading affects residents. Community consultation must be undertaken during the trial periods to see if they are working.

44.4% of respondents from McMahons Point did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- The base trading hours are sufficient.
- Restaurants are already trading late into the evening with noise as late as 1am.
- Premises are too close to residences to allow extensions. Residences are in the majority in McMahons Point and their needs should be considered.
- This will generate issues with parking, alcohol intoxication and disorderly behaviour.

Conclusion: There was a majority of support for both the base hours and extended trading hours in McMahons Point. Responses supporting extended trading hours noted a need for additional community consultation and appropriate venue management if extensions were to be granted.

ATTACHMENT 2 – Locality-based Responses

Milsons Point

Support Base Trading Hours for Milsons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	37	60.7	29	78.4	1	2.7	6	16.2	1	2.7
No	21	34.4	20	95.2	0	0	1	4.8	0	0
No Response	3	4.9	3	100	0	0	0	0	0	0

34.4% of respondents from Milsons Point did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- 11pm closing time is too late. Milsons Point is a primarily residential precinct and trading hours should be 7am – 10pm Monday – Sunday.
- Trading hours should differ between inside and outside the premises.
- Weekend noise is already disturbing for local residents.
- It will drive more people and traffic into the area and generate additional noise, anti-social behaviour, drunkenness, crime and violence, and lead to people from outside the suburb loitering in the area.

Support Extended Trading Hours for Milsons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	36	59	29	80.6	1	2.8	5	13.8	1	2.8
No	23	37.7	21	91.3	0	0	2	8.7	0	0
No Response	2	3.3	2	100	0	0	0	0	0	0

59% of respondents from Milsons Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extended trading hours would be beneficial to local and residents, and enable services to be available to residents as they need them.
- Extended trading hours would improve the restaurants and small bar scene in Milsons Point.
- Trial periods are a reasonable graded approach and are important in assessment potential problems while providing some level of certainty to premises opening late.
- Council will need to monitor the outcomes of the trial and not just rely on residents who are adversely affected or may incorrectly identify problems.
- Residents should be allowed to voice their opinions following the trials.

37.7% of respondents from Milsons Point did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Disturbance for local residents from noise, anti-social behaviour, rubbish and excessive alcohol consumption.
- Current trading hours are enough to support the local residents.
- Council needs to be able to provide security against anti-social behaviour.
- 11pm is late enough, particularly for Luna Park and any bars, hotels and clubs.
- Trial periods provide confusion and business trading hours should be determined by the market.
- A blanket approach will not work and trading hours need to be considered on a street-by-street basis within each suburb.

Conclusion: Support was shown for both the base and extended trading hours in Milsons Point. Extended trading was perceived to improve the availability of local services in Milsons Point. A desire for community consultation and appropriate monitoring during trial periods for extended trading hours is evident from responses received.

ATTACHMENT 2 – Locality-based Responses

Neutral Bay

Support Base Trading Hours for Neutral Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	44	40	29	65.9	4	9.1	9	20.5	2	4.5
No	64	58.2	49	76.6	6	9.4	6	9.4	3	4.7
No Response	2	1.8	2	100	0	0	0	0	0	0

58.2% of respondents from Neutral Bay did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Too early – base hours should be extended until 12am (midnight).
- These hours will not attract businesses to the area and people will travel to the city or elsewhere to go out.
- These hours will impact on the late night culture which has developed in, and attracted people to, the area.
- Trading hours should be dealt with on a case by case basis or left to the market to determine.
- Trading hours should be left as they are.
- Later areas here will draw people away from the more dangerous areas of Kings Cross.

Other comments from respondents not supporting base trading hours in Neutral Bay generally included:

- Existing wine bars which currently stay open until 12am should not be affected. People do not frequent these places to get drunk.
- Areas around Military Road should be able to trade longer.
- Premises should be closed at 10pm.
- Sunday evenings beyond 10pm is unnecessary.
- Restaurants never adhere to the times and always trade later.

Support Extended Trading Hours for Neutral Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	75	68.2	51	68	7	9.3	12	16	5	6.7
No	31	28.2	25	80.6	3	9.7	3	9.7	0	0
No Response	4	3.6	4	100	0	0	0	0	0	0

68.2% of respondents from Neutral Bay supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Will make the lower north shore a more desirable place to live and visit, and able to compete with other areas in Sydney as a late night destination.
- Extended hours will bring culture to the area, provide more late night options and flexibility, and support the local economy.
- Trial periods will permit monitoring of the premises and will highlight any potential problems.

Other comments from respondents supporting extended trading hours in Neutral Bay generally included:

- Existing licenses should be retained and not restricted.
- Extensions should only be granted to retail and/or dining venues and not to premises which are adjacent to residential buildings.
- All stakeholders should be involved in any trials periods and trial periods should be more than 12 months.
- Premises should not be subject to on-going trial periods and extended hours should be made permanent.
- If it is enriching the nightlife and appeal of any area without causing undue noise concerns or anti-social behaviour it should be encouraged.

ATTACHMENT 2 – Locality-based Responses

- As long as it supports a family friendly environment not just drinking venues.
- As long as alcohol related violence and anti-social behaviour does not increase and there are more police patrols.

28.2% of respondents from Neutral Bay did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended trading hours will lead to rubbish generation, noise disturbance, vandalism, alcohol abuse and anti social behaviour.
- Neutral Bay is attracting customers because of the restaurants and wine bars, which have sufficient time to sell their products and close at 11pm.
- Council places businesses interests above resident concerns and would do little to nothing to address problems of late night trading when they arise.
- Applicants use trials as a tool to create an impression for a short period and then exceed noise expectations. Previous trials have been unsatisfactory.
- Trials nearly always end up being permanent.

Other comments from respondents not supporting extended trading hours in Neutral Bay generally included:

- Venues that have been operating for many years should not have to go on a trial.
- The base trading hours are sufficient.
- Existing trading hours are reasonable and should be left as they are.
- Venues with extended trading hours should not be located close to residences.
- Restaurants should not be trading after 12am (midnight).
- A blanket approach is not suitable. Each area should be considered on a case by case basis.

Conclusion: Objection to the base trading hours in Neutral Bay was primarily linked to the hours being too restrictive. There was strong support for extended trading hours, in some cases for particular venues only; however there was concern over the management of trial periods.

ATTACHMENT 2 – Locality-based Responses

North Sydney

Support Base Trading Hours for North Sydney	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
6am – 12am (midnight) (North Sydney CBD)										
7am – 11pm (Mon – Sat) 7am – 10pm (Sun) (North Sydney)										
Yes	104	61.9	78	75	9	8.7	16	15.3	1	1
No	62	36.9	46	74.2	10	16.1	4	6.5	2	3.2
No Response	2	1.2	2	100	0	0	0	0	0	0

36.9% of respondents from North Sydney did not support the base trading hours. The primary reasons for not supporting these hours included:

- Too early and doesn't accommodate the majority wanting later dining options.
- Will force people away from the area and impact on its atmosphere.
- 12am is too late and will eventually push out until 1am and will encourage people to drink – 11pm is reasonable.
- Trading in the CBD should be until 11pm on Sundays.
- These base hours should be the limit for trading hours.
- It will cause issues with noise, safety, parking, congestion, street urination.

Other comments from respondents who did not support the base trading hours for North Sydney generally included:

- 10pm is too late on 'isolated sites'.
- Venues are already operating past these base hours.
- Closing times needs to be carefully applied based on the type of premises.
- The hours would result in a further proliferation of brothels.
- It should not be a blanket rule and should be dependent on the type of venue and what it has to offer.

Support Extended Trading Hours for North Sydney	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	120	71.4	93	77.5	11	9.2	15	12.5	1	0.8
No	48	28.6	33	68.8	8	16.6	5	10.4	2	4.2
No Response	0	0	0	0	0	0	0	0	0	0

71.4% of respondents from North Sydney supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- The base trading hours are not fair.
- Extended hours will provide for a more international style, cosmopolitan city and encourage residents to stay north in the CBD rather than heading over the city after work.
- Trial periods provide a merit based system and will highlight any potential problems and enable retailers to expand their services and contribute to a better community.
- On-going trial periods could deter businesses from setting up in North Sydney due to a lack of certainty.

Other comments from respondents supporting extended trading hours in North Sydney generally included:

- The market should determine when businesses trade and controls should not be applied retrospectively.

ATTACHMENT 2 – Locality-based Responses

- Extensions should not be on a trial basis.
- North Sydney CBD should develop in the same way as Crows Nest through a range of well managed restaurants, cafes, bistro style eateries and appealing social ambience.
- Extensions should apply to certain merchants only, in order to control where late night activities occur and what businesses trade late.
- Extensions should only be granted for retail shops and cafes, not hotels, clubs, nightclubs etc.
- Extensions are supported as long as they don't fuel violence, aggression and noise, making it unsafe to go out and enjoy the neighbourhood.
- Restaurants and bars alongside residential areas should have restricted hours closer to the typical hours listed (Table 1) so that residents are not disturbed.
- Concern that once extensions are approved they will be difficult to take away.
- Regular questionnaires should be sent to residents so that their opinions can be sought on the effectiveness of the trial periods.

28.6% of respondents from North Sydney did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Hours should only be the basic hours as outlined in Table 1.
- If hours are extended there is more potential for noise, air pollution, anti-social behaviour, drunkenness and crime.
- 11pm closure is reasonable. If we allow 12am (midnight) it will get pushed out until 1am.
- Extended trading hours only benefit the businesses at the detriment of residents.
- There is already clear evidence that extended trading hours leads to increase in problem behaviour and reduction in a sense of safety and community.

Other comments from respondents not supporting extended trading hours in North Sydney generally related included:

- There should be a standardized closing time for late night trading, being 1 – 2am.
- Hours should be left as they are.
- Extensions are suitable for some business models e.g. 24 hours gyms.
- After an initial trial period, the extensions should be either approved or rejected. Once approved it should stay in place.
- North Sydney is a suburb and should not try to emulate the CBD.
- Hours should not be extended in residential areas.
- Council will not give fair and accurate consideration of any trial results.

Conclusion: The majority of respondents supported the base trading hours in North Sydney, and reasons behind respondents not supporting these hours were divided. Support for extended trading hours was strong as a means of creating a more vibrant suburb; although there was request that consideration be given to the use and location of a premises prior to extended trading hours be granted. Concern did exist regarding the uncertainty around on-going trial periods.

ATTACHMENT 2 – Locality-based Responses
St Leonards

Support Base Trading Hours for St Leonards (Mon-Sat) 7am-11pm 7am-10pm (Sun)	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	26	63.4	24	92.3	0	0	2	7.7	0	0
No	15	36.6	12	80	1	6.7	0	0	2	13.3
No Response	0	0	0	0	0	0	0	0	0	0

36.6% of respondents from St Leonards did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Closing times are too early and will hurt local business (such as small bars) and force people to other locations at night.
- Some specific areas should be able to stay open later.
- Closing times are inconvenient for those working late into the evening.
- 11pm is too late for outdoor dining during the week; 10pm is an adequate closing time.
- It causes issues such as noise, litter, antisocial behaviour, loitering, crime, traffic and property damage.

Support Extended Trading Hours for St Leonards	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	30	73.2	27	90	0	0	2	6.7	1	3.3
No	11	26.8	9	81.8	1	9.1	0	0	1	9.1
No Response	0	0	0	0	0	0	0	0	0	0

73.2% of respondents from St Leonards supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- A trial will allow for an analysis of any impacts.
- The extended hours will be more convenient for people working into the evenings and will cater for a younger market.
- The extended hours will boost the economy and increase vibrancy.

Other comments in support of extended trading hours generally related to:

- Supported so long as it does not promote alcohol-fuelled violence.
- Premises should be able to extend their hours without having to renew the trial period.
- Extended hours should not occur in mixed use or residential areas.

26.8% of respondents from St Leonards did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Current trading hours are adequate.
- Will result in increased litter, parking issues, antisocial behaviour and crime.
- All businesses except supermarkets should be closed by 10pm.

Other comments in opposition to extended trading hours primarily related to the proposed on-going trial period, that there was no need for it, and the negative impact that constantly having to reapply for extended hours will have on local businesses.

Conclusion: A majority of respondents supported the base and extended trading hours in St Leonards. Extended trading hours were considered to increase convenience, vibrancy and improve the local economy but consideration needs to be given to the location of venues receiving extensions.

ATTACHMENT 2 – Locality-based Responses
Waverton

Support Base Trading Hours for Waverton	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	13	61.9	11	84.6	0	0	1	7.7	1	7.7
No	8	38.1	7	87.5	1	12.5	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

38.1% of respondents from Waverton did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- It will promote antisocial behaviour
- The base hours are too early and will force people to other locations instead of supporting local business. The local businesses and culture are some of the reasons residents were attracted to the area.
- The base hours contradict the hours of approved liquor licenses.

Support Extended Trading Hours for Waverton	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	15	71.4	12	80	1	6.7	1	6.7	1	6.7
No	6	28.6	6	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

71.4% of respondents from Waverton supported extended trading hours beyond the base hours. The primary reasons for supporting extensions to trading hours included:

- Extended hours are convenient for those working long hours.
- Extended hours will increase vibrancy and night life of the area.
- Trading hours should be increased for restaurants but not licensed venues.
- Trial periods will highlight any issues.
- Trial periods could incorporate restrictions such as outdoor activity.

28.6% of respondents from Waverton did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended hours will decrease safety of an area.
- Extended hours are not appropriate in residential areas.
- Current trading hours are adequate.

Conclusion: The majority of respondents supported both base trading and extended trading hours in Waverton. Extended trading was considered to improve convenience and vibrancy of the area but suitable for particular venues only. Trial periods were similarly considered an appropriate process in highlighting any issues with the operation of a venue.

ATTACHMENT 2 – Locality-based Responses

Wollstonecraft

Support Base Trading Hours for Wollstonecraft	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	17	37.8	14	82.4	0	0	2	11.8	1	5.9
No	28	62.2	26	92.9	0	0	2	7.1	0	0
No Response	0	0	0	0	0	0	0	0	0	0

62.2% of respondents from Wollstonecraft did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- They are too early/restrictive and will force people to other locations instead of supporting local business. The night life of the adjoining suburb of Crows Nest was on the reasons residents moved to the area.
- The hours should be more flexible on weekends (Friday and Saturday nights).
- Restricting the hours will affect smaller venues and is targeting the minority who engage in violent behaviour.
- Implementing base hours will not solve the issue of alcohol-fuelled violence.
- There is no problem with current trading hours.

Support Extended Trading Hours for Wollstonecraft	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	32	71.1	27	84.4	0	0	4	12.5	1	3.1
No	11	24.4	11	100	0	0	0	0	0	0
No Response	2	4.4	2	100	0	0	0	0	0	0

71.1% of respondents from Wollstonecraft supported extended trading hours beyond the base hours. The primary reasons for supporting extensions to trading hours included:

- It will improve the nightlife and vibrancy and benefit local small business.
- It will be more convenient for full-time workers.
- Current late night trading has caused no problems.

Other comments in support of extended trading hours generally related to:

- Extension of trading hours should be for small bars/cafes rather than the larger licensed venues.
- Businesses with no history of incidents should not be subject to a trial period.
- Trading hours should be solely decided by the businesses themselves.

24.4% of respondents from Wollstonecraft did not support extended trading hours beyond the base hours. The primary reasons for not supporting extensions to trading hours included:

- Current trading hours are adequate.
- Extended trading should be a trial rather than a permanent change.
- There is no indication of what will determine whether the trial has been successful.
- More security and policing would be required to minimise antisocial behaviour if hours were to be extended.

Conclusion: Generally, respondents did not support the base trading hours for Wollstonecraft and perceived them to be too restrictive. As such, a large majority supported extensions to trading hours (subject to on-going trials).

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
Submission #1	
Character of Crows Nest/St Leonards	Retain the character of Crows Nest/ St Leonards, that is, a relaxed, friendly, safe, attractive area for cafes, restaurants, retail and service providers and their patrons, as well as for residents. Do not wish to see it change to a night club or disco area.
Trading hours	Any expansion of late night trading, particularly outdoor dining areas, would seem at odds with the family orientated trend in Crows Nest/St Leonards.
Outdoor dining	<ul style="list-style-type: none"> Tension exists between outdoor dining areas and the amenity and health of residents in close proximity. This is aggravated in locations where there are no fixed awnings or where dwellings are on the first or second floors above late trading cafes, restaurants or bars e.g. Willoughby Road and lateral streets. Outdoor areas in close proximity to residential premises should be closed at 10:00pm Monday – Sunday. Elsewhere support 11:00pm closing Monday to Saturday and 10:00pm Sunday.
Submission #2	
Consultation process	<ul style="list-style-type: none"> Do Council have controls in place to avoid multiple submissions by the same person? Why do Council accept submissions from unnamed and unsigned respondents?
Submission #3	
Trading hours	<ul style="list-style-type: none"> Since the railway land has been leased as a cafe it has become a large affair with almost the whole area covered in open-sided awnings, from which considerable noise is generated by the patrons and escapes to disturb the residents at No. 61, 63 and 65 Bay Road. This is especially loud on the weekends. Hours should not be extended until 10:00pm (11:00pm to clear the premises) on this residential side of Bay Road.
Submission #4	
Trading hours	<ul style="list-style-type: none"> The proposed hours will drive small business and investment away from the North Shore.
Submission #5	
Annual renewal application	<ul style="list-style-type: none"> The annual renewal of trading hours would add considerable expense to every late night trader (after 8pm) when in the vast majority of cases the current overheads are increasing at a rate whereby these costs cannot be passed onto the retail customer without placing the business at considerable risk. The process is not fully disclosed as to how it would be managed, time frame for applications to be assessed, rights of appeals, and grounds for removal of trading hours are not supplied. Without disclosing all of these measures prior to asking for feedback suggests a hidden agenda.
Extended trading hours	<ul style="list-style-type: none"> These hours have always been determined by NSW government bodies such as OLGR & ILGA in consultation with Local Authorities both Council and Police. The DCP is by definition removing these two government bodies' assessment and control on the outcome of any further operating venues by over ruling their determinations by implementing an Annual Renewal Application. The DCP does not show any opportunity to have a conciliation process between local stakeholders, as above OLGA, ILGA, Council's and Police already have a say in determining a Hotel or Clubs trading hours. A removal of the conciliation process

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
	<p>would see a large increase in Court Proceedings.</p> <ul style="list-style-type: none"> Hotels and Clubs are subjected to too many Acts and Regulations which all carry sufficient and heavy fines and conditions that are both financially and time consuming to meet reporting.
Small bars	<ul style="list-style-type: none"> The saturation of liquor licenses in most areas has increased since the NSW Government approved the “small bar” which has indelibly increased the availability of alcohol and in turn increased the number of alcohol related incidents. Council should adopt a policy of maximum numbers of license outlets within a LGA to help minimise the impact on the neighbourhood. Small bars need to be made more proactive. In many cases they are not required to employ licensed security to help address and reduce the impact on the local amenity. A requirement for these outlets to participate actively in the Local Liquor Accord would be helpful.
Employment	<ul style="list-style-type: none"> If the Draft DCP were to proceed without considerable change and where there was little or no assurance of trading hours, it would require restructuring of the businesses human resource which would have the effect of losing between 15 – 20 personnel.
Submission #6	
Trading hours	<ul style="list-style-type: none"> Restricting trading hours to 11pm Monday – Saturday and 10pm Sundays will result in: <ul style="list-style-type: none"> 8 trading hours less a week No consistent, simple trading hours message for customers (e.g. open until midnight) The loss of 3+ equivalent full time job hours per store per week Customer dissatisfaction Restricting trading hours for new developments is: <ul style="list-style-type: none"> Discriminatory when existing stores are able to legally trade longer Anti-competitive compared with online shopping now available 24 hours a day Conflicting with the <i>Retail Trading Act 2008</i> that deregulates NSW trading hours
On-going trial periods	<ul style="list-style-type: none"> It is impractical and costly for supermarkets to continually re-apply for night trading hours and businesses need trading hours certainty before they make significant real estate investments. Council should be flexible with retail trading hours for supermarkets and set a 12 midnight minimum base and consider any requests for 24 hour supermarket trading based on merits.
Submission #7	
Blanket approach	<ul style="list-style-type: none"> Any proposed change to the planning controls to regulate late night premises should not adopt a “blanket approach” and instead each premise should be assessed on an individual merit basis. Introducing rigid controls relating to trading hours and outdoor areas may result in an inflexible planning outcome that prevents the assessment of applications on their individual merits. A “blanket approach” would achieve an arbitrary and inappropriate planning outcome.
Encroachment of residential uses	<ul style="list-style-type: none"> Residential developments are increasingly encroaching on existing commercial development, creating land use conflicts and posing a threat to the continued existence of the commercial uses that are an essential part of the town centre.

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
	<ul style="list-style-type: none"> • It is the existing commercial environment that often attracts residential development and if an attractive and vibrant mixed use area is to flourish, the conflicts inherent between commercial and residential uses, particularly late at night, must be properly planned for and managed. • Council should consider the positive impacts that such premises have on North Sydney LGA, both in terms of local economy and also in providing amenity to local residents by the services they provide and the vibrancy and convenience that they contribute. • New residential development should insulate itself against the likely impacts of existing nearby commercial development.
Acoustics – adjoining residential sites	<ul style="list-style-type: none"> • It can often be extremely costly and difficult, if not impossible, to retrospectively acoustically insulate an existing premises. • Although existing noise emissions may be well controlled and within acceptable levels, the introduction of a sensitive land use within close proximity may render the emission of any noise prima facie unacceptable (as residential uses carry with them higher amenity expectations and more stringent noise control criteria). • When seeking to introduce new residential development into an existing commercial area, Council should be alert to the issue of land use conflict and should take measures to ensure that the potential for such conflict is minimised. • Any proposed future planning controls should require new and conflicting residential uses to consider the existing acoustic environment and incorporate design measures to reduce noise intrusion from external sources. • When considering acoustic impacts of existing commercial uses on new conflicting residential uses, the appropriate performance criteria is the <i>actual impact</i> of the commercial use on residential users of land. The fair approach would therefore be to take noise emission measurements inside habitable rooms of the residential premises with windows and doors closed.
Acoustics – outdoor areas	<ul style="list-style-type: none"> • With the final level of restrictions under the <i>Smoke – Free Environment Act 2000</i> due to commence on 6 July 2015 (which will prohibit smoking in outdoor commercial dining areas and within 4 metres of a pedestrian entrance to a hotel or restaurant), outdoor smoking areas will once again become a significant issue, particularly for hotels. • It is important that trading hours for outdoor smoking areas be able to match the indoor trading hours of the remainder of the premises. • There may be other forms of specific outdoor uses which are unlikely to have the same amenity impacts as unrestricted use of an outdoor area such as a beer garden. The actual details of the proposed outdoor use should be considered, and its likely impacts, rather than applying blanket trading hours for any type of outdoor use.
Trading hours	<ul style="list-style-type: none"> • North Sydney does not currently have an existing problem with the proliferation of late night premises that needs to be addressed by the introduction of severe measures, as was initially proposed in the draft DCP controls. • Standard liquor licence hours are 5am to midnight Monday to Saturday and 10am to 10pm Sunday. We believe that 12am is an appropriate time from which to consider trading ‘late night’. Most people would not consider 10pm ‘late night’, particularly in relation to restaurants and licensed premises. • It is important to distinguish between weekday and weekend trading. It is generally considered that later trading is acceptable over the weekend, as background noise levels are higher and more people are out and about. The weekend is when there is real

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment															
	<p>demand for services offered by licensed premises such as hotels and restaurants, with patrons expecting premises to be open longer hours than they would during the week. It is for these reasons that it is generally reasonable to allow longer trading hours on Thursday, Friday, and Saturday nights.</p> <ul style="list-style-type: none"> • Drawing a distinction between weekday and weekend trading allows a balance to be struck between the protection of residential amenity during the week when residents primarily stay at home in the evenings, and providing the social and recreational amenity of a vibrant and healthy night-time environment to be enjoyed on the weekend, when residents are far more likely to socialise and stay up later. 															
Refurbishment of existing premises	The draft DCP controls were proposed to apply to existing premises where any development application was lodged that would result in an “intensification of use”. Council should be cautious in adopting such an approach, as it creates the risk that existing premises will become dilapidated and unattractive for fearing of losing valuable trading hours, or becoming subject to onerous operating conditions, if they lodge a development application to refurbish the premises.															
Submission #8																
Additional zoning categories	<ul style="list-style-type: none"> • Fully supportive of the need to invigorate the North Sydney LGA through increased after-hours activity, without it adversely damaging community amenity. • Any proposed DCP should have regard to the diversification within the municipality and contain far more than the same three discreet localities that have been nominated but rather based on an appropriately expanded number of zones as illustrated in the table below, to: <ul style="list-style-type: none"> ○ Reflect the discreet nature of each zone/area ○ Mesh with standard trading hours permitted by the <i>Liquor Act 2007</i> ○ Recognise changing patron demand for later trading ○ Recognise that the DCP must embrace and attract various forms of late trading premises ○ Provide a mechanism to address potential impact from both indoor and outdoor activities. <table border="1" data-bbox="465 1018 2022 1273"> <thead> <tr> <th data-bbox="465 1018 1003 1050">Zone Descriptor</th> <th data-bbox="1003 1018 1512 1050">Permitted Inside Trading Hours</th> <th data-bbox="1512 1018 2022 1050">Permitted Outdoor Area Trading Hours</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1050 1003 1082">North Sydney CBD</td> <td data-bbox="1003 1050 1512 1082">5am – 3am*</td> <td data-bbox="1512 1050 2022 1082">7am – 1am*</td> </tr> <tr> <td data-bbox="465 1082 1003 1145">St Leonards, Crows Nest, Cremorne and Neutral Bay commercial and retail precincts</td> <td data-bbox="1003 1082 1512 1145">7am – 2am*</td> <td data-bbox="1512 1082 2022 1145">7am - Midnight*</td> </tr> <tr> <td data-bbox="465 1145 1003 1209">Isolated sites within residential areas and Blues Point, Cammeray and Kirribilli retail strips</td> <td data-bbox="1003 1145 1512 1209">7am – 10pm*</td> <td data-bbox="1512 1145 2022 1209">10am – 10pm*</td> </tr> <tr> <td data-bbox="465 1209 1003 1273">Residential areas (for existing development only)</td> <td data-bbox="1003 1209 1512 1273">10am – 10pm</td> <td data-bbox="1512 1209 2022 1273">10am – 6pm</td> </tr> </tbody> </table> <p data-bbox="465 1273 2022 1337">* Or extended hours as permitted (i) under existing approvals granted by Council or any an individual liquor licence, or (ii) on application to Council</p>	Zone Descriptor	Permitted Inside Trading Hours	Permitted Outdoor Area Trading Hours	North Sydney CBD	5am – 3am*	7am – 1am*	St Leonards, Crows Nest, Cremorne and Neutral Bay commercial and retail precincts	7am – 2am*	7am - Midnight*	Isolated sites within residential areas and Blues Point, Cammeray and Kirribilli retail strips	7am – 10pm*	10am – 10pm*	Residential areas (for existing development only)	10am – 10pm	10am – 6pm
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ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
	<ul style="list-style-type: none"> • The above zoning would: <ul style="list-style-type: none"> ○ Maintain and further promote the series of characteristics which are reflected in each area ○ More evenly and equitably apply to licensed as well as non-licensed premises ○ Better delineate individual areas rather than treating the municipality ‘as a whole’ ○ Be more effective and better understood than adopting the too generic concept of Late Night Management and Local Areas and/or the classification of business based on perceived impacts; and ○ Reflect community desire to bring more life and establish the municipality as a vibrant lower north shore night time centre.
On-going trial periods	<ul style="list-style-type: none"> • Extensions to base hours, subject to on-going trial periods, would provide commercial uncertainty and only introduce an additional disincentive for operators who may otherwise wish to provide services during the evenings. • It is our view that any application for additional trading hours should be assessed by Council as would any other intensification of use and that all approvals for extensions above ‘zone hours’ be subject to continuing conformity with the conditions imposed as part of Council’s consent determination. If consent conditions are breached, the consent authority has the right to rescind the approval. This mechanism provides the necessary ongoing incentive for premises of all types to be properly and responsibly managed without having to re-apply at regular intervals and it also provides a tradeable goodwill value which will also attract evening trade.
North Sydney CBD	Council’s Late Trading guidelines must take into account that North Sydney’s CBD is an area well served by public transport and convenient to other highly populated living areas, and that the DCP should be directed at attracting people to a diversified mix of activities, including extended shopping hours at both larger centres and smaller retail outlets, passive recreational offerings such as theatres and cinemas as well as dining and socialising options and, in other than developed residential areas, appropriate outdoor drink and dine options to generate the required noticeable change in character and an ongoing streetscape vibrancy.
Small bars	<ul style="list-style-type: none"> • Council should incorporate provisions in the Draft DCP which mesh with the NSW Government’s introduction of legislation catering for the establishment of Small Bars – limited to 60 person capacity and permitted across NSW to trade until 2am. • In retail and commercial zones it would be inappropriate to introduce lesser trading hours than allowed by legislation.
Further consultation	<ul style="list-style-type: none"> • AHA will be prepared to discuss these issues in greater details with Councillors and Council Officers to assist in the formulation of the draft DCP • Request to be advised when the draft DCP is released so AHA can provide any additional input which may be appropriate.
Submission #9	
Trading hours	<ul style="list-style-type: none"> • Would like trading hours around this area, including the Union Hotel to remain unchanged. • Any extension of trading hours would involve plant and equipment including exhaust fans staying on longer than they do at present. • Where businesses are very close to homes, if late night trading means more alcohol being consumed and if it means more cooking, than would not like any changes.
Submission #10	

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
Trading hours	Would strongly object to any imposition on existing trading hours and request to be involved in any consultation relative to the Late Night Trading Review.
Submission #11	
Trading hours	<ul style="list-style-type: none"> • Trading hours for Kirribilli and McMahons Point should be extended to 11pm and trading hours in Cremorne, Neutral Bay, Crows Nest and Milsons Point should be extended to 12am. • Allowing restaurants to operate later may also serve to diffuse large groups ascending on late-night licensed premises in order to continue their night out, where overcrowding and capacity constraints increase the risk of alcohol-related violence. • Supports on-going trials of extended trading hours in North Sydney.
Submission #12	
Small bars & extended trading hours	<ul style="list-style-type: none"> • The residents of Kirribilli Village oppose the operation of small bars and extended trading hours and any attempt by the Council to rezone the area to allow for small bars and extended trading hours. • The relentless pursuit by Council to support developers over residents including the continual push to allow small bars in a residential B1 area and the pursuit of late night trading knowing the full detrimental impact to the Village amenity is unacceptable. • Council should not have a one size fits all approach for late night trading.
North Sydney CBD	<ul style="list-style-type: none"> • Council should focus their attention on improving the commercial outlook of the immediate vicinity of North Sydney's CBD before implementing rezoning to accommodate small bars and late night trading in other areas. • Council should not expend the community's rates trying to generate activity in the North Sydney CBD.
Submission #13	
Trading hours	Believe that a "typical" set of hours cannot be applied given the diversity of environments and businesses, and that they should be considered case by case, within agreed guidelines.
Submission #14	
Strategic background	<ul style="list-style-type: none"> • Apart from the community identifying that they want more 'night life' in the LGA there appears to be no strategic background or justification to the introduction of any specific policy. • The possible controls seem to be just a copy of the Late Night Trading Policy which applies to the City of Sydney.
Consultation	<ul style="list-style-type: none"> • It would be fair to provide land owners, management and operators of the affected businesses, as well as the community, and opportunity to comment on the data, information, survey and facts that provide the basis for the "need" to introduce such a policy into the North Sydney LGA prior to a draft DCP being tabled.
Base trading hours	<ul style="list-style-type: none"> • Objects to spatially nominating precincts with base hours. Opportunities should exist for appropriate venues to offer different and staggered hours to allow all centres to be vibrant rather than have whole centres clothe at a specific time. Staggered leave times are positive in assisting with neighbourhood amenity. • There are many physical buffers occurring in all centres which provide adequate separation between the late night management areas and residential precincts. This raises the point that the imposition of extensive additional spatially allocated controls is

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
	unwarranted.
Ongoing Trial periods	<ul style="list-style-type: none"> Businesses that currently enjoy extended trading hours without trial will potentially not make further upgrades to their facility. The capital costs will far outweigh the uncertainty that will prevail by the introduction and imposition of continual trial periods. The result will be detrimental to one of the primary aims of the LEP which is to maintain a diversity of employment services, cultural and recreational activities.
Controls going beyond their charter	It is considered that the policy mooted by the current review notice on the web will go way beyond its charter because it diverts away from land use planning and attempts to control the management of premises. In doing so, the Council is potentially entering into areas that are beyond the core business and expertise of its officers. To attempt to control outside of their jurisdiction will leave the Council open to potential inconsistencies of the application of any policy, frustration on the part of the applicant, more litigation activity and finally a stifling of the economy as existing businesses will ultimately trade without upgrade to at least preserve the status quo in relation to their existing hours of operation and new businesses will not establish in North Sydney.
Further consultation	Would encourage Council to make contact to assist with the drafting of any policy by way of liaison with operators.
Submission #15	
Trading hours and trial periods	<ul style="list-style-type: none"> Proposed trading hours have no regard for the existing trading hours of the premises. Introduction of trial periods would be a major disincentive for investment, improvements and further development of the licensed premise. Base hours should only be applied to new licensed premises such as small bars etc. The controls should not be enforced on existing licensed premises where an application is lodged for alterations to their existing premises.
Need for late night trading controls	<ul style="list-style-type: none"> There is no proposed planning reason for the introduction of additional and restrictive controls on licensed premises which are already extensively regulated. Increased regulation from Council will have the undesirable effect of reducing investment to certainty, thereby resulting in less investment in this important sector.
No targeted consultation	<ul style="list-style-type: none"> There has been no prior consultation with AHA or any other industry group. Council should not propose to introduce controls which specifically seek to regulate a particular industry without consultation with representatives of that industry. It is inappropriate for Council to have exhibited the late night trading review with the proposed 'base trading hours' without prior consultation. Council should be facilitating co-operative and constructive consultation with key stakeholders to achieve mutually beneficial outcomes.
Based on City of Sydney's Late Night Trading controls	<ul style="list-style-type: none"> The findings of the Review are based on City of Sydney's Late Night Trading Controls. The two local government areas are entirely different with contrasting contexts. The exhibited material does provides a comparative analysis between North Sydney and the City of Sydney and does not outline the details of the 400 development consents issued since 2006.

ATTACHMENT 3 – SUMMARY OF WRITTEN SUBMISSION (NOVEMBER 2013 – JANUARY 2014)

Issue	Comment
	<ul style="list-style-type: none"> • These are relevant not only to the formulation of appropriate controls within each LGA, but also in determining whether there is an identifiable need in North Sydney to introduce an additional layer of controls on the relatively small number of late night trading premises.
Consistency with Planning Circular PS 09-028	<ul style="list-style-type: none"> • Extracts from this circular illustrate that there are mechanism outside of North Sydney Council's role as consent authority to regulate licensed premises. New controls for licensed premises are therefore not needed at all given the existence of a separate, modern, comprehensive legislative framework for dealing with licensed premises. The reasonableness, or otherwise, of creating new planning controls for licensed premises need to be seen in this context.
Consistency with Planning for Entertainment Guidelines: October 2009	<ul style="list-style-type: none"> • Notwithstanding the powers of this guideline to manage licensed premises, Council desires instead to effectively try and duplicate them through the development process and have greater control over licensed premises. This is neither reasonable nor appropriate, resulting in onerous demands and expectations on licensed premises. • The Review is looking to introduce controls which are inconsistent with these Guidelines, particularly the introduction of time-limited consents. • The proposed on-going trial periods will undermine the fundamental concept of certainty which is meant to be delivered by development consents which is unreasonable, unfair, unbalanced and inconsistent with the orderly and economic development of land. • The review does not mention reviewable conditions nor what circumstances they will be imposed. They should only be imposed in special circumstances. • Schedule 1 of these Guidelines should be considered when formulating requirements for Plans of Management. • Council should be aiming to synthesise its planning controls with these Guidelines.
Further consultation	Request that there be consultation opportunities with Council to expand on the issues and concerns raised in this submission.

**DECISION OF 3645th COUNCIL MEETING
HELD ON 17 MARCH 2014**

78. G02: Legal and Planning Committee - 3 March 2014

3. LP02: Late Night Trading Review - Consultation Outcomes

Report of Natalie Moore, Assessment Officer

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). As part of the Review, Council recently undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

Council has received over 800 submissions in response to the brochure and questionnaire representing a highly successful consultation process. The number, and quality, of submissions, has provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which will be used to formulate any future planning controls.

Of the respondents 60% supported the typical base operating hours or an extension of those hours. Overall, it is evident that there is general support for extended trading hours with 64% of respondents supporting this approach.

The consultation itself was informed by a significant analysis of 400 related development approvals. This analysis provided the typical operating hours being approved throughout the LGA and also highlighted approvals that have been granted for longer operating hours.

In general terms, it is evident that Council's current development approvals practice is in line with the observations made of the consultation findings. Council should continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community.

This report presents the findings of this preliminary consultation.

Recommending:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
- 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.

The Mayor arrived at the meeting at 6.36pm during discussion of this item and assumed the Chair.

Resolved to recommend:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
- 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.

The Motion was moved by Councillor Baker and seconded by Councillor Marchandau.

Voting was as follows:

For/Against 7/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Morris	Y	
Reymond	Y		Clare	Y	
Carr	Absent		Baker	Y	
Bevan	Absent		Robertson	Absent	
Butcher	Absent		Marchandean	Y	
Burke	Absent		Beregi	Y	
Barbour	Absent				

ADOPTED



Report to General Manager

Attachments:

1. Late Night Trading Review Brochure
2. Locality-based Responses

SUBJECT: Late Night Trading Review - Consultation Outcomes

AUTHOR: Natalie Moore, Assessment Officer

ENDORSED BY: Stephen Beattie, Acting Director Planning and Development Services

EXECUTIVE SUMMARY:

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). As part of the Review, Council recently undertook preliminary consultation throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

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This report presents the findings of this preliminary consultation.

FINANCIAL IMPLICATIONS:

Nil

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(2)

RECOMMENDATION:

- 1. THAT** the Late Night Trading Review - Consultation Outcomes report be received.
 - 2. THAT** Council continue to pursue the development of appropriate planning controls relating to Late Night Trading.
-

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(3)

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

BACKGROUND

In response to the need to address issues pertaining to late night trading, Council commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review) in July 2013. The Review itself will inform a broader piece of work being the North Sydney Centre Review project.

CONSULTATION REQUIREMENTS

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

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none">The types of businesses and their hours of operation, in conjunction with their location, have implications for surrounding residential uses in terms of noise, safety and general amenity.
Social	<ul style="list-style-type: none">Council needs to strike a balance between the interests of businesses and residents where they do not meet to ensure that dense and integrated communities can flourish under co-existing land uses.
Economic	<ul style="list-style-type: none">Decisions made regarding the operation of businesses can have direct impacts on the economic sustainability of those businesses.
Governance	<ul style="list-style-type: none">Council needs to manage the sometimes divergent needs and wishes of local businesses and residents. A considered and consistent approach to such matters demonstrates appropriate local governance.

DETAIL

In July 2013, Council Officers commenced the 'Late Night Trading, Extended Hours and Small Bars Review' (the Review). The objectives of the review are to:

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(4)

-
- provide greater certainty for applicants and residents;
 - give a clearer direction and expectation for late night trading across all areas of the LGA;
 - allow Council to adopt a consistent approach when considering development applications for late night trading; and
 - set clear objectives and controls for these applications.

A substantial consultation exercise was undertaken throughout November 2013 - January 2014 through the distribution of a brochure and questionnaire to over 18,000 residents, businesses and properties owners across the LGA.

Council has received over 800 submissions in this exercise representing a highly successful consultation process. The number, and quality, of submissions, has provided Council with a robust set of data regarding attitudes towards Council's proposed approach on late night trading, all of which will be used to formulate any future planning controls.

The consultation itself was informed by a significant analysis of 400 related development approvals. This analysis provided the typical operating hours being approved throughout the LGA and highlighted approvals that have been granted for longer operating hours.

This report presents the findings of this preliminary consultation.

1. Strategic Context

1.1 North Sydney Community Strategic Plan 2013 - 2023

The North Sydney Community Strategic Plan 2013 - 2023 identified a desire for increased after-hours activity across the LGA. In response to this, and the vision for North Sydney as a diverse, strong, sustainable and vibrant local economy, Direction 3.1.1 of the Plan identifies a need for Council to "expand opportunities for business particularly after hours and weekends through planning initiatives e.g. late night trading and small bars".

1.2 North Sydney Council Delivery Program 2013/14 - 2016/17

The North Sydney Council Delivery Program 2013/14 - 2016/17 outlines the actions that Council will take to contribute to the strategies and desired outcomes of the Community Strategic Plan. In accordance with this, Direction 3.1.1.1 of the Delivery Programme directs Council's Strategic Planning Department to "review Planning Controls relating to Late Night Trading, extended Trading Hours and Small Bars".

2. Late Night Trading, Extended Trading Hours and Small Bars Review

Council initiated the Late Night Trading, Extended Trading Hours and Small Bars Review in July 2013, following on from a previous deferral of the Late Night Trading section from NSDCP 2013. The overarching aim of the Review is to develop planning controls (in the form of a draft DCP) for late night trading across the LGA.

As part of the Review the following tasks had been identified to determine if new development controls are needed, and if needed, what should they address:

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(5)

- Researching and analysing previous approvals to determine approved operating hours for various commercial and business activities;
- Reviewing and analysing other councils' planning controls to determine how they address late night trading and operating hours;
- Prepare a brochure/questionnaire for the purposes of obtaining preliminary views from residents, businesses and property owners regarding late night trading activities and their control;
- Determine if new planning controls are required to be prepared and what they should comprise; and
- If warranted, publically exhibit any draft planning controls prior to formal adoption.

The relevant tasks that have been completed are addressed in the following subsections.

2.1 Existing Late Night Trading across the North Sydney Local Government Area

As part of the initial stages of the Review, Strategic and Assessment Planning staff undertook a comprehensive review of the existing development approvals for late night trading. The purpose of undertaking this activity was to gauge an understanding of the extent of late night trading approvals, as well as typical late night trading hours relative to certain zones, suburbs and land uses.

For the purpose of this research, officers focused on premises which operated before 8am and/or after 6pm on any day. A large sample size to enable a robust and highly accurate analysis was taken, with all approvals from 2006 – 2013 tabulated. The following details from each approval were recorded:

- Address of premises;
- Determination date;
- Operating hours;
- Outdoor dining details (if any); and
- Trial periods (if any).

A total of 400 development applications (including Section 96 applications) were tabulated as part of this exercise. Through filtering the information contained in the table, planning staff have been able to, among other things, identify patterns relating to operating times of premises dependent on a number of variables including use, location and zoning. **Table 1** indicates the typical trading hours for the zones and corresponding late night trading localities. A modified version of this table (excluding zoning details) was included in the consultation material (refer to **Attachment 1**).

Table 1: Typical Trading Hours			
Zone	Locality	Characteristic Opening Time	Characteristic Closing Time
B1 Neighbourhood Business	Blues Point Road, Cammeray, Kirribilli, Waverton, various isolated sites in residential areas	7am (Mon-Sun)	10pm (Mon-Sun)
B3 Commercial Core	North Sydney CBD	6am (Mon-Sun)	12 (Midnight)

Report of Natalie Moore, Assessment Officer
 Re: Late Night Trading Review - Consultation Outcomes

(6)

Table 1: Typical Trading Hours			
Zone	Locality	Characteristic Opening Time	Characteristic Closing Time
			(Mon-Sun)
B4 Mixed Use	Cremorne, Crows Nest, Milsons Point, Neutral Bay, North Sydney, St Leonards	7am (Mon-Sun)	11pm (Mon-Sat) 10pm (Sun)

Evident from **Table 1** is that Council has adopted a fairly consistent approach when approving trading hours for late night trading premises, dependent on their location. This highlights that the current process being used by Council, and the associated outcomes, have significant merit.

As expected, outliers do exist where premises have approved trading hours beyond those in **Table 1** and these were observed and reflected throughout the tabulation process. In the instances where extended or longer trading hours have been granted, applications have been considered on their merits by Council during the assessment process and deemed to be appropriate. In many instances these approvals have been subject to a number of conditions of consent to manage any potential for amenity impacts.

While the approach and process currently being used in assessing development applications for late night trading is successful, and has produced a consistent approval basis, it could clearly benefit from more formal communication in Council's local planning controls. With no written planning controls outlining Council's expectations with regard to late night trading (including trading hours and venue management) there is a lack of clarity and certainty for applicants, residents and businesses when applying for late night trading hours. Seeking redress on this matter would align with the Review objective to generate new planning controls in order to "*provide greater certainty for applicants and residents*"

2.2 Preliminary Consultation

Following background research, an Issues Paper was developed in the form of a brochure and questionnaire. This formed the main element of the preliminary consultation, targeting residents, businesses and property owners.

2.2.1 Brochure and Questionnaire

The Brochure provided an outline of the Review, including Council's background research, and gave an indication of the intent, and type of new late night trading controls which are potentially being considered by Council. The brochure was drafted to suit a wide and varied community audience. Details of typical trading hours across various localities of the North Sydney LGA, obtained from a review of over 400 development applications since 2006, was provided.

The Questionnaire sought responses regarding general attitudes towards late night trading across the North Sydney LGA. More specific responses, relating to formalising trading hours and implementing trial periods for extended trading hours, were also invited and requested. A specific question was also asked relating to the North Sydney Centre (CBD) and how it can be improved as a late night destination.

A copy of the Brochure and Questionnaire is provided in **Attachment 1**.

Report of Natalie Moore, Assessment Officer
Re: Late Night Trading Review - Consultation Outcomes

(7)

2.2.2 Consultation Period

The initial consultation phase commenced on 20 November 2013 and was scheduled to conclude on 20 December 2013. This was in accordance with Council's Community Engagement Strategy (August 2013), which states that, "*Consultation periods should not start and end during the period 1 December to 30 January*" (emphasis added).

Mayor Gibson at the CBD Working Group Meeting of 10 December 2013 requested that the consultation period be extended. Council's Manager Strategic Planning advised at that meeting that an extension to 10 January 2014 could be accommodated without impact on the work program.

Following a request from Mayor Gibson on 8 January 2014, the consultation period was further extended until 31 January 2014 after due consideration from Council's Acting Director Planning and Development Services. It was considered that such an extension would have little impact on the delivery of the policy review.

2.2.3 Consultation Methods

Multiple consultation methods were utilised, in accordance with Council's Community Engagement Protocol, to promote the consultation phase of the Review. These methods are outlined in **Table 2** below.

Table 2: Consultation methods	
Method	Details
Brochure	A Brochure was formulated with an attached Questionnaire (refer to section 2.2.1 of this report and Attachment 1). The Brochure was mailed out to over 15,000 residents, businesses and property owners in the <i>B3 Commercial, B4 Mixed Use</i> and <i>B1 Neighbourhood Centre</i> zones, as well as premises on Council's Food Premises Register.
Questionnaire	A Questionnaire was formulated and included as part of the Brochure. The Questionnaire was made up of eight (8) questions, seeking respondents views on various matters regarding trading hours and late night activities across the North Sydney LGA.
Letterbox Drop	A letter box drop was undertaken to all properties immediately adjacent to the <i>B3 Commercial, B4 Mixed Use</i> and <i>B1 Neighbourhood Centre</i> zones through late November/early December. This equated to approximately 3,000 properties.
Web Page	A 'Late Night Trading Review' web page was established and went live on 20 November 2013. The page provided all the details contained within the Late Night Trading Brochure, as well as the Questionnaire, allowing respondents to complete the Questionnaire on-line. It is intended that any documents produced pertaining to the Review will be uploaded onto this web page.
Social Media	Details of the Review, including links to Council's web page were posted on Council's Facebook and Twitter accounts.
Advertisement	Advertisements were placed in the Mosman Daily, for three (3) consecutive weeks (21 November 2013, 28 November 2013 & 5 December 2013), both in the North Sydney Council Public Notices section and also as a stand alone advertisement. A further public notice was also placed in the Mosman Daily on 16 January 2014 and 23 January 2014 advertising the extended consultation period.

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Table 2: Consultation methods	
Method	Details
Council e-news	Details of the Review, including a link to Council's website were included in Council's December and January e-News.
Precinct Committees	Details of the Review, together with 20 copies of the Brochure and Questionnaire were provided to each Precinct on 21 November 2013. Further copies were provided on request. Planning Officers also attended Precinct Committee Meetings, where invited, to discuss the Review and answer any questions.
Chambers of Commerce	Active Chambers of Commerce were sent a copy of the Brochure and Questionnaire, and notified via email of the Review, where a link to Council's website was provided.
Face-to-face Contact	Face-to-face meetings were arranged and held with a number of stakeholders throughout February 2014 to discuss the review including the Harbourside Police and Australian Leisure and Hospitality (ALH) Group. Council Officers also addressed the Harbourside Liquor Accord at its February meeting. Various attempts were made to contact Australia Hotels Association however no response was received.

2.3 Outcomes of Preliminary Consultation

2.3.1 Total Number of Responses and Response Timeframe

Table 3 indicates the number of responses received throughout the consultation period. A total of 808 responses were received, with 72% of these responses received during the original consultation period of 19 November - 20 December 2013. A total of 73% of questionnaires were completed on-line, with the remaining 27% hand written and either returned to Council via mail, or email.

Table 3: Number and Date of Responses Received		
Response Date	Number of Responses	Percentage %
20 Nov 2013 - 20 Dec 2013 (<i>original timeframe</i>)	584	72
21 Dec 2013 - 10 Jan 2014 (<i>first extension - requested at CBD Working Group Meeting on 10 December 2013</i>)	29	4
11 Jan 2014 - 31 Jan 2014 (<i>second extension -at the request of Mayor Gibson</i>)	182	22
4 Feb 2014 (<i>late responses</i>)	13	2
TOTAL	808	100
Questionnaires Completed Online	593	73
Questionnaires Received in Hardcopy and/or Scanned and Emailed	215	27

In addition to these completed Questionnaires, Council received 20 written submissions from various residents and/or business operators. These submissions will be considered when developing any draft DCP controls for Late Night Trading given their detailed nature.

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2.3.2 Respondent Profile

The vast majority (a combined 87.1%) of responses received were from residents. A combined percentage of 15.5% identified with the business profile. 6.3% of respondents identified themselves as both a resident and a business. 3.7% respondents did not fit into any of these categories and typically included residents from surrounding LGAs, visitors to the North Sydney area, property managers, and property owners (who did not indicate whether they owned residential or commercial properties).

Table 4: Respondent Profile (Question 1)		
Respondent Group	Number of Responses	Percentage (%)
Total Responses - Residents	653	80.8
Total Responses - Businesses	74	9.2
Total Responses - Residents & Businesses	51	6.3
Total Responses - Other	30	3.7
TOTAL	808	100

As shown in **Figure 1** below, responses were received from various stakeholders across all suburbs of the LGA, with greatest interested associated with:

- North Sydney - 20%;
- Crows Nest - 15%; and
- Neutral Bay - 13%.

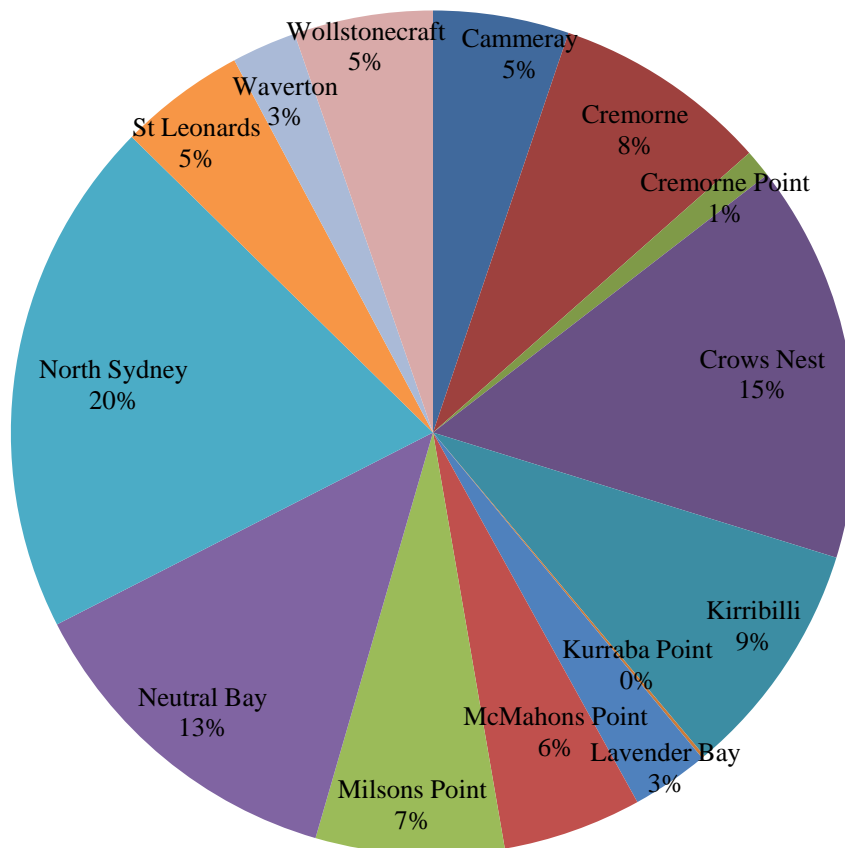


Figure 1: Percentage of Respondents by Suburb (Question 2)

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Note: Where respondents indicated an interest in more than one suburb, their responses will be reflected more than once in the data.

2.3.3 What are people thinking about late night trading across the North Sydney Area?

Question 3 and 4 asked respondents to comment on what they liked and did not like about Late Night Trading in their relevant area: **Table 5** provides a general summary of the key issues which were being raised in the responses received.

Table 5: Respondents Opinions on Late Night Trading (Questions 3 and 4)	
What do you like the most about late night trading in your area?	What are your main concerns with late night trading in your area?
<ul style="list-style-type: none"> • Good atmosphere (creates a good sense of community and enlivens the area, creating a city vibe) • Dynamic and exciting culture • Gives life to the suburb • Ability to enjoy the vibrancy of local restaurants and still get the sense of being a quiet neighbourhood • Ability to go out locally (no need to go into the city) and get home easily • Able to go out locally after working late • Ability to purchase urgent items at any time. • Feels safer than the city • Don't get the crowds like the Sydney CBD but still late night activities • Friendly atmosphere • Attractive to people of all ages • That the majority of people are responsible • Flexibility/convenience • Makes the North Sydney area an attractive area to live as there are local options for early morning and evening • Encourages a diversity of different land uses and venues • Availability and choice of restaurants and bars • New small, high quality venues (e.g. small bars). These provide more options than just traditional pubs • Economic benefits for local businesses • Night markets • There isn't enough of it • It's great as it is, working well • Do not like it at all • The hours aren't too late • Later hours would be even better 	<ul style="list-style-type: none"> • Alcohol abuse and misbehavior • Noise/loud music • Parking/congestion • Access to transport • Violence • Rubbish/garbage • Vandalism/crime/property damage • Food smells • Disturbed sleep • Unwanted visitors to the area • Over consumption of alcohol (particularly in the larger hotels) • Venues which do not practice responsible service of alcohol • Behaviour of patrons after they have left the premises - lack of respect by patrons of surrounding residents • Premises that disregard their approved operating hours • That it won't be patrolled or enforced. • No concerns - it is ok as it is • There is not enough late night trading and often have to go into the Sydney CBD. • Premises aren't open late enough - dining hours are too limited • Lack of people and lack of atmosphere without it • If we don't have late night trading people will go to the CBD and lower north shore will lose its night life

2.3.4 Support for base trading hours (BTH) (Question 5)

Question 5 requested a response on the appropriateness of the tabled base trading hours dependent on locality:

Question 5: Would you support the hours outlined in 'Table 1: Typical Trading Hours' as the base trading hours for your area? If no, why?

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As indicated in **Figure 2**, 47% of respondents supported the hours for their area while 51% were not in support. Reasons for not supporting the hours are conflicted. Some responses object that the hours are not long enough, and others object that the hours are too long.

Further analysis of those respondents not supporting base trading hours was undertaken. This found that 60% were supportive of extended trading hours for their area (refer to **Figure 3**).

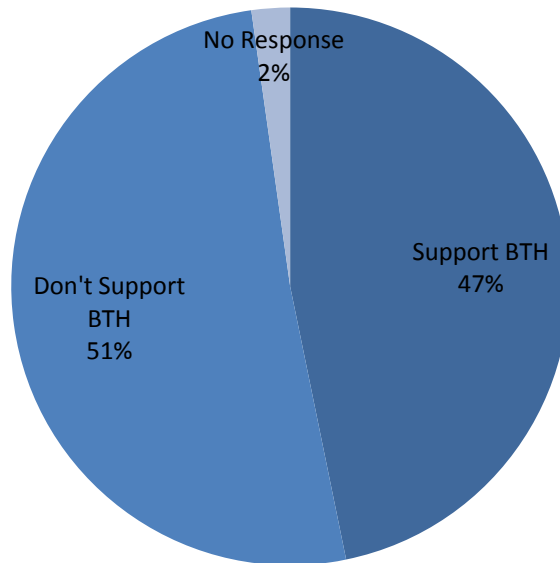


Figure 2: Would you support the hours outlines in 'Table 1: Typical Trading Hours' as the base trading hours for your area? (Question 5)

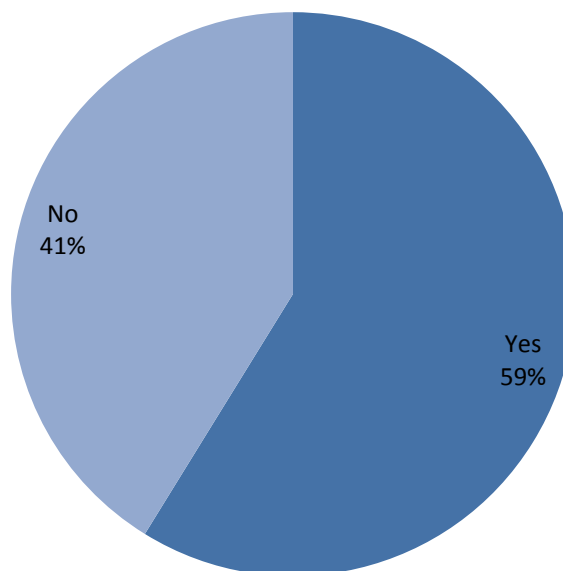


Figure 3: Percentage of respondents that did not support base trading hours but supported extended trading hours

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2.3.4 Support for extended trading hours (ETH) subject to on-going trial periods (Question 6)

Question 6 asked respondents about their opinion on extended trading hours in their locality, subject to on-going trial periods:

Question 6: Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach? Please provide the reasons for your response.

Overall there is a general support for extended trading hours, with 64% of respondents supporting the approach (refer to **Figure 4**).

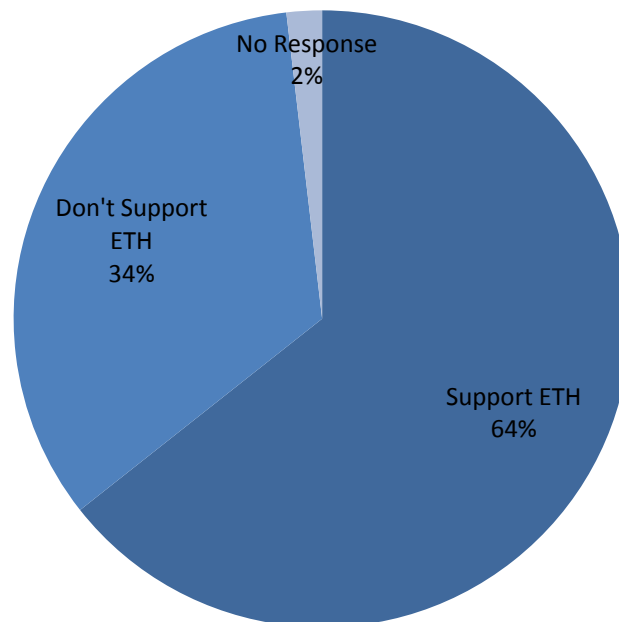


Figure 4: Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach? (Question 6)

2.3.5 Locality-based Responses

In an effort to enable more in-depth analysis and a better understanding of the opinions of respondents regarding late night trading, respondents were asked to respond to the questions on base trading hours and extended trading hours having regard to their nominated locality/suburb (i.e. Cammeray, Crows Nest, Kirribilli etc).

Furthermore, using the data from Question 1, officers have been able to provide an indication as to how different stakeholders (i.e. residents, businesses etc) are viewing late night trading in their locality/suburb of interest.

The breakdown of responses for Questions 5 and 6 dependent on locality/suburb and association with North Sydney LGA (i.e. residents, business etc) is provided in **Attachment 2**. A summary, indicating the primary reasons behind the responses as presented

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in each table is also provided.

2.3.6 Improvements to North Sydney Centre (CBD) as a late night destination

Question 7 asked respondents to indicate whether they thought the North Sydney Centre (CBD) can be improved as a late night destination. As shown in **Figure 5** below, a large majority of respondents considered that the Centre could be improved to encourage more late night activities.

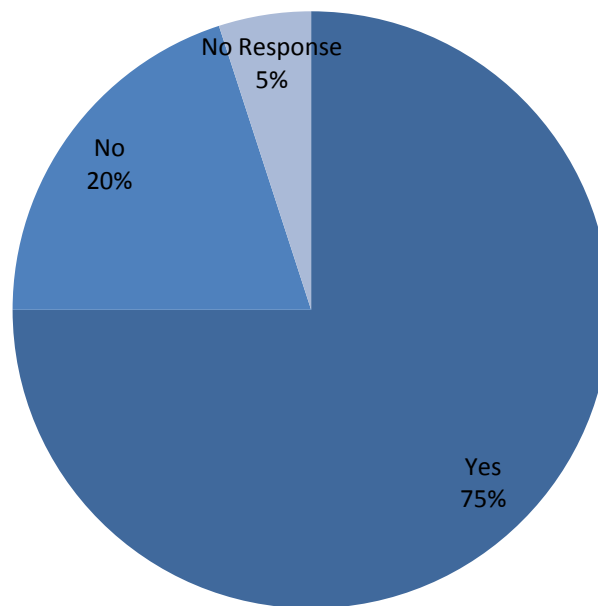


Figure 5: Do you think North Sydney Centre can be improved as a late night destination? (Question 7)

Council is currently undertaking the North Sydney Centre Review, which will aim to make the Centre a more attractive, vibrant and engaging space, and reinforce its place as the economic heart of Sydney's North Shore. The data generated from this question, including suggested improvements to the Centre, will be used to inform this Review.

2.4 Conclusion

The preliminary consultation phase of this Review has been highly successful, with over 800 submissions received. All submissions have provided Council with valuable feedback on the current views of late night trading across the North Sydney LGA, from the opinions of various stakeholders.

Results indicate that there is more support than opposition for extended hours, beyond the base hours in a majority of suburbs, with respondents seeking increased vitality and convenience through later trading hours. Issues were raised however with regard to the management of any extended trading hours and/or trial periods and how the community would be involved in this process. Suggestions were made that extended trading hours should not be considered where venues are in close proximity to residential premises. Concern also existed around the lack of certainty and financial implications for local businesses that would be subject to on-going trial periods.

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Encouragingly, Council's current development approvals practice has been in line with the consultation findings for some time. Council should now continue to pursue the development of appropriate planning controls to clearly communicate and embrace current practices to create more certainty of outcomes for the community.

Furthermore, feedback from respondents on the role of the North Sydney Centre as a late night destination will be used to inform the North Sydney Centre Review which is currently being undertaken.



6. Council is considering allowing extensions to late night trading hours subject to on-going trial periods. Do you support this approach?

Yes No

Please provide the reasons for your response.

7. Do you think the North Sydney Centre (CBD) can be improved as a late night destination?

Yes No

If yes, how?

8. Any other comments regarding late night trading?

Thank you for taking time to complete this questionnaire. Please return to Council by **20 December 2013** either by post: PO Box 12, North Sydney NSW 2059 or email: Council@northsydney.nsw.gov.au. **The survey can also be completed online at www.northsydney.nsw.gov.au/tradinghours.**

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

Name: _____

Postal Address: _____

Email: _____

SUBMISSIONS

To have your say on late night trading, please complete the attached questionnaire (also online at www.northsydney.nsw.gov.au/tradinghours) or make a submission to the General Manager by:

Post: PO Box 12, North Sydney NSW 2059

Email: Council@northsydney.nsw.gov.au

All comments and completed questionnaires will be received by Council until 20 December 2013.

Privacy Statement

Supply of your contact details is optional. Access to such information is restricted to specific Council officers. You may apply for access or amendment to your personal information held by Council subject to Council's Privacy Management Plan, Section 18 Government Information (Public Access) Act 2009 & Schedule 5 - Government Information (Public Access) Regulation 2009.



Need more information?

Visit www.northsydney.nsw.gov.au/tradinghours or contact Natalie Moore from Council's Strategic Planning Department on 9936 8100

LATE NIGHT TRADING

HAVE YOUR SAY



Council is undertaking a comprehensive review of late night trading with the aim to develop contemporary planning controls for the North Sydney Local Government Area (LGA).

As part of the review Council is seeking business, resident, industry and government feedback about late night trading issues.





Trading hours from the 400 development consents issued since 2006 have been collated. The table below shows the typical trading hours for late night venues across the North Sydney LGA. Council intends to use these hours as base trading hours in the new planning controls.

Table 1: Typical Trading Hours

Locality	Opening Time	Closing Time
Blues Point Road, Cammeray, Kirribilli, Waverton, various isolated sites in residential areas	7am (Mon-Sun)	10pm (Mon-Sun)
North Sydney CBD	6am (Mon-Sun)	12 (Midnight) (Mon-Sun)
Cremorne, Crows Nest, Milsons Point, Neutral Bay, North Sydney, St Leonards	7am (Mon-Sun)	11pm (Mon-Sat) 10pm (Sun)

The North Sydney LGA enjoys a dynamic night time economy which provides economic and social benefits. Council's Community Strategic Plan 2013 - 2023 has identified a desire for increased after hours activity across the LGA.

Late night trading involves premises which operate after 10pm and includes dining, drinking, retail, theatre, educational and recreational uses among others. Since 2006, Council has approved over 400 development applications involving late night venues.

The late night trading review will develop new planning controls to help minimise impacts and possible negative effects of late night venues. It is envisaged that further formal consultation regarding these controls will occur in early 2014.

The new controls will:

- provide greater certainty for applicants and residents;
- give a clearer direction and expectation for late night trading across all areas of the LGA;
- allow Council to adopt a consistent approach when considering development applications for late night trading; and
- set clear objectives and controls for these applications.

The controls could include:

- establishment of base trading hours for indoor and outdoor areas;
- establishment of extended trading hours subject to on-going trial periods;
- classification of premises into high and low impact depending on use; and
- a requirement for Plans of Management and Acoustic Reports for certain applications.



HAVE YOUR SAY

Complete Council's online questionnaire at www.northsydney.nsw.gov.au/tradinghours

Alternatively, complete the attached questionnaire and submit to Council.

Responses will be received by Council until 20 December 2013.

LATE NIGHT TRADING QUESTIONNAIRE

If you require extra space for your responses, please attach additional pages.

1. Are you:

- A Resident of North Sydney Council
- A Business within North Sydney Council
- Other: _____

2. In what suburb in the North Sydney Council area do you live, work or own property?

3. What do you like the most about late night trading in your area?

4. What are your main concerns with late night trading in your area?

5. Would you support the hours outlined in 'Table 1: Typical Trading Hours' as the base trading hours for your area?

- Yes No

If no, why?

Cammeray

Support Base Trading Hours for Cammeray	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	22	50	19	86.4	0	0	3	13.6	0	0
No	22	50	21	95.5	1	4.5	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

50% of respondents from Cammeray did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- 10pm is too early and will force people into the city thereby not supporting local businesses.
- The hours are not economical for businesses.
- The times are fine already and should remain as is.
- The base is too late and hours will extend beyond this.
- There are already too many cafes and restaurants in Miller Street.

Support Extended Trading Hours for Cammeray	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	28	63.6	24	85.7	0	0	3	10.7	1	3.6
No	15	34.1	15	100	0	0	0	0	0	0
No Response	1	2.3	1	100	0	0	0	0	0	0

63.6% of respondents from Cammeray supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Allows for later dining for those who work long hours.
- Would bring more people to the area and boost the local economy.
- Trial periods will give an opportunity for assessment, review and gradual introduction of extended hours so that public behaviour can be monitored.
- Extended hours and trial periods need to be appropriately monitored and reversed if issues are not resolved.
- Extensions to base hours should be in non-residential areas only.

34.1% of respondents from Cammeray did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Current hours should be retained with no time restrictions.
- Trial periods should not be forced onto premises that don't need them.
- Council cannot protect residents from the consequences of extended late night trading.
- Do not want alcohol and noise during the evenings.

Conclusion: Opinions on base trading hours in Cammeray were evenly divided; however there was greater support for extended trading (with on-going trial periods) providing that premises are well managed and monitored.

ATTACHMENT 2 – Locality-based Responses

Cremorne

Support Base Trading Hours for Cremorne	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	28	40	19	67.8	1	3.6	4	14.3	4	14.3
No	41	58.6	36	87.8	2	4.9	1	2.4	2	4.9
No Response	1	1.4	1	100	0	0	0	0	0	0

58.6% of respondents from Cremorne did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Current hours are appropriate and Council should not be determining trading hours of premises.
- The hours are not reflective of the demographic of Cremorne who want longer hours (should be at least midnight).
- The restrictions on hours will force locals to go elsewhere which will have a negative impact on the local economy.
- Business should be allowed to trade beyond these hours providing there are no adverse effects on residences.
- Later trading hours in Cremorne will attract people away from the dangerous areas of Kings Cross and provide a safer environment.
- Closing times should be dependent on the type of business and how close they are to residential areas.
- Hours are one dimensional and can't be applied to different uses such as cinemas, pubs or kebab shops.
- Hours should be later in areas identified as “nightlife” areas to encourage more of the café/wine bar culture.
- Later trading until 11pm should only be allowed on Friday and Saturday nights.
- Cremorne is a residential area and closing times should be 10pm.
- Later trading will create too much noise and there will be less street parking for residents.

Support Extended Trading Hours for Cremorne	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	45	64.3	35	77.8	1	2.2	5	11.1	4	8.9
No	23	32.9	19	82.6	2	8.7	0	0	2	8.7
No Response	2	2.9	2	100	0	0	0	0	0	0

64.3% of respondents from Cremorne supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- It is a beneficial approach for businesses and residents, as long as they are not causing nuisance to neighbours.
- People are working longer hours and need the flexibility that extended trading hours can provide.
- Businesses which enrich the nightlife should be encouraged to continue trading late.
- Extended hours are needed to support local business and will attract locals and visitors to the area and inject money into the local economy.
- Applications for late night trading should be considered on their merits.
- Additional sound proofing may be required if facilities are within mixed use buildings.

32.9% of respondents from Cremorne did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Restricting hours will discourage people coming to the local area and have consequences for the local economy.
- Establishments that cause no problems should be able to continue trading as they currently do.
- Hours should be pre-determined and inflexible to provide certainty to businesses and residents.

ATTACHMENT 2 – Locality-based Responses

- Appropriate controls would need to be put in place if extensions were to be granted.
- If trial periods are imposed, Council should set up a phone line so that residents can log any issues.
- Closing times should be 10pm 7 days – there is no need for restaurants and bars to go beyond this time.
- Extensions to trading hours will create too much noise, impact residents sleep and reduce parking.
- More focus should be placed on illegal brothels as oppose to punishing legitimate businesses.

Conclusion: A lack of support for the base trading hours was varied between those considering the base hours to be too restrictive and others believing them to be too excessive. However, support for extended trading hours was in the majority, with respondents believing they will encourage people to support local businesses and improve the vitality of Cremorne during the evenings. It was noted however that consideration would need to be given to surrounding neighbours should extended trading hours be granted.

Cremorne Point

Support Base Trading Hours for Cremorne Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun) (Isolated Site)										
7am-11pm (Mon-Sat) 7am-10pm (Sun) (Cremorne)										
Yes	6	66.7	3	50	0	0	2	33.3	1	16.7
No	3	33.3	2	66.7	0	0	1	33.3	0	0
No Response	0	0	0	0	0	0	0	0	0	0

33.3% of respondents from Cremorne Point did not support the base trading hours for Cremorne Point. The primary reasons for not supporting these hours included:

- It is too early, and does not accommodate the majority wanting later dining options.
- Midnight would be more sensible and support the local economy.
- Businesses should be able to open when they want.
- There are some areas which would be capable of accommodating later hours, subject to local precinct community consultation.
- Life doesn't stop at 11pm and complaints about noise are often by few people.

Support Extended Trading Hours for Cremorne Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	8	88.9	4	50	0	0	3	37.5	1	12.5
No	1	11.1	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

88.9% of respondents from Cremorne Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extended hours will provide for an increase in vibrancy.
- Hours should more flexible in some areas where it is supported by the community.
- Businesses with demand should be able to control their own trading hours.

A single respondent (making up 11.1% of respondents) from Cremorne Point did not support extended trading hours beyond the base hours. No response was given as to why this approach was not supported.

Conclusion: A majority of respondents from Cremorne Point both supported the base trading and supported extensions to the base trading hours as a way of improving the vibrancy of Cremorne. Flexibility of operating hours, when supported by the local community, was considered to be a reasonable approach by some respondents.

ATTACHMENT 2 – Locality-based Responses

Crows Nest

Support Base Trading Hours for Crows Nest	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	41	31.8	29	70.7	9	22	2	4.9	1	2.4
No	87	67.4	69	79.3	13	14.9	3	3.4	2	2.4
No Response	1	0.8	0	0	1	100	0	0	0	0

67.4% of respondents from Crows Nest did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- The base hours are not long enough – 12am would be more appropriate.
- The hours discriminate against the smaller venues.
- Trading hours should remain as they are.
- The hours will kill the culture and vibrancy of the area and hurt the viability of local businesses.
- The hours will cause people to hang out on the streets.
- Trading until 11pm may create potential noise and violence problems.

Support Extended Trading Hours for Crows Nest	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	93	72.1	71	76.3	15	16.1	5	5.4	2	2.2
No	34	26.4	25	73.5	8	23.5	0	0	1	3.0
No Response	2	1.5	2	100	0	0	0	0	0	0

72.1% of respondents from Crows Nest supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Good for business, consumers and the local economy.
- As long as premises adhere to licensing conditions and do not pose a risk.
- If there is potential for them to lose these hours they will crack down on drunken patrons and inappropriate behaviour.
- Gives business an opportunity to gauge demand and see if it's sustainable.
- Allows for areas to prove themselves capable.
- Shouldn't be an ongoing trial though.

26.4% of respondents from Crows Nest did not support extended trading hours beyond the base 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting extended hours included:

- Not late enough hours
- Shouldn't apply to businesses that already have late night trading.
- Don't change the hours from what they currently are and keep with the present system.
- Concern for adjacent residents during the week nights.
- Once introduced the trials will be hard to remove.

Conclusion: A majority of respondents did not support the base trading hours in Crows Nest, considering that they are too restrictive and will impact on the culture and vibrancy of the area. Some concerns were also raised that the hours may cause loitering, noise and violence problems. An overwhelming majority supported extended trading hours in Crows Nest, believing that it will be beneficial to consumers and the local economy, and with trial hours venues will be able to be appropriately managed.

ATTACHMENT 2 – Locality-based Responses

Kirribilli

Support Base Trading Hours for Kirribilli	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	38	49.4	27	71	5	13.2	4	10.5	2	5.3
No	35	45.5	30	85.7	1	2.9	2	5.7	2	5.7
No Response	4	5.1	3	75	1	25	0	0	0	0

45.5% of respondents from Kirribilli did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- Too early for customers and businesses – should stay open until at least 11pm or people will go elsewhere.
- Kirribilli should have the same base hours as Milsons Point.
- Early morning trade would exacerbate noise problems and bring more cars into Kirribilli, increasing the parking problems.
- 10pm should be the limit, not the base. The most disruptive businesses already trade beyond 10pm.
- Noise and drunken behaviour, particularly when people are leaving premises.

Support Extended Trading Hours for Kirribilli	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	35	45.5	26	74.3	6	17.1	1	2.9	2	5.7
No	41	53.2	33	80.5	1	2.4	5	12.2	2	4.9
No Response	1	1.3	1	100	0	0	0	0	0	0

45.5% of respondents from Kirribilli supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Later trading will encourage a more diverse range of restaurants and enable people to recreate close to home rather than going into the city.
- This approach is logical and has been working for other Councils.
- Trial will highlight what can work and what might need to be reconsidered regarding late trading and whether any concerns are well-founded.
- Trial periods should be regularly reviewed i.e. every 3 months until there are no complaints over a 12 – 18 month period.
- Trials for extended hours are appropriate for retail based shopping rather than clubs/pubs/restaurants as this leads to increased drunken behaviour.
- Local residents should be involved in the feedback process following trial periods.
- Restaurants and bars alongside or close to residences should have restricted hours closer to the base hours so that residents are not disturbed.

53.2% of respondents from Kirribilli did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended trading hours will impact upon residential amenity and the character of Kirribilli, and lead to drunkenness, noise, littering, reduced parking and property damage.
- Extensions beyond the base hours should only be allowed for specific occasions such as New Years Eve.
- Extensions should not be permitted in or close to residential areas or along Broughton, Bligh and Fitzroy Streets.
- Residential amenity should take precedence. There are enough alcohol establishments and disturbance in the area.

Conclusion: Generally there was some support for the base trading hours; however a majority did not support extended hours, citing concern relating impacts on residential amenity.

Kurraba Point

Support Base Trading Hours for Kurraba Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	0	0	0	0	0	0	0	0	0	0
No	1	100	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

Of the single respondent from Kurraba Point, objection was raised to the base trading hours and it was considered that 10pm is too early and the current hours are appropriate.

Support Extended Trading Hours for Kurraba Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	0	0	0	0	0	0	0	0	0	0
No	1	100	1	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

Of the single respondent from Kurraba Point, objection was raised to the extended trading hours.

Conclusion: Of the information provided in the single response, the base trading hours were considered to be too restrictive.

ATTACHMENT 2 – Locality-based Responses

Lavender Bay

Support Base Trading Hours for Lavender Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	13	52	11	84.6	0	0	1	7.7	1	7.7
No	12	48	11	91.7	0	0	1	8.3	0	0
No Response	0	0	0	0	0	0	0	0	0	0

48% of respondents from Lavender Bay did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- The base hours are too early and are inconvenient for those working into the evening.
- Premises should close earlier in residential areas.
- The current trading hours should be the maximum allowed.
- Promotes antisocial behaviour, noise and traffic issues such as speeding.

Support Extended Trading Hours for Lavender Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	15	60	13	86.6	0	0	1	6.7	1	6.7
No	10	40	9	90	0	0	1	10	0	0
No Response	0	0	0	0	0	0	0	0	0	0

60% of respondents from Lavender Bay supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- It will promote vibrancy and community activity.
- It will be convenient for those working long hours.
- Trial periods are important in order to analyse the impacts of a premise.
- Extensions should be on Friday and Saturday evenings only.
- Extensions should be for restaurants and cafes only, and not for licensed premises.

40% of respondents from Lavender Bay did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended hours will reduce peacefulness of neighbourhoods and residential villages.
- Extended hours will promote alcohol dependency and anti-social behaviour and result in increased crime, noise, traffic and litter.

Conclusion: While attitudes were fairly evenly divided over base trading hours for Lavender Bay, there was a majority support for extended trading hours, which were perceived to enhance community activity and convenience (if applied to appropriate premises and during particular times). The importance of trial periods was a way of determining potential impacts was also noted.

ATTACHMENT 2 – Locality-based Responses

McMahons Point

Support Base Trading Hours for McMahons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	28	62.2	25	89.2	1	3.6	1	3.6	1	3.6
No	17	37.8	12	70.6	1	5.9	4	23.5	0	0
No Response	0	0	0	0	0	0	0	0	0	0

37.8% of respondents from McMahons Point did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- Closing time is too early and should be extended to midnight.
- People will go elsewhere to dine and drink which will result in a loss of business for local venues.
- These hours will lead to financial implications for local businesses.
- These should be the maximum hours, not the base hours with possibility for extensions.
- Restaurants generate noise well before 7am and after 10pm.
- Will result in a reduction in parking.

Support Extended Trading Hours for McMahons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	24	53.3	19	79.2	2	8.3	2	8.3	1	4.2
No	20	44.4	17	85	0	0	3	15	0	0
No Response	1	2.2	1	100	0	0	0	0	0	0

53.3% of respondents from McMahons Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extensions will bring North Sydney in line with other inner city suburbs and contribute to the vibrancy of the area.
- Extensions until 12am are appropriate, but there is little demand after this.
- Extensions would be suitable across some areas of McMahons Point, but only following community consultation.
- If extensions were granted, staff would need to manage patron behaviour, particularly outside the premises as customers leave and pubs with extensions would need to be restricted regarding noise
- Trial periods enable an understanding of how late night trading affects residents. Community consultation must be undertaken during the trial periods to see if they are working.

44.4% of respondents from McMahons Point did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- The base trading hours are sufficient.
- Restaurants are already trading late into the evening with noise as late as 1am.
- Premises are too close to residences to allow extensions. Residences are in the majority in McMahons Point and their needs should be considered.
- This will generate issues with parking, alcohol intoxication and disorderly behaviour.

Conclusion: There was a majority of support for both the base hours and extended trading hours in McMahons Point. Responses supporting extended trading hours noted a need for additional community consultation and appropriate venue management if extensions were to be granted.

ATTACHMENT 2 – Locality-based Responses

Milsons Point

Support Base Trading Hours for Milsons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	37	60.7	29	78.4	1	2.7	6	16.2	1	2.7
No	21	34.4	20	95.2	0	0	1	4.8	0	0
No Response	3	4.9	3	100	0	0	0	0	0	0

34.4% of respondents from Milsons Point did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- 11pm closing time is too late. Milsons Point is a primarily residential precinct and trading hours should be 7am – 10pm Monday – Sunday.
- Trading hours should differ between inside and outside the premises.
- Weekend noise is already disturbing for local residents.
- It will drive more people and traffic into the area and generate additional noise, anti-social behaviour, drunkenness, crime and violence, and lead to people from outside the suburb loitering in the area.

Support Extended Trading Hours for Milsons Point	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	36	59	29	80.6	1	2.8	5	13.8	1	2.8
No	23	37.7	21	91.3	0	0	2	8.7	0	0
No Response	2	3.3	2	100	0	0	0	0	0	0

59% of respondents from Milsons Point supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Extended trading hours would be beneficial to local and residents, and enable services to be available to residents as they need them.
- Extended trading hours would improve the restaurants and small bar scene in Milsons Point.
- Trial periods are a reasonable graded approach and are important in assessment potential problems while providing some level of certainty to premises opening late.
- Council will need to monitor the outcomes of the trial and not just rely on residents who are adversely affected or may incorrectly identify problems.
- Residents should be allowed to voice their opinions following the trials.

37.7% of respondents from Milsons Point did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Disturbance for local residents from noise, anti-social behaviour, rubbish and excessive alcohol consumption.
- Current trading hours are enough to support the local residents.
- Council needs to be able to provide security against anti-social behaviour.
- 11pm is late enough, particularly for Luna Park and any bars, hotels and clubs.
- Trial periods provide confusion and business trading hours should be determined by the market.
- A blanket approach will not work and trading hours need to be considered on a street-by-street basis within each suburb.

Conclusion: Support was shown for both the base and extended trading hours in Milsons Point. Extended trading was perceived to improve the availability of local services in Milsons Point. A desire for community consultation and appropriate monitoring during trial periods for extended trading hours is evident from responses received.

Neutral Bay

Support Base Trading Hours for Neutral Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	44	40	29	65.9	4	9.1	9	20.5	2	4.5
No	64	58.2	49	76.6	6	9.4	6	9.4	3	4.7
No Response	2	1.8	2	100	0	0	0	0	0	0

58.2% of respondents from Neutral Bay did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Too early – base hours should be extended until 12am (midnight).
- These hours will not attract businesses to the area and people will travel to the city or elsewhere to go out.
- These hours will impact on the late night culture which has developed in, and attracted people to, the area.
- Trading hours should be dealt with on a case by case basis or left to the market to determine.
- Trading hours should be left as they are.
- Later areas here will draw people away from the more dangerous areas of Kings Cross.

Other comments from respondents not supporting base trading hours in Neutral Bay generally included:

- Existing wine bars which currently stay open until 12am should not be affected. People do not frequent these places to get drunk.
- Areas around Military Road should be able to trade longer.
- Premises should be closed at 10pm.
- Sunday evenings beyond 10pm is unnecessary.
- Restaurants never adhere to the times and always trade later.

Support Extended Trading Hours for Neutral Bay	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	75	68.2	51	68	7	9.3	12	16	5	6.7
No	31	28.2	25	80.6	3	9.7	3	9.7	0	0
No Response	4	3.6	4	100	0	0	0	0	0	0

68.2% of respondents from Neutral Bay supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- Will make the lower north shore a more desirable place to live and visit, and able to compete with other areas in Sydney as a late night destination.
- Extended hours will bring culture to the area, provide more late night options and flexibility, and support the local economy.
- Trial periods will permit monitoring of the premises and will highlight any potential problems.

Other comments from respondents supporting extended trading hours in Neutral Bay generally included:

- Existing licenses should be retained and not restricted.
- Extensions should only be granted to retail and/or dining venues and not to premises which are adjacent to residential buildings.
- All stakeholders should be involved in any trials periods and trial periods should be more than 12 months.
- Premises should not be subject to on-going trial periods and extended hours should be made permanent.
- If it is enriching the nightlife and appeal of any area without causing undue noise concerns or anti-social behaviour it should be encouraged.

ATTACHMENT 2 – Locality-based Responses

- As long as it supports a family friendly environment not just drinking venues.
- As long as alcohol related violence and anti-social behaviour does not increase and there are more police patrols.

28.2% of respondents from Neutral Bay did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended trading hours will lead to rubbish generation, noise disturbance, vandalism, alcohol abuse and anti social behaviour.
- Neutral Bay is attracting customers because of the restaurants and wine bars, which have sufficient time to sell their products and close at 11pm.
- Council places businesses interests above resident concerns and would do little to nothing to address problems of late night trading when they arise.
- Applicants use trials as a tool to create an impression for a short period and then exceed noise expectations. Previous trials have been unsatisfactory.
- Trials nearly always end up being permanent.

Other comments from respondents not supporting extended trading hours in Neutral Bay generally included:

- Venues that have been operating for many years should not have to go on a trial.
- The base trading hours are sufficient.
- Existing trading hours are reasonable and should be left as they are.
- Venues with extended trading hours should not be located close to residences.
- Restaurants should not be trading after 12am (midnight).
- A blanket approach is not suitable. Each area should be considered on a case by case basis.

Conclusion: Objection to the base trading hours in Neutral Bay was primarily linked to the hours being too restrictive. There was strong support for extended trading hours, in some cases for particular venues only; however there was concern over the management of trial periods.

ATTACHMENT 2 – Locality-based Responses

North Sydney

Support Base Trading Hours for North Sydney	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
6am – 12am (midnight) (North Sydney CBD)										
7am – 11pm (Mon – Sat) 7am – 10pm (Sun) (North Sydney)										
Yes	104	61.9	78	75	9	8.7	16	15.3	1	1
No	62	36.9	46	74.2	10	16.1	4	6.5	2	3.2
No Response	2	1.2	2	100	0	0	0	0	0	0

36.9% of respondents from North Sydney did not support the base trading hours. The primary reasons for not supporting these hours included:

- Too early and doesn't accommodate the majority wanting later dining options.
- Will force people away from the area and impact on its atmosphere.
- 12am is too late and will eventually push out until 1am and will encourage people to drink – 11pm is reasonable.
- Trading in the CBD should be until 11pm on Sundays.
- These base hours should be the limit for trading hours.
- It will cause issues with noise, safety, parking, congestion, street urination.

Other comments from respondents who did not support the base trading hours for North Sydney generally included:

- 10pm is too late on 'isolated sites'.
- Venues are already operating past these base hours.
- Closing times needs to be carefully applied based on the type of premises.
- The hours would result in a further proliferation of brothels.
- It should not be a blanket rule and should be dependent on the type of venue and what it has to offer.

Support Extended Trading Hours for North Sydney	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	120	71.4	93	77.5	11	9.2	15	12.5	1	0.8
No	48	28.6	33	68.8	8	16.6	5	10.4	2	4.2
No Response	0	0	0	0	0	0	0	0	0	0

71.4% of respondents from North Sydney supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- The base trading hours are not fair.
- Extended hours will provide for a more international style, cosmopolitan city and encourage residents to stay north in the CBD rather than heading over the city after work.
- Trial periods provide a merit based system and will highlight any potential problems and enable retailers to expand their services and contribute to a better community.
- On-going trial periods could deter businesses from setting up in North Sydney due to a lack of certainty.

Other comments from respondents supporting extended trading hours in North Sydney generally included:

- The market should determine when businesses trade and controls should not be applied retrospectively.

ATTACHMENT 2 – Locality-based Responses

- Extensions should not be on a trial basis.
- North Sydney CBD should develop in the same way as Crows Nest through a range of well managed restaurants, cafes, bistro style eateries and appealing social ambience.
- Extensions should apply to certain merchants only, in order to control where late night activities occur and what businesses trade late.
- Extensions should only be granted for retail shops and cafes, not hotels, clubs, nightclubs etc.
- Extensions are supported as long as they don't fuel violence, aggression and noise, making it unsafe to go out and enjoy the neighbourhood.
- Restaurants and bars alongside residential areas should have restricted hours closer to the typical hours listed (Table 1) so that residents are not disturbed.
- Concern that once extensions are approved they will be difficult to take away.
- Regular questionnaires should be sent to residents so that their opinions can be sought on the effectiveness of the trial periods.

28.6% of respondents from North Sydney did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Hours should only be the basic hours as outlined in Table 1.
- If hours are extended there is more potential for noise, air pollution, anti-social behaviour, drunkenness and crime.
- 11pm closure is reasonable. If we allow 12am (midnight) it will get pushed out until 1am.
- Extended trading hours only benefit the businesses at the detriment of residents.
- There is already clear evidence that extended trading hours leads to increase in problem behaviour and reduction in a sense of safety and community.

Other comments from respondents not supporting extended trading hours in North Sydney generally related included:

- There should be a standardized closing time for late night trading, being 1 – 2am.
- Hours should be left as they are.
- Extensions are suitable for some business models e.g. 24 hours gyms.
- After an initial trial period, the extensions should be either approved or rejected. Once approved it should stay in place.
- North Sydney is a suburb and should not try to emulate the CBD.
- Hours should not be extended in residential areas.
- Council will not give fair and accurate consideration of any trial results.

Conclusion: The majority of respondents supported the base trading hours in North Sydney, and reasons behind respondents not supporting these hours were divided. Support for extended trading hours was strong as a means of creating a more vibrant suburb; although there was request that consideration be given to the use and location of a premises prior to extended trading hours be granted. Concern did exist regarding the uncertainty around on-going trial periods.

ATTACHMENT 2 – Locality-based Responses

St Leonards

Support Base Trading Hours for St Leonards	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-11pm (Mon-Sat) 7am-10pm (Sun)										
Yes	26	63.4	24	92.3	0	0	2	7.7	0	0
No	15	36.6	12	80	1	6.7	0	0	2	13.3
No Response	0	0	0	0	0	0	0	0	0	0

36.6% of respondents from St Leonards did not support the base trading hours of 7am – 11pm Monday – Saturday and 7am – 10pm Sunday. The primary reasons for not supporting these hours included:

- Closing times are too early and will hurt local business (such as small bars) and force people to other locations at night.
- Some specific areas should be able to stay open later.
- Closing times are inconvenient for those working late into the evening.
- 11pm is too late for outdoor dining during the week; 10pm is an adequate closing time.
- It causes issues such as noise, litter, antisocial behaviour, loitering, crime, traffic and property damage.

Support Extended Trading Hours for St Leonards	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	30	73.2	27	90	0	0	2	6.7	1	3.3
No	11	26.8	9	81.8	1	9.1	0	0	1	9.1
No Response	0	0	0	0	0	0	0	0	0	0

73.2% of respondents from St Leonards supported extended trading hours beyond the base hours. The primary reasons for supporting extended hours included:

- A trial will allow for an analysis of any impacts.
- The extended hours will be more convenient for people working into the evenings and will cater for a younger market.
- The extended hours will boost the economy and increase vibrancy.

Other comments in support of extended trading hours generally related to:

- Supported so long as it does not promote alcohol-fuelled violence.
- Premises should be able to extend their hours without having to renew the trial period.
- Extended hours should not occur in mixed use or residential areas.

26.8% of respondents from St Leonards did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Current trading hours are adequate.
- Will result in increased litter, parking issues, antisocial behaviour and crime.
- All businesses except supermarkets should be closed by 10pm.

Other comments in opposition to extended trading hours primarily related to the proposed on-going trial period, that there was no need for it, and the negative impact that constantly having to reapply for extended hours will have on local businesses.

Conclusion: A majority of respondents supported the base and extended trading hours in St Leonards. Extended trading hours were considered to increase convenience, vibrancy and improve the local economy but consideration needs to be given to the location of venues receiving extensions.

ATTACHMENT 2 – Locality-based Responses

Waverton

Support Base Trading Hours for Waverton	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	13	61.9	11	84.6	0	0	1	7.7	1	7.7
No	8	38.1	7	87.5	1	12.5	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

38.1% of respondents from Waverton did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- It will promote antisocial behaviour
- The base hours are too early and will force people to other locations instead of supporting local business. The local businesses and culture are some of the reasons residents were attracted to the area.
- The base hours contradict the hours of approved liquor licenses.

Support Extended Trading Hours for Waverton	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	15	71.4	12	80	1	6.7	1	6.7	1	6.7
No	6	28.6	6	100	0	0	0	0	0	0
No Response	0	0	0	0	0	0	0	0	0	0

71.4% of respondents from Waverton supported extended trading hours beyond the base hours. The primary reasons for supporting extensions to trading hours included:

- Extended hours are convenient for those working long hours.
- Extended hours will increase vibrancy and night life of the area.
- Trading hours should be increased for restaurants but not licensed venues.
- Trial periods will highlight any issues.
- Trial periods could incorporate restrictions such as outdoor activity.

28.6% of respondents from Waverton did not support extended trading hours beyond the base hours. The primary reasons for not supporting extended hours included:

- Extended hours will decrease safety of an area.
- Extended hours are not appropriate in residential areas.
- Current trading hours are adequate.

Conclusion: The majority of respondents supported both base trading and extended trading hours in Waverton. Extended trading was considered to improve convenience and vibrancy of the area but suitable for particular venues only. Trial periods were similarly considered an appropriate process in highlighting any issues with the operation of a venue.

Wollstonecraft

Support Base Trading Hours for Wollstonecraft	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
7am-10pm (Mon-Sun)										
Yes	17	37.8	14	82.4	0	0	2	11.8	1	5.9
No	28	62.2	26	92.9	0	0	2	7.1	0	0
No Response	0	0	0	0	0	0	0	0	0	0

62.2% of respondents from Wollstonecraft did not support the base trading hours of 7am – 10pm Monday – Sunday. The primary reasons for not supporting these hours included:

- They are too early/restrictive and will force people to other locations instead of supporting local business. The night life of the adjoining suburb of Crows Nest was on the reasons residents moved to the area.
- The hours should be more flexible on weekends (Friday and Saturday nights).
- Restricting the hours will affect smaller venues and is targeting the minority who engage in violent behaviour.
- Implementing base hours will not solve the issue of alcohol-fuelled violence.
- There is no problem with current trading hours.

Support Extended Trading Hours for Wollstonecraft	TOTAL		Resident		Business		Business & Resident		Other	
	#	%	#	%	#	%	#	%	#	%
Yes	32	71.1	27	84.4	0	0	4	12.5	1	3.1
No	11	24.4	11	100	0	0	0	0	0	0
No Response	2	4.4	2	100	0	0	0	0	0	0

71.1% of respondents from Wollstonecraft supported extended trading hours beyond the base hours. The primary reasons for supporting extensions to trading hours included:

- It will improve the nightlife and vibrancy and benefit local small business.
- It will be more convenient for full-time workers.
- Current late night trading has caused no problems.

Other comments in support of extended trading hours generally related to:

- Extension of trading hours should be for small bars/cafes rather than the larger licensed venues.
- Businesses with no history of incidents should not be subject to a trial period.
- Trading hours should be solely decided by the businesses themselves.

24.4% of respondents from Wollstonecraft did not support extended trading hours beyond the base hours. The primary reasons for not supporting extensions to trading hours included:

- Current trading hours are adequate.
- Extended trading should be a trial rather than a permanent change.
- There is no indication of what will determine whether the trial has been successful.
- More security and policing would be required to minimise antisocial behaviour if hours were to be extended.

Conclusion: Generally, respondents did not support the base trading hours for Wollstonecraft and perceived them to be too restrictive. As such, a large majority supported extensions to trading hours (subject to on-going trials).