

## Relevant Information for Council

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**FILE:** X011942 **DATE:** 16 November 2018

**TO:** Lord Mayor and Councillors

**FROM:** Graham Jahn, Director of City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 8.2 – Public Exhibition - Sydney Development Control Plan 2012 Amendment - Late Night Trading 2018

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### Alternative Recommendation

It is resolved that Council approve the Draft Sydney Development Control Plan 2012: Late Night Trading 2018, as shown at Attachment A to the subject report, for public exhibition for a minimum of 28 days ***subject to the inclusion of 260 Elizabeth Street, 300 Elizabeth Street and 15 Albion Street, Surry Hills as a local centre on the late night trading areas map.***

### Background

At the meeting of the Transport, Planning and Development Committee on 12 November 2018, further information was sought by Councillors on the late night trading area proposed in Chippendale and specifically the residential population affected by the proposed local centre late night trading precinct south of Wellington Street.

At the committee meeting, two residents raised concerns about the potential impact of noise on local amenity from an increase in late trading businesses in the area. They noted there are a number of dwellings in the proposed area, some with the facade directly on the street. An email has been received from a third resident raising similar concerns. Residents request that the proposed local centre be removed from the area south of Wellington Street and the proposals be deferred pending further consultation with the Chippendale community.

### Proposed local centre

The Draft Development Control Plan (Draft DCP) proposes a new local centre which extends from Broadway to Abercrombie Street, Balfour Street, Meagher Street, Chippen Street, Abercrombie Street south of Cleveland Street, Vine Street and Regent Street, and includes the Central Park precinct. The concerns raised at committee were about the area south of Wellington Street, as shown in the map at Attachment A.

The proposed local centre:

- is applied to the B4 Mixed Use and City Edge zones;
- incorporates the cluster of licensed premises that have established since 2007 around the Central Park site. This includes restaurants which have opened along Kensington Street, as well as an area of creative and co-working spaces and cafes and a small bar south of Cleveland Street;
- incorporates Regent Street, which is a noisy road environment well suited to live music and late night trading venues;
- includes warehouse and commercial buildings in the area which provide ground floor retail and spaces ideal for late night trading uses;
- provides more late night trading opportunities in response to population change and growth in the 18-35 year old demographic in the area; and
- responds to the City's Nightlife and Creative Sector Panel's suggestion for late night areas in accessible parts of the City around Central Station.

The proposed area is located within a heritage conservation area in the B4 mixed use zone. Historically, this area was zoned industrial, and is now characterised by a mix of commercial warehouse buildings, with uses including ground floor cafes, shops, restaurants, galleries, offices and creative spaces, as well as residential terraces, shop-top housing and residential flat buildings.

NSW Liquor and Gaming data from 2016 shows that the local centre area south of Wellington Street to Vine Street had 11 licensed premises, which is an increase from the four that were located in the area in 2008. Licensed premises in the proposed area currently trade until 10pm or midnight, with the exception of a pub and small bar which operate to 3am and 2am respectively.

The mixed use character of this part of Chippendale is unlike the neighbourhoods further west which include streets with rows of residential terraces and is partly zoned residential. Attachment A shows the location and distribution of residential and non-residential uses and demonstrates that a significant proportion of non-residential uses occupy this mixed use zone. As noted by the residents, there are 18 terraces houses along sections of Wellington and Queen Streets.

Based on the City's floor space and employment survey 2017, the late night trading area south of Wellington Street to Cleveland Street accommodates 87 businesses and 936 jobs. It includes 168 private and 10 non-private (for example student accommodation) dwellings. It is important to note that about 100 of the 168 dwellings are not located within the proposed late night area, which only covers the ends of the blocks located between Balfour and Chippen Streets. If the average household size of 1.93 persons per dwelling is applied, the estimated residential population of this area is 344 people. However, if the residential blocks outside the late night trading area are excluded the estimated population is 151.

The precinct south of Cleveland Street accommodates 21 business and 357 jobs. It includes 67 private dwellings and is estimated to include 130 people.

With both precincts combined, the local centre includes a residential population in the order of 280 people and 108 businesses and 1,293 jobs. The proportion of non-residential to residential uses demonstrates the mixed use character of the area.

## **Effect of the proposed local centre**

The proposed late night trading controls continue the existing system of approvals for late night trading uses, allowing businesses to apply to the City for approval to have extended hours on an incremental and trial period basis and subject to good performance.

In the proposed Chippendale local centre:

- The streets located between Wellington Street and Cleveland Street will not be eligible for extended trading hours to 2am because venues with less than 120 patrons can only have extended hours if entry or exit is to a main street and does not provide access to a residential street. For the purposes of this control, a main street will be considered one of a certain scale and with predominantly commercial uses. In this case, trading would be limited to midnight, and only extended to 1am on the night that any performance is held. Under the current DCP, a low impact venue has been approved to trade until 2am on Friday and Saturday nights.
- Performance venues, such as theatres, with up to 250 patrons would also be subject to the requirement for entry and exit onto a main street and be allowed extended hours until 12am with an additional hour at closing until 1am.
- Unlicensed shops and businesses, such as bookstores or drycleaners, could apply to trade until 2am.
- Trading hours for high impact venues with more than 120 patrons could apply for 10pm base hours with extended hours until midnight.

The Draft DCP proposes trading hours for low impact venues outside late night trading precincts. Currently, the DCP only includes hours for higher impact premises outside of the precincts. If Chippendale was excluded from a local centre trading area, the Draft DCP proposes that:

- low impact venues would be subject to trading hours from 7am to 10pm with extended hours to midnight;
- high impact venues would be subject to the existing hours from 10am to 10pm with extended hours to midnight;
- unlicensed shops and businesses could apply to trade until 12am; and
- no incentives would be available for venues hosting performance and cultural activities.

## Recommendation

The proposed local centre precincts south of Wellington Street are strongly mixed use, with a significant number of non-residential buildings, have good access to transport, organic growth in later trading businesses and provide night time opportunities for a changing demographic.

Exhibiting the proposed local centre precincts will allow broad and open consultation on the proposal and for the Council to consider a range of views. After the exhibition period Council can consider these views and make any necessary amendments to the proposals. Changing the maps at this time will remove the opportunity for other residents, businesses and stakeholders to have their say on the proposed local centre. The City will continue to consult with the Chippendale community during the public exhibition, including attending any community meetings.

### 260 and 300 Elizabeth Street and 15 Albion Street

The three sites at 260 and 300 Elizabeth Street and 15 Albion Street shown below have frontages onto Elizabeth Street, Albion Street, Mary Street and Fouveau Street and include three commercial tower buildings. These sites were previously excluded from the local centre proposed in Surry Hills west due to their current use and configuration. This creates a 'gap' between the existing and proposed late night trading areas located directly to the north, east and south. An aerial photo of the three sites is at Figure 1.



Figure 1: 260 and 300 Elizabeth Street and 15 Albion Street outlined in red

Potential future amalgamation and redevelopment could provide the potential to establish a continuous late night trading area along Elizabeth Street and link to the remainder of the local centre proposed in Surry Hills west. It is proposed to amend the DCP maps prior to exhibition to include these three sites in a local centre area and enable consultation.

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## **Attachments**

**Attachment A.** Residential and Non-Residential Uses in the Chippendale Local Centre South of Wellington Street

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Approved



**GRAHAM JAHN, AM  
DIRECTOR OF CITY PLANNING,  
DEVELOPMENT AND TRANSPORT**

# **Attachment A**

**Residential and Non-Residential Uses in the  
Chippendale Local Centre South of  
Wellington Street**



- Proposed local centre
- Residential use
- Non residential use
- Hotel / serviced apartment use
- Non residential ground / residential upper