6 May 2019

At the conclusion of the Cultural and Community Committee

Transport, Heritage and Planning Committee

Sydney2030/Green/Global/Connected

city of villages

Agenda

1. **Disclosures of Interest**

2. **Post Exhibition - Sydney Development Control Plan 2012 Amendment - Late Night Trading 2018 (Not Liquor Licensing)**

3. **Post Exhibition - Planning Proposal - Heritage Listing of 1A Elizabeth Bay Road (Kingsley Hall), 22-24 Darlinghurst Road (The Bourbon) and 32-32A Darlinghurst Road (The Empire)**

4. **Public Exhibition - Planning Proposal - 46 Chisholm Street, Darlinghurst – Sydney Local Environmental Plan 2012 Amendment**

5. **Traffic Treatment - Parkham Place, Surry Hills - Permanent Road Closure to Traffic from Nobbs Lane to Parkham Lane**

6. **Traffic Treatment - Parkham Lane, Surry Hills - Permanent Road Closure to Traffic from Olivia Lane to Bourke Street**

7. **Traffic Treatment - Olivia Lane, Surry Hills - Permanent Road Closure to Traffic from Nobbs Lane to Parkham Lane**

8. **Fire Safety Reports**

Guidelines for Speakers at Council Committees

As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Council's Secretariat on 9265 9310 before 12.00 noon on the day of the meeting.

2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.

3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time

4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.

5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.

7. Be prepared to quickly return to the microphone and respond briefly to any questions from Councillors, after all speakers on an item have made their presentations.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as Council staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are on line at www.cityofsydney.nsw.gov.au, with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

January 2011

Item 1.

Disclosures of Interest

(a) Section 451 of the Local Government Act 1993

Pursuant to the provisions of section 451 of the Local Government Act 1993, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee in accordance with the relevant clauses of the Code of Conduct – February 2016.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 ("the Act") requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of $1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or

- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than $1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

Item 2.

Post Exhibition - Sydney Development Control Plan 2012 Amendment - Late Night Trading 2018 (Not Liquor Licensing)

File No: X011942

Summary

This report proposes changes to City of Sydney planning controls for late night trading. It does not affect liquor licensing laws, which are the responsibility of the NSW Government.

A thriving, diverse and safe night time economy strengthens Sydney's global competitiveness as a productive, liveable and inviting city. The night time economy provides a range of social, cultural and recreational opportunities to match the needs of the City's growing population of residents, workers and visitors. The night time economy generates more than $4 billion per year, with almost 5,000 businesses employing more than 35,000 people. It includes small bars, bars, pubs, cafes, and restaurants, as well as shops, businesses, performance venues and cultural spaces.

On 19 November 2018, Council resolved to exhibit the Draft Sydney Development Control Plan – Late Night Trading 2018 (Draft DCP). This Draft DCP amends the City's late night trading planning controls in Sydney Development Control Plan 2012, (DCP), Late Night Trading Development Control Plan 2007 (the Late Night Trading DCP) and Green Square Town Centre Development Control Plan 2012, which encourage a diverse and vibrant night time economy while managing potential adverse impacts on the amenity of residential and other sensitive land uses.

The review of the late night trading provisions was undertaken in response to the resolution of Council on 23 October 2017. This resolution sought to ensure that the DCP was still meeting its objectives 10 years after its adoption, particularly in the context of City strategies for the night time economy, urban renewal and the effect of the NSW Government's lockout legislation on the character of late night precincts. The review is consistent with the City's Open Sydney: Future Directions for Sydney at Night Strategy and Action Plan 2013-2030, which has an action to review the controls and identify areas for growth in appropriate locations.

The Draft DCP is informed by consultation with community and business during 2018 about where and when late night trading should occur. Over 10,000 pieces of feedback called for increased trading hours, a diverse night time economy, including late opening shops and businesses, performance venues, small bars and creative and cultural activities, more late night activity where people live, and new areas in growing parts of the city like Green Square. Further consultation was undertaken with the City's Nightlife and Creative Sector Advisory Panel, NSW Police Commands and government agencies.

Key changes proposed in the Draft DCP include a 24 hour city centre, new and extended late night trading areas, later hours in Local Centres for low impact venues and other provisions which are intended to encourage more diverse late night trading, with performance, shops and businesses to attract a wide range of people and create more balanced and safe night time economy.

The Draft DCP was exhibited from 27 November 2018 until 8 February 2019. 1,070 submissions were received from residents, visitors, resident associations, government agencies, music and performance venue operators, festival producers, pub and bar operators, liquor accords, business associations, shop and restaurant owners, landowners and developers. 901 submissions were received in support, 107 in objection and 62 were considered to be neutral. A summary of the submissions is at Attachment C.

The key issues raised in submissions are:

- improving Sydney's standing as an international city and reversing the adverse impacts on the night time economy of the NSW lockout laws;
- support for more art, culture and live performance - North Alexandria precinct;
- support for increased diversity with later opening shops and business, performance provisions and later opening hours in Local Centres;
- benefits to community, safety and night time workers;
- concern from residents in Glebe, Chippendale and Alexandria that there was no pre-consultation on specific proposals;
- existing compliance issues in Darlinghurst, Glebe, Chippendale and Llankelly Place;
- impacts of noise, traffic, crime, antisocial behaviour on neighbourhood amenity and safety in Chippendale, North Alexandria, Glebe, Potts Point, Kings Cross and Newtown;
- the need for public transport to match extended late night trading hours;
- opposition to the concentration of licensed premises and more sex services, and requests for CCTV in all licensed venues and ID scanners in licensed premises operating after 2am in the Green Square/Redfern Police Command Area; and
- requests for inclusions in late night trading areas from developers and venue owners.

The following amendments to the Draft DCP are recommended to address issues raised by submitters:

(a) changes to maps to establish the main streets in Local Centres where low impact venues in are eligible for trading until 2am, and minor amendments to the trading hours table 3.7 and the wording of provision 3.15.4(2);

(b) allow performance provisions to apply to nightclubs;

(c) ensure that trial periods are used and tested with the community before any later trial hours are approved;

(d) add 'operating and available' public transport to provision 3.15.4(4)(ii) to guide the consideration of when trading hours outside of late night trading areas in non-residential or B4 mixed use zones can be exceeded;

(e) replace references to '12am' with 'midnight' within the trading hours table 3.7 and the provisions for clarity;

(f) further clarify that the controls do not apply to businesses, such as cafes, which open early but do not trade later than 10pm;

(g) replace references to 'karaoke bars' with 'karaoke venues'; and

(h) revise the Draft DCP maps to:

(i) include venues near the corner of Flinders Street and Oxford Street in a Local Centre;

(ii) include the future late night trading premises at 296-298 Botany Road (Gazcorp site) in the Green Square Local Centre;

(iii) include a commercial site 407-419 Randle Street, Surry Hills in a City Living Area; and

(iv) reduce the extent of the some of the late night trading area west of Llankelly Place so that it does not extend to Springfield Avenue.

This report recommends that Council approve the revised Draft DCP at Attachment A.

Recommendation

It is resolved that:

(A) Council note the matters raised in submissions to the public exhibition of Draft Sydney Development Control Plan: Late Night Trading 2018 at Attachment C to the subject report;

(B) Council approve Draft Sydney Development Control Plan: Late Night Trading 2018, at Attachment A to the subject report, as amended in response to submissions; and

(C) authority be delegated to the Chief Executive Officer to make any minor amendments to the Sydney Development Control Plan: Late Night Trading 2018 to correct any minor errors or omissions prior to finalisation of the development control plan.

Attachments

Attachment A. Draft Sydney Development Control Plan - Late Night Trading 2018, as amended

Attachment B. Resolution of Council - 19 November 2018

Attachment C. Summary of Submissions (Global Research April 2019)

Background

1. The City's night time economy plays a key role in maintaining Sydney's competiveness and standing as an international city. It has the potential to attract talented workers, global businesses, jobs, expenditure and international visitors, helping to drive the City's economic growth. The night time economy can establish a diverse social and cultural offering for residents and workers of all ages in Sydney, to ensure that a wide range of night-time activities are available to match Sydney's growing and changing population.

2. The night time economy includes small bars, bars, pubs, cafes, restaurants, shops, businesses, performance venues, events and cultural spaces that generally trade later than 10pm. It generates more than $4 billion per year, with 4,872 businesses employing more than 35,000 people. In 2018, the City had 2,267 licensed premises, such as bars, hotels, nightclubs, small bars, restaurants and performance venues. Twenty three of these premises are able to trade 24 hours and 546 trade after midnight.

3. In 2007, the City adopted its Late Night Trading Development Control Plan (DCP) to encourage a diverse and vibrant night time economy while managing potential adverse impacts on the amenity of residential and other sensitive land uses. The controls were later transferred into the Sydney Development Control Plan 2012. The DCP 2012 applies to most of the local government area, including a number of large sites where the Minister of Planning is the consent authority, but where the City becomes the consent authority for development proposals less than $10 million in value.

4. The DCP identifies precincts with different maximum trading hours depending on the location and character of the area and promotes ongoing good management of late night trading premises by requiring that approvals are subject to ongoing trial periods.

5. Late night trading areas are categorised into three precincts. Late Night Management Areas, with the possibility of 24 hour trading, City Living Areas with maximum trading hours between 7am and 5am the next day and Local Centres with maximum trading hours between 8am and midnight. Maximum trading hours can be reached by successfully completing trial periods. The DCP categorises premises as 'high impact', which includes licensed premises such as hotels, nightclubs and clubs with more than 120 patrons, or 'low impact', such as small bars with less than 120 patrons or licensed restaurants.

6. The City has prepared and publicly exhibited changes to the late night trading controls in the DCP. This report recommends Council adopt the Draft DCP (included at Attachment A), which has been revised following exhibition and consideration of submissions.

Draft Development Control Plan

7. The Draft Sydney Development Control Plan – Late Night Trading 2018 (Draft DCP) was prepared following a resolution of Council in October 2017 requesting a review of the controls. The review considered the changes that have occurred in the city since the controls were originally adopted in 2007 including those to laws governing late night trading, the type of late night venues on offer, significant population growth and change, and urban renewal.

8. Since 2007 the population of the City has changed, with more people living in the City and in different areas. In Green Square there has been a 50 per cent increase in population from 2001 to 2016. Census data also shows that between the 2011 and 2016 Census approximately half of respondents in the Sydney LGA were new residents in the City. Late night venues now include small bars and there is a renewed interest in live music and performance. The legislative framework for liquor licensing changed in 2014 with the introduction of the NSW Government's lockout laws, and this has affected the character of some of the late night trading areas.

9. The Draft DCP aims to ensure that planning controls align with City strategies, such as Open Sydney, Creative City and the Live Music and Performance Action Plan which have also been developed since 2007 in consultation with the community and business. OPEN Sydney includes an action to review the controls to identify opportunities for growth in appropriate areas. Together these strategies signal a new vision for a city with a strong cultural life, diverse and safe night time economy and a thriving live music and performance industry that encourages a diverse and vibrant nightlife.

10. The Draft DCP has been informed by two phases of consultation. The first phase sought general feedback to inform proposals and the second phase (subject of this report) sought specific feedback of draft proposals.

11. The first phase of extensive early community consultation was undertaken between February and March 2018. This consultation sought the general views of community and business about where and when late night trading should occur to help inform the specific proposals in the Draft DCP. Activities included pop-up events, telephone, online and mobile phone app surveys. The consultation facilitated an unprecedented response with over 10,000 pieces of feedback received. Respondents called for increased trading hours, a diverse night time economy, including late opening shops and businesses, performance venues, small bars and creative and cultural activities, more late night activity where people live, and new areas in growing parts of the city like Green Square.

12. City Panels including the City's Night Life and Creative Sector, Retail and Inclusion (Disability) Advisory Panels provided feedback and input into the review. The Panels supported more safe, inclusive, connected and diverse precincts, including more culture and creativity and later trading hours. Staff also presented the consultation outcomes and discussed the review with Police representatives from various Area Commands in the local government area, and officers of Inner West Council, NSW Liquor and Gaming, NSW Health's Alcohol and Other Drug Prevention and Harm Minimisation team and the NSW Night Time Economy Taskforce.

Draft Controls

13. The Draft DCP proposes new and extended late night trading areas and encourages more diverse late night trading with performance, shops and businesses to attract a wide range of people and create a more balanced and safe night time economy.

14. Changes are proposed to the following sections of the DCP:

    (a) General Provisions: The amendments include provisions to encourage the provision of performance and cultural and creative uses in dedicated performance venues and licensed premises, changes to the trading hours and the inclusion of trading hours for areas outside of the nominated precincts and a new category of trading hours for unlicensed premises.

(b) Schedules: The amendments update the character statements to reflect the proposals for Local Centres and the provision of performance and cultural activities in dedicated performance spaces or licensed premises. It consolidates and refines Category A and B Plan of Management requirements.

(c) Maps: The maps show extensions to existing late night trading areas, new areas and changes in categories of area.

15. Five key changes are proposed to the late night trading planning controls:

(a) a 24 hour city centre – extending the Late Night Management Area along George Street across the City Centre and increasing the trading hours;

(b) increasing hours for low impact venues in Local Centres – aligning the controls with NSW Government licensing rules and allowing lower impact venues, including small bars, to trade until 2am if entry is to a main street and not onto a residential laneway or area;

(c) new areas for new communities - identifying late night trading areas in suitable urban renewal precincts, including Barangaroo, Walsh Bay, Green Square Town Centre, Danks Street, East Village Shopping Centre, and an arts focussed industrial heritage warehouse area in Alexandria;

(d) extending existing areas - recognising venues in Chippendale, Redfern, Surry Hills and Lankelly Place, Potts Point, that have emerged since 2007 to expand precincts;

(e) encouraging performance, culture and unlicensed businesses:

i. Allowing unlicensed shops and business, such as bookshops, clothing stores, drycleaners and hairdressers to trade up to 24 hours in City Living or Late Night Management Areas and up to 2am in Local Centres.

ii. Describing dedicated performance venues, such as theatres, concert halls and cinemas with up to 250 patrons located in late night trading areas, as lower risk premises and allowing these venues an additional trading hour at closing time.

iii. Allowing venues located in late night trading areas that host performance one additional trading hour at closing time on the night that they provide the performance.

(f) other changes include providing guidance on appropriate trading hours for low impact venues outside of the precincts, consolidated Plan of Management requirements and earlier start times for morning service at pubs, bars or cafes.

16. The Draft DCP amends the City's late night trading planning controls in Sydney Development Control Plan 2012 (the DCP), Late Night Trading Development Control Plan 2007 (the Late Night Trading DCP) and Green Square Town Centre Development Control Plan 2012.

Public Exhibition

17. Council approved the Draft DCP for public exhibition in November 2018. The Draft DCP was exhibited for an extended period from 27 November to 8 February 2019. The DCP was made available on the City's website, and at the One Stop Shop and all Neighbourhood Service Centres. 64,460 letters were sent to occupiers of properties within 50 metres of an existing or proposed late night trading area and emails were sent to 185 stakeholders including local community groups, government agencies and business associations.

18. The City received 1,070 submissions from a range of stakeholders, including residents, individuals, residents associations, venue operators, business associations, developers and government. 1,000 of these submissions were made online. 901 submissions supported the proposals, 107 were objections and 62 neutral.

19. 83 per cent of submissions were made by private individuals and 17 per cent by organisations. 53 percent of online submissions were residents, 44 per cent workers, 37 per cent were visitors for recreation and seven per cent registered as business owners in the City. Excluding submissions made on behalf of organisations, 35 per cent of online submissions were aged 30-39 years, 26 per cent were 20-29 years and 21 per cent were 40-49 years.

20. A summary of the submissions received is at Attachment C to this report. The issues arising from submissions have been considered and key issues are addressed in the following sections.

Issues arising from public exhibition and the proposed changes

Consultation process

21. Some submitters congratulate the City on its public consultation which has been extensive and has engaged a range of residents, businesses and patrons.

22. Residents from areas including Glebe, Chippendale and Alexandria, feel that they have not been adequately consulted as there were not involved in the early consultation on the review of the late-night trading DCP and are directly affected by the proposals. They were not aware of the early consultation and feel that they missed the opportunity to comment on specific proposals, such as new late night areas in Chippendale or Alexandria. Residents in Glebe feel that the notification of the public exhibition of the proposals was inadequate and did not include all of community. They claim that the letter they received was not addressed and omitted information such as the extension of trading hours in Local Centres until 2am.

Response:

23. The consultation has been undertaken in two phases. Firstly, broad consultation to receive general input to help form proposals and secondly, public exhibition to receive specific feedback on proposals. The City received over 10,000 pieces of feedback from people across the City. This level of participation was unprecedented for a planning project. Early consultation to inform the review included pop-up events in 10 locations throughout the City, including Broadway, near Railway Square and East Village Shopping Centre. Not all late night trading locations included a pop-up event, however views collected at these events addressed all areas across the LGA. A telephone survey involved a representative sample of 601 randomly selected City residents and the online survey and mobile phone apps were advertised widely and participants were involved on a voluntary basis. The objective of the early consultation was to obtain the views of community and business about where and when late night trading should occur in the City, to inform the subsequent development of the Draft DCP amendments. No specific proposals for new late night trading areas were proposed or discussed with the community in the early consultation stage.

24. The second phase of consultation involved the public exhibition of the Draft DCP and the specific proposals. The public notification of the proposals included 64,460 letters to occupiers of properties within 50 metres of an existing or proposed late night trading area and emails to 185 stakeholders, including local community groups. The radius is the same as for late trading development applications under the City's DCP 2012. The letter was not addressed to a specific person because Council does not hold the specific names of occupiers, who rent or do not own properties.

25. The notification letter provided a summary of the proposed changes to the planning controls and did not include the specifics of the proposals. It is the City's normal process to distribute one-page notification letters with a high-level summary of proposals and invite people to inspect the proposals in greater detail online or at a Neighbourhood Service Centre. The City re-notified specific streets in response to a member of the Glebe community who reported that the letter had not been received by some residents, despite the City's records showing the letters had been sent.

Sydney's night time economy

26. Most submitters support the night time economy and measures in the Draft DCP to revitalise Sydney's nightlife, improve its standing as a global city, support local business, provide more options for late night trading, provide social opportunities for shift workers and a safer night time environment.

27. Submitters describe the limited activity, trading hours and patronage of the night time economy as undermining the status of Sydney as an international city, and claim that Sydney does not compare well to other cities. In contrast, a small number of submitters say that Sydney should not seek to imitate the night time economy of other global cities, because cities such as Paris and London which have overcrowding and social issues. They consider the current controls and late night trading situation to be adequate.

28. The Night Time Industries Association notes the recent downturn in business patronage and states that Sydney needs *'to pull every lever possible to reinvigorate a vibrant, diverse, safe and fun nightlife'.* The Redfern Small Bar Liquor Accord states a desire to see a city where night time trade is spread evenly and that people have the choice to stay in an area for an evening out if they choose. The Sydney Business Chamber suggests increases in student and residential population and changes to typical working hours and a larger transient population creates a need for a more lively and inclusive nightlife. The Chamber notes the benefits to residents and tourism from increased late night trading.

29. A large number of submissions call for the removal of the NSW lockout laws citing them as destroying the city's nightlife, leading to the closure of many otherwise viable businesses and venues, harming the local economy, removing freedom of choice for adults and discouraging tourism.

30. A moderate number of submitters do not want the casino to be the only late night option, and note the dangers associated with gambling such as addiction. The Pyrmont Action Group also notes the prevalence of gambling and the promotion of alcohol in the night time economy and supports an increase in the service of food after 9pm in later trading cafes and restaurants to mitigate the impact of alcohol consumption.

31. Some submitters note that the extension of trading hours would better cater to the needs and lifestyles of shift workers, who currently have limited options to socialise after work. Others support improvements which encourage businesses to stay open later and more people on the street to promote a safer environment in the city at night.

Response:

32. The proposed controls respond to changes in the city since the controls were originally adopted in 2007 including demographics, nightlife, liquor and planning laws and urban renewal. Extensive community consultation has identified the opportunity to update the controls.

33. The City notes the significant concern about Sydney's night time economy and support for the proposed changes and improving Sydney's night time economy. The City is committed to improving the City at night to ensure night-time experiences are balanced with daytime activities, and are safe and inclusive of the broader population. OPEN Sydney aims to double the city's night-time turnover to $30 billion and increase night-time employment by 25 per cent to 100,000 jobs by 2030. The proposed planning controls changes are one of a range of measures the City undertakes to support the night time economy.

34. The lockout laws and other provisions under the Liquor Act 2007 are controlled by the NSW Stage Government. Star Casino is the responsibility of Liquor and Gaming NSW and the Independent Liquor and Gaming Authority.

Public transport

35. Submitters raise the need for public transport to support and match the extended trading hours of late night venues, businesses and shops. Most submitters consider that the current public transport service is not adequate to service current or proposed late night trading areas and is not safe or affordable. They seek a 24 hour public transport system which will ensure the efficient movement of people with minimal opportunity for congregation and potential conflict.

Response:

36. It is acknowledged that the night time economy should be supported by a range of public transport options. The Draft DCP proposes extended and new late night trading areas that will be supported by the current bus, ferry and rail transport and the proposed new George Street Light Rail and Sydney Metro due to be completed in 2020 and 2024 respectively.

37. The Sydney Metro will introduce a new high frequency, 21 hour service in the City with stations at Barangaroo, Martin Place, Pitt Street, Central and Waterloo. These stations will serve the late night trading areas in Barangaroo, city centre, Surry Hills, Redfern, Chippendale and North Alexandria providing increased accessibility to these areas later at night. The George Street Light Rail will also provide a high frequency, 20 hour service, extending from Circular Quay along George Street to Central station, through Surry Hills to Moore Park and will assist in the movement of people into and out of the city at night. The provision of public transport and regulation of taxi and ride sharing services is undertaken by NSW Government Agencies. The City continues to engage with the relevant State Government agencies to increase the provision of services and infrastructure to match population growth.

Impacts on neighbourhood amenity and public safety

38. While submissions support increased social opportunities and late night options and the vibrancy close to where they live, residents and resident associations raise the impact of noise, traffic, parking, existing compliance problems, antisocial behaviour, safety and disturbance to sleep.

39. Some submitters support late night trading, but not in the areas where they live, others oppose any extension of late night trading hours. Comments relating to specific localities are addressed later in this report.

Noise

40. The primary concern of submitters is the noise from venues during hours of operation and from patron dispersal which can continue much later into the night. Key issues include noise caused by traffic and patrons leaving venues and congregating on the street for extended periods of time, and from antisocial behaviour such as fighting, bottle smashing, drug use, crime and property damage. Many submitters reference existing venues which they consider to be breaching their consent conditions and creating unacceptable noise. These situations are considered to be harmful to resident's amenity and ability to sleep, resulting in poor physical and mental health.

41. Residents consider that the commercial interests of business are being placed over their concerns about noise and amenity. They are concerned about licensed premises entering areas of the City where residential uses have been long established.

42. Submitters seek a greater consideration of noise, a new noise compliance regime, clear principles that any late-night commercial activity must not cause noise and controls about how music is amplified. Others suggest greater enforcement and a system of a one-strike-you're-out noise compliance. Some submitters raise the need for Council to ensure a fair assessment of whether venues demonstrate good management to ensure that the views of only a few residents do not result in the closure of venues. Suggestions include underground bars, sound-proofed walls and windows, no open doors, financial incentives to soundproof residential apartments and buffer zones of 75m to 100m between residences and venues.

Response:

43. The existing and proposed late night trading areas are located in mixed use zones which seek to have a range of residential and business uses. The Draft DCP encourages later trading activity in the city centre and lower impact late night activity in areas closer to where people live.

44. Operators who apply for late trading are required to demonstrate how they will mitigate sound impacts on surrounding neighbours. Noise assessments are undertaken which can recommend sound proofing and other mitigation measures. If an applicant cannot demonstrate that noise can be adequately mitigated then approval for extended hours should not be granted. The Draft DCP adds a specific requirement to address the impact of proposals on the amenity of sensitive land uses, including noise and patron dispersal at closing time.

45. The City is currently preparing new planning controls to better manage the sound from entertainment and live music venues, including a proposal to implement the "agent of change" principle. These issues will be further addressed during the consultation process for those new planning controls. The Draft DCP includes an additional control to help assess trial period applications and whether a venue has demonstrated 'good management.' Matters such as the nature and extent of any substantiated non-compliances with development consent conditions, responses to substantiated complaints, compliance with a plan of management and submissions by the NSW Police must be considered.

Antisocial behaviour, crime and safety

46. Submitters believe extended trading hours will result in an increase in impacts such as antisocial behaviour, crime, drug-use, littering and property damage. Some submitters accept that they may have to deal with such impacts before or until midnight, but after that note that people should be able to sleep without fear of interruption by antisocial behaviour.

47. The lockout laws and the perceived increase in safety and the reduction of inebriated or drugged people on the streets are referenced by some submitters. A submitter believes that advice from police, ambulance drivers and doctors is being ignored and argues that the number of serious assaults have been reduced since the introduction of earlier closing hours. Another submitter who is an emergency physician states that he has witnessed the dramatic decline in tragic head injury and death among young people since late-night trading was restricted.

Response:

48. City staff have consulted with the NSW Health Alcohol and other Drug Prevention and Harm Minimisation team and Police Area Commands to inform the review and the formulation of the proposals.

49. The City supports measures to reduce alcohol-related violence and has consistently advocated for a nuanced, evidence-based approach. It remains concerned that unintended negative impacts, including job losses and business closures of licensed and non-licensed businesses, have had a significant impact particularly on the live music industry. These impacts have led to an overall reduction in night-time economic activity and created a negative perception of the city at night.

50. The City's view is that the NSW lockout laws accelerated an already declining trend of alcohol-related harm in the Kings Cross and city centre precincts. The reforms reduced the viability of late night trading and as a result the number of venues and patrons frequenting the Kings Cross and city centre precincts. The reduced number of venues and patrons has led to a decline in injuries and death from alcohol related violence.

51. The City believes a more refined approach to trading hours would achieve better outcomes to maintain a diverse night-time economy while achieving safety outcomes and reducing alcohol-related violence. It acknowledges the positive social and cultural benefits of live music and performance, the community's positive perceptions of safety when performance occurs in licensed premises, as well as its potential to reduce alcohol consumption and anti-social behaviour.

52. It is broadly accepted that attracting a more diverse range of patrons at night can increase safety and surveillance, potentially reducing crime and anti-social behaviour. The proposals aim to encourage more diverse late night trading and unlicensed premises, such as shops and businesses. Providing a mix of uses and later opening times for non-food and drink uses may help attract a wider range of people out at night for different activities. The proposals encourage later trading in a wider range of appropriate areas throughout the city to help avoid the negative effects of clustering.

Impacts on business

53. Submissions from late night trading businesses, including pubs, performance venues, small bars, liquor accords, hotels, business associations and festival producers support extended hours for licensed and unlicensed businesses. Most submissions state that the proposed changes will encourage venues to provide more late night options which will increase patronage and support a more diverse night time economy. The Office of the NSW Small Business Commissioner supports extended trading hours for low and high impact venues across the city, believing extending hours on a trial basis will incentivise responsible and compliant management.

54. Businesses raise the need to define a main street so it is clear where trading until 2am for low impact businesses is allowed, extend outdoor trading hours, deregulate plans of management and address impacts on existing approved late trading hours.

Main street provisions

55. Businesses and the Office of the NSW Small Business Commissioner have sought clarity about the opportunity to trade to 2am in Local Centres, which requires access to a main street.

Response:

56. The Draft DCP proposes low impact premises in Local Centres may trade until 2am if they have entry and egress to a main street. This is to align with the NSW Government's liquor licensing hours for small bars. The main street access requirement ensures that post-midnight activity is away from residential areas such as side streets and rear lanes. To provide certainty and clarity for residents and businesses, the Draft DCP maps have been amended to show the location of main streets where 2am trading in Local Centres is possible.

Impact on current approvals

57. A venue located in a proposed Local Centre, which only allows extended trading hours until 2am, is concerned that their approved trading hours until 4am may be reduced.

Response:

58. The proposed controls do not derogate from existing approvals. Many venues in the City operate under historical consents which predate the 2007 late night trading controls and have trading hours that are not consistent with the DCP. The renewal or extension of trial hours for such premises will be contingent on continued good management of the premises, as required under proposed provision 3.15.4(14).

Plans of Management

59. The City North and Kings Cross Liquor Accords and the Australian Hotels Association raise the need to deregulate Plans of Management (POM), to become best practice models or guidance documents rather than strict compliance requirements. They describe situations where the Police have imposed fines for minor breaches.

Response:

60. The City does not support the deregulation of Plans of Management to best practice or guidance documents, as this will not provide enough assurance to the community or the Council that operational impacts that may affect the amenity of local communities will be addressed satisfactorily. The City relies on Plans of Management to ensure that the operational impacts of a business that cannot be addressed by way of a condition on a consent are satisfactorily addressed. The incorporation of Plans of Management into development consents is consistent with planning principles established by the Land and Environment Court. The City is not involved in the enforcement of Plans of Management by the Police.

61. Plan of Management requirements have been updated and consolidated in the Draft DCP. Measures outside the City's responsibility or that relevant to liquor licensing have been removed.

Outdoor Trading

62. Some submitters have requested base outdoor trading hours in Local Centres and City Living areas, currently until 8pm, are increased to provide opportunities to eat outside at night. Another submitter is concerned that extended outdoor trading hours are the same for high and low impact premises.

Response:

63. There are reasonable opportunities for outdoor dining in City Living and Local Centres at night. High impact premises in City Living and Local Centre can apply for extended outdoor hours until 10pm and low impact premises can trade up to midnight in City Living areas or 10pm in Local Centres. This is considered appropriate given the residential context of Local Centres and the potential for noise impacts on residents which cannot be contained in outdoor environments.

Testing of trial hours

64. A submitter raises the need to ensure that trial periods are used and tested with the community before any later trial hours are approved. The concern is that an application for trial hours may be lodged by a venue for speculative reasons and if it is sold and the new hours taken up by another operator then the impact on residents of untested and very late hours could be significant.

Response:

65. It is acknowledged that the current late night planning controls do not include a requirement for trial hours to be used before any later hours are approved. A post exhibition change is proposed to provision 3.15.4(14) to include whether the trial period has been used and tested as a matter for consideration in the assessment of trial periods.

Performance provisions

66. A substantial number of submissions by venue operators, festival producers, business associations and the community strongly support the performance provisions which allow an additional hour of trading for dedicated performance venues and an additional hour on the night that performance is hosted for other venues and higher patron numbers for performance venues. Supporters include the Office of the NSW Businesses Commissioner, Committee for Sydney, Oxford Art Factory, 505 Club, Cake Wines, The Bearded Tit, The Roosevelt, Surry Hills Creative, Fredas, PACT Erskineville, the Sydney Fringe Festival and local resident group, Pyrmont Action. Many venues believe that one extra hour at closing time on nights when performance is hosted would have a significant impact on the viability of their business and hosting performance.

67. A venue raises the need for significant investment in soundproofing, assistance for venues promoting culture and performance in DA processes and that culture and performance located outside late night trading areas and main streets be assessed on a case by case basis.

68. One submitter suggests that this capacity should be reduced to 150 patrons to have a lower impact and encourage more live entertainment in a range of locations in the city. Some residents oppose the performance provisions due to the noise impacts. Many of these refer to performance in large hotels and raise current compliance issues, including the need to ensure that venues provide sound insulation to minimise impacts. Other submitters raise the predictability of performance and question how hotels will prove that they have put on performance.

Response:

69. The significant support for the performance provisions and the need to safeguard spaces and opportunities for performance to occur city is noted.

70. Noise impacts are required to be assessed and managed in a development application. The proposed controls allow additional trading time to support performance. The City also has a grants program to assist venues with sound proofing.

71. Low impact venues located outside of late night trading areas have extended hours to midnight and can apply to exceed these hours if they are not in a B4 mixed use or residential zone and have good access to public transport. Venues within late night trading areas but not located on main streets are able to access performance provisions for later trading.

72. The benchmark of 250 patrons for low impact dedicated performance venues was developed with the City's Nightlife and Creative Sector Panel and balances the potential amenity impacts with the operation of a performance venue. All performance venues can achieve the maximum hours permitted for the area. The difference is that venues below 250 patrons can move through trial periods slightly faster than larger venues. The provision therefore encourages smaller rather than larger performance venues.

73. The opportunity for a venue to extend trading by one hour on the night that performance is held, will be secured through a condition on a development consent and a Plan of Management. If a venue can demonstrate their capacity to host performance, these hours will be approved on a trial period basis. The assessment of a development application will include the assessment of how a venue hosting performance must mitigate sound. As part of compliance action or an application to renew performance hours Council may require evidence that a venue has hosted performance, such as bookings, ticketing and images.

Performance in nightclubs

74. Review of the Draft DCP has raised the need for a consistent approach for performance in nightclubs, particularly in mixed use venues which may include both a hotel/bar and a nightclub. A post-exhibition change removes the exclusion of nightclubs from the performance provisions in 3.15.4(17). This is proposed because nightclubs provide live entertainment and performance and should be eligible for the same benefits as other venues. Many nightclubs currently operating in the City trade until 3am and are located in 24 hour zones subject to lockout laws. While the additional hour for performance may not benefit them to a great extent, it is considered that the DCP provisions should safeguard and incentivise these uses.

Unlicensed premises

75. Submissions from business and residents support the proposals to allow later opening shops and businesses as a new Category C. Submitters state that they want more options in the city centre, many noting that diversity is key to an exciting city, and that there is a need to provide services to those who live, work and study outside normal business hours. Submitters suggested additional dining options. Impacts with larger retail centres, from increased deliveries, congregating crowds and on security and safety, need to be considered.

Response:

76. Support for the later opening shops and businesses (Category C premises) and the provision of late night food options is noted. The provisions allow later hours for unlicensed businesses to encourage a wider range of people out at night. The controls generally allow for a range of late night food options.

77. The opportunity for later trading hours for retail are not as-of-right and are only accessed through an application to Council. To reduce costs for businesses which are not anticipated to create nuisance or encourage anti-social behaviour, trial periods will however only be imposed in sensitive locations.

78. The support for later trading hours in shopping centres is noted. Trading hours within shopping centres may be approved in a single development application applying to the centre, or approved on a tenancy by tenancy basis. These development applications will address the impact of the operation of the shopping centre on neighbouring development such as deliveries. Similarly issues relating to the safety and security of employees and customers will be addressed in a Plan of Management for each tenancy or the shopping centre as a whole.

24 Hour City Centre

79. Several submissions support 24 hour trading in the city centre to enliven the city, drive the economy and allow the city to remain modern and vibrant like other international cities. Submitters consider that 24 hour trading would provide positive benefits for culture and tourism. The Night Time Industries Association and Committee for Sydney support the creation of a genuine 24 hour city where normal day-to-day activities such as shopping, visiting a museum, going to the gym or public library take place after 10pm. This economic diversity will foster a more inclusive and safe night-time environment.

80. Several submitters oppose 24 hour trading, most raising the potential amenity impacts on residents. Residents of Summit Apartments on George Street and Millennium Towers on Sussex Street object to more late night trading, as they are currently adversely impacted by noise from licensed premises that have been introduced after their residential building was established. They believe that they will be located close to late night trading venues without a sufficient buffer to mitigate noise impacts. Pyrmont Action opposes 24-hour trading and suggests enlivening the city through cafés, small bars, restaurants, closed lanes and outdoor seating. A submitter believes 24 hour trading is an overreaction to existing lockout laws, while another suggests a 24 hour precinct must have the necessary infrastructure and not impact existing residents. A business owner in Darlinghurst opposes the 24 hour city centre because it will pose unfair competition for existing local businesses in nearby areas. Another submitter suggests imposing a 24 hour framework may not be viable at all since businesses will require extra staff, salaries and insurance premiums for potentially little gain.

Response:

81. The Draft DCP proposes allowing 24 hour trading in the city centre. The current controls allow trading up to 5am. With opening hours currently set at 7am, the change practically allows up to two additional hours. The purpose of the change is to provide the opportunity for licensed venues to locate outside of the existing small 24 hours precincts of George Street, Haymarket, Oxford Street and Kings Cross where the negative effects of a high concentration of licensed premises were felt. Central Sydney is the appropriate location for this change given its role as Sydney's metropolitan centre, the concentration of business uses, high numbers of tourists and visitors, as well as existing and new public transport.

82. 24 hour trading of licensed venues may not be taken up at the current time due to the NSW Government's 1.30am or 2am lockouts and 3.30am last drinks laws. If these provisions in the Liquor Act 2007 are removed or amended, venues wishing to take up 24 hour trading may apply to extend their current trading hours through trial periods in two hour increments, so later trading will evolve over time.

83. The Draft DCP does not require businesses to open later or trade 24 hours but provides the opportunity if impacts are managed. Business will take decisions whether their operational costs make 24 hour trading a viable option and this option may evolve over time as consumer habits change and tourist and visitor numbers increase.

Campbells Stores and Park Hyatt

84. A few residents in the Rocks do not support the inclusion of the Campbell's Stores building and the Park Hyatt in a Late Night Management Area because it is located near a residential building. It is considered that the current City Living area provides an appropriate buffer between these uses.

Response:

85. Campbells Stores is currently located in a Late Night Management Area allowing up to 24 hour trading while the Park Hyatt is located in a City Living Area allowing up to 5am trading. The Draft DCP did not propose a change to Campbells Stores while the Park Hyatt was proposed to be included in the Late Night Management Area given its 24 hour use as a hotel and that it is located next to the existing Late Night Management Area. No change is recommended to the proposed Late Night Management Area.

2am close in Local Centres

86. Submissions address the impact on business and residential amenity of 2am closing for low impact venues in Local Centres. Those in support, including Night Time Industries Association and Redfern Small Bar Liquor Accord, address the positive impacts for business and the local economy, residents, and visitors from the creation of more diverse, vibrant and safe areas for people to socialise close to where they live.

87. Submissions which oppose later hours in Local Centres raise existing compliance issues and noise impacts from the set-up, operation and close down of late night trading activities and patrons leaving venues and congregating for extended periods of time on the street.

88. One submitter seeks clarity regarding the definition of Category B low impact venues to ensure that hotels do not fall into this category. Another submitter claims that provision 3.15.4(2) is overly onerous and worded so it will be impossible for a premises that abuts a laneway to be approved for later hours.

Response:

89. The support for later trading hours in Local Centres is noted. As addressed in earlier sections of this report, the mitigation of sound, during the operation, set-up and pack down of a venue, and patron dispersal are key matters for consideration that will be addressed in a development application and a venue's Plan of Management. Trading to 2am can only be awarded on a trial basis. Hours can be reduced to base hours if a venue does not manage its impacts.

90. A venue which operates under a hotel license is considered under the DCP controls to be a high impact premises regardless of its patronage.

91. Provision 3.15.4(2) requires a premises that trades later than midnight (and up to 2am) to have access from a main street and not a residential laneway or area. If a venue abuts a laneway it may trade until 2am provided it has access to a main street.

92. A minor post-exhibition change to the trading hours table 3.7 and control 3.15.4(2) is proposed to clarify that 2am trading hours for low impact premises are a special condition relating only to those located on main streets. The table will include midnight as the maximum trading hours, with a reference to control 3.15.4(2). This control is amended to clarify that hours 'up to 2am' can be approved if Council is satisfied that entry and egress of all patrons will be to a main street.

North Alexandria

93. A considerable number of submissions support the new Late Night Management Area in the heritage warehouse precinct in North Alexandria. Submitters express strong support for the development of a culture and arts focussed late night precinct, with the opportunity for live entertainment, including theatre and live music performance, stating the precinct in Alexandria would be of significant value to the city.

94. A small number of submissions oppose the new precinct, stating concerns about consultation, noise impacts (including on residents north of McEvoy Street), the suitability of late night trading, suitability of old warehouses, the nearby school, street infrastructure, waste management, lighting, safety and traffic.

95. A submitter expresses concerns that residents of North Alexandria have not properly been engaged regarding the proposal because prior to the notification they were not made aware of the specific proposals. Submitters state that the proposals should not proceed because of the noise impacts on residential development which has established in the surrounding area prior to the notification of the proposals. They state that while Alexandria has historically been an industrial suburb, a large residential population has emerged and the impacts on this community must be addressed.

96. A submitter states that increased venues and destinations would increase traffic volumes in the area and another questioned whether McEvoy Street was suitable given the potential for widening as a result of WestConnex.

97. A landowner in the precinct supports the development of a 24-hour precinct, subject to issues relating to diversity, street connectivity and development rights being resolved. The landowner is concerned that existing planning and development rights to allow shop-top housing, student housing and affordable housing would be compromised and the new precinct would become a single-use concentration of licensed activities including bars, night clubs, and adult entertainment. The submitter seeks that the planning controls mandate a mix of uses to balance night clubs, live music venues and bars with uses that do not promote the consumption of alcohol. The submitter raises the need for the City to acquire the necessary properties to develop better pedestrian connections through to Green Square train station and between the streets in the precinct.

Response:

98. The support for the North Alexandria precinct is noted. Issues addressing consultation are addressed earlier in this report.

99. The proposals for an arts and culture precinct represents a long term strategy for a precinct to be delivered by the market, including venue and food and drink operators, and the cultural, creative and performance sector. The aspiration for the area is to create a night time district in a former industrial area with heritage warehouses and provide creative space for performance, arts studio, galleries, food and drink premises and retail.

100. The late night trading proposals in North Alexandria will be subject to assessment through DAs and trial periods. Noise impacts on neighbouring areas and other issues such as waste management, security, safety and the impacts of patron entry and dispersal will need to be addressed and managed through the DA process, conditions of consent and plans of management.

101. The precinct will be served by Green Square station and the 21 hour Sydney Metro service located 550 metres away at Waterloo. It is anticipated that increased public transport will reduce the need for vehicle trips.

102. The proposals are not considered to impact the Alexandria Park Community School which is located approximately 270 metres walk from the northern boundary of the precinct and not on a likely walking route.

103. The proposals do not change the land uses currently permitted in the area or require a mix of use but only increase the possible trading hours for these uses. The provisions for later hours do not apply to sex services premises and the performance provisions do not apply to adult entertainment or karaoke venues. The current development rights of landowners in the precinct will not be affected by the proposals. Residential uses are not permitted in the North Alexandria precinct, including affordable and shop-top housing. In December 2018 Council removed the land in the investigation area in North Alexandria where residential proposals could be considered. This was to align with the Greater Sydney Commission's strategic directions to retain and manage industrial and urban services land. The precinct is not included in the area where shop-top or seniors housing as described in clause 1AA of Schedule 1 of the Sydney LEP 2012 can be established.

104. The precinct is in the Green Square urban renewal area and street extensions and other infrastructure will be implemented by developers under the Clause 6.14 *'Community infrastructure floor space at Green Square'* of the Sydney LEP 2012. This may, for example, include lighting and streetscape, bike and pedestrian improvements and widened footpaths.

Glebe

105. A small number of submissions support later trading hours in Glebe stating the positive impact that a more vibrant nightlife including small bars and live music venues could have on the area.

106. Several submissions and an 88 signature petition oppose later trading hours until 2am, raising the residential character of Glebe and the incompatibility of late night trading uses, existing compliance issues and noise impacts. Submitters are concerned that antisocial behaviour associated with other late night trading areas will be introduced to Glebe. A submitter raises the impact of noise on social housing tenants. Submitters claim existing venues are breaching licensing conditions or significantly disrupting amenity.

107. The Glebe Society raises the pedestrian, parking and transport impacts of attracting more activity on Glebe Point Road, impacts on shop-top dwellings and on heritage buildings. It questions the inclusion of the properties between Mitchell Street and Bridge Road in the Local Centre area and supports reducing trial periods to six months, retaining existing noise limits and providing greater support for complaint processes and enforcement.

108. The St Barnabas Anglican Church believe that the amenity of their low-cost student housing along Glebe Point Road will be significantly compromised by 2am trading.

109. A submission on behalf of Mirvac requested the Harold Park Tramsheds be included in a late night area to enable trading until midnight. This will provide a wider range of services to the community and extend the current trading hours of the Tramsheds, which are currently until 10pm with two restaurant bars trading until midnight.

Response:

110. The support for more late night trading on Glebe Point Road is noted. Issues about consultation and noise impacts have been addressed earlier in this report.

111. Glebe Point Road between Derby Place and Marlborough Street has been included as a Local Centre since the Late Night Trading DCP was adopted in 2007 and there is no proposal to change the boundaries. The majority of residential properties between Bridge Road and Mitchell Road on the western side of Glebe Point Road are not in a Local Centre and are not proposed to be included in a Local Centre.

112. It is agreed that Glebe has a different character to Oxford Street, Broadway and Kings Cross and its current and proposed trading hours vary significantly to these areas, which trade until 5am or later. Late night trading in the Glebe Point Road Local Centre area, which does not include the whole of Glebe Point Road, is consistent with its land use zoning. Sydney LEP 2012 designates Glebe Point Road as a B2 Local Centre which prioritises a range of retail, business, entertainment and community uses that serve the needs of residents, workers and visitors to the local area. Like many high streets in the City, residential uses, are interspersed along Glebe Point Road. The locality statement included in the Sydney DCP 2012 encourages the development of Glebe Point Road as a focus for cultural, artistic and health and wellbeing related uses, while providing basic commodities and services for the local community and visitors alike.

113. Currently closing times of most late night trading venues in the area are from 10pm to 12am, with one venue trading on an old consent until 2am. A Council survey undertaken in 2017 has shown high pedestrian numbers from 5pm to 11pm on weekdays and weekends despite few retail and service businesses being open. The NSW Bureau of Crime Statistics and Research show that non-domestic alcohol-related crime rates remained stable in the suburb of Glebe from 2014 to 2018.

114. The DCP currently allows extended trading hours on Glebe Point Road until midnight. The Draft DCP means low impact venues and shops and businesses can trade until 2am and performance provisions can extend the trading hours of premises by an additional hour. Figure 1 below shows the location of the Local Centres and proposed main street on Glebe Point Road.



Figure 1 Location of Local Centre and the main street (shown in blue) on Glebe Point Road

115. The proposed controls include measures to ensure that only low impact, well managed venues which have entry and egress onto Glebe Point Road can access later indoor hours and will be subject to trial periods and Plans of Management. Trial periods are not able to be reduced to six months as this is not considered a sufficient period in which to test the impact of trading hours. No further changes are proposed to the boundaries and hours for the Glebe Point Road Local Centre.

116. The Draft DCP has not been amended to include Harold Park Tramsheds in a Local Centre. Most restaurants in the Tramsheds currently trade until 10pm with two restaurant bars trading until midnight. The controls for 'all other areas' provide the opportunity for extended hours to midnight on a trial period basis. This will allow those operators to apply and the impacts of each proposals on the surrounding residential development to be assessed on a case by case basis as appropriate.

Chippendale

117. Several submissions oppose the proposed Local Centre area and late night trading hours in Chippendale, raising the consultation process, impacts of noise, density of residential population, number of licensed premises and existing compliance issues, and small scale street network.

118. Submitters, including the Chippendale Residents Interest Group, state that the community was not aware of proposals for a Local Centre in Chippendale and that this was not known in the early consultation. It raises the high density of Chippendale and its composition of students and established older residents. They consider that the contrast in population is already causing challenges with an influx of youth at night and during weekends.

119. Submitters consider Chippendale unsuitable for late night trading and a Local Centre due to the network of poorly lit narrow streets, residences built to the street and block building form (which reverberates and amplifies noise). Narrow streets such as Balfour Street, Meagher Street and Chippen Streets will be affected by patrons spilling into residential areas and causing disturbance.

120. Submitters consider that late night trading on Broadway and Regent Street are accessible and sufficient to serve the area. They consider that existing late night businesses in Chippendale are not complying with their consents and do not receive enough visitors to warrant trading until 2am. Submitters do not consider that a Local Centre should be justified on the basis of the number of licensed premises which have located in the area since 2007.

121. The Chippendale Residents Interest Group does not support:

    (a) extended trading hours until 2am for low impact premises and would like to see extended hours limited to midnight;

    (b) the City Living Area at Broadway with hours until 5am and consider 2am a more appropriate closing time;

    (c) the proposed hours for premises outside late night trading areas to midnight and believe that this should be limited to 10pm; and

    (d) the inclusion of specific premises, especially those who currently do not open late, in the proposed Local Centre.

Response:

122. Issues about consultation and noise have been addressed earlier in this report. The City Living Area on Broadway, with extended hours until 5am, was adopted in 2007 and is not proposed to change in the Draft DCP.

123. The proposed Local Centre area is within the B4 mixed use zone. Historically, this area was zoned industrial and is now characterised by a mix of commercial warehouse buildings, which include ground floor cafes, shops, restaurants, galleries, offices and creative spaces, as well as residential terraces, shop-top housing and residential flat buildings. 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.

124. 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. The Local Centre, excluding the Central Park site, includes an estimated residential population of about 280 people and 108 businesses supporting almost 1,300 jobs. The proportion of non-residential to residential uses demonstrates the mixed use character of the area.

125. The current planning controls do not identify Chippendale as a late night area, however they do allow for high impact premises to be approved up to midnight on a trial basis, with low impact premises being assessed on their merit, so may be allowed to trade even later.

126. The exhibited draft controls identify part of Chippendale as a Local Centre which would allow trading up to midnight for all premises and to 2am for low impact premises with access to a main street. The main difference between the existing and proposed controls is to allow low impact premises on main streets to trade until 2am.

127. It is acknowledged that many streets in Chippendale are not a main street and not of a character or scale where 2am trading is appropriate. A post exhibition change is shown on Figure 2 below to provide clarity to the community about where 2am trading may be approved if entry and egress are limited to the main street. The identified main streets are on the boundaries of Chippendale and on roads with high noise levels and activity and include parts of Broadway, Regent Street, Cleveland Street, the northern part of Abercrombie Street and Kensington Street.



Figure 2 Location of proposed Local Centre and main streets (shown in blue) in Chippendale

128. The area is recommended to be a Local Centre given the mixed use character, change in demographics and growth in later trading. No change is recommended to the boundary of the area.

Kings Cross

129. A moderate number of submissions support the proposals for later opening shops and businesses and the performance provisions in Kings Cross. These submitters note the dramatic decline in nightlife since the NSW lockout laws and sought the restoration of the area as a hub for night-time entertainment.

130. A moderate number of submitters object to late night trading in Kings Cross fearing the return of dangerous intoxicated and disorderly behaviour as experienced prior to NSW lockout laws.

131. The 2011 Postcode Residents Association argue that Kings Cross has changed dramatically since 2012 and no longer attracts significant groups of young people. Another submitter expresses concerns that the proposals do not recognise changes that have occurred to Kings Cross in recent years. They consider the inclusion of Kings Cross as a Late Night Management Area does not acknowledge the shift to a diverse day-time business model in the area which has been successful in providing for the needs of local residents. The submitter considers that the proposals may continue to aggravate the conflict between an alcohol-driven economy and residents and suggests that changes should instead support a range of mixed-use businesses with minimal impacts on residential areas. Another submitter addresses the impact of patron parking on local residents and the costs of staffing venues which may make late night trading in Kings Cross unviable.

Response:

132. The support for increased entertainment options in Kings Cross is noted. The boundaries of the existing Late Night Management Area and Local Centres in Kings Cross remain unchanged except for a small extension to Llankelly Place discussed below.

133. The proposals allow for unlicensed shops and businesses to trade later and for an additional hour of trading for dedicated performance venues or those which host performance. This is to encourage more diverse late night trading to attract a wider range of people and create a more balanced and safe night time economy in Kings Cross. The viability of late night businesses is addressed earlier in this report.

Potts Point and Llankelly Place

134. A small number of submissions support increased trading in Potts Point and Llankelly Place. A member of the Potts Pointers group strongly supports the proposals, suggesting this online group of 4,500 members agrees that the proposals will bring some life back into the area.

135. A moderate number of submitters oppose increased late-night trading hours in Potts Point, stating there has been a shift in the demographic profile of the area, and the area is no longer attracting young people or nightlife and is shifting towards becoming an inner-city residential neighbourhood. Some submitters note the improvement on local amenity and quality of life as a result of the NSW lockout laws and do not want increased trading hours to return more noise and nuisance.

136. Most comments address the proposed extension to the Local Centre on the western side of Llankelly Place. Submitters are concerned that the extension is inappropriate as the area is primarily residential and will bring increased people, traffic, waste, and the need for policing and safety management.

Response:

137. The support for increased trading hours in Potts Point is noted. Noise issues to be addressed through DAs and trial periods for late night trading hours, site specific assessments, sound insulation requirements and Plans of Management have been addressed earlier in this report.

138. The proposed extension of the Local Centre incorporates the western side of Llankelly Place and the Metro Theatre to ensure that trading hours for new premises are consistently applied to both sides of the laneway and support its activation.

139. The boundary of the extension to the Local Centre has been reviewed following submissions and redrawn to exclude residential properties fronting Springfield Avenue. The change is shown in Figure 3 below.



Figure 3 Amended Local Centre area on Llankelly Place and main streets (shown in blue) in Kings Cross and Potts Point

140. As addressed earlier in this report, a post exhibition change clarifies which streets are main streets for the purpose of showing where low impact venues in Local Centres may trade up to 2am.

141. Llankelly Place and Macleay Street north of Manning Street have not been identified as main streets as they are not of a scale or character where 2am trading is appropriate. Base trading hours in these Local Centre streets will remain at 11pm with extended hours until midnight. Performance provisions allowing an additional hour and the opportunity for later trading shops and businesses will apply.

Surry Hills and Darlinghurst

142. Submissions support increased areas and hours of late night trading and performance provisions in Surry Hills and Darlinghurst. Reasons for support include the emergence of a number of small bars in Surry Hills, need for more options for food and drink, recent businesses closures and supporting the viability of business.

143. A small number of submitters oppose late night trading and the performance provisions in Surry Hills and Darlinghurst due to noise, waste, traffic and antisocial behaviour noise of patrons on the street, premises not managing patrons leaving, and that the NSW lockout laws have created a more residential precinct.

Response

144. Noise and management of patrons is required to be addressed through development applications and can be managed through trial periods and Plans of Management.

145. A proposed post exhibition change amends the DCP maps to identify the main streets in Surry Hills and Darlinghurst Local Centres where low impact premises may trade up to 2am. Figure 4 shows the main streets in Surry Hills which include parts of Campbell Street, Elizabeth Street, Albion Street, Foveaux Street, Crown Street, Chalmers Street, Cleveland Street, Devonshire Streets and Bourke Street. In Darlinghurst main streets are included on parts of Flinders Street, Oxford Street, Victoria Streets and Darlinghurst Road.

146. Stanley Street is not included as a main street. This is due to its location in a B4 mixed zone with nearby residential uses and the small scale, lower density character of the area. Low impact venues on Stanley Street will not be eligible for 2am trading, although they may apply to host performance and receive an additional hour of trading, and unlicensed business may trade until 2am.

147. Two changes are proposed to the Surry Hills and Darlinghurst area following exhibition. First, the Local Centre at Taylor Square has been extended along the eastern side of Flinders Street from Oxford Street to Taylor Street. This block includes convenience stores, food and drink premises and the ARQ nightclub. This change is considered appropriate given the potential for existing and future late night trading uses to establish and benefit from later opening shops, businesses and performance provisions. Second, the City Living area near Central has been extended to include the commercial site at 407-419 Randle Street. The site adjoins existing City Living and Late Night Management Areas and its exclusion was an anomaly. The extensions are shown in Figures 4, 4a and 4b below:

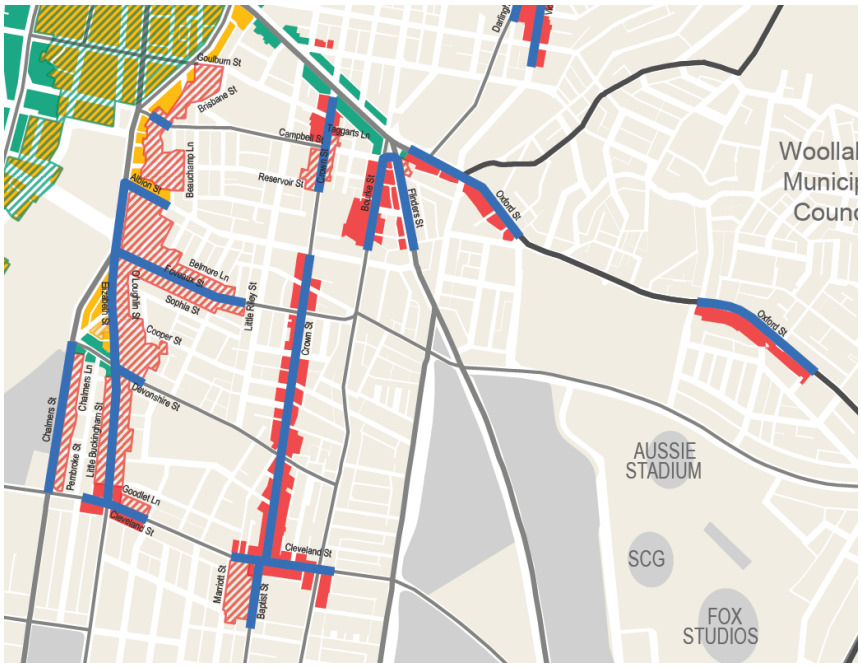


Figure 4 Location of Local Centres and main streets (shown in blue) in Surry Hills and Darlinghurst.

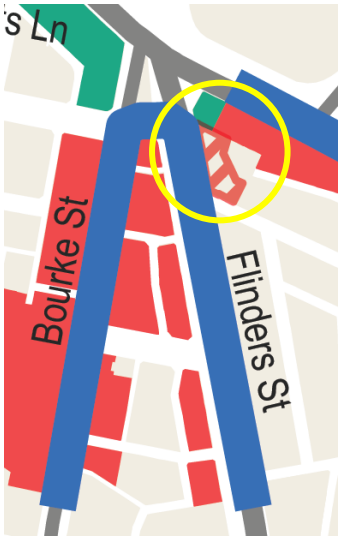


Figure 4a Location of extended Local Centre area on Flinders Street between Taylor Street and Oxford Street

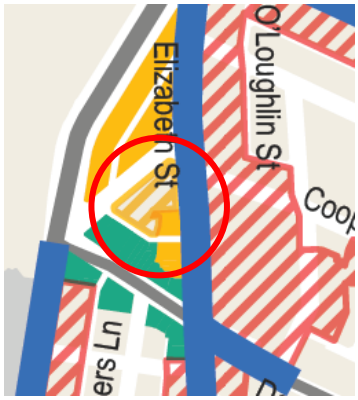


Figure 4b Location of extended City Living area at 407-419 Randle Street, Surry Hills.

Newtown and Erskineville

148. A small number of submitters support increased hours for low impact venues in Newtown.

149. The Newtown Precinct Business Association is concerned that there have not been sufficient changes to benefit the night time economy, in Newtown, Erskineville, Enmore and Camperdown. They state that Newtown currently has the 'most vibrant and economically valuable night-time economy' in the city and the proposals should support a more diverse economy rather than only providing for food and drink uses. It claims that inclusion of King Street as a Local Centre prevents the majority of unlicensed businesses from trading up to 24 hours. The Association requests that the Council acknowledge the successful management of increased visitor numbers since 2014 and extend the existing Late Night Management Area to include all of King Street, or that research be undertaken to identify specific areas that are suitable to change.

150. The Inner West Council support the proposals to extend trading hours in areas along King Street and other initiatives that promote live music and performance. They wish to work with the City of Sydney to ensure consistent cross boundary management. The Inner West Council recently made amendments that allow existing restaurants and cafes located in Local Centre zones to change to a small bar through obtaining a complying development certificate (as opposed to a development application) and suggests that the City of Sydney pursue similar initiatives along King Street.

151. A small number of submitters oppose the late night trading on King Street, raising concerns about the impact on residential amenity. They state that daytime eateries may take advantage of later trading hours in future, resulting in more disruption without adequate consultation. Residents on Longdown Street do not support 24-hour trading as they have a long history of experiencing trespassing, assault and noise.

152. A few submissions oppose late night trading in Erskineville and extension of trading hours until 2am for low impact venues and the potential overspill of patrons onto residential streets. A submitter states that current trading hours suit the low scale and mixed use context of Erskineville. Given the high rent and vacant tenancies in the area, the submitter argues that later trading is unsuitable as the only profitable businesses would be licensed premises.

153. A few submissions seek the inclusion of the PACT Centre for Emerging Artists in a Local Centre Area in Erskineville. The submitters state that later trading will allow greater community engagement with emerging artists.

Response:

154. No changes are proposed to the boundaries the Local Centre and Late Night Management Areas on King Street. The proposals enable unlicensed shops and businesses to trade until 2am in the Local Centres and up to 24 hours in Late Night Management Area (near the Newtown station). They aim to encourage more diverse late night trading to attract a wider range of people and create a more balanced and safe night time economy.

155. The extension of the 24 hour Late Night Management Area to the northern and southern parts of King Street would mean that licensed as well as unlicensed premises would have the opportunity to trade up to 24 hours in these areas. This is not considered appropriate due to the residential development that surrounds and abuts the northern and southern parts of King Street. The DCP defines Late Night Management Areas as accessible, vibrant and multifunctional places where people can go out, without impacting the amenity of nearby residents. It is accepted that the area immediately surrounding the train station satisfies these requirements, however in the remainder of King Street late night trading in this area would be less accessible and may have a significant impact on residential amenity. The proposals allow unlicensed premises to operate until 2am.

156. As addressed earlier in this report, noise issues will be addressed through development applications and trial periods for late night trading hours, site specific assessments, sound insulation requirements and Plans of Management. The City will consider Inner West Council's suggestion to allow restaurants to convert to small bars under complying development in future LEP updates.

157. Erskineville Road is zoned B1 Neighbourhood Centre and is described in the locality statement in the Sydney DCP 2012 as a 'vibrant and active community hub with a diverse mix of uses.' Its current late night trading classification as a Local Centre reflects this character and use. Erskineville Road has been identified as a main street which enables low impact premises to trade to 2am provided access is to the main street.

158. The PACT Centre for Emerging Artists is located on 107 Railway Parade approximately 220 metres north-east of the Local Centre on Erskineville Road. The site is located in a residential (R1) zone and while it abuts railway land to the north and a commercial site to the east, it is otherwise surrounded by residential development. The inclusion of this site in a Local Centre is not accepted as it is likely to have a significant impact on residents in a residential zone. It is not necessary to include the site in a Local Centre as under the proposed controls the site would be considered under the proposed controls for low impact venues for 'all other areas' so the operator could apply for extended hours to midnight on a trial period basis.



Figure 5 Location of Local Centres and main streets (shown in blue) in Newtown and Erskineville

Redfern and Waterloo

159. A small number of submissions support increased late night trading and vibrancy in Redfern.

160. A small number of residents oppose more late night trading in Redfern. A resident of Redfern Street notes at least 12 licensed venues on or near the street where noise is already impacting the sleep of residents. They state that noise associated with these venues already extends well past closing and any later trading times would have adverse noise and health impacts on residents. Another submitter raises the impact of patrons parking in Walker Street near Cleveland Street and creating noise when they return from late night venues to their cars.

161. The Redfern Police Area Command does not support the clustering of licensed premises and want CCTV and ID scanners made mandatory on venues open later than 2am in the Green Square and North Alexandria precinct. The Police also do not support sex service premises in late night precincts of the Redfern Police Area Command.

162. A submitter states that Waterloo is already a high density residential area and subject to noise impacts from local retailers, bars and restaurants. Pyrmont Action does not support late night trading in Danks Street due to the location of a large residential population in the area.

163. A submission from Mirvac Retail suggests that Australian Technology Park in Eveleigh be identified in a late trading precinct as it will include a significant proportion of retail and hospitality space serving approximately 20,000 workers per day.

Response:

164. The Local Centre in Danks Street is proposed to serve the current and future residential population projected in the area. Danks street is zoned B2 Local Centre and is currently characterised by a mix of creative production and exhibition spaces, mixed commercial and light industrial uses, eateries, including the planned 'Art House' mixed-use development with street level creative spaces. The Local Centre will serve existing and future populations located between the Green Square Town Centre and Surry Hills late night trading areas.

165. As addressed earlier in this report, noise issues will be addressed through DAs and trial periods for late night trading hours, site specific assessments, sound insulation requirements and Plans of Management. The proposed provisions do not apply to sex service premises.

166. The permissibility of sex service premises is not affected by the Late Night Trading DCP, the late night trading areas in the Redfern Area Command are zoned B2 or B4 and the Sydney LEP allows for sex service premises in these zones.

167. Clustering of licensed premises and the negative cumulative effects of cannot be dealt with under the current NSW planning framework but can be managed through liquor licensing. The proposed controls aim avoid the negative effects of clustering by providing dispersing later trading opportunities to a range of appropriate locations rather than concentrating in fewer smaller locations. The controls also encourage a more diverse late night offering with unlicensed businesses and performance venues to moderate the effects of many licensed premises.

168. Requirements for CCTV are included in the DCP as a matter to be addressed in a Plan of Management. The provision of ID scanners at late opening venues however is best dealt with as a liquor licensing requirement.

169. The current late night trading proposals do not include the Australian Technology Park (ATP) as a late night trading area as the site is not within the City's development control plans. The site is located within the Redfern-Waterloo State Significant Development precinct and subject to the provisions of the *Major Development State Environmental Planning Policy.* If the site is returned to the City's planning control, the City will consider applying late night trading provisions in this area as part of a comprehensive review of the planning controls for the site.

170. A post exhibition change is shown on Figure 6 below to identify the Redfern Street, Botany Road and Danks Street as main streets to enable trading up to 2am for low impact premises.

Green Square and East Village Local Centres

171. A small number of submitters support more late night trading in Green Square, particularly businesses which trade later than midnight. The Office of the NSW Businesses Commissioner supports 24-hour trading near Botany Road in Green Square as the outcomes of the City's early consultation strongly supported more late night trading in this area.

172. A small number of submitters oppose the late night proposals for Green Square. Residents raise concerns about safety on public transport, increase anti-social behaviour on streets noise around the East Village shopping centre.

173. Mirvac supports the opportunity for later trading hours in the East Village shopping centre, to provide a wider range of services to the community, particularly on sites where there are limited impacts on neighbours. It raises the need to consider the increased deliveries and security and safety issues for employees and the community.

174. A submission made on behalf of Gazcorp requests the inclusion of a site at 296-298 Botany Road in the Green Square Local Centre area as it is approved for a mixed-use retail and commercial development and variety of low-impact trading venues which could benefit from later trading hours.

Response:

175. The support for late night trading in Green Square including the town centre and at East Village Shopping Centre is noted. As addressed earlier in this report, noise issues will be addressed through DAs and trial periods for late night trading hours, site specific assessments, sound insulation requirements and Plans of Management.

176. A proposed post exhibition change to the controls is shown on Figure 6 below. It amends the DCP maps to show parts of Bourke Street, Botany Road and the future Zetland Avenue and Defries Avenue as main streets where low impact premises may trade until 2am.

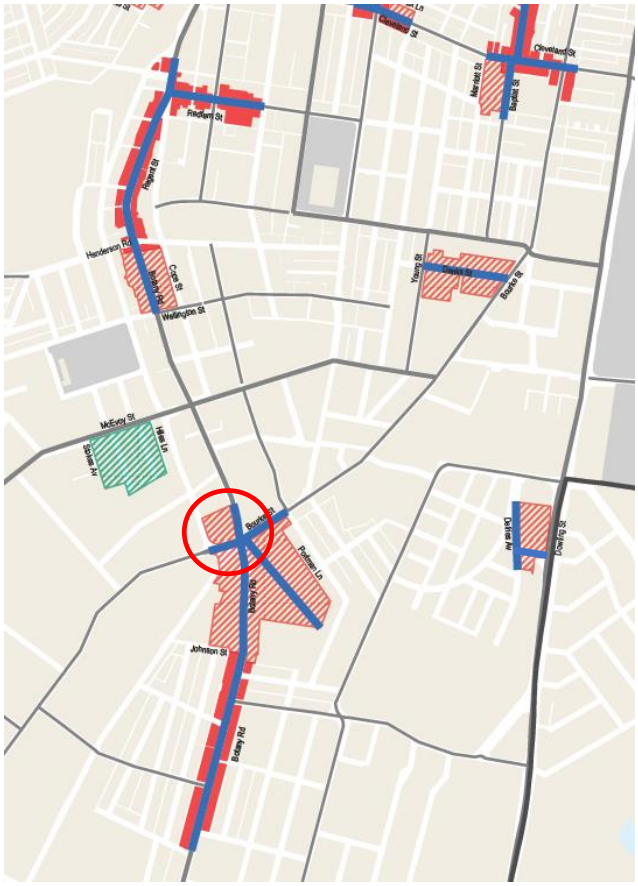


Figure 6 Location of Local Centres and main streets (shown in blue) in Green Square and Redfern/Waterloo

177. A post-exhibition change is proposed to include the Gazcorp site at 296-298 Botany Road in the Green Square Local Centre. The site is surrounded by industrial and commercial uses and will have the same level of accessibility and perform the same functions as sites within the Local Centre. The late night trading of a supermarket and other retail will add to the late night trading offer in the town centre and serve the needs of the projected population growth in Green Square. The site for inclusion is shown in Figure 6 above.

Pyrmont

178. A small number of submitters oppose further late night trading in Pyrmont due to noise impacts on residents. Pyrmont Action considers the area around Pyrmont Street and Union Street attracts antisocial and criminal behaviour and opposes later trading for local hotels, which are located near residential development. Pyrmont Action believes that existing hotels serve local population adequately and are valued as meeting spaces for local communities. It considers that an extension of drinking hours will attract out-of-area patrons solely interested in drinking, which will undermine local culture and activities. They strongly oppose the introduction of amplified music to hotels in residential areas.

Response:

179. The proposed changes which affect Pyrmont include allowing low impact premises to trade until 2am in the Union Street Local Centre, changing the 5am City Living precinct in Darling Harbour to a 24 hour late night management precinct and introducing additional hours for performance. The effects of these changes have been discussed previously in this report. Given the zoning, mix of uses and character of these parts of Pyrmont no change to the proposed controls are recommended.

180. Parts of Harris and Union Streets in the local centre have been identified as a main street which will enable low impact premises to open until 2am.

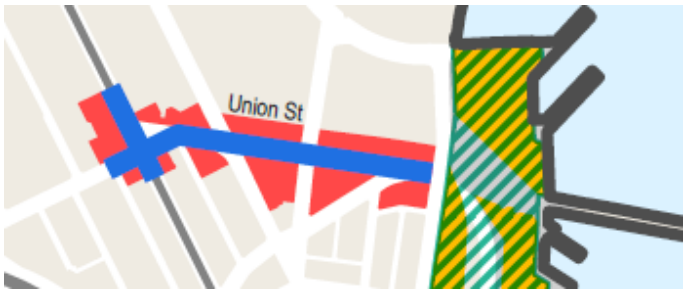


Figure 7 Location of the Local Centre and main street (shown in blue) in Pyrmont

Other locations

181. Barangaroo is referenced generally in a number of submissions as an area which should include more late night trading, instead of more local residential areas and is specifically supported by one submitter.

182. A resident in Woolloomooloo raises noise from music at local hotels which currently close at 11pm and existing noise and compliance issues with a local restaurant. The resident also notes there are public housing residents in the area who are affected by street-level noise and anti-social activity. The submitter raises concern that conditions on the consents of existing venues which expressly prohibit live entertainment could be repealed as a result of the proposals.

183. A submitter raises the need for Walsh Bay to be revitalised to assist local food and drink trading in the area and complement the investment by the NSW Government as an arts precinct. Some residents of Hickson Road in Walsh Bay request that the residential addresses; 17, 19, 19a, 21 and 21a on Hickson Road be excluded from the late-night trading area. Pyrmont Action does not support late night trading in Walsh Bay due to the location of a large residential population in the area.

Response:

184. Barangaroo South is a mixed use site located on in a harbourside location in Central Sydney. It has over 40 licensed food and drink premises and serves, workers, residents and visitors to Sydney, however the majority of business do not apply to trade later than 11pm. The redevelopment at Barangaroo features high quality design and acoustic treatments which will help manage any impacts of establishing a vibrant night trading area in this central city location.

185. The planning history and existing compliance issues in locations including Woolloomooloo, will be considered on a site-specific basis in the assessment of development applications for extended trading hours. The DCP will not alter any existing conditions on a development application. Conditions can only be altered through an application and impacts, including noise, would be considered at the time of assessing that application.

186. The support for late night trading and the revitalisation of Walsh Bay is noted. Properties at 19 Hickson Road on Pier 6/7 are already excluded from the proposed Local Centre area as the Pier includes only residential uses. 17 and 21 Hickson Road are mixed use buildings that provide opportunities for later trading. It is recommended the properties remain within the proposed Local Centre.

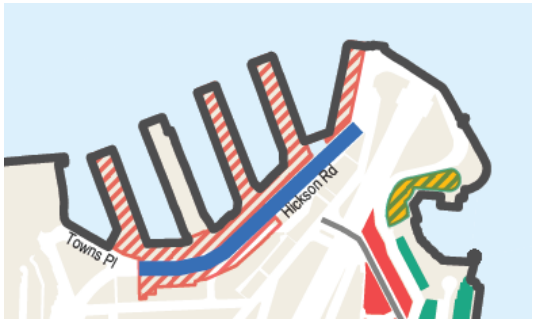


Figure 8 Location of a Local Centre and main street (shown in blue) in Walsh Bay

Areas outside of the nominated precincts

187. The Chippendale Residents Interest Group objects to allowing up to midnight for premises outside late night areas due to the impact that it would have on residential streets. They support trading hours until 10pm subject to a DA.

Response:

188. For premises outside a late night area, the current controls allow high impact premises to trade up to midnight with hours for low impact premises determined on merit. The Draft DCP proposes to remove the merit assessment for low impact premises and set midnight as the maximum to provide consistency and certainty for business and the community. Midnight is considered appropriate for low impact premises given high impact premises can currently trade to midnight in these areas.

189. Exhibited provision 3.15.4(4) allows trading hours for all other areas' to be exceeded if a premises is not located in a residential or B4 mixed use zone and the premises is located within walking distance (800m) of public transport access. Upon review, it is considered that access to public transport should only be used to exceed trading hours for areas outside nominated precincts if it is 'operating and available.' This is because there may be a bus stop where services do not stop after certain time and will not serve late night trading uses. The proposed post-exhibition amendment reflects the wording in planning instruments, including State Environmental Planning Policies and requires that the premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services.

Earlier start times

190. A submitter is concerned that the provisions restrict earlier opening hours (before 7am) for cafes in B4 mixed use zones. Other submitters raise the noise impacts on residents from earlier opening times.

Response:

191. Exhibited provision 3.15.1(3) states that the late night trading provisions only apply to business that trade after 10pm and not to businesses that trade during the day and evening. This means that the trading hours for cafes which close before 10pm can be determined on a merit basis. A post exhibition change clarifies that low impact venues that trade early in the morning but do not trade after 10pm are not subject to the start times included in the Draft DCP.

192. Trading hours, including start times will continue to be subject to assessment through development applications and trial periods and the community will be able to comment on the proposals on a case by case basis. Noise impacts on neighbours will be addressed in each development application.

Other issues

193. A large number of submissions state that authorities are too heavy handed and need to let vibrant areas develop organically, as opposed to zoning and regulating. Other comments favoured a more case-by-case approach where venues were given freedom, and those that operate in a dangerous or antisocial way restricted. A business owner expressed concerns about the significant 'red tape' involved in changing trading hours, including the costs of preparing a development application.

Response:

194. The NSW planning system uses zoning and development controls to provide a framework for how land may be used and impacts managed. The existing and proposed late night trading controls balance the opportunities for the late night economy but also provide consistency and certainty about how impacts will be managed. Allowing uses to establish organically without control will not ensure the health, safety, and general welfare of the community or encourage the most appropriate use of the land.

195. Submitters raise the following concerns:

(a) existing late night trading provisions are acceptable and do not require change as there are adequate options are available;

(b) controls to address the cumulative impact of late night trading in an area;

(c) the DA process and the ability to consider proposals on a case by case basis;

(d) existing ineffective management of venues which regularly breach their consent conditions and Council and Police resourcing to undertake compliance; and

(e) perceived reliance on residents to make complaints and difficulty obtaining evidence of poor management as rangers often arrive after a breach.

Response:

196. The proposed controls respond to changes in the City since the controls were originally adopted in 2007 including demographics, nightlife, liquor and planning laws and urban renewal. Extensive community consultation has identified the opportunity to update the controls.

197. The current planning framework does not enable cumulative impacts to be effectively considered, however, cumulative impact is considered in the NSW Government's liquor licensing. In December 2016 the NSW Government supported an action from the Night-Time Economy Roundtable to review planning controls relating to entertainment precincts, to avoid high concentrations of licensed venues and related cumulative impacts.

198. Development and modification applications are required for any extension or renewal of trading hours, or the capacity to host performance and receive increased trading hours. These applications are notified to residents so that they can comment on a case by case basis.

199. The City assesses applications for late night trading and imposes conditions of consent to limit the overall level of noise, its frequency characteristics and its effect on sensitive neighbours. The City enforces conditions of consent under the Environmental Planning and Assessment Act 1979. If noise from a venue is deemed by the City as being offensive it can also be regulated by the City on a person's behalf using the Protection of the Environment Operations Act 1997 (POEO Act). The City will continue to enforce development consents and conditions in accordance with its Compliance Policy.

200. The Draft DCP includes additional controls addressing 'good management' to ensure that businesses respond quickly and positively to resolve complaints with neighbours. It only allows additional hours on trial periods where it can be demonstrated that noise can be adequately mitigated. Trial periods remain the basis for approvals of extended hours because they offer the opportunity to test hours with local communities, with the renewal of hours or approval of later hours contingent on 'good management'.

201. It is anticipated that the future resourcing of the NSW Police and the City will be commensurate with current and future projected increases in population in the city, including in Green Square where 61,000 people are projected to live by 2030.

Large restaurants and function centres

202. Restaurants with a capacity of more than 120 patrons and function centres with a capacity of more than 80 patrons are considered to make more noise and have more intoxicated patrons. Submitters' request that these uses be included as a Category A high impact premises so that they will have reduced trading hours.

Response:

203. The maximum trading hours are generally the same for low and high impact premises. The difference is that low impact premises have later base hours and may trade up to 2am in Local Centres, subject to approval of the Draft DCP. Larger restaurants have generally not resulted in significant impacts or substantiated complaints. Patrons are typically seated and consume food at restaurants. Category A includes premises with a higher intensity, including those where the primary purpose is the sale or supply of alcohol, such as a nightclub or hotel, and where there is a higher turnover and density of patrons, often standing, rather than seated.

204. The City's experience with function centres is that impacts have been limited to specific venues. Generally, across the local government area function centres have not resulted in high levels of impact that would warrant their inclusion in Category A. It is recommended that larger restaurants and function centres not be made Category A.

Reference to midnight

205. A post-exhibition change is proposed to replace '12am' with 'midnight' for clarity and to be consistent with the current conditions of consent.

Karaoke venues

206. A post-exhibition change is proposed to clarify karaoke activities included in category A. To ensure that all types of karaoke venues are addressed by the DCP, including karaoke rooms, it is proposed to replace 'karaoke bar' with 'karaoke venue.'

Key Implications

Strategic Alignment - Eastern District Plan

207. The Eastern City District Plan prepared by the Greater Sydney Commission in March 2018 is a 20 year plan to manage growth in the context of economic, social an environmental matters. The District Plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. The Draft DCP is consistent with the following planning actions from the Eastern District Plan:

(a) Actions under Liveability priority E4 seek to facilitate opportunities for creative and artistic expression and participation, with a minimum regulatory burden and to encourage a diversity of approaches to revitalise high streets. The DCP offers later trading hours for venues which provide performance, cultural and creative uses, and encourages shops and businesses as well as licensed premises, to open later to increase the vitality of Local Centres, increase street activity and the sense of safety.

(b) Actions under Productivity priorities E7, E8 and E11 aim to strengthen the competitiveness of the Harbour CBD, the innovation corridor and Green Square and grow the vibrancy of these places by providing a diverse and vibrant night-time economy. The DCP encourages more diverse late night trading, including performance, cultural and creative uses in areas across the city centre and in new Local Centres in Chippendale and Surry Hills west. New late night trading precincts are proposed within the innovation corridor at Barangaroo and Chippendale to support a strong night time economy.

(c) The DCP also achieves actions to strengthen Green-Square Mascot through approaches that remove barriers to cultural and creative uses with new Local Centres in Green Square and a Late Night Management Area in North Alexandria. North Alexandria is a unique opportunity for live entertainment and cultural uses in an industrial area without conflict in land use, character or impact on residential amenity.

Strategic Alignment - Sustainable Sydney 2030 Vision

208. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The Draft DCP is aligned with the following strategic directions and objectives:

    (a) Direction 1 - A Globally Competitive and Innovative City - The Draft DCP proposes a 24 hour City Centre and encourages a diverse late night time offering consistent with the City's vision and community's expectation for a global city.

    (b) Direction 5 - A Lively and Engaging City Centre - The Draft DCP proposes to extend the mix of late opening shops, businesses and licensed premises across the City Centre and encourage more performance, creative and cultural uses.

    (c) Direction 6 - Vibrant Local Communities and Economies - The Draft DCP provides opportunities to grow the late night economy in local areas including for shops, businesses, performance and cultural uses to encourage more diverse and vibrant late night trading.

    (d) Direction 7 - A Cultural and Creative City - The Draft DCP incentivises performance, creative and cultural uses in dedicated performance venues and licensed premises located in late night trading precincts in the city.

Social / Cultural / Community

209. The amended Draft DCP responds to issues raised by the community in consultation about late night trading in the city. The provisions aim to encourage more diverse social and cultural activities at night to match the needs of a growing and changing population. The amended Draft DCP aims to balance the different needs of the community, by encouraging a diversity of well-run late night businesses in suitable locations.

Economic

210. The Draft DCP supports the city's night time and cultural sectors which are worth $4.1 billion and $1.4 billion respectively. Increasing and diversifying late night trading in the City may strengthen Sydney's global competitiveness and economic output, by creating more jobs and tourism, attracting longer hotel stays and the long term retention of younger people in the economy. The proposals seek to encourage business at night by extending the area where late night trading can occur in the City Centre, allowing shops and businesses to stay open later with less regulatory burden and encouraging a diversity of later trading hours for shops, businesses and low impact venues in appropriate locations.

Relevant Legislation

211. Environmental Planning and Assessment Act 1979.

212. Environmental Planning and Assessment Regulation 2000.

Critical Dates / Time Frames

213. If approved by Council, the Council has 28 days to publish a notice that the DCP has been made and its date of commencement. The DCP will come into effect on the date that has been published (or another stipulated date).

Public Consultation

214. The Draft DCP was exhibited for an extended period from 27 November 2018 to 8 February 2019. A notice was published in The Sydney Morning Herald and 64,460 letters were sent to over all residents within a 50 metre radius of an existing or proposed late night trading area. 185 stakeholders from retail, local business and government sectors and were notified by email. The Draft DCP was made available on the City's website, and at the One Stop Shop and all Neighbourhood Service Centres. The City received 1,070 submissions which have been summarised in Attachment C and addressed in this report.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Julie Prentice, Specialist Planner

Attachment A

Draft Sydney Development Control Plan: Late Night Trading 2018 as amended

Draft Sydney Development Control Plan: Late Night Trading 2018

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

~~15 October 2018~~ 6 May 2019



Draft Sydney Development Control Plan: Late Night Trading 2018

The purpose of Sydney Development Control Plan – Late Night Trading DCP

1) The purpose of this plan is to amend the late night trading provisions in the *Sydney Development Control Plan 2012, The Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012*.

Citation

2) This plan may be referred to as the *Sydney Development Control Plan – Late Night Trading 2018.*

Land covered by this plan

3) This plan applies to land:

   (a) shown in Figure 1.1 of the *Sydney Development Control Plan 2012,* marked 'Land covered by this DCP'

   (b) Shown in Figure 1.2 marked 'Area to which the plan applies' of the *Late Night Trading Development Control Plan 2007*

   (c) Shown in Figure 1.1 marked 'Site Identification Map' of the *Green Square Town Centre Development Control Plan 2012*

Relationship of this plan to other development control plans

4) This plan amends the Sydney Development Control Plan 2012, the Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

5) This plan amends the *Sydney Development Control Plan 2012,* as follows.

   (a) Amend Section 3.15 'Late Night Trading Management' as described in Appendix A1 with deletions shown as strikethrough and new text as bold italics. ***Post exhibition amendments are shown underlined***.

   (b) Amend Schedule 3 'Late Night Trading" as described in Appendix A2 with deletions shown as strikethrough and new text as bold italics.

   (c) Amend the Late Night Trading maps ***02,03, 04***, 07, 08, 09, 10, 13, 14, 15, 16, 17, 18, ***21***, 22, ***23*** to show new late night trading areas indicated as hatched areas, ***and main streets in Local Centre Areas*** in Appendix A3.

6) This plan amends the *Late Night Trading Development Control Plan 2007,* as follows.

(a) Delete sections 2 Strategy and 3 Controls' and Appendix 1 Late Night Trading Area Character Strategies and 2 Plan of Management Guidelines.

(b) Insert the following provision at the end of section 1.4 Relationship to Other Environmental Planning Instruments and Development Control Plans:

In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 3.15 Late Night Trading Management and Schedule 3 Late Night Trading.

(c) Insert a new section 2 'Late Night Trading Areas', insert Late night trading maps identified in Appendix B and the following text:

For land subject to this Development Control Plan, which is excluded from the Sydney Development Control Plan 2012, late night trading areas are identified on the following maps.

7) This plan amends the *Green Square Town Centre Development Control Plan 2012,* as follows.

(a) Replace text in section GSTC 11 Night Trading Management with the following:

In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 3.15 Late Night Trading Management and Schedule 3 Late Night Trading.

(b) Insert a new Figure 11.1 'Late Night Trading' as included in Appendix C and the following text:

For land subject to this Development Control Plan, late night trading areas are identified on the following map.

APPENDIX A1

Amendments to Sydney Development Control Plan 2012

Section 3.15 Late Night Trading Management

3.15
Late Night Trading Management

~~The aim of~~ ***T***his section ~~is to~~ assist***s*** in ***encouraging diverse*** ~~*the management of the impacts of*~~ ***late night trading in the city to meet the social and cultural needs of the community, while managing the effects of these*** ~~premises~~ ***uses*** on the ~~sites and~~ neighbourhoods in which they are located. ~~and to protect the amenity of existing residential properties.~~

The City's night-time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and ~~street~~ ***cultural*** life and play~~ing~~ an important role in ***contributing to*** the City's economic growth and standing ***as a global city***. ~~People who live or work in the City as well as tourists are attracted to these places as a result of their diversity and vitality~~. ***Late night trading supports a 24 hour economy where residents, workers and tourists can access a diverse range of businesses for convenience, leisure and entertainment.*** Late night trading premises ~~can~~ also provide employment and jobs with flexible hours.

The following provisions provide greater certainty to the community and proponents of late night trading premises in respect to appropriate operating hours and location. The provisions do not set out to curb or increase potential trading hours in a blanket fashion throughout the City, but allow opportunities for late night trading hours in appropriate locations and with appropriate management actions.

The provisions also identify ~~a constrained range of~~ ***shorter*** operating hours for late night trading in areas within a predominantly residential context. ~~and allow~~ ***Longer*** ~~flexible extended~~ trading hours ***are contemplated*** for premises located in places where ~~adverse amenity impacts~~ ***impacts*** on ***amenity in*** residential neighbourhoods are likely to be lower and are considered capable of being adequately managed.

The provisions encourage a mix of late opening shops and businesses, like grocery stores, bookshops, hairdressers and galleries, as well as licensed theatres, pubs, cafes, small bars and restaurants in late night precincts. Having more diverse forms of late night trading attracts a wide range of people of all ages and interests, creating a safer and more balanced night time economy.

To encourage more live entertainment in a range of locations in the city, the provisions provide the possibility for additional trading hours for dedicated performance venues and licensed venues which host cultural uses and live performance.

Late trading hours are considered by the City of Sydney Council to be a privilege. Late trading hours will only be approved in circumstances where an ongoing commitment to good management is evident through a series of successful trial periods. It is particularly important for proponents of ~~'high impact'~~ late night trading premises ***with greater effects on surrounding uses*** to demonstrate responsible management over time. This commitment should be demonstrated both at the application stage and throughout the history of the operation of the premises.

Late night trading area character statements and guidelines for preparing plans of management ~~and premises management checklists~~ are included in Schedule ~~5~~ **3** and should be referred to when preparing your application.

Generally, late night trading areas are places within the City of Sydney that already or have historically been characterised by late night trading and related activity, for example ~~Kings Cross~~ ***George Street and the wider CBD, or are suitable areas identified for late night trading in the future.*** Longer trading hours may be permitted where it is considered that ~~this character can be reinforced or where~~ there is capacity for more late night uses to operate ***which reinforce the existing character of late night trading areas and do not create adverse on residential areas.*** ~~with acceptable amenity impacts resulting from any new late night activity.~~

There are a number of sites in the city LGA which are excluded from the Sydney Development Control Plan 2012 because Minister is the consent authority. The City is however the consent authority for proposals of less than $10 million in value, and applies the provisions of the Late Night Trading DCP 2007 when it assesses proposals. Green Square Town Centre DCP 2012 applies to the Green Square Town Centre, which is excluded from the Sydney DCP 2012.

The Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 will adopt the relevant provisions of the amended Sydney DCP 2012, with the late night trading maps of each plan amended accordingly.

Definitions

Category A - High Impact Premises means any of the following premises:

(i) a hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;

(ii) a hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence;

(iii) an on-premises licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the

premises is that of a nightclub with a capacity of more than 120 patrons;

(iv) A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of 250 patrons or more, but does not include a pub, bar, karaoke ~~bar venue,~~ small bar, nightclub, adult entertainment venue or registered club;

~~(~~iv) a club within the meaning of the Liquor Act 2007;

(v) a premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or

(vi**i**) premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

Category B – Low Impact Premises means any of the following premises:

(i) a hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a ***small bar or*** general bar licence;

(ii) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;

(iii) an on-premises licence within the meaning of the Liquor Act 2007;

(iv) any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises; ~~and~~

(vi) any other commercial premises, ***other than Category C premises***, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night,. ~~This may include such premises as~~ ***including but not limited to, food and drink premises, takeaway food and drink premises,*** ~~restaurants, 'BYO' premises, cafes~~, theatres, karaoke venues, convenience stores, ***entertainment facility***, ~~takeaway food shops~~, ***and stand-alone gyms in buildings with residential accommodation*** and the like**;** ***or***

(vi) A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a

pub, bar, karaoke ~~bar~~ venue, small bar, nightclub, adult entertainment venue or registered club.

Category C – means any of the following premises:

(i) Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the Liquor Act 2007. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. It does not include convenience stores, food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.

Note: Category A B and C Late night trading premises do not include sex services premises.

Base hours are the standard range of trading hours that a late night trading premises is entitled to if an application is approved.

Convenience store is a shop that:

- ***primarily offers pre-packaged, processed snack food for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and***
- ***has a floor area generally under 200 square metres; and***
- ***located at street level in places with medium to high volume of passing traffic.***

In all cases, the discretion as to what development is considered to be a 'convenience store' for the purposes of this DCP shall be solely that of the consent authority and generally in accordance with this DCP.

Extended hours mean trading hours that may be approved above base hours on a trial basis.

Outdoor areas are any areas that are not considered an enclosed place within the meaning described in the *Smoke-free Environment Regulation 2007*.

Patron capacity means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

Performance, creative or cultural uses include:

(i) Live entertainment, being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the

performers (or at least some of them) are present in person; or

(ii) Display, projection or production of an artwork, craft, design, media, image or immersive technology; or

(iii) ***Rehearsal, teaching or discussion of art, craft, design, literature or performance.***

NOTE: The definition of live entertainment is consistent with clause 102 of the Liquor Regulation 2018.

Objectives

(a) Identify appropriate locations and trading hours for late night trading premises.

(b) Ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.

(c) Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.

(d) Encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City.

(e) Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City.

(f) Encourage a diversity of night-time activity in defined areas.

(g) Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.

(~~g~~**h**) Prevent the proliferation of poorly managed high impact late night premises.

(~~h~~**i**) Ensure that new late night trading premises do not reduce the diversity of retail services in an area.

(~~i~~**j**) ***Encourage diverse retail and services to meet the needs of communities.***

(~~j~~**k**) Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.

(~~k~~**l** Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.

(~~l~~**m**) Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.

(~~m~~**n**) Ensure that appropriate hours are permitted for outdoor trading; and

(no) Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.

Provisions

3.15.1 General

(1) These provisions apply to applications made under Part 4 of the Environmental Planning and Assessment Act 1979 which includes development applications and applications to review a determination or modify a consent.

(2) These provisions apply to applications for new and existing Category A, B and ~~Category B~~ ***C*** premises that:

(a) seek approval for trading hours; ~~between 10pm and 7am the following day;~~

(b) ~~currently trade between 10pm and 7am the following day, and~~ seek refurbishment, additions or extensions that will result in an intensification of an existing use;

(c) seek an extension or renewal of trial trading hours as prescribed in this section of the DCP; or

(d) seek approval for outdoor trading ~~beyond 8pm~~.

(3) These provisions do not apply to Category B and C premises that do not trade~~ing~~ after ~~only between 7am to~~ 10pm, and Category A premises trading only between 10am to 10pm.

(4) Generally standard trading hours between 7am and 10pm will apply in business zones.

Note: These provisions are not retrospective and do not derogate from existing consents.

3.15.2 Late night trading areas

(1) These provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. Late night trading areas are described in Schedule 3 Late night

trading and identified on the Late night trading areas map and include:

(a) Late Night Management Areas;

(b) City Living Areas; and

(c) Local Centre Areas.

(2) Notwithstanding the above, all proposals for ~~Category A~~ premises located outside of the late night trading areas will be subject to the requirements of these provisions.

~~(3) Proposals for late night trading premises that are either not located within or are not category A premises outside of the late night trading areas will be assessed on their individual merit with consideration given to relevant matters as outlined in 3.15.3 of these provisions as well as Section 79C of the Environmental Planning and Assessment Act 1979, Sydney LEP 2012 and any other applicable planning instruments or policies.~~

3.15.3 Matters for consideration

These matters for consideration provide the basis for a consistent approach to the determination of appropriate trading hours and create greater certainty for the community and proponents of late night trading premises.

Once these factors are taken into consideration, late night trading hours may be permitted in appropriate circumstances, particularly in areas within the City that already exhibit a vibrant night-time character, as opposed to parts of the City that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

(1) Appropriate trading hours for late night trading premises will be determined by taking into account a number of issues, ***where relevant,*** 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 night trading premises;

(b) the specific nature of the premises, ***its activities*** ~~that is a pub, nightclub, restaurant, or other similar premises~~ and the proposed hours of operation;

(c) the likely impact on the amenity of surrounding sensitive land uses, including noise, and the ability to manage the impacts.

(d) the provision of indoor performance, creative or cultural use and how this increases the diversity of late night activities in the area

(e) the provision of indoor space for performance, creative or cultural uses in a licensed premises, including the nature of the space available for the use, programming and entertainment being provided.

(f) the contribution that late night trading proposals make to street activation and vibrancy of an area at night.

(g) the likely impacts arising from the closing times and patron dispersal of the proposed and existing late night uses, including consideration of unlicensed late night trading in an area, such as shops, businesses and food and drink premises.

(~~c~~***h***) the existing hours of operation of surrounding business uses;

(~~d~~***i***) the size and patron capacity of the premises;

(~~e~~***j***) the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;

(~~f~~***k***) the likely operation of the proposal during day time hours**,** ***including the potential for street front activation.***

(~~g~~***l)*** 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;

(~~h~~***m***) the diversity of retail and business services within an area and the impact of a late night trading proposal on this diversity;

(~~i~~***n***) 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; and

(~~j~~***o***) the accessibility and frequency of public transport during late night trading hours.

3.15.4 Trading hours and trial periods

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas.

Approvals for late night trading premises will be limited in time to enable Council to assess the ongoing management performance of a premise and its impacts on neighbourhood amenity. These trial periods allow Council the flexibility to review the conditions on development consents and respond to such things as changes in the late night character of a neighbourhood and changes in management.

(1) Base and extended hours that apply to particular late night trading areas are identified in Table 3.7 Late night trading hours.

Table 3.7: Late night trading hours

		Category A		Category B		*Category C Unlicensed premises Indoor*
		Indoor	**Outdoor**	**Indoor**	**Outdoor**	
Late Night Management Area	**Base**	6am to ~~12am~~ midnight	10am to 10pm	6am to 2am	~~8~~***7***am to 10pm	***24 hours***
	Extended	24 hours	~~10~~ ***9***am to 1am	24 hours	~~8~~***7***am to 1am	
City Living Area	**Base**	7am to 11pm	10am to 8pm	7am to 1am	~~9~~***7***am to 8pm	***24 hours***
	Extended	7am to 5am	~~10~~ ***9***am to 10pm	7am to 5am	~~9~~***7***am to ~~12am~~ midnight	
Local Centre Area	**Base**	10 am to 10pm	10 am to 8pm	~~8~~ ***7***am to 11pm	~~10~~ ***7***am to 8pm	***7am to 2am***
	Extended	10am to ~~12am~~ midnight	~~10~~ ***9***am to 10pm	~~8~~***7***am to ~~12~~ ***2***~~am~~ midnight*	~~10~~ ***7***am to 10pm	
All other areas	**Base**	10am to 10pm	10am to 8pm	***7am to 10pm***	***7am to 8pm***	***7am to ~~12am~~ midnight***
	Extended	10am to ~~12am~~ midnight	10am to 10pm	***7am to ~~12am~~ midnight***	***7am to 10pm***	

*Refer to (2) below.

(2) Notwithstanding Table 3.7, proposals for extended indoor hours of Category B premises in Local Centre Areas ~~after~~ up to ~~12~~ 2am may ~~only~~ be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.

(3) Any hours that are beyond base hours will be subject to a trial period.

(4) Council may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in 3.15.3 and provided that:

(i) The premises is not located in a R1, R2 (residential) or B4 (mixed use) zone; and

(ii) The premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services ~~(800 metres) of public transport access~~.

(45) Council will consider proposals for stand-alone gyms in Local Centres to exceed the trading hours in Table 3.7 if:

(i) the gym is not located in a building with residential accommodation;

(ii) the tenancy within which the gym will be located has no common wall to residential accommodation;

(iii) Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area;

(iv) no outdoor operation of the gym is proposed;

(v) a Plan of Management is approved which addresses noise impacts described in Schedule 3, 3.2(d).

(~~5~~***6***) Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the Council has determined that the premises have been or will be well managed, including compliance with a***n approved*** Plan of Management

(~~6~~***7***) At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.

(~~7~~***8***) Premises seeking extended trading hours may be permitted up to two additional operating hours per trial period if a previous trial period is considered by the Council to have been satisfactory, ***unless eligible for an additional one trial hour under sections 3.15.4 (16) and (17).***

(~~8~~***9***) Trial periods may be permitted up to the following durations:

(a) First trial – 1 year;
(b) Second trial – 2 years;
(c) Third and subsequent trials – 5 years.

(~~9~~***10***) Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.

(~~10~~***11***) Applications for a renewal or extension of trial trading hours should be lodged 30 days ***prior to*** the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.

(~~11~~***12***) If an application is not lodged 30 days ~~from~~ ***prior to*** the expiry of the trial period, then approved trading hours will revert to base trading hours.

(~~12~~***13***) A renewal or extension of trading hours that are subject to a trial period may only be permitted if Council is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management, or premises management checklist, following the completion of a satisfactory trial period.

(14) When Council is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:

(i) Whether the trial period hours have been utilised;

~~(i)~~ (ii) the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;

~~(ii)~~ (iii) responses to substantiated complaints , including complaints recorded on the venues complaints register;

~~(iii)~~ (iv) Compliance with the approved Plan of Management for the venue;

~~(iv)~~ (v) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;

~~(v)~~ (vi) an assessment of inspections by Council Officers during trial periods; and

~~(vi)~~ (vii) consideration of any submission made by Police.

(~~13~~***15***) If the Council determines that a trial period has been unsatisfactory then trading hours will revert to the base late night trading hours or whatever hours have been approved as the maximum trading hours prior to the commencement of this DCP. Council will consult with an applicant prior to making such a determination.

Additional hour for dedicated performance venues

(16) Venues which are a Category B dedicated performance venue (identified in the Definitions at Category B (vii)) and located within a late night trading area, may be permitted one additional indoor hour at closing time on a trial period basis in accordance with 3.15.4 (9).

Additional operating hour for venues including performance, creative or cultural uses

(17) Category A and B premises, excluding dedicated performance venues, karaoke venue, ~~nightclub~~ or adult entertainment venues, which are located within a late night trading area and provide indoor space with the capacity for performance, creative and cultural uses may be permitted an additional indoor operating hour at closing time on the night the premises provides performance on a trial period basis in accordance with section 3.15.4 (9).

This hour may be in addition to any other extended hours approved as part of a trial period application. To be eligible, venues must demonstrate the capacity to provide performance.

NOTE: Venues seeking to demonstrate their capacity to provide performance as required by section 3.15.4 (17) may support their application by submitting information including the following:

- ***A description of the type of music, visual or performance art or other cultural events that may be staged at the premises***
- ***Submission of details of the space to be used and permanent or semi-permanent structure(s) and equipment to present live performance and creative and cultural uses. This may include any stage and audience standing or seating area; and***
- ***Arrangements for booking and promoting performance, creative and cultural uses.***

(18) The performance, creative and cultural use must occur for a minimum of 45 minutes after 6pm.

(19) Venues seeking to apply for an additional operating hour for providing a performance, creative or cultural use required to update their Plans of Management to reflect the operation of the performance, creative and cultural use and management of the additional hour of trade.

(20) Venues seeking to extend trial periods for an additional hour are to demonstrate that they have provided performance in accordance with the requirements of 3.15.4(16) and (17).

Category C premises

(21) Category C premises may be approved for trading hours up to the maximum described in Table 3.7 subject to an assessment of the relevant matters in 3.15.3. trial periods may be imposed for premises that propose trading hours after ~~12am~~ midnight, are in sensitive locations or include uses that may be considered by the council to be higher risk,

3.15.5 Plans of management requirements ~~and category B premises management Checklists~~

Where the Council is of the opinion that proposals for late night premises have the potential to impact adversely on amenity and neighbourhood safety, applicants are required to prepare and submit with their application Plans of Management that include verifiable data and actions.

3.15.5.1 Preparation

Plans of Management are to include information about the operational and contextual aspects of a premises, for example locality description, security numbers, noise emission and trading hours, as well as details about what actions will be taken to ensure that premises will be responsibly managed, for example, crowd control procedures, noise minimisation and waste management.

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

(1) A Plan of Management, prepared in accordance with the guidelines in Schedule 3 Late night trading, is required to accompany an application for the following late night trading premises:

(~~b~~**a**) new Category A Premises;

(~~c~~**b**) existing Category A Premises that seek a renewal or extension of existing approved trading hours;

(~~d~~**c**) ***new Category B premises;***

(~~e~~d) existing Category B premises that seek a renewal or extension of existing approved trading hours;

(~~e~~**e**) existing Category A Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;

(~~f~~**f**) existing Category B Premises that seek extensions, additions or refurbishment which will result in the premises becoming a Category A premises;

(~~g~~**g**) applications for outdoor trading on the same lot as a Category A or Category B Premises;

(h) Category A or B premises that seek an additional operating hour for the provision of performance, creative or cultural uses; and

(i) Category B dedicated performance venues that seek an additional operating hour at closing.

(2) Plans of Management must be assessed and approved concurrently with the application for an extension of trading hours.

~~(3) In the main, applications for Category B Premises are required to provide a Category B Premises Management checklist in accordance with the guidelines in Schedule 3 Late night trading.~~

(~~3~~**4**) The operators of late night trading premises are required to review their Plan of Management or Category B Premises Management Checklist following every 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.

(~~4~~**5**) Council may request that an applicant ***amend their Plan of Management to*** provide further information in addition to the minimum requirements listed in Schedule 3 Late Night Trading in their Plan of Management where it is considered necessary.

3.15.5.2 Monitoring and Review

At the termination of a trial period, applicants should consider changes in the nature of the operation that have occurred during the operation of a premises that have given rise to unforseen impacts on the amenity of the area or have been the basis for a

substantiated complaint made to Council or the State licensing authority against the premises.

In reviewing a Plan of Management at the termination of a trial period, it will be necessary for this information. This should be in the form of a new Plan of Management which includes a statement of revisions of the previous Plan of Management, if any are required to accompany an application for a renewal or extension of trading hours so that Council can determine whether adequate steps have been taken to resolve any problems that may have arisen from the operation of the premises during a trial period.

The Council will undertake its own review of the level of compliance with the Plan of Management and whether the current operation has been successful on any application to extend a trial period or on any review. The matters considered by Council will include, but not be limited to:

(i) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;

(ii) an assessment of inspections by Council Officers during trial periods; and

(iii) consideration of ***any submission made by*** Police.

APPENDIX A2

Amendments to the Sydney Development Control Plan 2012

Schedule 3

Schedule 3

Late Night Trading

3.1
Late Night Trading Area Character Statements

The Late Night Trading Management provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. These primarily include areas that are focal points for varied night-time social and recreational activity; or are, at least in part, places with a distinct night-time entertainment character; or where a night-time entertainment character is evolving, and the area is considered to have the capacity for an increase in late night activity.

There are three types of late night trading areas:

- Late Night Management Areas;
- City Living Areas; and
- Local Centre Areas.

A character statement for each is below. Late Night Trading areas are shown on the Late Night Trading Areas Map.

3.1.1 Late Night Management Areas – Character Statement

Key defining elements

Late Night Management Areas are places within the City that:

(a) have historically been the focal points for varied late night social and recreational activity; or

(b) are places with a distinct late night entertainment character; or

(c) have an evolving night entertainment character and the Area is considered by the Council to have the capacity for an increase in late night trading premises; ***or***

(d) are business only zones, able to accommodate performance and arts and cultural uses, with good accessibility to public transport.

These places should be vibrant and multifunctional places where people can go out late at night in safety without affecting the amenity of nearby residents. Patrons of late night trading premises

should be able to take advantage of a diverse range of cultural and entertainment opportunities in close proximity to each other; without one particular type of late night use dominating which may usurp the diversity and attraction of the area.

Late Night Management Areas are often regional 'destinations' that have accessible and frequent public transport at night and usually have their focus on main streets or tourist locations where people shop, meet, work and live. Given the likely higher level of visitation and the possibility of long trading hours, it is important that all premises, especially those high impact premises are well-managed and regulated.

Some Late Night Management Areas, such as the North Alexandria heritage area, will be in business only zones, with industrial buildings, ideally suited to provide space for performance, creative and cultural uses, and with good access to public transport. These business areas provide a unique opportunity for live entertainment and cultural uses without a conflict in land use, character or impact on residential amenity.

Buffer zones

Late Night Management Areas may be of variable size and their physical boundary is defined by clear transitions in the intensity and duration of late night activity compared to lower impact late night trading areas nearby. Late Night Management Areas often share boundaries with places where less intensive night-time activity is evident, such as Local Centre or City Living Areas (i.e. lower intensity classifications of late night trading).

These lower intensity areas act as buffer zones to the more concentrated late night time activity of Late Night Management Areas. Buffer zones are intended to function as a transition zone by providing a lesser intensity of use. These are not 'spill' zones, and are not intended for expansion of Late Night Management Areas.

Mix of uses

Late Night Management Areas should be vibrant places both day and night, and premises that trade late at night should enhance this vibrancy. The predominant night-time uses in Late Night Management Areas include:

- cafes;
- ***shops***
- ***businesses offering local services, for example: hairdressers and drycleaners***
- ***small bars***
- ***bars***

- licensed hotels;
- theatres ***and performance, creative or cultural space***
- restaurants; and
- other like premises.

Many of these premises may trade in the early hours of the morning, particularly on weekends.

The Late Night Trading Management provisions aim to achieve a mix of premises in Late Night Management Areas that reinforce the landmark night-time qualities of the area and which capitalise on night-time attractiveness to encourage tourism and economic activity. New premises in Late Night Management areas should contribute to diversity rather than usurp it. At the same time, new late night trading premises should not erode the diversity of retail and local services that operate during the day which service the local community, workers and visitors.

Late Night Management Areas should be places that people visit for a number of reasons and not solely to patronise high impact licensed premises such as pubs and nightclubs. Late Night Management Areas provide opportunities for late night entertainment and have historically been a focus for live music, theatre and ~~'DJ' Culture~~ ***electronic and dance music.*** They are appropriate places for the nurturing of performing arts and other cultural ***and social*** activities.

Issues and management

Due to the concentration of late night trading premises in Late Night Management Areas, the cumulative noise levels, generation of pedestrian and vehicle traffic, and activity levels will be an issue, more so than in other late night trading areas.

Whilst it is acknowledged that noise and late night activity is a key characteristic of these areas, it is also essential to manage the cumulative impacts of late night trading premises in Late Night Management Areas and to effectively manage each individual late night premises within the area.

Since Late Night Management Areas may be destinations for people that live outside the City of Sydney, particularly on weekends, it is important that this higher visitation is managed effectively in order to minimise the impacts of late trading premises on nearby uses. It is important that proposals for late high impact premises such hotels and night-clubs premises are accompanied by detailed Plans of Management which effectively address amenity, safety and security

Trading hours

Extended hours can allow Late Night Management Areas to reinforce their role as centres of activity which offer entertainment, social and cultural opportunities that attract both locals and international visitors. Early morning trading hours may be acceptable for premises located in Late Night Management Areas where proponents can verify over time that noise, safety and amenity impacts can be managed to a level which is at an acceptable community standard. Up to 24 hour trading may be permissible in Late Night Management Areas; but only in circumstances where applicants have a sustained track record of good management, minimising amenity and safety impacts.

3.1.2 City Living Area – Character Statement

Key defining elements

This area is characterised by its diversity and potential to accommodate a range of lower impact late night trading premises which can cater to the entertainment and cultural needs of people that live in, work in and visit the City Centre.

Late night trading premises that are desirable in the City Living Area are premises that reinforce the rich cultural life of the City, establish places of interest and provide for the cosmopolitan needs of the community.

However, concentrations of late night trading premises are not encouraged, particularly when they are located in close proximity to places where the primary land use is residential in character. The City Living Area ~~acts as a buffer around several Late Night Management Areas and~~ requires a lower scale and intensity of late night trading premises in comparison to Late Night Management Areas.

The City Living Area includes places where previous approvals have enabled late night trading to occur up to 24 hours a day, particularly on weekends. However, extended hours are dependent on context and impact, and in cases where impacts on residential properties cannot be effectively managed, late night trading will be limited to a narrower range of trading hours. It is desirable that premises do not trade exclusively at night and also function as places that people go ***during the*** day to create a balance of activity.

Pockets of night-time activity are encouraged in streets and laneways which are underutilised at night and where impacts on residential uses (if in close proximity) can be effectively managed. Late night trading in such places is only desirable if:

(a) the safety of patrons and others is protected;

(b) ~~where~~ there are clear and safe linkages to city streets that are active at night;

(c) ~~where~~ public transport is frequent and accessible late at night; and

(d) ~~where~~ ***any*** adverse impact***s*** ~~is placed~~ on any nearby/surrounding residential development ***are adequately managed***.

Mix of uses and concentration

The City Living Area accommodates a wide range of commercial, retail, cultural, tourism and entertainment uses with wide variations in operating hours, with many premises operating late at night throughout the week.

This area includes areas with concentrations of apartment buildings and other residential development in close proximity to existing areas of night time activity (eg. ~~near Chinatown and The Rocks~~ ***Broadway***). High levels of pedestrian and vehicular activity is evident in the City Living Area at night and it broadly has a 'dual identity', with parts that contain either predominantly business or predominantly residential uses.

The potential for clustering or concentration of late night trading premises is limited in much of the City Living Area due to constraints arising from existing business and residential development that physically dominate some parts of the Area.

The City Living Area can accommodate discrete night-spots that may provide an alternative experience to the types of late night trading premises that locate elsewhere in the City.

Such night spots may range from hotels and night-clubs to small cafes that may attract clientele on the basis of reputation and prior knowledge rather than a 'critical mass' of people (or simply from passing pedestrian traffic) that visit a particular area for its high cultural and entertainment profile. Hence, due to the mixed character of the City Living Area, opportunities may exist for a diverse range of unique 'niche' premises.

~~An example of this type of premises is The Basement in Circular Quay which has been a showcase for live music in Sydney since the early 1970s and is a point of 'alternative' cultural interest for people who live or work in the City as well as for tourists. Another example is the recent trend for boutique 'Beer Cafes' and wine bars in the City Centre that offer a highly specialised dining and social experience.~~

Both niche and 'conventional' market premises are encouraged in the City Living Area, particularly in cases where they promote Central Sydney's role as Australia's principal centre for culture, entertainment and tourism.

Issues and management

The central issue for this Area is the management of impacts on residential development within and near the Area. As a result, proposals will differ based on whether there is nearby or surrounding residential development to the proposed premises. Plans of management will assist in this regard, as aside from the basic content ***they*** may also nominate specific mechanisms to manage proximity to residential development ***where appropriate***.

Trading hours

Appropriate late night trading hours for premises are dependent on the extent and proximity of residential premises to any proposal. Decisions on appropriate late night trading hours will be based on the impact it is considered that the use will have on the amenity of residential and other land uses.

Generally longer trading hours may be acceptable where the predominant surrounding land use is non-residential or is insulated/protected from late night trading activity, or where there are clear buffers. Longer trading hours may be acceptable in peak periods on weekends and during special events and may be subject to trial periods as is the case for all types of late night trading land uses addressed by Council's Late Night Trading Management provisions.

Conversely, trading hours will be shorter where the predominant surrounding character is residential. Due to the generally active character in the City Living Area (even within some predominantly residential areas), longer trading hours may be considered more acceptable compared to Local Centre Trading Areas where the interface between residential and non residential uses is more defined.

3.1.3 Local Centre Areas – Character Statement

Key defining elements

Local Centre Areas are primarily located within shopping streets and retail spines in the City of Sydney and consist of active places that are the commercial and cultural focus for the local community.

Local Centre Areas are active and vibrant places at night, although the intensity of activity is distinctly lower than in Late Night Management and City Living Areas. Premises such as restaurants and licensed hotels will generally have shorter trading hours than their counterparts in other areas. This is due to the proximity of Local Centre Areas to residential and other sensitive land uses and thus greater potential to impact upon the liveability of local residents.

Such areas have good access to public transport at night, and offer a broad range of opportunities for passive and low-intensity recreation at night including restaurants, cafes, galleries, licensed hotels and retail uses.

Local Centre Areas may also include places within the City of Sydney that have the potential to support an increase in night time activity, particularly in instances where a notable number of commercial premises are vacant or underutilised such as ***south Regent Street in Chippendale or Botany Road in Green Square***~~. and Redfern Street in Redfern~~.

~~During peak periods such as weekends it is appropriate for a number of premises to trade to midnight since~~ Local Centre areas should be safe places for people to go out at night ***and provide late night options for local communities;*** and can provide an alternative and respite from the sustained levels of activity that are characteristic of Late Night Management Areas. ***In some locations in Local Centres, low impact premises may have the potential to trade later than ~~12am~~ midnight, and up to 2am.***

Although Local Centre Areas cater to people who live or work in the locality, they also have a minor role as destinations for people outside the ***CBD*** on weekends and therefore serve an important role in the hierarchy of night-time entertainment and recreational opportunities in the City.

Mix of uses and activities

In Local Centre Trading Areas, a mix of commercial and passive recreational uses is evident throughout the day and these uses flow on into early evening hours. ~~However, at this time a gradual transition in character begins where food and drink premises eventually become the primary use, and eventually are the predominant use after 7pm.~~

While traditionally ~~Therefore,~~ at night the retail uses in Local Centre Areas have ***had*** a secondary role and cultural and recreational activities become the main focus**, *the demand for shops and businesses to stay open later to serve the needs of the local community has increased.*** Ideally, ***in local centre****s* some retail uses will continue to operate during late night hours and have a complementary relationship with late night uses. ***These may include shops such as chemists, clothing stores, bookshops and supermarkets or businesses that supply local services, like drycleaners, hairdressers and medical centres*** ~~consist of premises that sell cultural products such as books, music, artworks and gifts.~~ It is desirable that the urban village character of Local Centre Areas is sustained at night in order to maintain diversity. Premises within Local Centre Areas that operate exclusively at night are not encouraged.

Trading hours

~~Where Local Centre areas contain transitional sections that differ slightly in character from the rest of the area (usually due to such things as the earlier closure of businesses; less clustering of food and drink premises; less pedestrian activity at night and a more prominent residential character) it is desirable to have shorter trading hours. This is because these sections are characteristically less active during late night hours and there is greater potential for late night trading premises to impact on the amenity of surrounding residential neighbourhoods.~~

Careful consideration will be given to the residential context of the area and existing hours of other late night trading premises in close proximity when assessing applications in these areas. Trading hours up to the maximum extended hours of operation permissible for local centre areas are acceptable where it is considered that the use:

(a) will have minimal impact on residential amenity;
(b) is characteristic of other uses in close proximity; and
(c) where it will not contribute to the clustering of Category A premises.

In some locations in local centres it may be appropriate for low impact venues, to trade until 2am such as small bars, in accordance with their small bar liquor license. This will only be allowed where entry and egress to the premises is onto a main street and not a residential laneway or area.

Local businesses may also be able to trade until 2am to provide greater diversity and meet the needs of local communities.

Some areas have the potential to be Local Centre Areas (for example: Redfern, ~~and~~ ***Botany Road***) which have the capacity to support an increase in night-time activity that would encourage greater main street activity at night, ultimately contributing to revitalisation.

Issues and management

In order to maintain their relatively low level night-time activity and to promote diversity, it is desirable that a wide range of low impact night-time trading premises operate in Local Centre Areas. Thus, the clustering of high intensity premises is discouraged which will prevent a monoculture of high impact licensed premises that may adversely change the night time character of the locality. Local Centre Areas should characteristically have a strong presence of lower impact premises (eg. cafes, restaurants) that are 'anchored' by higher impact premises such as hotels.

An issue for Local Centre Trading Areas is residential development within and near the area, so proposals will differ based on whether there is nearby or surrounding residential development to the

proposed premises. Plans of management will assist in this regard, as aside from the basic content they may also nominate specific mechanisms to manage proximity to residential premises. The type of use proposed may also assist, given that high-impact uses are discouraged in Local Centre Trading Areas, low-impact proposals are expected and given their very nature will have a lesser impact.

3.2
Plan of management requirements

(1) A Plan of Management should be in the form of a separate attachment with an application and should be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management. At a minimum, a Plan of Management should contain the following information:

(a) Site and locality details

(i) A description of the primary use of the premises as well as any secondary/ancillary uses (eg. retail liquor sales, public 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;

(ii) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (eg. Outdoor seating, footway dining, queuing areas, parking etc);

(iii) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses. The floor plan should also indicate the proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;

(iv) 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;

(v) The location of waste storage areas;

(vi) Location of air conditioning, exhaust fan systems and security alarms;

~~(vii) 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.~~

(viii) Identification of the most commonly used pedestrian routes to and from the premises, including any safety corridors;

~~(ix) A summary of other late night trading premises that operate beyond 10pm within a 200 metre radius of the premises, indicating the nature of their use, their trading hours and distance from the premises~~.

(b) Operational details

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

- the number and type of staff (including security);
- other similar premises within the company's portfolio (if relevant);
- any Liquor Licenses for the premises;
- 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;
- membership of a Licensing Accord within the City of Sydney (please refer to the City's website for details of Licensing Accord operating within the City); ~~and~~
- ~~actions taken to liaise with the local community about premises management and activities (eg. meetings, letter drops).~~

(c) Hours of Operation

(i) For existing premises seeking a renewal or extension of trading hours, a schedule of the current trading hours showing the range for each day. For example; this should be expressed in the following format:

- 9am Friday to 2am Saturday
- 9am Saturday to 2am Sunday
- 9am Sunday to 1am Monday
- 9am Monday to midnight Monday

- 9am Tuesday to 11pm Tuesday
- 9am Wednesday to 2am Thursday

(ii) A schedule of the proposed operating hours for each day of the week for all areas of the premises (eg. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above. If the nature of an area changes, for example, a dining area becomes a dance floor after the kitchen closes, then this should be noted and operational hours for the different uses detailed and

(iii) If applicable, a schedule of proposed entertainment hours for each day of the week in the format above.

(d) Noise:

(i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:

- ***Live*** entertainment ***and amplified sound***;
- external (outside) areas such as courtyards, rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment;
- waste disposal, sorting and collection of bottles etc
- ***in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and free weights***.

~~(ii) A description of the existing acoustic environment during hours proposed beyond midnight (eg. 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 (eg. residential dwellings, boarding houses, backpacker accommodation, hostels etc.) and;~~

~~(iii) If applicable, a description of the nature/type of entertainment (eg. amplified or acoustic, solo or band, number of performers, pre-recorded, Disc Jockey etc);~~

(ii) Details of all ~~on-site and off-site~~ noise and vibration attenuation measures related to the use and operation of the premises.

(iii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (eg. Australian Standards, Protection of the Environment (Operations Act) 1997, EPA Industrial Noise Guidelines, etc.);

~~(iv) 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 Operation Act 1997 ;~~

(v) 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 (eg. liaison with neighbours and local police, maintaining a complaint register etc);

(vi) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and

(vii) Details of any noise limiting devices to be installed.

(e) Security and safety – ***may only be applicable for licensed premises or takeaway food and drink premises located close to late night licensed premises.***

(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);
- 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 (eg. 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) Detail any liaisons or outcomes of any meeting with local NSW police; and

(iv) 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;
- Action taken by premises to resolve the complaint;
- Follow-up; and
- Outcome.

(f) Management Measures

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 been taken to respond to complaints made about the operation of the premises

(including but not limited to 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 (eg. 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 premise will impact the mix of uses in the vicinity during both day and night trading hours;~~

(iv) Details of methods that will increase patron awareness of public transport availability(eg. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (eg. provision of a shuttle service, taxi assistance etc.); and

(viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts;

(v) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

~~Noise:~~

~~***(viii)*** Details of all on-site and off-site noise and vibration attenuation measures related to the use and operation of the premises.~~

~~(ix) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (eg. Australian Standards, Protection of the Environment (Operations Act) 1997, EPA Industrial Noise Guidelines, etc.);~~

~~(x) 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 Operation Act 1997~~
;

~~(xi) 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 (eg. liaison with neighbours and local police, maintaining a complaint register etc);~~

~~(xii) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and~~

(xiii) ~~Details of any noise limiting devices to be installed~~.

Security and Safety ***(where applicable):***

(i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or 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 (eg. during public 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;

(v) Detail procedures and provisions that will be implemented to improve premises security. ~~At a minimum~~ This ~~should~~ ***could*** 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;

- membership of the proprietor/licensee to a Licensing Accord (see the City's website for details of Licensing Accords operating within the City);
- dress codes;
- staff security training;
- distinctive security attire;
- availability of cloak rooms;
- internal and external security patrols;
- measures to prevent glass being carried from the premises by patrons;
- measures to ensure safe capacities (eg. electronic counting of patrons, occupancy limits, signage); and
- actions to be taken during 'wind down' periods prior to closing time.

(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:

- A description of how and how often security guards will monitor queues (e.g. security guards will monitor queues every 10 minutes to identify inappropriate behaviour before patrons enter);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; ~~and~~

Optional issues that may be required in relation to an application for a liquor license

(vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements 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 and provision of free water;
- display of the premises' house policy;
- assisting patrons in accessing safe transportation from the premises (eg. arranging taxis, public transport timetable information);
- encouraging responsible drinking;
- number of RSA marshalls employed for each shift and details on how they will monitor RSA; and
- actions taken to discourage drug use and to manage drug related incidents.

(xiv) Detail emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.

(g) Performance, creative or cultural uses (where applicable)

(i) A description of the music, visual, performance, creative and cultural events that may be staged at the premises;

(ii) Details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area) and equipment to present the performance, creative or cultural use;

(iii) Arrangements for booking and promoting performance, creative and cultural uses;

(iv) Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses.

~~3.3~~
~~Premises Management Checklist (Low Impact Premises)~~

~~(1) Management checklists for a low impact premises is to include the following:~~

~~(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 (eg. disposal of bottles, waste removal etc.)~~

~~(c) Provide details of 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 and/or queues 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;

(m) Provide details of the trading hours of other late night trading premises currently operating within a 200m radius (ie. commercial premises that operate after 10pm); and

(n) Be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management.

APPENDIX A3

Draft Sydney Development Control Plan 2012

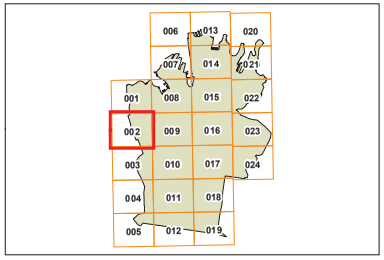
Draft Late Night Trading Maps as amended

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 002

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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Paper Size: A3
Prepared By: SPUD
Printing Date: April 12, 2019
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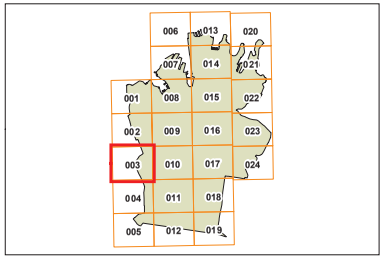
Sydney Development Control Plan 2012

Late night trading areas map
Sheet 003

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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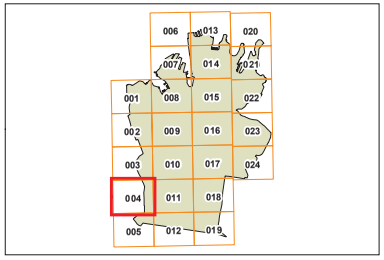
Sydney Development Control Plan 2012

Late night trading areas map
Sheet 004

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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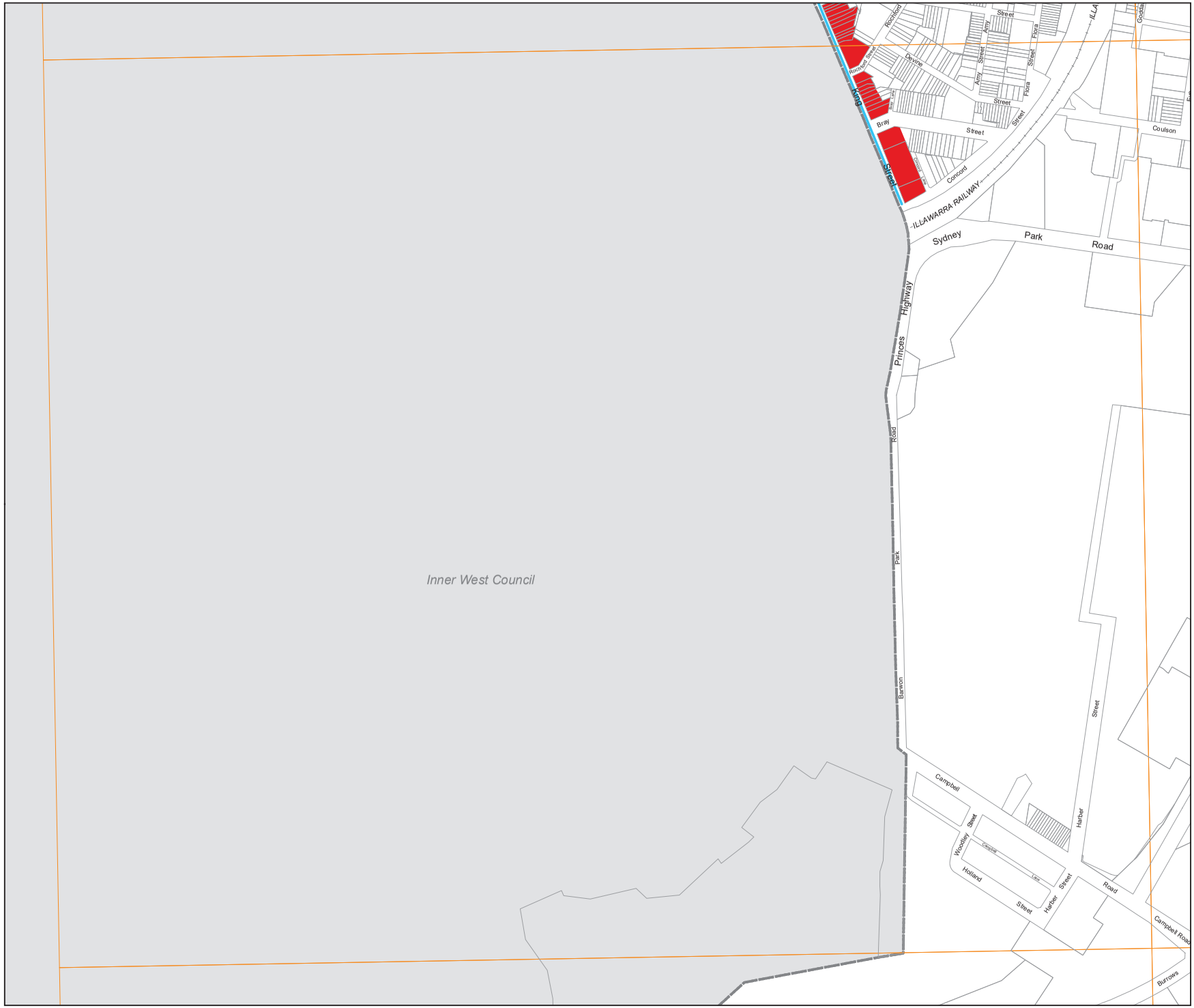
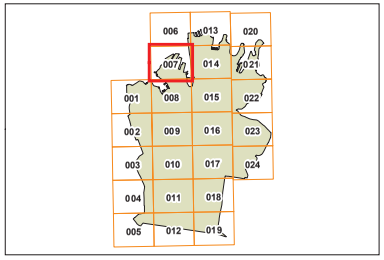


Sydney Development Control Plan 2012

Late night trading areas map
Sheet 007

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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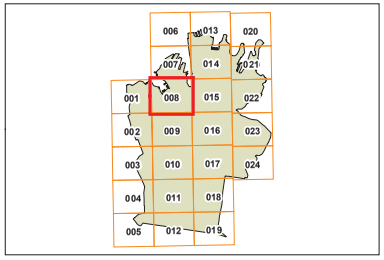
Inner West Council

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 008

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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Sydney Development Control Plan 2012

Late night trading areas map
Sheet 009

Legend

- Proposed city living areas
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- Proposed local centre areas
- Main street in local centre
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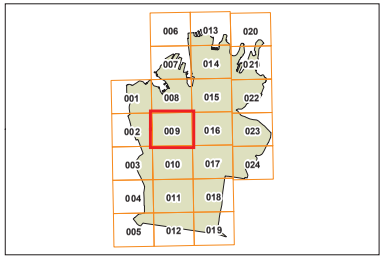

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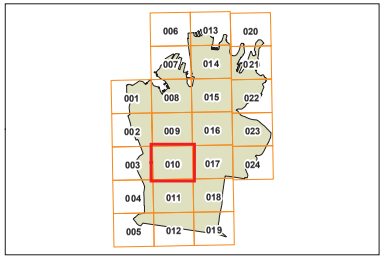
Paper Size: A3
Prepared By: SPLID
Printing Date: March 27, 2019
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 010

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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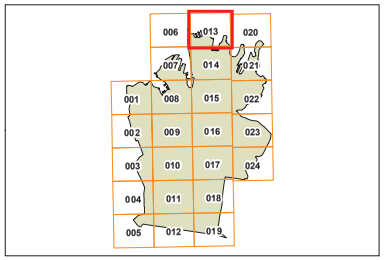
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 013

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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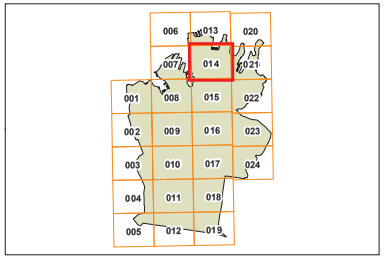
Sydney Development Control Plan 2012

Late night trading areas map
Sheet 014

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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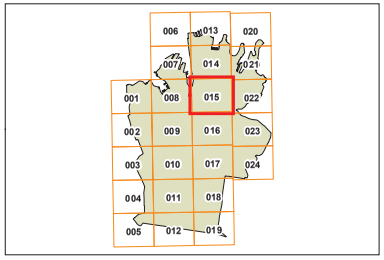
Sydney Development Control Plan 2012

Late night trading areas map
Sheet 015

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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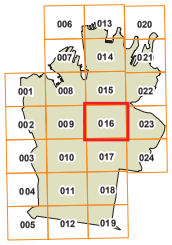
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 016

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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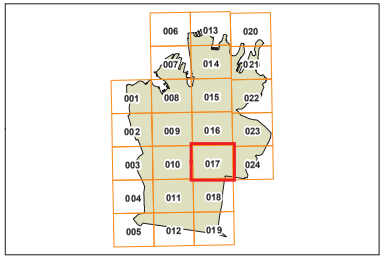
Printing Date: March 27, 2019
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 017

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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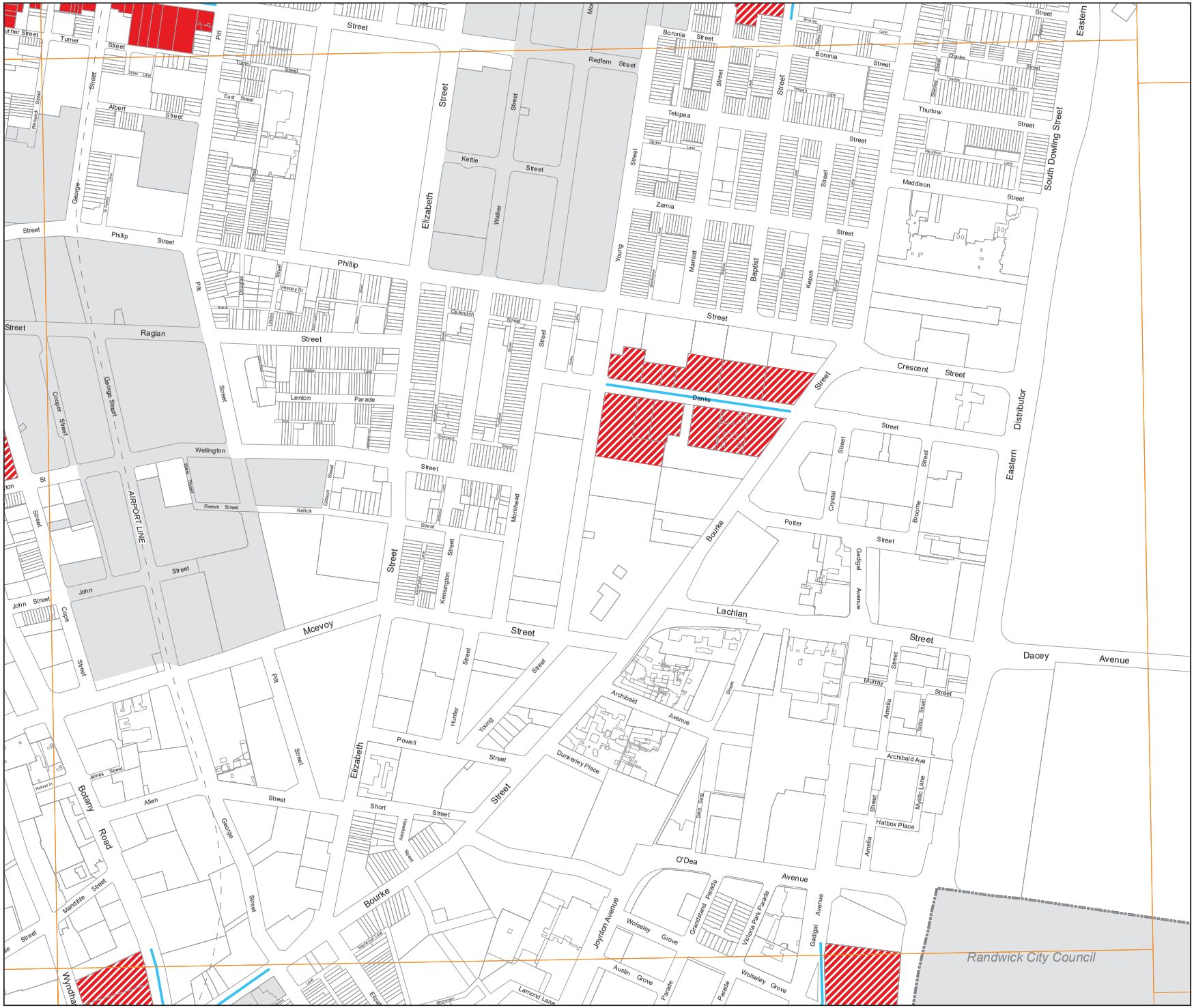
Datum: GDA94
Paper Size: A3
Prepared By: SPLID
Printing Date: March 27, 2019
File: SDCP2012_LNTA.mxd

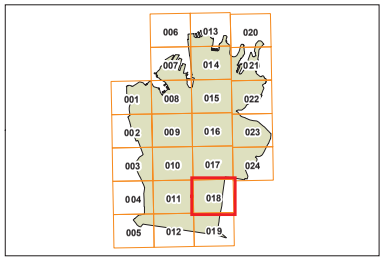


Sydney Development Control Plan 2012

Late night trading areas map
Sheet 018

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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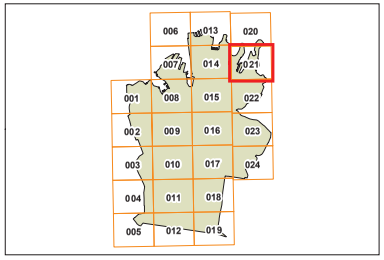
Datum: GDA94
Paper Size: A3
Prepared By: SPJD
Printing Date: April 11, 2019
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 021

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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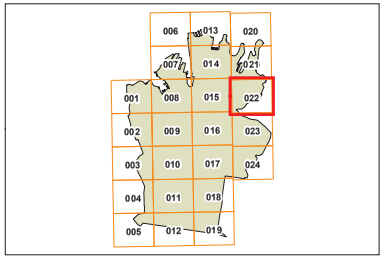
Prepared By: SPLID
Printing Date: April 4, 2019
File: SDCP2012_LNTA.mxd

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 022

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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Datum: GDA94
Paper Size: A3
Prepared By: SPJD
Printing Date: April 11, 2019
File: SDCP2012_LNTA.mxd

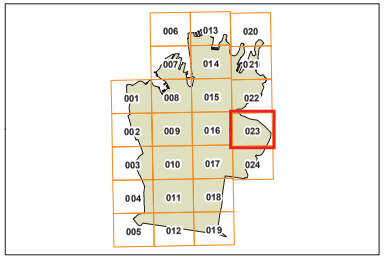
Woollahra Municipal Council

Sydney Development Control Plan 2012

Late night trading areas map
Sheet 023

Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



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Prepared By: SPLID
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File: SDCP2012_LNTA.mxd

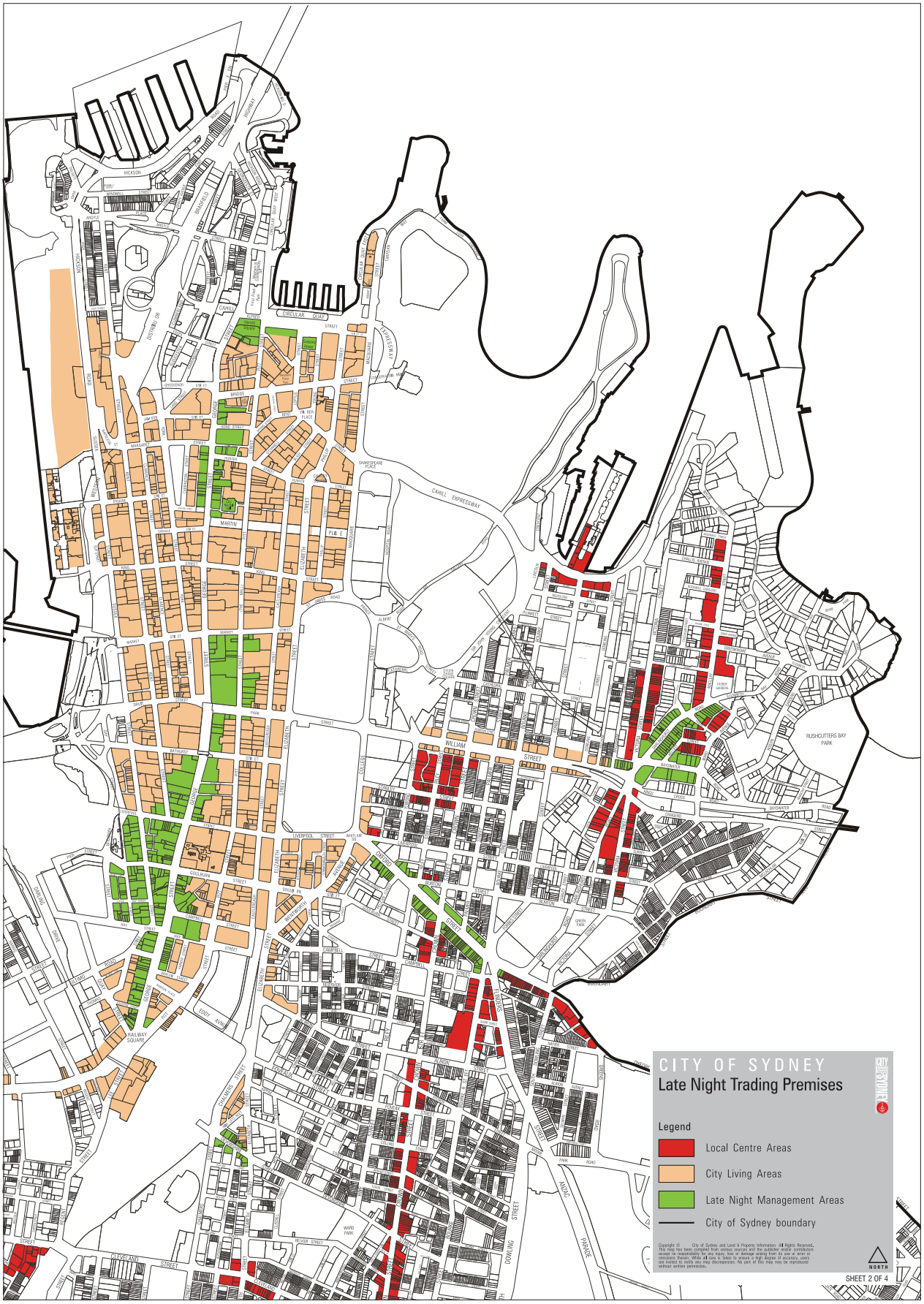
Woollahra Municipal Council

Randwick City Council

APPENDIX B

Late Night Trading Development Control Plan 2007

Draft Late Night Trading Area Maps as amended



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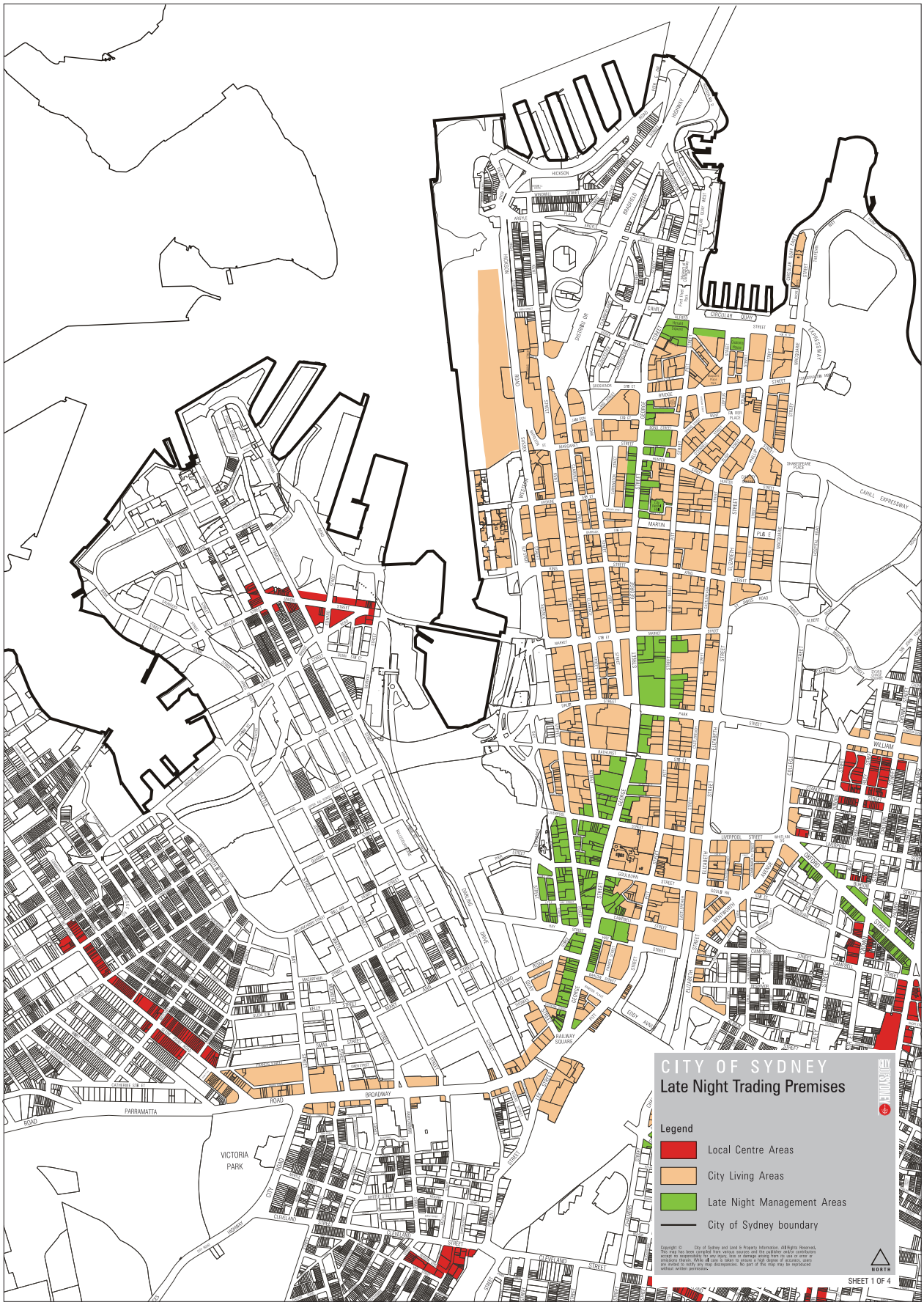
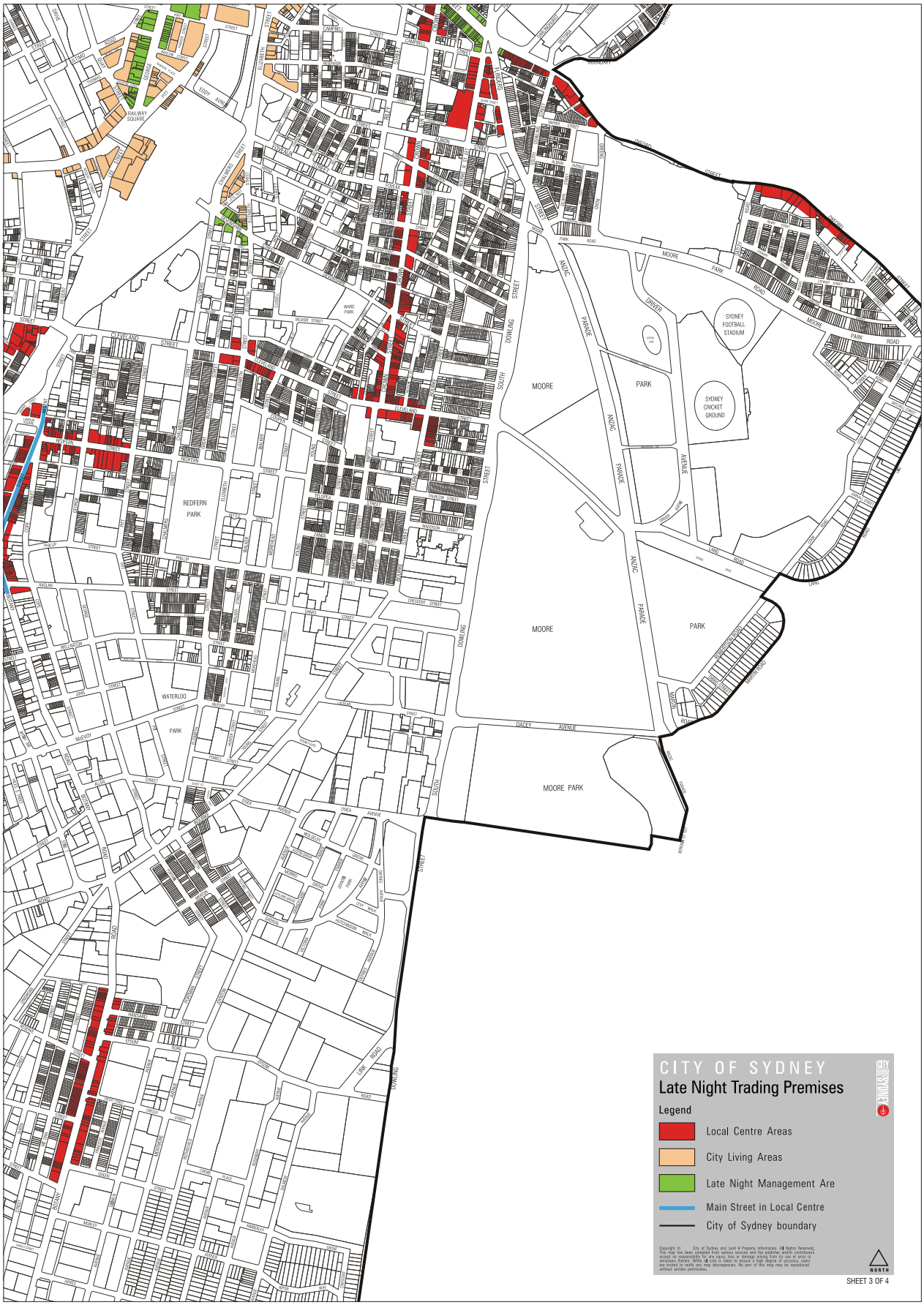
3.2 Late Night Trading Areas




CITY OF SYDNEY
Late Night Trading Premises
Legend
Local Centre Areas
City Living Areas
Late Night Management Are
Main Street in Local Centre
City of Sydney boundary
NORTH
SHEET 3 OF 4
MOORE PARK
SYDNEY FOOTBALL STADIUM
SYDNEY CRICKET GROUND
REDFERN PARK
WATERLOO PARK
ANZAC PARADE
DOWLING STREET
DACEY AVENUE



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APPENDIX C

New Green Square Town Centre Development Control Plan 2012

Draft Figure 11.1 Late Night Trading Map as amended



Figure 11.1 - Late Night Trading

Local Centre

Main Street for purposes of 3.15.4(2)

Attachment B

Resolution of Council 19 November 2018

Resolution of Council

19 November 2018

Item 8.2

Public Exhibition - Sydney Development Control Plan 2012 Amendment - Late Night Trading 2018 (Not Liquor Licensing)

Note – the recommendation of the Transport, Heritage and Planning Committee was not adopted. The following alternative recommendation was adopted (as contained in the memorandum dated 16 November 2018 from the Director City Planning, Development and Transport, circulated prior to the meeting) -

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.

Carried unanimously.

X011942

city of villages

Attachment C

Summary of Submissions
Global Research April 2019

Global Research
Turning **Information** Into **Insight**

Sydney Late-Night Trading: draft planning controls

ANALYSIS OF SUBMISSIONS

16 April 2019
Report prepared by Global Research Ltd

For

CITY OF SYDNEY 2030

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Christchurch 8014
New Zealand
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www.globalresearch.nz

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Summary of findings 3

Key findings 3

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Methodology and data collection 5

Analysis 6

Report structure 6

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Executive Summary

The proposed draft planning controls for late-night trading in the city of Sydney were placed on public exhibition from 27 November 2018 to 8 February 2019. The changes propose to amend the Late Night Trading Development Control Plan (the DCP) and extend trading areas, change trading hours and encourage more diverse trading to attract a wide range of people and create a more balanced and safe night-time economy.

Over 1,000 (1,070) submissions (1,000 online and 70 emailed/posted) were received. Most submissions were from individuals, however a number of residents' groups, business associations and venue operators and government agencies made submissions. A total of 901 submissions were received in support, 107 in objection and 62 were considered to be neutral.

The body of the report synthesises comments under four themes: those supportive of the changes; opposed to the changes; neutral to the changes, and those which include specific suggestions and amendments to the proposal or the process.

Summary of findings

- Overall, the majority of submitters were in favour of the proposed DCP changes with a ratio of around five in support to one in opposition. The key outcomes sought from the changes was night-time vibrancy and diversity in Sydney, and an enhanced arts and culture scene. People expected late-night trading would have many positive outcomes such as diverse food, drink, and activity options, as well as boosting the local economy.
- Much of the support for the proposed changes to the DCP was on the basis that Sydney's nightlife would be restored to its former status before the NSW Government's lockout laws were enacted. A common argument was Sydney's nightlife is currently non-existent, and a poor reflection of the vibrant and diverse nature of the city. Submitters expressed frustration at lockout laws preventing both a fun and vibrant nightlife.
- Those who opposed the changes were most commonly concerned for residents and the impacts extended trading hours would have on the quality of life of people living nearby. It was felt that changes could impact people's ability to live comfortably in the city – better enforcement of existing and new regulations was proposed as a solution. Submitters want to be ensured that a positive balance between a thriving nightlife and residents' safety and wellbeing will be managed.

Key findings

Theme 1: Support for late-night trading planning controls

- Support for the proposal was typically based on the expectation that Sydney's nightlife would become more diverse and vibrant. Submitters sought a city nightlife that promotes art, music and culture and has diverse food, drink, retail and performance options.
- Submitters frequently used terms such as '24-hour city', 'global city', 'thriving night-time economy' to describe their desired outcome for central Sydney.
- Submitters want to be assured that a positive balance between promoting Sydney's culture, art and music will be matched by respect of local amenity and mitigation of potential harm to residents' wellbeing.
- Lockout laws were not viewed favourably. Many submitters were hopeful the proposal will reverse impacts of the lockout laws.
- A considerable number of people supported the proposals on the condition that complementary policies make Sydney's nightlife accessible. This includes integrating transport policy to ensure people have safe and accessible transport options.

Theme 2: Opposition to late-night trading planning controls

- Opposition to the proposal was most frequently based on the perception that changes would cause negative consequences for residents.
- Nearly all submissions related to specific areas in Sydney. Submitters may not necessarily entirely oppose the changes but do not want to see late-night trading in areas that directly impact them or current residents in general.
- Submitters were particularly concerned about a select number of unfavorable outcomes: noise, antisocial behaviour, safety and traffic.
- Many submitters reported having trouble with existing noise levels and believed a relaxing in trading hours would only make things worse.
- Many believed later trading would result in increases in drunk and disorderly behaviour, drug-use, property damage and littering, ultimately leading to unsafe environments.
- There was skepticism that later trading would be effectively managed as it was believed that current venues and late-night trading in general are not well managed.
- Some believed residents' concerns have not been adequately considered, which is viewed as unjust as they are most affected by the proposal.

Theme 3: Neutral suggestions

- A substantial number of comments were neutral in nature, neither supporting nor opposing the changes outlined in the DCP. Comments were in some cases not relevant to the proposed changes, in other cases they presented neutral arguments.

Theme 4: Comments on the draft DCP

- Some submitters commented on specific aspects of the DCP, suggesting amendments, additions or exclusions.
- Category A, B or C venues were discussed by a sizeable number of these submitters. Comments typically addressed what should or shouldn't be considered high or low impact venues.
- A large proportion of submitters were critical of the process. Criticisms ranged from clarity of wording and imaging, to lack of opportunity to respond.
- Many submitters took the opportunity to thank the City of Sydney for the proposal and the opportunity to give feedback on it. Submitters valued the effort City of Sydney had shown by considering the general public's opinion.

Overview

Project background

Global Research was engaged to deliver a report synthesising and presenting analysis of all the submissions received to the proposed changes to the planning controls for late night trading in the City of Sydney.

The proposed changes to the Late-Night Trading Development Control Plan were placed on public exhibition from 27 November 2018 and until 8 February 2019. The public exhibition sought feedback from community and business on the proposals for new and extended late night trading precincts, changes to hours and more diverse trading in the city. The proposed changes are shown in the Draft Sydney Development Control Plan: Late-Night Trading 2018, October 2018. (This is referred to in this report as the plan, the DCP, or with reference to the 'proposed changes')

The proposed changes include new and extended late night trading areas and encourage more diverse late-night trading with performance, shops and businesses to attract a wide range of people and create a more balanced and safe night time economy. Five key changes are proposed to the late-night trading planning controls:

1. A 24-hour City Centre – extending the Late-Night Management Area along George Street across the City Centre and increasing the trading hours.
2. Increasing hours for low impact venues in Local Centres – aligning the controls with NSW Government licensing rules and allowing lower impact venues, including small bars, to trade until 2am if entry is to a main street and not onto a residential laneway or area.
3. New areas for new communities - identifying late night trading areas in suitable urban renewal precincts, including Barangaroo, Walsh Bay, Green Square Town Centre, Danks Street, East Village Shopping Centre, and an arts focussed industrial heritage warehouse area in Alexandria.
4. Extending existing areas - recognising venues in Chippendale, Redfern, Surry Hills and Lankelly Place, Potts Point, that have emerged since 2007 to expand precincts.
5. Encouraging performance, culture and unlicensed businesses:
    - Allowing unlicensed shops and business, such as bookshops, clothing stores, drycleaners and hairdressers to trade up to 24 hours in City Living or Late-Night Management Areas and up to 2am in Local Centres.
    - Describing dedicated performance venues, such as theatres, concert halls and cinemas with up to 250 patrons located in late night trading areas, as lower risk premises and allowing these venues an additional trading hour at closing time.
    - Allowing venues locate in late night trading areas that host performance one additional trading hour at closing time on the night that they provide the performance.

Other changes include providing guidance on appropriate trading hours for low impact venues outside of the precincts, consolidated Plan of Management requirements and earlier start times for morning service cafes, restaurants and other food and drink premises.

Methodology and data collection

Submissions were received from community members from 27 November 2018 until 8 February 2019 by way of online submissions, and responses received directly in email/letter formats.

- 1000 respondents made submissions online.
- 70 posted or emailed submissions were received from the community, business and stakeholder groups.

Analysis

Qualitative analysis of the free-text written responses was undertaken by Global Research analysts.

All comments were read and organised (coded) into themes and topics. A coding schedule used to organise all the information received and inform the structure and detail of the report was approved by CoS staff.

Comments were coded into groups that supported or opposed the proposed changes. In addition, neutral comments were coded together, as well as the comments on the process/plan itself. Most comments made multiple points and so were coded to multiple topics. Once coding was completed comments which made similar points on particular topics were synthesised and comprise the body of this report.

The analysis process was assisted by NVivo qualitative analysis software. To ensure consistency, coding was peer reviewed.

Report structure

This report commenced with an Executive Summary which presented a synthesis of opinions expressed in all submissions.

Following this section's overview, the report presents discussion under four themes:

- Theme 1: Support for late-night trading planning controls
- Theme 2: Opposition to late-night trading planning controls
- Theme 3: Neutral suggestions
- Theme 4: Comments on the draft DCP

Discussions are divided into key topics for each theme. The most frequently discussed topics are presented first within each section, through to the least frequently discussed topics. The number of comments made on each topic are noted in headings. (Note that this does not necessarily refer to the number of submitters, rather the number of comments within submissions, with some being made by the same submitter).

Submitters often referred to specific locations in their comments. While these comments are discussed in relevant locations throughout the report, a summary of all comments on specific locations can be found in the final section.

Throughout discussions of written comments, the number of points made on particular topics have been consistently represented by the amounts described below:

- A very large number = 150+ comments
- A large amount = 100 – 149 comments
- A sizeable number= 75 – 99 comments
- A substantial amount = 50 – 74 comments
- Considerable amount = 25 – 49 comments
- A moderate amount = 15 – 24 comments
- Several comments = 8 – 14 comments
- A small number = 4 – 7 comments
- A few = 3 comments
- A couple = 2 comments

The following descriptions were also used to describe the number of comments on particular topics within particular sections: *one quarter; one third; half; two thirds; three quarters; all of the comments*.

Direct quotes from respondents are presented throughout the report to illustrate particular points made. Quotes are italicised and indented from the margin. Some of these quotes have been lightly edited to increase readability.

Theme 1: Support for late-night trading planning controls

Section summary

- This section discusses submissions in support of the proposal. There are two key sections focused on key DCP changes, and favourable outcomes of the proposal. The final section covers other comments addressing a range of issues.
- This section addresses a significant number of submissions which generally support extended trading hours. A number of very general reasons were provided for support such as improving liveliness and vibrancy of the city, benefits for the local economy, and the contribution towards making Sydney a '24 hour' and 'global' city.
- Submitters also strongly supported art, culture, music and performance in the city. Many argued that Sydney used to have a stronger arts and music scene which now is considered relatively weak. Specific support for the Alexandria cultural precinct shows support for diverse and culture-rich nightlife.
- A considerable number of submitters approve the proposed controls on the condition that nightlife is accessible and balances other uses. Accessible nightlife includes integrating transport policy to ensure people have safe and accessible transport choices. It also includes balancing residential uses with a vibrant nightlife in mixed use areas, ensuring both can coexist harmoniously.
- Lockout laws implemented by the NSW Government in 2014 are not supported. Many submitters were hopeful the proposal will reverse impacts of the lockout laws which were perceived to have degraded Sydney's vibrant nightlife.

Key DCP changes

General support — 161 comments

A very large number of submitters expressed their support for the proposal in very general terms. The wording of comments ranged from individuals simply saying 'yes' to 'I support this proposal' and similar basic sentiments. Comments were typically not detailed and indicated full support for the planned changes to late-night trading hours. This was a typical comment:

> *I think this is a fantastic initiative and a step in the right direction that I hope will positively impact our community and city*

In addition to the 161 comments in support, a very large number of submissions (370) appeared to follow a pre-formulated format. The submissions were all supportive of the proposal and read as follows:

> *I support the proposed changes to City of Sydney DCP. Let's support Sydney's nightlife!*

24-hour trading — 76 comments

Support for 24-hour trading was substantial. Submitters supported Sydney's city centre becoming a lively 24-hour city. Some submitters made comparisons to international cities such as London and New York (discussed further elsewhere in this report). It was also argued that Sydney needs to support 24-hour trading to keep up with the times and remain modern and vibrant. Submitters agreed 24-hour trading

would be positive for the economy, culture, arts and general vibrancy of the city. Some submissions specifically supported the 24-hour trading proposed in the plan changes.

> *I believe the proposals opening up the city to a 24-hour cycle will help to create an international vibe to the city and will help to cultivate the arts community and also build tourism. I fully support the development of the proposed plan.*

The Committee for Sydney supported the creation of a "genuine 24-hour city" and suggested it should be a place where normal day-to-day activities such as shopping, visiting a museum, going to the gym or public library should become as normal at 10pm as at 10am. The Committee considers that this economic diversity will foster a more inclusive and safe night-time environment that will attract a mixture of people.

Extended trading hours — 95 comments

A sizeable number of submitters supported the proposed changes, particularly for extended trading hours. Comments typically stated the positive impact extended hours would have, explaining that the boost for business, and increase of diverse options for patrons would be effective. Submitters also commonly discussed their own experience with bars and nightlife, suggesting they would like more businesses to be open later.

Most of the comments were general in nature, with submitters stating support for extended trading hours, as proposed by the plan.

> *Thank you for the Council's work on the Draft for Late Night Trading in Sydney. As a young student living in the city, I am excited to see late night trading hours extended to boost the night-life of a vibrant city like Sydney*

Several comments specifically mentioned the positive implications for low impact venues. Submitters believed the value of low impact venues to be significant and they would be more feasible and socially positive if granted extended trading hours. A couple of comments were from venue owners or operators who explained the value of extended hours for them.

> *I support an increase in hours for low impact venues in local centres. As a venue owner/operator we have to stop serving people before midnight when they would be happy to stay at our venue. For some this means they have to get taxis to other suburbs with full venues which just doesn't make sense.*

Local centres were mentioned by several submitters. Comments agreed that later night trading in local centres would have positive impacts for business and the local economy, residents, and visitors. Creating vibrant and safe areas for people to socialise was a key reason for support.

> *The effects of allowing post-midnight trade for licensed businesses in local centres will provide the patronage for other types of businesses to trade later, which in turn creates a vibrant and safe nightlife and will see Sydney grow into a truly global city.*

Late night management areas were mentioned by two submitters. Both comments were in support of the proposals.

The Office of the NSW Small Business Commissioner commended the proposal and other efforts to stimulate the night-time economy of Sydney. It was noted that business is the heartbeat of any thriving city and must be supported by policy and regulation. The submission raised the impact of the 2014 liquor reforms, and the notable decrease in foot traffic and night-time spending, as well as a net-loss of 176 licensed premises in the LGA. The Office of the NSW Small Business Commissioner is therefore supportive of extended trading hours for low and high impact venues across the city, believing extending hours on a trial basis will allow later trading, but also incentivise responsible and compliant management. However, while the extension of trading hours in local centres is supported the requirement for providing entry and egress onto a main street is considered to result in undue restrictions for a small number of businesses. It is suggested businesses located on corner blocks of main streets be allowed to offer access through a side door as this would have no greater noise impacts than access from the main street itself.

The Office of the NSW Small Business Commissioner also supported simplified venue management provisions and argued regulatory compliance has been a burden for resource-strained small businesses. The proposals plan to abolish premises management checklists and management criteria that appear onerous or irrelevant to the objectives of the DCP is commended.

SUPPORT FOR SPECIFIC LOCATIONS 46 COMMENTS

Support for specific locations was expressed by a considerable number of submissions. Most submitters expressed support for the proposed changes, emphasising certain areas of the plan that they believed were of significant value. Comments typically focussed on how the proposed extended trading hours would benefit that particular area. Some comments were from residents of the areas, stating they wanted more social opportunity in their community.

Alexandria (26 comments)

The most commonly mentioned area was Alexandria, where submitters expressed strong support for the development of a culture and arts focussed late night precinct. Submissions stated the precinct in Alexandria would be a great city asset and would be enjoyed by many.

> *Wholeheartedly support these proposed late-night trading plans. Alexandria in particular as a 24-hour precinct, activating warehouses for multi arts and culture purpose is exactly what Sydney needs!*

One submitter is a professional actor and supports the art and cultural hub in North Alexandria and the potential establishment of small theatres in the area.

Another submitter is a resident of the City who undertakes shift work in Mascot and would benefit from the late-night proposals in North Alexandria.

Kings Cross (22 comments)

A moderate number of submitters mentioned Kings Cross in support of the proposal. These submitters noted the dramatic decline in nightlife since the lockout laws and sought the restoration of the area as a hub for night-time entertainment.

Redfern (7 comments)

A small number of submitters mentioned Redfern. Most comments stated support for extended trading hours specifically in this area. Submissions made the point that Redfern is one of many areas that would benefit from a more vibrant nightlife.

> *Please ensure that all venues in Redfern, including those on Regent Street and Redfern Street, have extended trading.*

Potts Point (6 comments)

Submitters suggested Potts Point would greatly benefit from increased nightlife. Some of these submitters specifically mentioned Llankelly Place, stating late night trading hours are supported.

> *I agree with the proposed increased trading hours in Llankelly Place - as a long-time resident of Elizabeth Bay, I believe we need to do all we can to bring life back into the area.*

One comment from a member of the Potts Pointers group stated full endorsement of the recommendations in the report, suggesting it would bring some life back into the area. The submission stated Potts Pointers members continually talk about reviving the nightlife.

Green Square (5 comments)

A small number of submitters expressed specific support of proposed changes to encourage more business in Green Square.

> *Encourage more bars and restaurants with later trading hours for green square. Midnight is too early.*

The Office of the NSW Businesses Commissioner noted support for 24hour trading near Botany Road in Green Square as this area was strongly supported the City's early consultation.

Glebe (6 comments)

Glebe was also specifically mentioned by submitters. Comments were in support of extended trading hours and some emphasised the positive impact that a more vibrant nightlife could have.

> *I would like to support late night trading for small bars and small live music venues in City of Sydney. As a resident of Glebe I support small venues having later trading hours and encouraging more small businesses in Glebe.*

Another submitter supports the proposals stating:

> *I have full confidence in the policing of our local area and I feel you have done an excellent job in canvassing local residents, businesses and patrons for their opinions regarding ways to improve our community.*

Newtown (3 comments)

The Newtown Precinct Business Association expressed concerns that there are few significant changes in the area they represent, which includes Newtown, Erskineville, Enmore and Camperdown. They argued that Newtown currently has the "most vibrant and economically valuable night-time economy" in the City of Sydney and the proposals should support this economic hub. They noted key areas such as the majority of King Street are zoned as Local Centre Areas, thereby preventing businesses from trading up to 24 hours. It was requested that the Council acknowledge the successful management of increased visitor numbers since 2014 and increase late-night management area to encompass King Street. Alternatively, it was suggested that research be carried out to identify specific areas that are suitable to change zones, rather than encompass the area in its entirety. It was argued that these changes would help in achieving the organisations overall goal of developing a more diverse economic precinct rather than a primarily food and beverage-based culture.

The Inner West Council commended the proposals and believed the changes would foster a diverse and vibrant night-time economy. They encourage measures to extend trading hours in areas along King Street and other initiatives that promote live music and performance. They are eager to work with the City of Sydney to harmonise provisions across the LGA boundary. It is also noted that the Inner West Council recently made amendments that allow existing restaurants and cafes located in Local Centre zones to change to a small bar through obtaining a complying development certificate (as opposed to requiring a development application). It is suggested the City of Sydney pursue similar initiatives along King Street and the Inner West boundary.

Other locations

Kings Cross and Oxford Street was referred to by a few submitters, suggesting this would be a good area for late night trading. Areas where increased late-night trading was supported included Surry Hills, Chippendale, Zetland, Darlinghurst, and Ultimo. Comments were typically general in nature stating support for the proposals and a desire to see increased vibrancy.

Two submissions were also received from Mirvac Retail suggesting late night trading areas be extended to the Australian Technology Park in Eveleigh which will include a significant proportion of retail and hospitality space, accommodating bars, restaurants and entertainment spaces, and service the needs of approximately 20,000 workers per day. The Tramsheds in Harold Park, Forest Lodge were also suggested for inclusion in a late-night trading area to provide retail and commercial services for residents and increased evening activity until midnight.

The Office of the NSW Businesses Commissioner supported proposals for Local Centres in Surry Hills and Central Station and stated this is fitting given the emergence of a number of popular small bars in the area.

A submission made on behalf of Gazcorp requested that the site at 296-298 Botany Road be included in the Green Square Local Centre area. The site was recently approved for a mixed-use retail and commercial development. It was argued that the site will offer a variety of low-impact trading venues and

later trading would provide additional employment opportunities and fuel the growth of Green Square as an independent village.

A small number of submitters supported the inclusion of the PACT Centre for Emerging Artists in a Local Centre Area in Erskineville. It was argued this change would allow for greater community engagement with emerging artists by allowing longer trading and more contact with the public.

A submitter raised the need for Walsh Bay to be a late-night trading area and revitalised to assist local food and drink trading in the area and complement the investment by the NSW Government as an Arts Precinct.

PERFORMANCE PROVISIONS 58 COMMENTS

A substantial number of submissions supported the performance provisions and discussed the impact of extended trading hours on performance venues and the promotion of music and arts within Sydney.

One key argument was for support of the music industry and up and coming musicians by enabling a range of venues to host gigs and promote the arts. Submitters suggested the 'music scene' in Sydney is weak and needs supportive policy in place to encourage young and aspiring musicians.

Submitters stated their desire to see more live music and performance in venues across Sydney. Comments typically discussed the current lack of diversity and number of music venues that patrons can visit to enjoy live music and performance.

> *I'd like to see bands back in pubs in the Eastern Suburbs like in the 80's and 90's where you could just pop in and iconic bands like Cold Chisel might be playing.*

A number of submitters expressed their concern for venues that are currently putting significant effort into supporting local music and performance. These submitters stated that a number of key music venues that previously existed have now closed due to lack of financial viability, therefore leaving musicians with limited options for gigs.

> *I'm also in support of 2am licences for live music in the above districts. I enjoyed playing in bands in my 20s and feel strongly that the loss of venues such as the Hopetoun, Annandale hotel, Excelsior on Fouveaux, Spectrum on Oxford has limited the opportunity of young people to perform and ply their craft with either the possibility of forging a creative career or simply to enjoy the experience of performing to an audience*

Some submitters made the point that venues supporting live music and performance are more desirable than venues solely providing alcohol to patrons and that antisocial behaviour was reduced in venues that promote music and performance. There were several comments lamenting the loss of a music scene in Sydney.

> *Most importantly: Sydney used to be a thriving hub for music. The introduction of poker machines in pubs has contributed to destroy this, along with lockout laws. Melbourne is now apparently the live music capital of the world. Please give extended hours to venues that promote live music and dancing and not to venues where idiots get drunk. Most people who go to see live music and bands have little interest in fighting or getting drunk.*

One submitter raised the link between culture and identity and the opportunity to express oneself through music.

> *...businesses will have more opportunities for growth and reinforce the culture, in particular music, we once had before. Thus, these are the means where creativity and innovation are derived from, from small venues that empower artists and individuals to express themselves and subsequently, a new wave of culture is formed which will influence other people, highlighting greater diversity, acceptance and art*

The Office of the NSW Businesses Commissioner were supportive of performance provisions as music and creative activity are important parts of a vibrant night-time economy. They welcomed amendments that make venue provision a criterion for determining trading hours and a recognition that performance venues may have a low impact on public amenity. They also advocate for the adaptable use of commercial

space and therefore commended the extension of operating hours for venues on days they host creative activities.

The Committee for Sydney was also supportive of performance provisions and noted live music on offer is limited. They believe new controls will encourage small-scale venues currently not in use at night to be activated, therefore contributing the cultural fabric of Sydney.

The Edinburgh Castle pub in the CBD supports the DCP, suggesting music culture should be celebrated and not heavily restricted because of a few "loud rogue voices".

The CEO of the Oxford Art Factory expressed broad approval for the proposal and noted the importance of live music venues being nurtured given their potential to create economic vibrancy, with positive impacts for retail outlets, restaurants, cafés, bars and hotels.

Owners of Cake Wines stated that they are supporters of creative culture in the city. They support an extra hour at closing time on nights that performance is held and consider that this would impact positively on their business:

> *allowing 1 extra hour at closing time on performance nights would have an incredible impact on the viability of our business.*

Venues like Cake Wines which are not located on a main street stated they should be considered on a case by case basis and the investment and efforts to mitigate sound should be a matter for consideration in the assessment of DAs. Cake Wines also submitted that venues that fall outside of late-night trading areas should be able to take advantage of the new changes upon submission / approval by Council and venues that are dedicated to making a genuine contribution to the culture of the city should be rewarded and assisted through DA processes.

Pyrmont Action believed local areas in Sydney have a shortage of performance spaces and have sought provision of suitable community performance and rehearsal space in Pyrmont/Ultimo. Pyrmont Action considered that performance spaces and other venues like local cinema would encourage workers to remain in the area after work and boost trade for cafes, restaurants and bars, which they considered to be struggling. Pyrmont Action wanted to see the re-establishment of venues that serve food and beverages accompanying live music such as the Basement and Soup Plus with a closing time no later than 2am.

Low impact venues — 20 comments

Low impact venues were supported by a moderate number of submitters. Discussion of low impact venues more generally is included in Section 4, *Comments on the draft DCP*. These comments only include submissions where specific plan terminology was used.

Submissions discussed support for extended hours of trading for low impact venues in local centres and the provisions of the plan affecting them.

> *I support the proposed changes to City of Sydney DCP. Particularly around making Sydney a 24-hour city and increasing hours for low impact venues. So glad this is up for review!*

Other submitters made the point that the provisions for low impact venues would support local small businesses.

> *Allowing low impact licensed premises to operate after midnight, will help the financial sustainability of these small business*

Favourable outcomes

Current situation/policies — 164 comments

A very large number of comments included discussion of current late-night trading policies in their support for the proposed changes. A number of supporting arguments were offered as to how current restrictions are detrimental to the late-night trading in the City of Sydney.

Submitters stated that Sydney is currently: dead at night; desolate; lacks sufficient night time options and activities; is dull and boring; is embarrassing and compares unfavourably to other cities.

> *I think it's so, so important for the culture and nightlife to be active in Sydney. We are becoming one of the most boring cities in the world yet are one of the most beautiful to visit. Let's bring back the nightlife culture*

> *As a young person in Sydney, it has been sad to see how restrictions have changed our nightlight over the past 5 years (particularly while the casino thrives).*

Adding to this point, many submitters spoke of the proposed changes affecting the Sydney nightlife in positive ways. Submitters stated that proposed changes would: revive the City; make Sydney become more culturally rich; bring life back to the City; be convenient for residents (i.e., because of increased services); mark the return of fun nightlife; make Sydney come to life after dark; renew the city centre; encourage tourism and business; and, increase turnover. See *Revitalisation of Sydney*, below for further discussion on this topic.

A small number of submitters expressed frustration at the casino's ability to remain open, some suggesting that this is unjust.

The Sydney Business Chamber referred to the current situation in their general support of the five proposed changes. It raised the changes in residential, student and transient population and in part-time, shift and weekend works that have occurred in the city which signal the need for a more lively and inclusive nightlife. The Chamber notes the benefits to residents and tourism from increased late-night trading and that successful tourist destinations cater for a range of cultures, ages and lifestyles with a range of activities including those which do not involve the consumption of alcohol. It noted that the lockout laws and significant infrastructure development in the CBD has impacted on late night foot traffic and 88% of businesses in Darlinghurst alone have seen a reduction in turnover. They suggested that to compete with other global cities, there is significant scope for improvement.

Additionally, Coca-Cola Amatil stated their internal analysis showed the lockout laws resulted in a downturn in retail trade and consequently supported the broad benefits of the proposal.

Economy — 115 comments

A large number of submitters referenced the economy in their support of the proposed changes to the DCP. A considerable number of submissions supported a '24-hour economy'.

> *A great initiative to invigorate the night economy in Sydney and adopt a 24-hour city culture*

Submitters stated they anticipated the proposed changes would be good for businesses, support/improve the economy, support business operators, give businesses opportunity for growth, boost revenue for businesses, create a strong economy, and create jobs.

> *I support a late-night economy because we're a major international city, that deserves to be treated like adults, provide alternative job prospects and foster talent across many sectors.*

Those who elaborated listed the perceived benefits of the proposed changes, these included: that families and employees would benefit from the increased work available to them; promote Sydney as an economic power house, improve financial sustainability for small businesses and improve tourism opportunities. One submitter noted that seemingly small changes (such as 1 hour extended trading times) can have large effects on the ability of the establishment to survive and thrive.

> *Consumer spending in central Sydney at night-time is proportionally lower than for many other global cities. Responsive, supportive policy at both the local and state levels is therefore necessary to ensure a successful night economy for Sydney into the future.*

Global image — 113 comments

Global city

A considerable number of submitters referenced Sydney as falling short of its standing as a global, international, or world city. They supported proposed changes to the DCP for the ways in which changes would reinstate Sydney's reputation as a global city.

Submitters argued that Sydney needed an improved nightlife in order to be considered a truly global city, conveying the impression that people would be drawn to the City if it had more attractions at night.

> *Simply, make sure that Sydney has a good city centre. As a major world city, it should be world class and a sought-after destination at all hours.*
>
> *I believe the proposals opening up the city to a 24-hour cycle will help to create an international vibe to the city and will help to cultivate the arts community and also build tourism.*

International comparisons

International impressions of Sydney were important to submitters. A considerable number of comments addressed the ways in which Sydney is viewed and regarded by other cities worldwide. The reputation of Sydney was considered by submitters to be at risk, with several stating tourists are currently avoiding the City in favour of more exciting destinations.

The concept of the current state of Sydney as 'embarrassing' was raised by a moderate number of submitters. These comments linked the lack of night-time economy with a failure to project an appropriate image to visitors and potential visitors. They state that a thriving nightlife would attract more visitors to the City.

> *I have lived and worked around the globe and in recent years Sydney's approach to late night trading has become an international joke. A city in which you struggle to find a restaurant kitchen open past 9:30pm cannot call itself an international city.*

A considerable number of submitters cited other cities worldwide in their comments supporting the proposed changes. Comments included reference to locations such as: New York, London, Singapore, Hong Kong, New Orleans, Barcelona, Paris, Las Vegas, Tokyo, Bangkok, Berlin, and Amsterdam. One submitter cited the need to have less regulation, more entertainment and management of the streets to ensure the success of international cities.

In addition, European centres were cited as examples of successful 24-hour cities, as were Asian, South American and North American cities.

These cities were noted in most cases in aspirational terms, places which Sydney could compete with or model itself on, places with thriving, diverse, and safe night-time economies.

> *I agree with the draft planning controls for late night trading. Many of the most vibrant cities in the world including Las Vegas, Barcelona, Paris, New York City, New Orleans, Hong Kong Tokyo have had 24-hour trading successfully for many years.*
>
> *Sydney is one of the most beautiful cities in the world and deserves to have a culture on par with New York or London. Culture takes a long time to change but this proposition is a good start.*

Revitalisation of Sydney — 84 comments

A sizeable number of comments supported proposed changes because they would revitalise Sydney.

Comments consistently contained the notion that extended trading hours and relaxed regulations would encourage more businesses in the city, or that increased activity and would "breathe life into the city".

> *I want to reinvigorate Sydney's nightlife! For local residents and visitors, to get Sydney's reputation as vibrant global city back. I want to support Sydney's business operators and jobs too.*

Submitters used a variety of phrases to convey this sentiment, including: support Sydney's nightlife; re/invigorate the night economy; encourages growth, opportunity, vibrancy and diversity; restore some dignity to the city; encourage "more entertainment happening" in the CBD.

Most comments were short, simply stating the opinion that the proposed changes would revitalise Sydney in some way. Longer comments gave supporting detail about how various areas had suffered for lack of patronage, and how the reduced night-time activity negatively affected the city in general. In many cases, comments were nostalgic, for the loss of nightlife in Sydney.

The Night Time Industries Association noted the recent downturn in business patronage and stated Sydney needs "to pull every lever possible to reinvigorate a vibrant, diverse, safe and fun night-life". They support a 24hr city centre and extended 2am local centres and the identification of new 24hr and late-night areas to accommodate the changing landscape of the city. They recognised there is no "silver bullet" but were widely supportive of the proposal.

The Redfern Small Bar Liquor Accord supported the proposals. The submission states a desire to see a city where night time trade is spread evenly and that people have the choice to stay in an area for an evening out if they choose, without being forced to move on should they wish to finish their night in that area.

Lockout laws — 80 comments

Lockout laws were specifically cited as adversely affecting the city's nightlife. A sizeable number of submitters described the detrimental effects of lockout laws. They did this in various ways, including noting that lockout laws: have destroyed Sydney's nightlife; have led to the closure of many viable businesses; have not worked; have 'hollowed out' the city centre; have harmed the local economy; destroyed the life and soul of the city; are draconian; are outdated; have encouraged people (particularly young people) to move away; and, have drastically changed the City.

Some submitters made their points using passionate language, conveying a sense of frustration and the idea that the current situation is untenable.

> *Open Sydney again - too many businesses have suffered - some areas are unrecognisable. Appreciate some changes are needed for safety - but lock-out has failed in allowing Sydney to fully flourish as an international destination.*
>
> *Sydney was stripped of its dignity when Lock out laws were passed. There was no trust, no civility and no respect shown to business/venue owners or patrons. It was an utter embarrassment to every Sydney sider.*
>
> *Having grown up to watch the lockout laws get put into place and seeing many loved establishments closing their doors due to struggling business. Personally, I have never been much of a party person, but it is disheartening walking through a city that dies by 9 pm.*

A moderate number of submitters noted with affection how Sydney used to be, conveying that they would like the City to return to a more vibrant and dynamic place as was the case before lockout laws were enacted.

A moderate number of submitters expressed dismay at the number of businesses that had closed due, they say, to the lock out laws and harsh restrictions. People wanted to see more businesses, particularly small businesses and services for residents, and felt that this would encourage more life in the City and more employment opportunities.

> *As someone who worked in the Kings Cross area for four years in various capacities, it is heartbreaking to see this area being destroyed by the lockout laws, with treasured and stalwart venues having to close down due to lack of trade and too tough restrictions.*

A moderate number of submitters noted the impact of the lockout laws on freedom of choice and the ability of adults to enjoy nightlife:

> *We are adults and we did not 'vote' for lockout laws!!! Another move by the government to disregard out rights and freedom to make choices about our well being. Sydney is now a third world country in terms of its nightlife and the drinking is still going on in other areas of Sydney.*

Seriously, these restrictions are killing the nightlife here. It's embarrassing when friends visit from overseas and I feel sorry for the kids growing up here who aren't having the same nightlife we had when growing up. Also, as a mature adult - why am I being treated like an idiot??! Please fix this!!!

I support the proposed changes to City of Sydney DCP. I have had a number of friends lose work due to the lock out laws that were in hospitality or musicians. I also feel that sensible adults are not treated as such and with Sydney becoming such a nanny state it is being killed off completely. Tourists have said they do not find Sydney a good place to visit anymore and they prefer Melbourne. Stop trying to kill Sydney!

DIVERSITY OF USES — 75 COMMENTS

Diverse range of options

A substantial number of submitters discussed the inner city as in need of a diverse array of food, drink, and entertainment options. Submitters stated that they wanted more options in the city centre, many noted that diversity was the key to an exciting city, and many highlighted music as a key aspect of this (for further discussion of music and the availability of performance venues see *Performance provision*, above). Many comments valued live music and bands, and many felt that this 'scene', far from generating violence or disorderly behaviour, provided meaningful entertainment for many.

The comments, in general, sought a greater range of options for evening entertainment.

I, like so many of my peers value the importance of a diverse night culture to a global city, as well as the importance of places where young people can go to express themselves, and create an empowered and active youth culture

I'm all for it, as it will generate jobs. Suiting all lifestyles. I like the idea of more retail to suit all needs. Also after a night out at the theatre, there would be so many choices for dinner.

Several comments lamented the lack of availability of places to go to meet people for a 'quiet' drink, including non-alcoholic drinks. People wanted to be able to have a glass of wine, cup of tea, or something to eat when out late at night, preferring not to have a nightclub experience.

When I think about my favourite experiences in other cities, it always comes down to availability and access to various precincts that promote engagement and enjoyment in the local businesses and performers. PLEASE! WE NEED THIS TO SURVIVE! Eating, drinking and merriment is the most important part of enjoying life.

Unlicensed venues and their ability to stay open late at night was perceived to be a significant enabler of strong urban culture and vitality. Submitters commented on how important small local business and low impact venues are for a vibrant city culture.

I agree with all of the planned changes regarding late night culture in Sydney. Extending hours for not only licensed premises but also unlicensed such as book shops and galleries plays a crucial part in developing culture in our city. By giving both young and older people activities to do other than expensive late night clubs or casinos - we will bring a diverse range of people out into the city engaging in activities that reflect the diverse and multicultural nature of Australia.

Some submissions also supported unlicensed shops and businesses, like bookshops.

I'm a writer who doesn't work conventional hours. Being able to hit a bookstore, a hairdresser or a coffee shop at 3am would be INCREDIBLE!

Pyrmont Action strongly supported the establishment of unlicensed shops and businesses across the city and noted that in most major cities in Europe, shops operate from 10am to 10pm.

Art/culture

Art and culture were noted by a moderate number of submitters as desirable aspects to reintroduce to the centre city. These comments spoke of promoting an arts/culture 'scene' in the city and encouraging creativity.

In most cases submitters simply noted the proposed changes would bring more culture to the city. This was viewed as a positive step, one that would rectify deficiencies in this area over past years.

A few noted creativity is related to increased wellbeing and a couple linked creativity with commercial opportunities. All were in favour of improving access to arts generally.

> *I am eager to see the diversity of entertainment and live music venues pop up throughout the city, and I hope there is an emphasis on establishments for creative arts instead of nightclubs.*

A number of cultural venues and businesses with interests in cultural activity made submissions in support of the benefits to art and culture from the proposal. The founding directors of Venue 505 and the Old 505 theatre argued that despite cultural venues being vital to the cultural identity of the city, high rent, limited audience capacity and only one audience a night due to ticketing has led to such venues being viewed as "financially risky". They support changes that reward good operators who offer cultural activity.

The Sydney Fringe Festival recognised the independent cultural sector as the "training ground for the next generation of artists" as well as the sector where artists build audiences and develop their work. Consequently, they argue supporting venue spaces is critical in building sustainable career pathways. They are supportive of proposed changes that encourage performance and cultural activity in unlicensed businesses as this will provide diversity in the streets and open opportunities for creatives to utilise existing infrastructure or unused spaces for creative sectors. They also state the additional hour of performance time will assist artists in negotiating the use of space and activate space for short, but intense periods of time.

The Oxford Art Factory and Surry Hills Creative Precinct both expressed similar sentiments of support. Each recognised the importance of art and culture in a vibrant and diverse nightlife. The Oxford Art Factory noted the changes would go a long way in preserving the cultural wellbeing of the city and argued the success of live music venues can create cultural and economic vibrancy. Additionally, the Surry Hills Creative Precinct spoke of positive feedback from a range of local businesses and discussed ideas for additional hours to be used for cultural events such as live music, readings and workshops.

PEOPLE 52 COMMENTS

The benefits to people of the proposed changes to the DCP were highlighted by a substantial number of submitters. Increased opportunities to access dining and entertainment in the city after dark were perceived to improve peoples' lives. This group of comments had the common theme of supporting the proposed changes as this would allow people to enjoy themselves more and improve the liveability of the city.

In many cases the notion of people living in residential areas close to the CBD being able to go out in their neighbourhood for a drink was cited as a desirable activity.

Extended trading hours were also thought to better cater to the needs and lifestyles of shift workers. Nurses, emergency workers, hospitality workers and security guards were noted as potentially benefitting from the proposed changes as they would then be able to go out and socialise after they finished work. In addition, the proposals would increase job prospects in the hospitality industry with extended opening hours, several submitters noted that they, or others, would benefit from working in the CBD.

> *People deserve to have fun and know that they can pace their drinking without the concern the pub will be closed in few minutes.*
>
> *As someone who lives between Melbourne and Sydney, I find it challenging to go for a late night drink or dance as everything is closed or you have to go to some seedy club just to enjoy the night. I would like to see more bars open, especially in the summer months and being able to enjoy the harbour.*

The convenience that extended trading hours offer all people was also noted. Some submitters stated they would like the idea of browsing in a bookshop while waiting for a bus, do shopping or "get a decent meal" after work.

Safety 17 comments

Extended trading hours after 12am were in several cases thought to promote a safer atmosphere in the City. The idea was proposed that more people and more businesses operating in the CBD would result in less crime such as theft. One submitter noted they "always feel safer out at night when there are more businesses open".

A few submitters called for a safe nightlife, or safety as part of the considerations for the proposed changes. Safety was a concern for women, pedestrians, people in general, and those of the LGBTIQ community. One submitter noted that extended trading hours would encourage more pedestrians and increase their safety.

> *Within the LGBTIQ community, that I am a part of, the closing of late-night venues is keenly felt and creates an unsafe night time environment with less people around late at night, making people vulnerable to violence.*

Other comments

Conditional support 44 comments

A considerable number of submitters expressed approval for the proposal, subject to various concerns and how adverse impacts would be mitigated.

The most common concern included in these submissions was the consideration of central city residents and the level of disruption they could be exposed to. Some submitters encouraged the City of Sydney to consider an even balance between a vibrant and lively nightlife, and the amenity and well-being of central city residents. Sleep deprivation, safety and noise disturbance were the key concerns of residents.

> *Medical evidence suggests 8 hours minimum sleep for health and wellbeing. Trading hours until 1am and 2am or 24 hours impact the ability for residents to obtain minimum required sleep. The late-night trading plan should not contradict requirements for limiting noise and should remain in line with the EPA regulations.*

Ensuring that patrons who are intoxicated or exhibiting antisocial, or disruptive behaviour, are managed and impacts on others are mitigated was a priority for submitters. Comments made the point that residents should be assured that any poor behaviour will be managed by security or police.

One submission suggests approval of the DCP be subject to considerations about the utilisation of trial periods. Specifically, that trial periods should not be renewed or extended unless the proposed hours of operations have actually been tested. The reasoning behind this is that a situation could occur where an application for a trial period of extended hours is approved by Council. For any number of reasons, intentional or otherwise, the approved hours of operation may not be utilised during the trial period. The business could be sold on with later hours that have not been tested with the local community. This could be an issue where adverse impacts could occur beyond the trial period, making it harder to control or revoke the right to late trading.

The Roosevelt venue supported the proposed DCP changes but raised concern for how the streets are defined in late night trading areas. The Roosevelt venue is not located on a main street, however, is located a couple of blocks down from a main street. The submission requested clarification, or a definition of main streets affects. The Roosevelt sees 2am as a sensible closing time for a small venue with a varied entertainment offering.

One submitter raised the need for Council to protect the trading hours of local venues in Chippendale and want to see other venues held to the same performance standards. Freda's in Chippendale is supportive of the DCP and pleased that CoS is realising the future potential of Sydney as a viable nightlife economy. It is concerned, however, that Chippendale is located in a local centre rather than a City Living area and about the impact of this on its approved later DA hours. The venue believes that it has made a significant contribution to the vibrant creative and live music precinct and does not wish its trading hours

to 4am to be reduced to 2am. The submission requests clarification about the impact on the impact of the proposals on approved DA hours of existing venues in local centre areas.

DOES NOT GO FAR ENOUGH — 17 COMMENTS

A moderate number of submissions argued that the proposal does not go far enough in encouraging vibrancy to Sydney's nightlife. Many of these submissions simply stated the plan is a good start or going in the right direction but could go further or be bolder in its proposed actions.

Submitters stated that the deterrence of people, particularly young people, from Sydney's nightlife will take significant action and effort to repair. Comments made the point that Sydney has become non-desirable for a number of residents who wish to engage in nightlife activities.

Many comments proposed extending the late-night trading areas further, or later to significantly improve Sydney's nightlife.

> *I sincerely support the draft plan for late night trading in Sydney. However, it is my opinion that the trading hours do not go far enough in securing and building a truly cosmopolitan, interesting atmosphere. Sydney should be truly looking to provide a 24-hour city not just in the CBD but extended as well.*

A large proportion of comments in this section argued that the authorities are too heavy handed and need to let vibrant areas develop organically, as opposed to zoning and regulating. Comments were in favour of a more case-by-case approach where venues were given freedom, and those that operate in a dangerous or anti-social way be restricted. One particular submission stated regulations brought in since 2007 needed to be retracted to promote nightlife in Sydney.

> *Please just let businesses - all types of businesses - operate how and when they want. Ditch planning controls completely. Look at the most vibrant, interesting, fun cities around the world - Bangkok, Mumbai, Mexico City etc. All these places have pretty much zero planning controls and are vibrant because of their lively street food scenes, late night bars that don't even kick off until 2am, all that sort of stuff. The most regulated cities in the world - think London, Sydney, Singapore - are the most boring ones in the world. Just drop all planning and zoning restrictions and let the city do its own thing organically.*

SPECIFIC SUGGESTIONS — 97 COMMENTS

A sizable number of submissions made specific suggestions to improve the proposal, particularly in ways they thought would create vibrancy and liveliness in Sydney's city centre.

Control and security (31 comments)

A considerable number of submitters made specific suggestions that related to control or security. Most comments discussed the level of control that city authority should have over nightlife and venues, while others discussed security and ways to manage future demand on nightlife.

Three submissions from Mirvac Retail expressed concerns regarding security implications of 24-hour trading. While extended trading hours was generally supported, they noted the potential cumulative implications of multiple 24-hour trading venues allowed in specific locations and sought greater consideration of security and safety for employees and tenants at the Broadway, MetCentre, Harbourside and East Village shopping centres.

A small number of submitters suggested increased police presence, security and CCTV controls in areas where trading hours could be extended to mitigate any illegal or irresponsible behaviour. One submitter called on venues to pay a levy to emergency services to support their callouts to central city areas as opposed to taxpayers funding the service.

> *I feel that to combat violence and alcohol related incidents, cctv, public transport and police presence should be looked into. Sydney is on the world stage and is currently in need of some change for the best.*

A small number of submitters mentioned controls for poor behaviour, stating current policy to deal with drunk or drugged patrons was not working. Submitters suggested having a more supportive nightlife scene where venues were open and able to entertain patrons rather than sending them into the street. People argued for giving streets and public space back to the people and letting adults be adults without heavy-handed restrictions.

Entertainment (19 comments)

A moderate number of submitters made specific suggestions for provisions that could support entertainment. Suggestions included: making live music mandatory for venues to open, expanded support for music to electronic artists, entertainment on the beaches, increased opportunity for buskers, up to 24-hour trading for live performance venues, support or subsidies for venues to purchase high quality sound equipment and noise mitigating infrastructure (i.e. PA's, foldback, mixing desk, speakers, instruments and sound-proofing materials), and support for venues in conflict with residents regarding noise, especially when venues were located in the area first.

> *As someone that enjoys electronic music, it is important to me that clubs with electronic music are supported by this plan. In the last 5-10 years the number of clubs in Sydney has declined rapidly due to lockouts, police treatment and noise complaints. Frankly for a big, global city it is embarrassing.*

Residents (15 comments)

A moderate number of submitters mentioned specific suggestions directed towards residents' response to late night trading policy. Most submissions believed residents or potential residents need to acknowledge the value of venues in the area and decide to move there with full knowledge of potential noise. Submitters felt that resident's opposition and continuous noise complaints made business difficult for venues, especially those that had existed long before residential developments.

> *I think the issue of noise needs to be addressed so venues are protected from limitations on their activity due to one or two complaining parties. I don't want to see regulatory compromises that push out the collectives and individuals who have in this prohibitive environment made sacrifices with regard to their housing security and economic prosperity to enable culturally free spaces for young people to enjoy and express themselves and listen to the music they like broadcasted on loud speakers!*

Food (10 comments)

Several submitters suggested specific changes to the policy to improve dining experiences and accessibility of food.

Submitters suggested more late-night food options for patrons of bars, better provisions for food trucks, more outdoor seating and dining in public spaces, less regulation of food and dining destinations, management of food delivery services when trading hours are extended, more laneway eating options, food service in all bars, and allowing food to be served after midnight. Most people agreed that these provisions would make Sydney a more desirable eating destination, as well as creating a safer nightlife.

Plans of management (5 comments)

A small number of submitters discussed plans of management. Their reasons varied, and included: management of Hickson Road to manage traffic, all businesses should have trading hours extended and monitored by plans of management for six months, and plans of management for small venues are needed to streamline and simplify policy.

> *Trading hours should be extended for all businesses regardless of being licensed or not. Plans of management should be made and followed for at least 6 months after complaints against businesses. Business restriction should be a last resort as an outcome of noise complaints and should only be put on the table if a cohort of people are being disturbed, not just one residence.*

Other submitters including the Australian Hotels Association and the Kings Cross and City North Liquor Accord called for Plans of Management to be downgraded to best practice or guidance documents, to avoid punitive enforcement by the Police.

Other (23 comments)

A moderate number of submitters made various other specific suggestions to add or consider in the proposal. These included: recharge points throughout the city for electric scooters and wheelchairs, increased pedestrian connectivity to public transport; support for small venues; safe open green spaces for everyone, including dogs; underground bars and venues; education campaigns about alcohol and violence; encouragement of noisy vehicles out of the city; ensure fit for community; ensure economic justification before extending trading hours; restrict hours for venues that facilitate gambling; and, create safe spaces for women at night.

Public transport — 23 comments

A moderate number of submitters mentioned public transport, suggesting ways the public transport system could be integrated with late night trading policy to be more accessible for patrons in areas with extended trading hours.

Several submitters specifically asked for a 24-hour public transport system. Submitters emphasised the need for safe and affordable transport to and from central city destinations where business is open 24-hours. Some made the point that some people would not engage with 24-hour trading if accessible public transport is not also provided.

> *I agree with all 5 points of the proposed DCP amendment. Having multiple 24-hour venues and 24-hour public transport on Fridays and Saturdays is a must.*

A small number of comments mentioned the affordability of public transport, suggesting a subsidised or free central city transport system should be implemented to encourage people to travel around the city centre.

> *I support 24-hour trading, longer licence hours for venues also public transport should be free on weekends*

Several submitters commented on the general transport network that will support late night trading in Sydney. Some comments included concern for transport and accessibility late at night in general terms. A few submitters argued the current public transport service is not adequate and people do not have safe or affordable transport choices. The comments were relatively consistent, and the general sentiment was that without accessible transport options, the vibrancy will not return to Sydney's nightlife.

> *Please provide better and more transport options. All the suggestions and plans will be useless and pointless if people can't easily access the city or get home late at night.*

Gambling — 18 comments

A moderate number of submitters mentioned gambling or casinos and the impact this type of nightlife has on Sydney.

Submitters supported extended trading hours to provide more diverse nightlife options beyond just the casino. Submitters were disappointed that currently the only venue open late is the casino, perceived to be a negative policy that encourages harmful gambling.

> *I support the proposed changes to City of Sydney DCP. Get our kids off the street and out of the casino late at night in Sydney CBD. They don't have anywhere to go when they are waiting for the 5am trains and end up gambling in the casino or wondering the streets.*

Some submitters noted that venues had resorted to hosting poker machines to survive financially after lockout laws were enacted. There was widespread disapproval of the message this sends to people, promoting gambling.

> *I would like to see gambling/poker machines excluded from the definition of 'entertainment'. Poker machines are already a massive and destructive element in the community. I think that the*

gambling industry would find a way to exploit the good will of this proposal to their benefit. There are many studies that correlate the rise in poker machines with the decline of live music venues. Also all the studies that show how much of a negative impact poker machines cause to individuals. There is no reason that poker machines should be considered entertainment, a leisure activity, or part of the City's cultural and social fabric.

The Pyrmont Action Group also noted the prevalence of gambling and the promotion of alcohol in the night time economy and supported an increase in the service of food after 9pm in later trading cafes and restaurants to mitigate the impact of alcohol consumption.

The overall sentiment of comments was opposed to gambling. Submitters did not want the casino to be the only choice of nightlife, and noted the dangers associated with gambling such as addiction. Some submissions expressed a desire for support and education around harmful gambling to be implemented by the City of Sydney.

OTHER 19 COMMENTS

A few submitters discussed drug and alcohol consumption and violence. One stated education of these issues is needed to help Australians realise the harmful impacts. Two other comments focused on existing policy arguing the desired outcome (safer nightlife) was not being reached in the most appropriate way. Significant pre-loading to avoid the rising cost of in-bar drinks, as well as bars not sticking to RSA rules meant safety and wellbeing of patrons is still compromised.

Some submitters mentioned various unintended consequences of trading hours and nightlife policy in Sydney. Comments discussed topics including: the positive urban renewal of public and green spaces and how they can contribute to a vibrant nightlife; the ability to start a business is more enticing with proposed controls; smoker's conflict with lockout laws when wanting a cigarette but restricted from re-entering a venue after; cab drivers and venues shutting down or losing business; and conflicts between security staff and patrons.

Theme 2: Opposition to late-night trading planning controls

Section summary

- This section discusses submissions made in opposition to the proposal. Two key sections focus on the key DCP changes and unfavourable outcomes. The final section presents other varied comments.
- Significantly fewer submissions were made in opposition to the proposal, but submissions were often far more detailed and recounted personal experience with the adverse impacts of later trading. Submitters rarely spoke explicitly about the DCP changes. Nearly all submissions, however, related to specific areas in Sydney. Submitters may not have necessarily been opposed to the changes as a whole, but did not want to see late-night trading in areas that directly impacted them or existing residents in general.
- Submitters were particularly concerned about a select number of potential unfavourable outcomes from the proposal, with noise the major concern. Many submitters reported having trouble with existing noise levels and believed an increase in trading hours would only make things worse. It was stressed that noise issues are not solely related to the activities of venues, but also from patrons gathering in residential areas and causing disruption. Antisocial behaviour and safety were also notable concerns. Many believed later trading would result in increases in drunk and disorderly behaviour, drug-use, property damage and littering, ultimately leading to a decrease in safety. Some noted the dramatic improvement seen following the restriction of trading hours and did not want to see the situation revert to conditions prior to the lockout laws.
- Other submitters conveyed a sense of skepticism that later trading would be effectively managed as they believed the current situation was already not well managed. Some also believed residents' concerns had not adequately been considered, which was viewed as unjust as they were most affected by the proposals.

Key DCP changes

General opposition — 6 comments

Very few submitters expressed general opposition without offering further explanation. Unlike those that supported the changes to the late-night planning controls, a small number of submitters stated their disapproval in simple terms. Most of these comments expressed basic negative sentiments such as "I DO NOT support the changes"; "no to late night trading"; and "no to additional trading hours for licensed premises, theatres etc.". One submitter elaborated slightly by urging the Council not place commercial interests over those of the community and questioned how the changes benefit the community and contribute to the quiet enjoyment of life for residents.

24-hour trading — 11 comments

Several submitters shared negative sentiments towards 24-hour trading in Sydney. Nearly half of these comments mentioned the potential impacts to amenity as a result of late-night trading. Negative effects included increases in noise from traffic as well as people shouting and arguing, and antisocial behaviour such as fighting, bottle smashing, drug use, crime and property damage. These effects are discussed in

greater detail in *Unfavourable outcomes* sections. Such outcomes were identified as harmful to residential amenity and residents' ability to sleep.

> *We at the (Surry Hills Business) Alliance are opposed to the extended hours up to 24 hours trading for ALL registered and non-registered businesses. When will residents sleep? Late night trading of hotels bars and music venues has attracted unwelcome and dangerous behaviour, caused property damage, brought crime and noise to overpopulated areas. Now these areas are to face the prospect of further social unrest and misbehaviour.*

A couple of submitters were concerned about the economic viability of 24-hour trading. One was open to the idea on a trial basis, yet stressed the Council should not create an environment where 24-hour trading is necessary for economic success as it will "cause great pain" and community conflict if the rules were ever reversed again. The other suggested imposing a 24-hour framework may not be viable at all since businesses will require extra staff, salaries and insurance premiums for potentially little gain.

Pyrmont Action was opposed to 24-hour trading in general and argued there are other ways to enliven a city. They welcome the activation of cafés/small bars/restaurants and suggested closing lanes and narrow streets to vehicles and establishing cafés and bars with outdoor seating. They also wanted to see re-establishment of venues that serve food and beverages accompanying live music such as the Basement and Soup Plus with a closing time no later than 2am.

One submitter believed 24-hour trading was an overreaction to existing lockout laws, while another suggested a 24-hour or late-night party precinct must have the necessary infrastructure and not impact existing residents. Darling Harbour and Barangaroo were suggested.

Extended trading hours — 21 Comments

A moderate number of submitters made comments in opposition to the extension of trading hours in Sydney. Around one quarter of these comments specifically related to proposed provisions for Local Centres.

Submitters stated they were not involved in the early consultation on the review of the late-night trading DCP and as they are directly affected by the proposals to extend trading for low impact venues to 2am feel that they have not been adequately consulted. Submitters noted noise from these venues is not limited to hours of operation, and disruption occurs from the setting up and closing of businesses that would cause noise to continue later into the night. Additionally, submitters reported there is often excessive noise caused by patrons leaving venues and congregating for extended periods of time. One submitter from Zetland urged the council not to extend trading hours in the proposed East Village local centre area because noise is already excessive. One sought more clarity regarding the definition of "low impact" venues. They did not want to see any hotels fall into this category irrespective of how small they are.

> *Noise at 1 or 2 a.m. is not limited to patrons leaving a restaurant/venue etc, at those times. In reality, any congregation of people in an outside area will generate noise over a prolonged period, and will directly impact on surrounding residential neighbours, their amenity and sleep. I am not confident that any long-term management of that noise is possible.*

Remaining comments generally opposed later trading and did not specify whether they were referring to Local Centres or otherwise. Noise was again a major concern, particularly the impact it has on sleep. A couple of submitters stressed the need for good sleep to perform well in their jobs, while one noted the link between sleep deprivation and poor physical and mental health.

> *For residents, the main problem with late night trading is noise. Noise is something that can deeply affect people's lives, with sleep deprivation being a major contributing factor to poor physical and mental health. Residents are the ones most significantly affected by noise.*

Antisocial behaviour was also a concern. Submitters believed an increase in trading hours would increase impacts such as social misbehaviour, crime, drug-use and property damage. One submitter was happy to deal with such impacts until midnight, but beyond that noted people need to sleep without fear of

"drunken brawling groups". Closely linked with comments on antisocial behaviour were concerns for safety. One submitter believed young people would be put in danger in "criminal environments" and suggested they would be encouraged to drink large amounts of alcohol as well as take drugs to remain awake for longer. Another submitter perceived that advice from police, ambulance drivers and doctors was being ignored and argued it was evident that the number of serious assaults had been reduced since the introduction of shorter trading hours. One submitter stated the risks of the proposals to ambulance, hospital and medical staff and costs on a strained system.

A couple of submitters expressed concern about increased traffic. They noted inner-city streets are already busy and these changes would only increase traffic, adding further frustrations for residents.

Opposed to plans for specific locations — 90 Comments

The majority of submissions in opposition to the proposed late-night trading planning controls focussed on specific locations. In many cases, submitters were not necessarily opposed to later trading in general, they simply did not want to see changes in areas that would directly affect them.

This section addresses comments relating to individual suburbs in turn.

Kings Cross (20 comments)

Most submitters raising objection to late night trading in Kings Cross fear the return of dangerous drunk/drugged and disorderly behaviour as previously experienced prior to NSW lockout laws.

One submitter expressed concerns that the new proposal does not recognise changes that have occurred to Kings Cross in recent years. They noted that the description of Kings Cross as a late night management area applies to a historic single-use monoculture and does not acknowledge the shift to a diverse day-time business model in the area. They argued changes should support this newer model, which has been successful in providing for the needs of local residents. The submitter implied the proposal would continue to aggravate the conflict between an alcohol-driven economy and residents and suggested changes should instead support a range of mixed-use businesses with minimal impacts on residential areas.

The 2011 Postcode Residents Association argued Kings Cross has changed dramatically since 2012 and no longer attracts significant groups of young people. The area now operates as a new and successful area with daytime business models. The 2011 Residents Association suggested "to re-impose 24 hour or late-night trading on it just because of its historical connections would be as illogical and irrational as treating any other suburb as an 'entertainment precinct' just because they happen to have a pub at one end of their high street and a pub at the other end". The submission raised the need for venues that are introduced to residential areas to provide soundproofing. It supported the late opening of facilities such as the NSW Art Gallery and outdoor cinema and events such as Opera in the Domain. The submission recommended CoS simplifies the DCP to encourage new businesses that can demonstrate minimal impacts on the surrounding residential areas. It suggested the DCP needs to consider former late-night areas and sites that are devolving and no longer attract such establishments and patrons.

Another submitter addressed the impact of patron parking on local residents and the costs of staffing venues which may make late night trading in Kings Cross unviable.

Potts Point (17 Comments)

A moderate number of submitters were opposed to late-night trading in Potts Point. Over half of these comments specifically discussed either Llankelly Place or Springfield Avenue and were typically residents of these two streets. It was argued there has been a shift in the demographic profile of the area, and it is not the party hub it once was. Instead it has shifted to an "inner-city residential neighbourhood". A couple of submitters noted that upon moving into their apartment, the area was not well managed and the lockout laws significantly improved their quality of life. Others recounted stories of the regular disruption already caused by businesses in the area and believed extending trading hours would bring about more noise and nuisance.

Submitters claim that Springfield Avenue as the western boundary of the local centre is poor policy as it is primarily residential. It is considered that the extension of the local centre onto Llankelly Place will bring added people, traffic, waste, energy and water use and the need for safety management. Another submitters raised the additional setup and pack down time of businesses in Llankelly Place which can mean that activity and noise extend beyond the permitted trading hours.

A couple of submitters mentioned the design of lanes in the area served to amplify the noise of patrons leaving businesses in the streets below. One argued Potts Point is one of the most densely populated areas in the world and suggested there was no way extended late-night trading would not interfere with residents.

Chippendale (14 comments)

Several submitters were opposed to the idea of later trading in Chippendale. These submitters were residents who consider that they are experiencing hardships as a result of late-night trading in the area. Comments address the demographics and built form of Chippendale, claiming it is a densely populated residential area with a block building form and narrow laneways that amplify noise from the streets below. One submitter argued the streets were unsuitable for later trading as they are narrow, poorly lit and in need of upgrading. Another claimed they are barely able to cope with the current noise from existing bars in the area and any extension to trading hours would pose serious concerns for peace of mind and mental health. The Pyrmont Action group also suggested opposition to late night trading in Chippendale due to disturbance of residents.

One submitter stated:

> *Most of the people living in this network of small terraces, factories and low-rise homes have lived here for decades and are working class people whom have suffered through the demolition congestion and disruption of Central Park. It is unfair and extremely inappropriate to now push out these long-term residents in order to gentrify this area and flood it with 'pissed idiots' from the proposed 24-hour trading zones. Nobody wanted to live here when most of us moved in because the streets are so narrow and the housing stock so poor. Most of the homes here are bald faced terraces built just 600mm from the kerbs or have less than 1 meter from bedroom walls to the kerb.*

Two submissions detail why Chippendale is not considered suitable for extended trading. One provided several reasons why local hotels should not be allowed to trade later. They argue that later trading does not align with the current demographic of the area with apartment complexes and student accommodation interspersed with dining and bar entertainment. Currently these venues are not open past midnight, which is well suited to the city living area. They considered any additional hours will be detrimental to the amenity and safety of the area, particularly those in the DUO tower. Moreover, they draw attention to several sensitive sites that may be adversely impacted by extended trading, including St Benedict's Catholic Church and Greenwood childcare centre.

Another submitter discussed the size and location of Chippendale, arguing facilities on Broadway and Regent Street are already highly accessible, negating the need for commercial facilities in the immediate vicinity. They also discuss the differences between laneways and main streets and note that some streets such as Balfour, Meagher and Chippen Streets are very narrow and pose risks of patrons spilling out and filling residential areas. They consider that existing businesses in Chippendale do not receive enough visitors to warrant trading until 2am and do not wish to imitate Newtown with regard to economic activity.

The Chippendale Residents Interest Group (CRIG) objected to the proposal. They note that Chippendale has one of the highest population densities in Australia, with nearly 1000 people per hectare made up of a mix of large volume student housing and established long-term demographics. This contrasting population is already causing challenges with an influx of youth at night and during weekends. The cubic form of Chippendale was said to be an issue with sound reverberating from traffic and pedestrian movement. While the residents hope for Chippendale to become a "nexus for arts and science", this vision is not intended to promote later trading. The group commends the proposal's emphasis on lower

impact premises but are concerned a "broad-brush" approach will have cumulative impacts on residents, particularly regarding sleep disturbance, which is already a significant issue. Attention was drawn to the large number of licensed premises already in Chippendale, a number that CRIG estimates to grow to 75 by 2020. CRIG stated that licensed premises are already causing negative impacts for residents and there is concern the situation will worsen if venues are allowed to trade later. CRIG noted the current system is sufficient, where Chippendale is not a Local Centre area and late-night trading applications are notified, and the community is able to comment on a case by case basis.

Glebe (13 comments and 88 signatory petition)

Several submissions were opposed to late-night trading in Glebe. Many of these submitters claimed the area to be predominantly residential and not suitable for late-night trading. Residents claimed to already be dealing with compliance issues and the negative impacts of current trading hours.

One submitter with health issues rendering them housebound stated they had been dealing with years of thumping music, which they cannot further tolerate. They equated the proposal to a "traumatic home invasion". Another submitter claimed the current trading hours to 11pm worked well for the diverse Glebe demographic of community housing, student accommodation and private dwellings. After 11pm party-goers fill the streets to seek late entertainment in the inner city. At 11.30pm the streets are generally quiet and residents are able to sleep. They argue that later trading would simply push back this process to the detriment of local inhabitants. Two local venues were specifically identified as causing disruption to a couple of submitters. While these submitters were not opposed to later trading in general, they wished for these venues to be excluded. A couple of submitters questioned whether the more affluent residents in Glebe would be impacted, rather than just residents of community and student accommodation. One submitter claimed a trading centre in Glebe would not be successful due to the poor quality of the neighbourhood.

The St Barnabas Anglican Church drew attention to several properties they are operating as low-cost student housing along Glebe Point Road. They argued that extending trading hours to 2am will significantly impact the amenity of these buildings. It is their preference that extended trading not be granted in this area, but if plans were to proceed, they expect the council to make appropriate and supporting decisions regarding development applications for residences that are likely to be impacted, and support grants for not-for-profits to reimagine the use of facilities as their original purpose is compromised.

One submitter was concerned that nightlife like that experienced in Kings Cross would be introduced to Glebe. Another raised the potential for antisocial behaviour, garbage and parking problems to be exacerbated in the area.

The Glebe Society noted the pedestrian, parking and transport impacts of attracting more activity on Glebe Point Road. It raised the impacts on shop-top dwellings and on heritage buildings. The Society questioned the inclusion of the properties between Mitchell Street and Bridge Road in the Local Centre area. It supported reducing trial periods to six months, retaining existing noise limits and providing greater support for complaint processes and enforcement.

A petition was submitted with the names and details of 88 Glebe residents who were opposed to the extension of trading hours. The submitter noted many of these residents are frail or of a non-English speaking background and did not fully comprehend the situation, but were "horrified" when it was explained to them. They reported that existing venues as well as several unnamed wine bars are already either breaching licensing conditions or significantly disrupting amenity. The submitter reported that, despite the signatures collected, they still believed residents have not adequately been consulted. They were certain that many people that would be impacted by the proposal are simply unaware of it. Residents claimed the letter they received appeared to be a piece of junk mail and omitted vital pieces of information such as the proposal being for 2am closing times. The submitter stressed that residents are generally unopposed to extended trading in the CBD and around Broadway, but the character of Glebe with a high ratio of residents made it unsuitable for later trading.

One submitter has undertaken her own survey of Glebe Point Road, between the Glebe Public School and St Johns Road on the western side of Glebe Point Road and calculated there are 179 people residing at the premises. The submitter considers Glebe to have a different character to other areas under consideration such as Broadway and Oxford Street. It was argued it has a high ratio of residents and a unique character and amenity derived from the proximity of the university and the historic social housing estates first established by the Anglican Church and continuously occupied to this day.

Newtown (7 Comments)

A small number of submitters mentioned Newtown in their comments opposing the proposed planning controls. Four of these comments came from two identical submissions focussing on the southern end of King Street. These submissions were concerned the proposal would initiate future changes to zoning and land use to the detriment of the residential population. It was argued that daytime eateries may take advantage of later trading hours in future, resulting in more disruption without adequate consultation. There was also fears premises currently zoned residential may eventually be zoned as mixed use, allowing for food and entertainment venues to abut residential properties. Two submissions stated the neighbourhood on Longdown Street does not support 24-hour trading as they have a long history of trespassing, assault and noise. One submitter was "deeply concerned" about plans for 24-hour trading as they had a family member that had been assaulted and others that have to deal with stress-inducing noise.

Central areas (6 Comments)

A small number of submitters were opposed to later trading in central areas of Sydney. Four of these submitters lived in Millennium Towers on the corner of Day/Bathurst and Sussex Streets. They were opposed to 24-hour trading plans in their area as it locates them in the middle of premises that are able to obtain licenses without offering a buffer zone. It was noted that the building has been there for 20 years and existing noise levels are already causing them great suffering and sleep deprivation. They raise the need to double glaze their apartments as a result of the introduction of licensed premises. One resident of York Street was concerned about the impact of revised provisions and drew on experiences of a local food outlet that opened several years ago. They argued that despite seating being provided, it was often used as a takeaway venue, prompting taxis to congregate up on the footpath and at the kerbside by the building.

Residents of the Summit Apartments on George Street also objected to any liberalisation of trading hours and reported already being regularly disturbed by loud music from venues in the area. They do not want this situation to deteriorate and believe that the amenity of residents should be considered.

The owner of Low302 in Darlinghurst made a submission and stated their business had suffered dramatically since the lockout laws. They argued they had worked hard to create a vibrant and diverse business and jumped through several unfair regulatory hurdles, yet business was still declining due to the "arbitrary line" defining the lockout zone. They opposed central 24-hour entertainment districts as they pose unfair competition for existing local businesses in nearby areas.

Surry Hills (5 comments)

Late-night trading was opposed in Surry Hills by a small number of submitters. Nearly all these submitters expressed experience of the adverse impacts of later trading. Three noted they have young families who were consistently woken by people "screaming, laughing and fighting". They believed any addition to trading hours in the area would make matters worse, particularly on Elizabeth Street and Reservoir Street. One submitter discussed their experiences with a large hotel in the area and stated the noise from patrons leaving the venue is not well managed. They claimed the venue is in breach of council conditions as they are failing to maintain a quiet buffer zone for 50m either side of the hotel, causing significant disruption in the highly residential area. This submitter was concerned the proposed performance provisions would allow the hotel to stay open later and cause further disruption. Another raised the impact of inebriated patrons leaving venues and travelling through local streets and engaging in antisocial behaviour.

Darlinghurst (5 comments)

A small number of submitters mentioned Darlinghurst in their opposition to later trading. A couple noted the precinct has shifted from a party focus to a more residential precinct and suggested this trend was set to continue. One was concerned if Oxford Street had extended hours, then historic issues with noise, waste, traffic and antisocial behaviour would return. One submitter argued Surrey Street in Darlinghurst has been thriving under the lockout laws with a recent notable shift in businesses from low impact food venues to higher impact wine bars and function venues producing significantly more noise. Consequently, they suggested an increase in trading hours is not necessary. Another raises current issues with noise from patrons, staff parking and waste disposal at licensed premises.

Alexandria (5 comments)

A few submitters opposed late-night trading in Alexandria.

Pressure on the transport network was noted in a couple of submissions. It was argued that increased venues and destinations would increase traffic volumes in areas that may not have infrastructure to cope with heavy demand.

> *I do question whether McEvoy Street is the BEST option for a nightlife hub - it seems a little strange to have a thriving bar scene on what is already an arterial road and will only get busier if WestConnex is successfully built. It feels like Regent Street is a more logical solution, and also Further into Elizabeth Street near Green Square.*

The other owned a property backing onto McEvoy street and wished to be assured there would not be unacceptable noise all nights of the week. They could accept a gym, hairdresser or shop, but were opposed to anything that combined people, music and alcohol. They suggested the development area would be better suited a building back from the road. The last submitter raised concerns about the suitability of Alexandria for late-night trading. They wondered if the area had adequately been upgraded; if it was safe for people to walk in these areas; and, if there was sufficient security to keep people safe. Ultimately, they suggested high quality roads, parking, footpaths, lighting and security are necessary in the area.

In addition, a couple of submitters elaborated on a number of concerns with Alexandria becoming a cultural precinct. One landowner supported the development of a 24-hour precinct, subject to issues relating to diversity, street connectivity and development rights were being resolved. The landowner expressed concern that existing planning and development rights would be compromised and the new precinct would become a single-use concentration of unfavourable entertainment options such as bars, night clubs, strip clubs and sex shops. The submitter sought that the planning controls mandate a mix of uses to balance night clubs, live music venues and bars with uses that do not promote the consumption of alcohol. The poor connectivity of the area to the Green Square train station and between the streets and lanes in the precinct because it is currently considered like a cul de sac bounded by McEvoy Street, the Alexandria Canal and back-to-back industrial buildings was also raised. It was argued that for the area to become successful diverse and safe, the City should acquire the necessary properties to develop pedestrian connections.

Another landowner raised the need for lighting improvements in the area and measures such as waste collection and rules about antisocial behaviour, which may affect commercial occupiers in the area the next day.

Another submitter expressed concerns that residents of North Alexandria have not properly been engaged regarding the proposal. They noted that while Alexandria has historically been an industrial suburb, a large residential population has emerged in recent decades. Particular concerns were noted surrounding the Alexandria Park Community School, located across the road from the proposed area. They suggest there would be significant impacts to the children, noting "they do not need to see the aftermath of a late night out on the doorstep of their school". Issues surrounding warehouse venues were also raised, claiming they are not fit for purpose as entertainment spaces. They suggested these buildings

were not designed for live music and would require major noise mitigation renovation to avoid impacts to residents, which may jeopardise their heritage listing.

Redfern (3 Comments)

Late trading in Redfern was opposed by a few people. One respondent resides on Redfern Street and noted there are at least 12 licensed venues on or near the street where noise is already impacting the sleep of residents in the neighbourhood. They stated noise associated with these venues already extends well past closing and any later trading times would have adverse noise and health impacts on residents. One submitter simply stated they are opposed to 2am licenses for Redfern Village. A submitter raised the impact of patrons parking in Walker Street near Cleveland Street and creating noise when they return from late night venues to enter their cars.

The Redfern Police Area Command also did not support the clustering of licensed premises, the inclusion of sex services in late night managed areas, and would like ID scanners on venues open later than 2am.

Waterloo (2 comments)

One submitter argued Waterloo is already a heavily residential area and they already experience a lot of noise from a local retailer, bar and restaurant. The Redfern Police Area Command also opposed the inclusion of sex services in Danks Street. Pyrmont Action does not support late night trading in Danks Street due to the location of a large residential population in the area.

Zetland (2 Comments)

A submitter opposed later trading in Zetland as there is already "too much noise in the area at night". The Redfern Police Area Command also opposed the inclusion of sex services in Defries Avenue or Bourke Street.

Barangaroo (1 Comment)

One person stated the proposal is "outrageous and defies logic" due to the number of residents in Barangaroo that would be severely impacted by the proposal on the Barangaroo site and across the Harbour.

Erskineville (1 Comment

One submitter stated current trading hours suit the "low scale mixed use context" of Erskineville. Given the high rent and vacant tenancies in the area, they argued later trading is unsuitable as the only profitable businesses would be licensed premises. They discussed the merits of implementing concentration controls for the area and argued controls should be determined at a strategic level, to match the character of the area in question. The submitter was critical that the proposal is based on trial periods, as these rely on residential complaints, which places the onus on the community to be the policeman. It was noted that it is difficult to attain evidence of poor management as rangers often arrive after a breach in the rules has occurred. The submitter suggested further research into cumulative impacts be carried out as once hours have been extended it is extremely difficult to wind them back again.

The same submitter also noted performance provisions in the proposal may be problematic and sought clarification as to whether additional hours for performances will be allowed on a random basis, or defined by DA consent and how hotels will prove that they have provided entertainment.

Pyrmont (1 Comment)

One submission from Pyrmont Action group argued against the late-night trading proposal. The main cause of concern is alcohol related harm and disturbance. The submission suggests approval for activation of the central city with performance, culture and unlicensed businesses, but states concern for the way Sydney as a city encourages alcohol consumption without mitigating measures or policies to control behaviour. The submission noted there are already several 24-hour venues operating in Pyrmont, creating a "locus of reported criminal and anti-social events". They argue current trading hours cater well to local residents and suggest any increase in hours would simply attract out-of-area patrons interested in getting drunk and causing trouble.

Ultimo (1 Comment)

One submitter was simply opposed to later trading in Ultimo, providing no further explanation.

Woolloomooloo (1 comment)

One submitter outlined historic problems they have had with a local venue. The submitter resides directly above the venue, which has repeatedly been extremely noisy in the past beyond regular trading hours. They are concerned an increase in trading hours would encourage more noise. They note that residents in this area are largely public housing residents, many of which are older or have serious health issues. These residents have been forced to endure a significant increase in street-level noise over time, along with intoxicated people and anti-social activity. Residents reportedly feel helpless to change the impacts of this increasing noise as they do not have access to email, or do not have the ability to write to authorities and make their voices heard. Some do not want to raise issues due to fear of losing their homes. The submitter raised concern that conditions on the consents of existing shops/venues which expressly prohibit live entertainment could be repealed as a result of the proposals.

Other localities (8 comments)

A small number of submissions were made in opposition to later trading in other Sydney localities. Green Square was raised by a submitter who has lived in the area for over 10 years and was worried an increase in trading hours would reduce their feelings of safety on public transport, which they rely on to get around. They also do not want "drunk and probably drugged young people out on the street". The Redfern Police Area Command also do not support the inclusion of sex services in Green Square.

A couple of submissions were made from the residents of the DUO building in central park they believed that later trading of local venues in particular would have a negative impact on safety and amenity of the extensive residential population in the area.

A couple of submissions from residents of Hickson Road in Walsh Bay requested that the residential addresses; 17, 19, 19a, 21 and 21a on Hickson Road be excluded from the late-night trading area. Pyrmont Action does not support late night trading in Walsh Bay due to the location of a large residential population in the area.

A few residents in the Rocks do not support the inclusion of the Campbell's Stores building and the Park Hyatt as a Late Night Management Area because it is located within 20 metres of a residential building and 40 metres of a hotel. It is considered that the current City Living area provides an appropriate buffer between these uses.

Performance provisions — 6 Comments

A small number of submitters put forward comments in opposition of the proposed performance provisions. Four made short comments in opposition to the provisions, arguing they would encourage noise and anti-social impacts, therefore reducing the chances of sleep for residents. One suggested the provisions were discriminatory:

> *Exceptions for performances or creative events are discriminatory and provide excuse for the perpetuation of unacceptable behaviour.*

One submitter lives in an area with a lot of live music and described it as unbearable at times. They noted that while at street level it may not sound loud, but the volume carries and can sound amplified in apartments above. One other submitter was specifically opposed to performance provisions applying to a local hotel as they already have trouble managing noise associated with that venue.

Low impact venues — 3 Comments

A few people generally mentioned low impact venues. All were opposed to low impact venues for reasons related to noise, particularly the noise of patrons leaving these venues at the end of the night.

Unfavourable outcomes

Many submissions in opposition to the proposed changes to late-night trading planning controls did not speak directly about the 5 key changes outlined by the CoS. Instead opposition was largely focussed on the potentially unfavourable outcomes from extending late night trading. Key unfavourable outcomes are outlined below.

Noise — 66 Comments

A substantial number of submissions expressed concerns about noise associated with late-night trading. There was particular concern that excessive noise would impact residents' ability to sleep. Submitters reported they already had trouble sleeping during current trading hours and any extensions would be difficult to deal with. Some viewed a lack of sleep as a health and safety issue and noted the connection between poor sleep and mental health. It was also suggested that a lack of sleep could impact the ability of residents to safely and productively carry out their jobs during the day.

> *In this climate, the needs of the residents, many of whom have mental health issues, small children and work commitments are sleep-deprived and unable to face the needs of the following day.*

Other submitters raised the noise impacts on residents of earlier start times to allow for breakfast service in food and drink premises.

While music and operational noise from businesses and venues was a significant issue, submitters suggested this was not the only source of noise to consider. Many had been woken by patrons leaving venues late at night and congregating near residential areas where they would talk, shout and argue before moving to their next destination.

> *At present I'm just able to cope with the noise from patrons leaving and milling around smoking and yell talking with the bar closing at 12am. I'm extremely worried about my peace of mind and mental health if the trading hours are extended. I often have to get up early for work and it's really hard to stay calm.*

Others were concerned about the increase in noise from traffic as areas become more popular at night.

Many related personal stories of negative experiences they had with noise from later trading. They spoke of areas that were already highly residential and therefore unsuitable for late-night trading or areas designed in such a way that noise is amplified for residents in surrounding apartments. Some of these areas included parts of Potts Point and Chippendale.

Antisocial behaviour — 43 Comments

Antisocial behaviour was an unfavourable outcome for a considerable number of submitters. Types of identified behaviour varied, yet all were viewed as undesirable and a burden on neighbourhood residents. Such behaviour included trespassing, property damage, drunkenness, drug-use, violence, littering, crime and general nuisance. There was a sense that late-night trading areas would act as hubs for illegal activity and attract this undesirable behaviour. Some believed the financial burden would fall to rate-payers and property owners to deal with this.

> *Property owners are also subject to the late night wanderers. Study the vomit stained streets, glasses, bottles, rubbish ratepayers must carry of the cost burden to clean up. No to extended hours.*

A small number of submitters reflected on experiences prior to the lockout laws. They believed the situation had significantly improved since the laws were put in place and they did not want to see behaviour revert as later trading is established.

> *We consider that bringing again late night trading, the area will revert to its previous feral atmosphere where late night revellers will destroy our recently achieved quality of living.*

Another submitter stated:

I live in Elizabeth Bay and well remember the hell on earth we had to endure up here when there were 24 hour pubs and clubs.

Safety — 27 Comments

Safety was a concern for a considerable number of submitters. Sentiments were closely linked with comments about antisocial behaviour with the notion that such behaviour is contributing to the public feeling unsafe. Again, submitters referenced the lockout laws and suggested feelings of safety have dramatically improved with less drunk or drugged people out on the streets. One woman has recognised a notable reduction in gendered harassment and crimes and now feels much safer in her own neighbourhood. Others noted the dramatic downturn in injury and death since late-night trading was restricted. Prior to restrictions, hospital emergency rooms were described as "war zones" and submitters did not want to see any pressure put back on hospitals with a relaxing of policy.

I support the retention of the existing laws, why? - lives have been saved!!! - hospitals are dealing with fewer casualties! ...and people still have opportunities for entertainment

One submitter stated keeping residents safe from alcohol fuelled violence should be the first priority for governments and that the lockout laws have been successful. The submitter called on the Australian Hotels Association to help meet escalating public costs of alcohol related injuries, crimes and late-night transport.

A small number of submitters argued noise and a corresponding lack of seep is a significant safety issue. They suggested the poor mental stability caused by a lack of sleep can put the safety of the individual and the public at risk.

One submitter went into significant detail about the negative consequences of a lack of sleep. Such consequences included: poor judgement coordination and reaction times; increase risk of depression and impaired brain activity; and, more serious medical conditions such as stroke, heart disease, Alzheimer's and certain cancers.

A couple of submitters believed alcohol is a dangerous drug that should not be encouraged by increasing trading hours. One believed the proposal would encourage young people to drink large amounts of alcohol in unsafe environments. The other condemned the council for encouraging the consumption of alcohol.

One submitter with over 40 years of experience as an Emergency Physician stated they have "personally witnessed the dramatic decline in tragic head injury and death among young people since late-night trading was restricted". They discuss the harm alcohol causes to society and argues one of the government's main roles is to protect citizens from this harm.

One submitter believed infrastructure is not safe enough to support large quantities of people that would be driven into late-night trading areas. They argued streets are narrow, poorly lit and in need of upgrading.

Traffic — 8 Comments

Impacts to traffic was a concern for several submitters. Submitters believed later trading would result in increases in congestion as well as noise from drivers honking their horns and revving their engines. Problems with parking were also noted with submitters concerned illegal parking will increase and availability of parking for residents will decrease.

Other comments

The following section discusses other comments made in opposition of the proposed late-night trading planning controls. Such comments offered other reasons for not supporting the plan and provided specific suggestions for how late-night trading should proceed.

Specific suggestions 40 Comments

A considerable number of submissions in opposition of the proposal offered specific suggestions for how late-night trading should be planned for and implemented. Suggestions typically related to noise; planning and decision-making; compliance; and, specific locations.

Noise (14 Comments)

Several submitters made suggestions regarding noise. Around half of these suggestions related to limiting noise from commercial venues. Four comments wanted to see a greater consideration of noise in policy. Two simply wanted a "new noise compliance regime". One wanted to see clear principles that any late-night commercial activity must not cause noise. One wanted controls about how music is amplified.

> *I'd like the plan for the city to include controls on how music is amplified, and notice taken about its volume and range up in the air where the apartments are.*

A few wanted the responsibility to be shifted to bars to ensure noise is eliminated through appropriate amplification and insulation methods. A couple of submitters stressed the importance of sound insulation and argued venues should not be able to host live performances unless insulation is adequate. This includes protection from ancillary noise such as disturbance from deliveries, cleaning, storage container use and waste removal. One suggested bars be shifted underground with sound-proof walls and windows and no open doors.

One suggested the CoS should offer financial incentives to upgrade and soundproof residential apartments.

A few submitters wanted strict buffer zones of either 75 or 100m between residences and venues.

One submitter stated the map should define the Central CBD area for longer trading while distinguishing from inner city areas populated with a high density of students and young professionals to maintain a high quality of life.

One submitter expressed concern about the proposals because they consider that noise from World Square and Pitt Street Mall is already not well managed.

Planning and decision-making (10 Comments)

Suggestions regarding planning and decision-making were varied. One submitter suggested that unless there was an appropriate plan in place that ensures the proposal would not interfere with residents, the City should not proceed. One submitter said that the proposals were just a 'slackening' of existing controls.

One submitter expected the Council to make appropriate decisions regarding development applications, so residences were not impacted as well as support grants to reimagine the use of facilities when their original purposes are compromised.

One suggested late-night trading for Category C premises be considered on a case-by-case basis, rather than allowing them as-of-right 24-hour trading.

A couple of submitters suggested stricter controls that limit the number of similar venues in a location. It was argued this should be done at a strategic level, so controls match the character of the area.

One argued implementation will be fraught when applied with an "ad hoc DA process".

Another submitter wanted to see better controls surrounding the service of alcohol to limit the number of drunk and disorderly people.

One business owner condemned the CoS for the amount of red tape restricting the operation of small businesses.

One submitter raised the need for Voluntary Planning Agreements between the Council and venue owners when extended trading hours are approved. This could contribute towards benefits to the community including for example, the provision of sound insulation for local buildings, all hours public toilets, late night buses and support for local youth centres.

Compliance (8 Comments)

Several submitters made comments regarding compliance to planning controls. Most recognised the importance of support from law enforcement if the changes go ahead. A few suggested increasing the presence of police and enforcement officers to ensure later trading is managed appropriately.

One submitter suggested CCTV and facial recognition in "risky hotspots" to discourage antisocial behaviour.

One suggested a collaborative approach to the process, fostering a sense of responsibility was necessary for compliance. Another believed a strict "one strike and you're out" policy is necessary for venues that breach noise limits.

Locations (7 Comments)

A small number of suggestions mentioned specific locations. Many noted areas with existing infrastructure to support late-night trading. Broadway, Central Park, Regent Street, Newtown, Barangaroo and Darling Harbour were all suggested, but not in smaller residential streets. One submitter suggested using Kings Cross and Broadway for their traditional purposes as commercial thoroughfares.

A couple of submitters wished to see the Local Centre boundary in Potts Point shifted away from Springfield Avenue and Springfield Mall to encourage patrons entering and exiting via Llankelly Place.

Other suggestions (4 comments)

A small number of submitters made other suggestions.

One noted waste would increase with additional people in an area so suggested the City increase garbage collection services.

Another commented on the "terrorist incident environment" and stressed the need for safe zones with multiple access routes and appropriate monitoring services.

The Redfern Police Area Command suggested mandatory CCTV and ID scanners to deter antisocial and criminal behaviour and remove anonymity of offenders.

Current inefficient management — 36 Comments

A considerable number of submitters suggested they did not support the proposed changes given historical experience with poor management of venues. Many provided specific examples of venues that regularly breached trading restrictions, causing significant disruption. Others suggested enforcement from Council officers and the police was inefficient and rarely provided permanent solutions to the problem.

> *On top of that, extremely understaffed police departments of NSW are unable to properly cope with existing problems, let alone proposed nightlife expansion. Trust me, myself or my neighbours have to call the police at least twice a week due to such reasons.*
>
> *We ring the rangers and they try and do a good job but they need to be inside the house to assess the impact of the level of the noise. We have to wait up for the rangers to arrive and let them in. This process is frustrating and sometime we just put up with the noise pollution to avoid it and wait until 12am when we can finally get some peace after the patrons have left the area which can take another 30 minutes or so.*

Resident consideration — 35 Comments

A considerable number of submitters felt the residents that are likely to be most significantly impacted by the proposal have not been adequately considered. Comments expressed concerns that commercial interests are being placed before the rights of residents even though in many cases they may have been living in an area long before commercial interests were established.

> *It is a commonly held view that city dwellers should put up with whatever is thrown at them in terms of noise, regardless of the time of day. This attitude reflects a view of the city as little more than a precinct for various entertainment-focused venues and their servicing needs. It sees city residents as a group of whingers who have no rights. They should keep quiet and accept their lot,*

while watching the lifestyle that drew them there in the first place being constantly undermined and eroded. Cities come to life when people come to live in them. If they exist only as a variety of glitzy precincts and venues, all they attract are transient populations and all they offer is a superficial experience.

Current controls are adequate — 28 Comments

A considerable number of submitters believed existing trading restrictions are acceptable and should not be changed. Many recognised that since the introduction of stricter trading regulations, crime, injury and death have decreased, while safety, peace and general amenity have improved. Others noted current regulations are adequate and there are still available entertainment options so questioned why they should be changed at the expense of an increase in noise, traffic and general nuisance.

With the current restrictions in trading hours over the last few years, for me, there has been a noticeable improvement in the quality of my neighbourhood. In the past, extended trading hours were largely a factor of a push from greedy venue proprietors and landlords, ultimately offering little in the way of overall advantage to local residents or community services.

Public transport — 9 Comments

A small number of submitters referred to public transport in opposition of the proposed planning controls. Most comments suggested current public transport would not adequately service trading areas and therefore fail to clear people and prevent congregation and troublemaking.

One submitter raised the need for the controls to better address the cumulative impacts of patron dispersal and adequate policing and public transport to avoid the congregation of people late at night.

One submitter argued public transport provision is irrelevant and instead it is necessary to regulate and provide for ride sharing services such as Uber. Another suggested more set-down and pickup points for Uber were required in the city away from residential development. Another suggested taxi changeovers be staged so a large number of people are not out on the street trying to find rides home at the same time.

The Redfern Police Area Command requested consideration be given to dedicated parking for emergency vehicles.

Other — 13 Comments

Several submitters made other opposing comments. A few of these comments questioned the lobbying interests behind the proposed changes. One believed the plan is an "overt attempt by business interests to lobby the council for something that will have an extremely detrimental effect on long term residents". Another urged the City not to be pressured by media as later trading hours will only increase revenue for nightclubs at the expense of patronage for smaller businesses. One stated "the voice of a minority has been listened to in the changes you have proposed" and argued rapid commercial expansion in Sydney has impacted the viability of venues in other parts of the city.

A couple of submitters talked about Sydney's status as a global city. One argued there is no benefit in trying to compete and outdo other cities and instead the focus should be on quality of life for residents. The other stated 24-hour trading is not a necessary requirement to be an international city.

One submitter provided an extensive summary of the pros and cons of the proposal and ultimately concluded extended trading should be rejected as "Sydney does not have to imitate New York or Paris to be a vibrant tourist destination and indeed there may be advantage in being different".

One suggested later trading is uneconomical due to overtime costs.

One stated it is a property and common law right to peace, comfort and privacy..

One submitter raised issues surrounding worker exploitation, suggesting workers would not be adequately compensated for later hours of work and immigrants may be exploited and employed illegally. The current environment was described as lacking in representation of specific groups including African, Northern European, Australian (ATSI) and Trans/Pan sexual groups. It was argued the proposals do not

address this and can therefore not be considered truly inclusive. The proposal was described as "more of the same", suggesting the Council is simply trying to revive the historical party culture without acknowledging the significant change in residential demographics since restricted trading hours were implemented.

Issues regarding conflict between security staff and patrons were also acknowledged. The submitter noted witnessing security staff engaging in physical confrontation with people and suggested incidents would become more frequent with later trading. They also suggested a CPTED (Crime Prevention Through Environmental Design) analysis be implemented as part of the proposal.

A submission from Inca's Restaurant in Newtown and Darlinghurst discussed their management plan and measures to control patrons, noise and disturbance if given permission to have later trading hours. The restaurant owner believes the restaurant offers a great food and entertainment opportunities, which they will adequately manage to avoid harm. Measures such as security staff, focus on food and encouraging people to drink safely, zero tolerance to harassment and controlling noise are some of the ways this destination hopes to become part of Sydney's nightlife.

One submitter of a business in Darlinghurst adversely affected by the lockout laws objected to the 'red tape' involved in changing the usage of their premises and the costs of preparing a DA.

Theme 3: Neutral suggestions

Section summary

- Comments discussed in this section refer to those which offered no firm positive or negative point of view on the proposed changes to the City's planning controls for late-night trading. These comments frequently focused on issues such as transport, or the music industry. In addition, some comments presented pros and cons for the proposed changes giving no preference.

NEUTRAL COMMENTS — 36 COMMENTS

Several comments included accounts about musicians, the music scene and music venues. Submitters generally wanted to see local music respected and encouraged. The promotion of music was thought to be facilitated by: less "red tape" and corresponding costs for venues to have live bands; not allowing noise complaints from residents affected by live music; recognition and pride in music's ability to showcase Australian identity; and, broadening tax laws to allow deductible donations for free rent to apply to arts/music enterprises.

> *Council needs to ensure that the 'trial period' is what it's intended to be – an actual test of the impact of the operating conditions for which the venue seeks approval. This should be clearly stated within the DCP and Council should enforce it.*

A small number of comments included listing the pros and cons of proposed changes. These included lists of potential effects (from increased revenue for businesses to increased noise for residents). One submitter spoke of the difficulty of finding balance for communities and businesses.

A small number of comments addressed public transport, stating that this service must improve (to meet the needs of those using the areas already, and those who would require additional services if trading hours were extended).

A few comments noted that communities are impacted by changes.

A few comments included discussion of 'pokie' machines, specifically the view that these did not constitute a form of entertainment that should be encouraged through later operating hours.

A few submitters noted that other costs should be considered when addressing change to trading hours. The cost of additional demand for ancillary public services such as emergency services and waste disposal. The impact on residents of repeated development and consultations around them was raised by one submitter as an issue. Lastly, one person wanted acknowledgement of the contributions to climate change that increased operating hours would encourage.

A couple of comments included discussion of bars, one submitter wanted bars to be less focussed on drunk patrons (unless they are very drunk), and another felt that bars were unfairly held to account for the actions of drunk patrons.

One suggested performances should start an hour earlier rather than finish an hour later.

Submitters commented on the following topics: support for a 30km/h speed limit in the CBD; a reduction in the influence that old licences have on the issuing of a new one and acknowledgement that venues may not be able to adopt quickly to a 24-hour model and may need Council's assistance in transitioning. One submitter questioned use of the term 12am, stating that there is confusion about whether this refers to midnight or noon.

Theme 4: Comments on the draft DCP

Section summary

- This section discusses comments made about the specific provisions in the plan and the consultation process as a whole.
- Responses were varied and often related to specific sections or wording within the plan.
- A sizeable number of submitters discussed category A, B or C premises, often providing feedback on how venues should be classified or arguing the extent of restrictions that should be placed of each category.
- A considerable number of submitters simply quoted and supported the five key changes.
- A moderate number of submitters offered feedback on the consultation process. Many of these were grateful for the opportunity to offer feedback, others expressed concerns about the questions within the survey or doubted their voices would be heard.

Category A, B, or C — 84 comments

Feedback on the consultation process and on the wording and/or content of the Draft Sydney Development Control Plan: Late Night Trading 2018 was offered by a very large number of submitters. Submitters whose comments included quoted sections of the plan are discussed together to allow comparisons. Comments discussed under this heading include all those from submitters who referred to categories, A, B, or C in their comments. Because submitters did not always use terminology consistent with the proposed changes in the draft DCP, those who referred to high or low impact premises are also included. Note that when submitters expressed support or opposition to the proposed changes, these have also been discussed above, under *Support for late-night trading planning controls* and *Opposition to late-night trading planning controls.*

Category A - high impact premises

Almost a third of the submitters who directly referenced Categories cited Category A in their comments. In several cases submitters cited Category A as part of background information, clarifying the current situation. Several others cited Category A as part of a larger discussion around specific locations.

A small number of submitters specifically requested amendment to the classification of Category A High Impact Premises to "include restaurants with a capacity of more than 120 patrons and function centres with a capacity of more than 80 patrons". The reason for this amendment is suggested that larger capacity premises can have louder levels of noise and increased intoxication.

A couple of submitters noted Category A premises should be better monitored to ensure they are well-run. In addition, the other submitters noted Category A in the following ways:

> *There is no differentiation between extended outdoor trading hours for Category A to Category B Premises. This means you are expecting a pub or a dance club to have the same outdoor impact as a restaurant which could have 2 tables outside.*
>
> *The potential one hour extension of Category A uses in the local centre area is problematic - how will hotels provide evidence of having included entertainment and will it be on adhoc nights or locked down in a DA consent?*
>
> *There needs to be some predictability around these additional hours. Given within the small footprint of Erskineville there are 4 Category A premises - how will this be predictably managed?*

Category B- low impact premises

Two-thirds of the submitters who referred to impact categories did so regarding Category B low impact premises. Most frequently this was as part of a larger discussion on a certain area or point relating to the proposed changes. Amongst those who cited Category B in their comments, there was a relatively even split between those who opposed the proposed changes to the plan and those who supported proposed changes.

Support for and opposition to extended hours for low impact businesses was based around the following arguments:

- that low impact businesses should be able to operate later (i.e., to enable patrons to be out enjoying the city in the evenings and improve business viability), and,
- that residents should be able to enjoy peace and quiet in the evening hours (i.e., that hours should not be extended).

> *I would also support the same 24/7 allowance for performance spaces and "low-impact venues". I also support bringing regulations in line with NSW Govt regs for residential areas*
>
> *While we enjoy the vibrancy and 'buzz' of living in the city, we have the right to peace and quiet in our homes and to the provision of services and venues related to ordinary life, rather than just 'glitz'. We expect Council to recognise and support this.*

One submitter stated that Category B should include an additional definition for a performance venue, similar to the proposed definitions in Category A and B, which allows up to 150 patrons (rather than 250 patrons). This is considered to have a lower impact and encourage more live entertainment in a range of locations in the city.

One submitter addressing Rochford Street in Erskineville sought clarification that entry and egress onto a main street for any venue opening until 2am in a Local Centre must not allow access from a residential street in the case of corner sites, or cause an overspill of patrons into a residential area.

Category C- unlicensed premises

One submitter noted Category C premises and their concern that the proposed changes would not protect residents from the impacts of crowds congregating outside an outlet. This submitter appeared to believe Category C premises would be allowed as-of-right 24-hour trading, which they suggested would cause significant disruption to residents. One submitter raised the need to close large shops on a Sunday.

Outdoor trading hours — 5 Comments

A few submissions including the Australian Hotels Association specifically requested the extension of outdoor trading hours, especially in the instance of restaurants and dining venues. Submitters expressed dissatisfaction towards the fact that finding somewhere to eat outside past 8pm is typically very difficult. Taking advantage of Sydney's warm and comfortable climate was noted by these submitters.

> *Restrictions on outdoor trading hours are particularly grating, as Sydney has such a great climate. The fact that you can't dine on the footpath past 8pm (base trading hours) is beyond belief - many people don't even start dinner until 8:30pmThere should be no restrictions on trading hours full stop.*

The Australian Hotels Association proposed that base outdoor hours be extended to a minimum of 10pm with the possibility of further extension until midnight dependent on the business case. They argued noise coming from these activities are not offensive but add to the local character of the suburb and reduce the perception of areas being sterile.

One submitter believed that base outdoor trading hours in Local Centres and City Living areas should be until 10pm and not 8pm. The submitter noted the lack of differentiation between extended outdoor trading hours for Category A and B premises in local centres which means that a pub or a dance club are expected to have the same outdoor trading impact as a restaurant which could have two tables outside.

Another submitter questioned why outdoor trading hours were limited in late night trading areas if the impacts can be managed on a case-by-case basis with trial periods.

Plans of Management

Submissions from the Australian Hotels Association and City North and Kings Cross Liquor Accord requested a review of the current requirements of the Plan of Management as a key mechanism of the Development Consent in light of duplication and requirement conditions for licensed premises under the NSW Liquor Act.

Content or wording of the plan — 31 comments

A considerable number of submitters addressed the wording or content of the plan in their comments.

Criticism of the DCP included: the mapping is overly complicated; points within the draft could be more clearly articulated; draft documents are idealistic (and rely too much on businesses 'doing the right thing'); outline of the controls is misleading; the draft contains poorly defined words/concepts (such as 'diversity' and 'vibrancy'); some aspects are too conservative/too prescriptive; and, the language and tone of the language in the documents is anonymous, cultural-less.

> *Mapping is overly complicated and difficult to understand. Suggest broader categories and fewer is better. Similar proposals were being advocated in 2010-12 and then State Legislation in 2014 seemed to dictate what local government had to abide by. How is this any different?*

The Sydney Fringe Festival supported the "overall shift in tone" which they stated acknowledged the contribution that night-time businesses make.

The content of the plan was criticised for its lack of emphasis on several specific aspects. Several bemoaned its lack of emphasis on culture, and a moderate number of submitters wanted to see more areas included in the plans. Several of these wanted to see the PACT Centre for Emerging Artists included within the boundary. Several other specific businesses objected to being left out of the relevant area the draft changes pertain to. Note, these are included in discussion above, under *Support for late-night trading → Other*.

While not specifically related the content of the plan, the owner of the Strawberry and Shakespeare Hotels commented on broader late-night trading legislation. They note that section 49(2)(a) of the Liquor Act 2007 prohibits a hotel from trading after midnight on Sunday, but exceptions can be granted for hotels within the City of Sydney as of 1 July 1994. They state that the Strawberry Hotel falls outside this boundary despite being in what they consider to be a central part of Sydney and suggest the boundary be updated to avoid plans for later trading being hampered by "legislation in dire need of review".

A couple of submitters urged staff to be conscious that plans on paper don't always apply as intended "on the ground".

One submitter specifically stated control 3.15.4 (2) relating to table 3.7 should be deleted, arguing the strict wording would make it nearly impossible to approve a venue abutting a laneway. They also criticised control (4) as this would mean planners have no capacity to approve, for example, early trading of cafés in mixed use zones, despite minimal impacts to amenity they may have. It was argued that venues should be assessed on a case-by-case basis, rather than a blanket restriction.

Another submitter raised the complaints that the Council will review when it assesses whether a venue has demonstrated good management under proposed control 3.15.4(14). The submitter assumes the Council has policies to address the situation if a venue receives a large number of complaints but only from one or two people, and the validity of complaints will be assessed against the DCP objectives.

Consultation process — 24 comments

There were a considerable number of comments about the consultation process. Most criticised aspects of the consultation, including its reach, its documents (such as letters to affected residents), and the probability of the process accurately reflecting the views of the community.

Several submitters stated they had limited opportunity to comment on the plan, and criticised the process for not better including them or for the "lack of consultation", see quote below:

> *Alexandria residents particularly those in North Alexandria were not engaged by Council as it was not part of the original survey proposal. They were not part of any pop up or physical engagement by Council as were other areas. The first time we became aware of the proposal was when a generic flyer which discussed a range of matters was left in our letter box.*
>
> *No one had heard of this proposal. The letter which was eventually sent did not refer to alcohol premises being allowed to stay open until 2am.*

In contrast, while many comments included thanks for the opportunity to contribute (discussed elsewhere in this report), a couple of submitters gave favourable comments regarding the consultation process. One congratulated the City on its public consultation, which they labelled extensive, and the other stated the City did an "excellent job in canvassing local residents, businesses, and patrons".

As small number of submitters conveyed that they were sceptical of whether the process would consider their views, feeling that decisions are either predetermined or too heavily biased towards economic interests (i.e., the liquor industry).

A small number of submitters stated they doubted that residents' views would be adequately considered.

Specific Sydney locations

Summary

Many submitters made comments that referred to specific Sydney locations. Table 1 presents the viewpoint of submitters referencing each location outside of the CBD. Typically, opposition came from local residents who had concerns for the impact of later trading on their and the community's personal wellbeing. Most comments supporting the proposal wanted to see more activity and liveliness.

Kings Cross was the most commonly referred to specific location. Comments supported an increase in night-time vibrancy to Sydney's central city, including Kings Cross. Submitters had doubts, however, that central city nightlife would be any different to violent and disorderly behaviour previously experienced at Kings Cross. Most submitters were in favour of the proposed cultural precinct in north Alexandria. Many residents of Potts Point, Glebe, and Chippendale expressed concerns for noise and disturbance to them as a result of proposed policy.

Locations are ordered by number of comments, with the most commonly mentioned location discussed first.

Table 1: Support and opposition by location

Area	Support	Reason summary	Oppose	Reason summary
Kings Cross	22	Want to bring liveliness and culture back to the area.	20	Fear of dangerous drunk/drugged and disorderly behaviour as previously experienced prior to NSW lockout laws. Many opposing later trading in Llankelly Place specifically, perceived to be too disruptive to residents.
Alexandria	26	Strong support for 24-hour trading in Alexandria as a cultural precinct. Viewed as a good place to revitalise.	5	Concern for local infrastructure, lighting, waste collection, pedestrian connections and how noise/disturbance will increase in Alexandria.
Potts Point	6	Want to see more vibrancy in the local neighbourhood. Some residents of Potts Point feel there are not enough nightlife attractions.	17	Submitters generally concerned about disruptive drunk/drugged and unsafe behaviour for residents of Potts Point.
Glebe	6	Glebe residents wanting to encourage more unique shops and small businesses to make the area livelier. Request for Harold Park Tramsheds to be included in local centre	13 (plus 88 signatory petition)	Concern about antisocial behaviour, noise and sleep disturbance and current problems with existing venues. Residents do not believe that later trading is consistent with the residential character of the area.
Chippendale	1	Raised the difficulty with finding a place to have an after-dinner drink in Chippendale.	14	Residents of Chippendale believe the proposal would significantly harm the amenity of the area and be disruptive to residents. Late night trading is not considered appropriate given small scale of streets, composition of population and number of existing problems with licensed premises in the area.
Newtown	3	Desire for stronger night-time economy and nightlife in. Newtown is considered one of the current popular areas and vibrant night time economies in the city. Request for increased 24 unlicensed trading.	7	Concern for impact of poor behaviour, noise and local amenity on residents.

Surry Hills	1	Disappointed by lack of nightlife in Surry Hills.	5	Most submitters were residents with families who oppose the changes due to potential noise impacts and disturbance.
Darlinghurst	3	Support for proposal to increase culture, safety and liveliness, and the perception that this has been lost due to business closures as a result of NSW lockout laws. Later trading proposals support the viability of local business.	5	Impact on local amenity and residents. Impacts of increased trading on Little Surrey Street in Darlinghurst.
Waterloo	4	Support for proposal to have better social opportunity and nightlife.	2	Concern for peace and safety of the area.
Redfern	7	Specific support for later trading hours in Redfern. Request for former Australian Technology Park to be included as a local centre	3	Oppose due to noise disturbance to residents.
Green Square	5	Specific support for increased activity in Green Square. Request for Gazcorp site at 296-298 Botany Road to be included in local centre.	1	Long term resident feels the area will become unsafe.
Zetland	4	Encourage better food, bar and venue options in Zetland. East Village Shopping Centre supports for economic benefits.	2	Concern for potential noise disturbance from later hours at East Village shopping centre.
Erskineville	2	Request for PACT Centre for Emerging Artists to be included as a local centre. Support from Newtown Business Association for more unlicensed trading in Erskineville.	2	Concern that only licensed premises will trade late, there will not be long term noise management to reduce harm on residents. The need to ensure that there is no overspill of patrons into a residential area/street.
Barangaroo	1	Perception that destinations close to early in Barangaroo leaving minimal options.	1	Residents concern for noise and disturbance from bar and venue patrons. Highlights need for traffic management plan due to change of zone.
The Rocks	1	Perception that destinations close too early.	1	Concern from residents of apartment building 8 Hickson Road that noise and disturbance will be significant.
Walsh Bay	1	Trading in the area perceived as struggling and in need of creative thinking and revitalisation.	2	Adverse impacts on residential population from increased late-night trading in this area. Seeks exclusion of 17, 19, 19a, 21, 21a Hickson Road, from proposed Local Centre.
Paddington	1	Supports change as a business owner in Paddington, many tourists complain about early closing time.	0	-
Ultimo	1	A resident stated changes would be a significant improvement	1	Opposed late night trading in Ultimo/Pymont, as a resident of the area.
Pyrmont	3	Support for benefits to employment and nightlife	2	Opposed late night trading in Ultimo/Pymont, as a resident of the area. Oppose longer hours for hotels and out-of-area patrons solely interested in drinking, which will undermine local culture and activities
Woolloomooloo	0	-	1	Loud band and DJ music coming from the Wooloomooloo Bay Hotel. Impacts on social housing tenants. Issues with food venues and loud entertainment.

Note: Number of comments in the table were determined by counting all comments that refer to a specific location and offered a clear argument in support or opposition. Comments referring to locations in a general sense were not counted.

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Item 3.

Post Exhibition – Planning Proposal – Heritage Listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point

File No: X018038

Summary

Darlinghurst Road has a long and rich history and a unique cultural identity and character. Located within the internationally renowned precinct of Kings Cross, the area has previously been recognised as a popular late night trading precinct. Over the course of the mid-late 20th century and until recently, the high street has featured a variety of bars, nightclubs, restaurants and entertainment venues, amongst other community, service and residential uses. Consisting of an eclectic mix of architectural styles spanning the end of the 19th and much of the early to mid-20th century, the streetscape of Darlinghurst Road contributes to and reflects the rich social, cultural and built heritage of the area.

Darlinghurst Road's heritage and history, its recent status as a late night entertainment district and its diverse built environment all contribute to its local character and distinctiveness. Interest in residential development is increasing due to improving amenity, changes to licensing regulations and other market factors, and the area is currently experiencing a period of incremental change. Through consultation, the local community has told the City that Darlinghurst Road is highly valued for its heritage, built and social fabric, and variety of buildings and places.

In response to anticipated future development, Council commissioned a heritage assessment to investigate which properties on the block bounded by Darlinghurst Road, Barncleuth Square, Barncleuth Lane and Roslyn Street should be considered for heritage listing. The heritage assessment recommended the heritage listing of three items for local significance, including Kingsley Hall at 1A Elizabeth Bay Road, the facade of The Bourbon at 22-24 Darlinghurst Road and the site of The Empire at 32-32A Darlinghurst Road for social significance only. Progressing the local listing will ensure the significance of these items is appropriately considered and conserved as part of any future development proposal.

On 13 September 2017, the Central Sydney Planning Committee (CSPC) resolved to exhibit the Planning Proposal for 1A Elizabeth Bay Road, 22-24 Darlinghurst Road and 32-32A Darlinghurst Road, Potts Point (planning proposal) as well as the Development Control Plan - Darlinghurst Road, Potts Point (Darlinghurst Road DCP). Council also resolved to exhibit the Darlinghurst Road DCP on 17 September 2018. A copy of the Resolution of the CSPC and of Council are at Attachment B. This report describes the exhibition outcomes and recommends that Council approve the planning proposal with some minor changes. The planning proposal recommended for adoption is at Attachment A.

The planning proposal was exhibited from 10 December 2018 to 25 March 2019. Twenty-nine (29) submissions were received, with the majority of submitters being local residents. Two submissions were made on behalf of the landowner of 18-32A Darlinghurst Road and the strata committee of 1A Elizabeth Bay Road.

Issues raised include clarifying the listing of The Empire, the extent of the listing of internal heritage fabric of Kingsley Hall and general comments concerning heritage, character and future development along Darlinghurst Road.

There are no changes to the proposed amendment of the local environmental plan; however, minor clarifications have been made to the supporting documentation of the planning proposal in response to submissions and further review by staff.

This report recommends that Council approve the revised planning proposal at Attachment A.

The report also notes the City is undertaking further investigation into the broader Darlinghurst Road precinct. This includes the second stage of the heritage assessment for the remainder of the high street, which is currently underway. The heritage assessment will inform the second stage of the Urban Design Study as well as further DCP controls. This ongoing work will provide the public with further opportunities to consider potential heritage listings and to provide Council with feedback.

Recommendation

It is resolved that:

(A) Council note the matters raised in response to the public exhibition and public authority consultation of Planning Proposal – Heritage Listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point as shown at Attachment D to the subject report;

(B) Council approve Planning Proposal – Heritage listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979; and

(C) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Heritage listing of 1A Elizabeth Bay Road (Kingsley Hall); 22-24 Darlinghurst Road (The Bourbon); and 32-32A Darlinghurst Road (The Empire), Potts Point to correct drafting errors prior to finalisation of the local environmental plan.

Attachments

Attachment A. Planning Proposal - Proposed Heritage Items, Potts Point: Kingsley Hall, 1A Elizabeth Bay Road; The Bourbon Hotel, 22-24 Darlinghurst Road; and The Empire Hotel, 32-32A Darlinghurst Road, Potts Point

Attachment B. Resolution of the Central Sydney Planning Committee - 13 September 2018 and Resolution of Council - 17 September 2018

Attachment C. Gateway Determination - 26 October 2018

Attachment D. Summary of Submissions

Background

1. The purpose of this report is to seek Council approval of a planning proposal relating to three sites at 1A Elizabeth Bay Road (Kingsley Hall), 22-24 Darlinghurst Road (The Bourbon) and 32-32A Darlinghurst Road (The Empire), Potts Point, following public exhibition and a consequent review of the proposal. The planning proposal, at Attachment A, seeks to amend Sydney Local Environmental Plan 2012 (LEP) to list the three sites as heritage items.

2. The Central Sydney Planning Committee and Council approved the planning proposal and a related site-specific Development Control Plan for Darlinghurst Road for public exhibition on 13 September and 17 September 2018. The Council and the Central Sydney Planning Committee resolutions are at Attachment B.

3. The Department of Planning and Environment issued a Gateway Determination setting out the requirements for public exhibition on 26 October 2018. The Gateway Determination is at Attachment C.

4. The planning proposal was publicly exhibited in accordance with the Gateway Determination from Monday 10 December 2018 to Monday 25 March 2019.

5. The City received 29 submissions made up of 27 individual resident submissions, one submission made on behalf of the body corporate of 1A Elizabeth Bay Road (Kingsley Hall), and one submission made on behalf of the landowner of 18-32A Darlinghurst Road, which includes both The Bourbon and The Empire sites. A summary of all submissions and the City's response is at Attachment D. Key issues are discussed later in this report.

6. A number of changes are recommended to the planning proposal which respond to submissions and further internal review. These changes are discussed in this report.

Site details and context

7. The subject sites are located at the northern end of Darlinghurst Road at the junction of Macleay Street, Potts Point. The proposed heritage items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road and 32-32A Darlinghurst Road are identified in Figure 1 and Figure 2 below.



Figure 1: Map of subject sites - 1A Elizabeth Bay Road (Kingsley Hall) in red, 22-24 Darlinghurst Road (The Bourbon) in yellow and 32-32A Darlinghurst Road (The Empire) in blue.

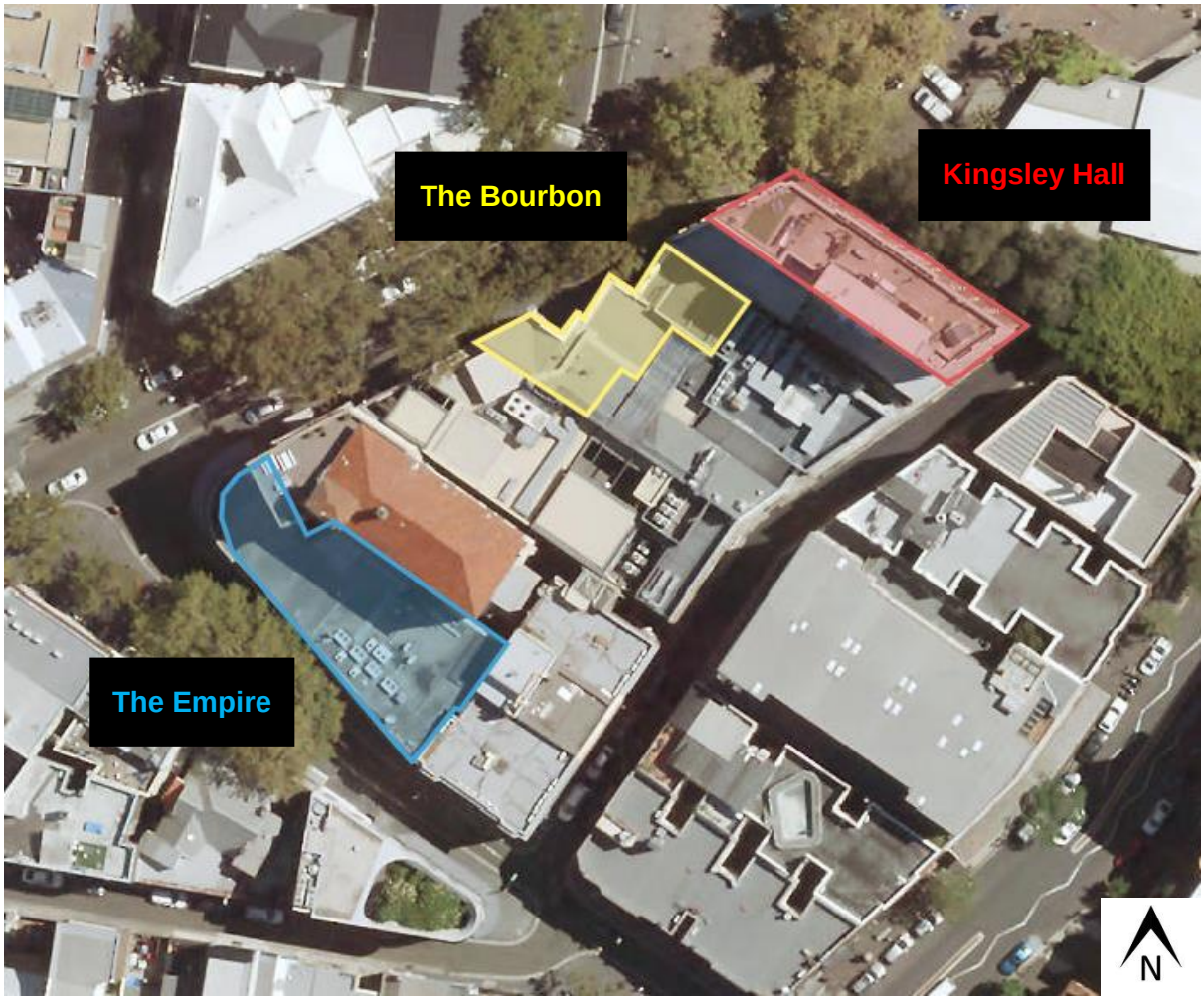

Figure 2: Aerial image of subject sites - extent of proposed heritage listings

8. Kingsley Hall is located at 1A Elizabeth Bay Road, Potts Point. The site is legally described as Lot 1 DP 191425 and has a total area of 281 square metres. Kingsley Hall is shown at Figure 3 below. It is a 10 storey inter war flat building with a ground floor food and drink premises.

9. The Bourbon is located at 22-24 Darlinghurst Road, Potts Point. The site is legally described as Lot 1 DP 1097710 and has a total area of 1,386 square metres. The facade of The Bourbon is shown at Figure 4 below. The Bourbon is formerly a group of 2 to 3 storey terraces, altered and re-purposed over the twentieth century, and currently used as The Bourbon Hotel.

10. The Empire is located at 32-32A Darlinghurst Road, Potts Point. The site is legally described as Lot 1 DP 510235 and has a total area of 443 square metres. The Empire is shown at Figure 5 below. The Empire (32-32A Darlinghurst Road) is a modernist 3 storey mixed use building with a curved corner dating to 1961. It once housed Les Girls, Carousel Lounge and the Palladium nightclubs and is currently known as The Empire Hotel.

11. Darlinghurst Road is a main road, servicing vehicular and pedestrian traffic. The precinct is characterised by mostly small scale, fine grain commercial buildings of around 3 to 4 storeys interspersed with some larger sites and taller buildings. These include The Bourbon, The Empire, Wintergarden, Kings Cross Library and the development known as 'Omnia', located at the intersection of Darlinghurst Road, Bayswater Road and Victoria Street. Surrounding development is mixed in scale and form, varying from two storey Victorian terraces to multi-storey residential flat buildings.



Figure 3: Kingsley Hall at 1A Elizabeth Bay Road, Potts Point



Figure 4: The facade of The Bourbon at 22-24 Darlinghurst Road, Potts Point



Figure 5: The facade of The Empire at 32-32A Darlinghurst Road, Potts Point

Exhibited controls/proposed amendments - heritage listings

12. The planning proposal at Attachment A seeks to protect the heritage significance of Kingsley Hall at 1A Elizabeth Bay Road, the facade of The Bourbon at 22-24 Darlinghurst Road, and the social significance of The Empire at 32-32A Darlinghurst Road. To achieve this it is proposed to amend Sydney Local Environmental Plan 2012 to:

    (a) list Kingsley Hall at 1A Elizabeth Bay Road, Potts Point, as a heritage item in Schedule 5;

    (b) list the facade of The Bourbon (to a depth of 8 metres) at 22-24 Darlinghurst Road, Potts Point, as a heritage item in Schedule 5; and

    (c) list The Empire at 32-32A Darlinghurst Road, Potts Point, as a heritage item in Schedule 5.

13. The sites have been assessed against the seven Heritage Council criteria and meet the threshold for listing as heritage items of local significance.

14. Kingsley Hall satisfies at least six of the Heritage Council's listing criteria at a local level for its historic evolution, historic association, social significance, aesthetic characteristics, representativeness and research value. Heritage assessments carried out by PTW Architects and LSJ Planning and Architecture have concluded the building has local heritage significance for its internal and external fabric, including the information it yields on design, construction and use of luxury flats within the City of Sydney prior to World War II. Aesthetically, its significant external features include its well-preserved form and prominent elements such as its face brick Art Deco façade. The statement of significance for Kingsley Hall reads:

    > Kingsley Hall is a fine example of a purpose built Inter-War Art Deco apartment building designed by the celebrated Sydney architect Emil Sodersteen. Being well sited on the corner of Darlinghurst Road and Barncleuth Square, and now overlooking Fitzroy Gardens, it is an important urban element within Potts Potts. Tightly and efficiently planned, each apartment commands a northerly aspect with views overlooking Potts Point and Sydney Harbour.

15. The facade of The Bourbon satisfies all seven of the Heritage Council's listing criteria, including the criterion for rarity. The Bourbon has high historic significance, through its long relationship with its former residential use, private hospital and nightclub uses. The facade of The Bourbon and the external space facing onto the street has moderate aesthetic and high social significance. External features include its well-preserved form and prominent elements such as the Italianate facade with a later 1950s addition. Only the facade to a depth of 8 metres is proposed to be identified as significant in the listing given the extent of change that has occurred to the remainder of the building. The statement of significance for The Bourbon at 22-24 Darlinghurst Road reads:

    > This building is significant as it demonstrates a complex social and associated architectural form and is representative of change in Potts Point, from speculative mansion terrace built by the entrepreneur Bakewell Brothers for wealthy professionals to use as a private hospital, managed by the prominent nurse Susan Bell McGahey, to boarding house, and later a celebrated nightclub.

16. The Empire satisfies at least four of the Heritage Council's listing criteria, based largely on its social associations with its use as the former 'Les Girls' nightclub. This site has high historic and social significance due to its association with the area's nightlife and the growing acceptability of the LGBTQI community during the late 1960s to the 1980s. The proposed listing of the Empire extends only to the site's social significance as there is no physical fabric worthy of retention. The Darlinghurst Road DCP states that the building may be demolished and its former use is to be interpreted through the new building form, signage and use of the lower levels for food and drink and entertainment uses. The statement of significance for The Empire at 32-32A Darlinghurst Road reads:

> The former Les Girls Nightclub, located on the upper floor of 32 Darlinghurst Road, was a unique and long standing club/cabaret of international standing. Here the company of talented female impersonators, Les Girls, performed with Carlotta, Australia's first transgender patient. As an important part of the cosmopolitan life of 'The Cross' during the 1960s and 1970s, Les Girls performed within a low rise mixed used commercial building designed in the modernist style by the celebrated Sydney architect Neville Gruzman.

17. The listing of Kingsley Hall and the facade of The Bourbon will ensure valuable physical fabric is retained, and will allow present and future generations to understand the breadth of Australia's early 20th century and Inter-War architectural heritage. The listing of The Empire for its social significance will ensure it is recognised for its status as a socio-cultural institution (particularly to the LGBTQI+ community).

18. The identification of these items will ensure any future development of 18-32A Darlinghurst Road considers the heritage value and significance of these buildings, and encourages sympathetic built form and uses. Conservation and interpretation of these items is consistent with the community's aspiration to retain the diverse mix of heritage buildings on Darlinghurst Road.

Public exhibition

19. The planning proposal was exhibited from 10 December 2018 to 25 March 2019.

20. Relevant documents were made available on the 'Sydney Your Say' website and at the Kings Cross Neighbourhood Service Centre. The City sent 318 letters to occupants and 44 letters to landowners to notify them of the public exhibition.

21. The exhibition was also advertised in the Sydney Morning Herald and Wentworth Courier, and through the City's website and the 'Sydney Your Say' e-newsletter.

22. A total of 29 submissions were received. These comprise 27 individual submissions and two submissions from local landowners.

23. Issues raised in submissions and the City's response are summarised at Attachment D, with discussion of key issues below.

Public authority submissions

Office of Environment and Heritage

24. In accordance with the Gateway Determination issued by the Department of Planning on 26 October 2018, the planning proposal was referred to the Office of Environment and Heritage (OEH) on 10 December 2018.

25. On 18 December 2018 OEH advised they had no objection to the proposed heritage listings.

Key issues raised

26. The City reviewed 29 submissions, of which 24 fully supported the proposed listings, four submissions partially supported the proposal, and one submission opposed the proposal. The main issues are discussed below.

27. A review of the planning proposal was undertaken following submissions and further internal consideration. The changes to the planning proposal are shown in Attachment A, with new text underlined and deleted text as strikethrough. All other issues raised are discussed in detail in the summary of submissions at Attachment D.

The Empire

28. A number of submissions raise the heritage status of The Empire as a key issue. Some submitters wrote in support of the listing of The Empire, with some suggesting it should be listed for its physical fabric as well as its social significance. Three submissions opposed the listing of The Empire at all, with one stating it should be demolished and amalgamated with surrounding lots, and rebuilt to the height of Kingsley Hall. One submission called for the status of the physical structure of The Empire to be clarified in the heritage listing description in Schedule 5 of the Sydney Local Environmental Plan 2012 (SLEP 2012) and in the heritage inventory sheets.

29. The City commissioned a heritage report by PTW Architects as part of Council's review into Darlinghurst Road. The recommendation to list The Empire for social significance is the result of this assessment, which has determined that The Empire has a high degree of heritage significance at a local level, primarily linked to its former use as the Les Girls Nightclub. The social significance was also supported through community consultation. Since being constructed in the 1960s, the building has been heavily modified, and the current fabric is not significant or representative of the place's social significance.

30. In terms of the existing building's representativeness and its modernist form, the recently endorsed site-specific DCP for Darlinghurst Road requires any new building on the site of The Empire at 32-32A Darlinghurst Road to interpret the social and historical significance of the site as the original Les Girls venue. This is to be achieved through an architectural interpretation of the building between 1962-1980s, including the curved corner form, floor and parapet levels, ground level awning, the first and second floor balconies and the corner sign reading ‘Les Girls’.

31. With respect to increased height, the building can be demolished and rebuilt, however the subject planning proposal does not seek to increase the permissible height limit for the site of The Empire (which is 22m or 6 storeys). As such, new development at the site cannot be built to the same height as Kingsley Hall under existing planning controls.

32. Concerning amalgamation, controls in the site-specific DCP for Darlinghurst Road require new development at 18-32A Darlinghurst Road to consist of separate buildings with individual cores and entries, to ensure they are legibly distinct. This is in keeping with the character of existing development on Darlinghurst Road, and reflects the community's strong desire to avoid large, homogenous apartment buildings that are unsympathetic to Potts Point's fine grain.

33. The heritage inventory sheet for The Empire has been updated to clarify that the physical structure of The Empire may be demolished and redeveloped. The description of the listing for The Empire in Schedule 5 of SLEP 2012 has not been amended as the inventory sheets clearly detail the heritage value of The Empire which extends only to the site's social significance, and explicitly state that the structure itself may be demolished and rebuilt. The DCP adopted by Council also notes the building may be demolished provided the site's social significance is interpreted.

Kingsley Hall

34. Kingsley Hall is generally described as a fine building characteristic of its era, with its facade being considered particularly valuable. Most submissions that speak specifically to the listing of Kingsley Hall have been made by residents of the building, including a detailed assessment made by Lucas Stapleton Johnson (LSJ) on behalf of the building's strata committee.

35. Most submissions made by residents of Kingsley Hall support the proposed heritage listing of the building. Issues raised include concerns over the extent of internal building fabric to be listed based on additional burden and costs for owners, as well as limitations in terms of maintaining original room configurations and whether such steps result in any real public benefit. It was also stated that the listing of Kingsley Hall will provide an argument against any new development near or close to the building.

36. LSJ Planning and Architecture have carried out an extensive internal assessment of the building, including inspecting 18 of 36 apartments in the building, as well as the ground floor restaurant and foyer, roof, basement level, and common circulation spaces. The findings and recommendations of this fabric survey have been reviewed and are supported by Council's heritage specialist. The heritage inventory sheet has been updated to reflect this information.

37. The listing of Kingsley Hall includes the face brick facades of the building; and the principal room layout and planning configuration as well as significant internal original features including joinery (glazed French windows, built-in cupboards, doors, skirtings and architraves), remaining steel windows, timber flooring and terrazzo staircase. The heritage inventory sheet for Kingsley Hall has been updated and clarified accordingly.

38. Maintaining the original configuration of units and rooms reflects and conserves the original intent of the architect as well as the spatial and structural integrity of the building, and is an important aspect of the heritage significance of a residential flat building like Kingsley Hall. Change may be possible to internal spaces subject to an assessment of the impact on significance.

39. Concerning the issue of cost burden to residents, Council offers an alternate pathway to a Development Application for minor works to a heritage item. Provided work is consistent with the exempt provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, an application for heritage works without consent can be made. Such works typically consist of minor, non-structural alterations, such as refurbishment and maintenance. The application is made directly to the City of Sydney and there is no fee required for single dwellings/units.

40. It is also noted that whilst listing Kingsley Hall does afford the building a level of protection, and requires additional consideration in the event that development is proposed within the vicinity of the building, heritage listing does not preclude development from occurring where it complies with relevant planning standards, objectives and provisions.

General heritage

41. The majority of submissions made are generally supportive of the proposed heritage listings. Submissions in support of the proposal state that:

    (a) The listings will protect buildings which feature a mix of architectural, historic and cultural importance that improve the amenity of the area;

    (b) Too much destruction is occurring and that the loss of buildings such these would alter the substance of what makes Potts Point unique;

    (c) The proposed heritage listings are in line with community expectations;

    (d) The Bourbon has a beautiful and articulated Italianate terrace façade and the site has been a hub of the Cross for the latter half of the 20th century;

    (e) All three buildings, structurally and culturally, have a relationship in how residents and visitors perceive the history of the area; and

    (f) This block (18-32A Darlinghurst Road) has considerable social significance – including The Bourbon representing the Vietnam R&R era and decades of Kings Cross sleaze – all part of Darlinghurst Road's colourful history.

42. No changes to the planning proposal are required.

Character and overdevelopment

43. Some submissions comment on unique local character of Darlinghurst Road and the benefits of the listings in terms of preserving this character through conserving architecture. The loss of character to overdevelopment in the inner city was also mentioned.

44. These submissions are noted. The subject planning proposal and recommended heritage listings are the result of a Council resolution to commission an urban design study to identify design principles for 18-32A Darlinghurst Road and to audit planning controls for improvements that could be considered and consulted with the community. Much of the research and consultation undertaken in this process has been based on the local character of Kings Cross and Potts Point.

45. The proposed heritage listings are consistent with expert heritage advice and what the community expects and desires for the character and built form of Darlinghurst Road now and into the future.

Opposition to the proposal

46. One submission stated the subject planning proposal has no merit, that there is nothing to admire or like about Kingsley Hall, The Bourbon, and The Empire, and that they should be demolished and replaced with beautiful buildings.

47. As noted above, The Empire is being listed for social significance and its structure can be demolished. With regard to Kingsley Hall and the façade of The Bourbon, heritage assessments have been carried out by experts from PTW Architects (on behalf of Council), GML Heritage (on behalf of Iris Capital, owners of 18-32A Darlinghurst Road) and LSJ Planning and Architecture (on behalf of the body corporate of Kingsley Hall). The proposal to list these items has also been thoroughly considered by Council's heritage specialists.

48. The advice from consultants and internal heritage specialists is consistent, identifying considerable aesthetic, social, historical and cultural significance in the buildings and sites at 18-32A Darlinghurst Road. The subject heritage listings also have strong public support and are in keeping with the community's expectations for Darlinghurst Road, as told to Council through community consultation in 2018.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

49. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic direction and objectives:

    (a) Direction 7 - A cultural and creative city: the design of the built environment contributes to the City's culture, and the conservation of heritage fabric is a means of recording, sharing and promoting the history of the city and the values of the community.

    (b) Direction 9 - Sustainable development, renewal and design: the conservation of heritage buildings is essential to creating great streets that reflect the unique identity of local communities and are enjoyable to visit.

Strategic Alignment - Eastern City District Plan

50. The Eastern City District Plan sets the local planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

51. The Eastern City District Plan identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

52. This planning proposal gives effect to Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage.

Social / Cultural / Community

53. The planning proposal responds to issues and concerns raised by the local community concerning the heritage significance of buildings and sites along Darlinghurst Road. The proposed heritage listings seek to conserve the physical and social significance of sites identified as having heritage value.

Relevant Legislation

54. Environmental Planning and Assessment Act 1979.

55. Environmental Planning and Assessment Regulation 2000.

Critical dates / time frames

56. The Gateway Determination requires that the amendment to Sydney Local Environmental Plan 2012 is completed by 26 July 2019. The Greater Sydney Commission may take action under section 3.32(2)(d) of the Environmental Planning and Assessment Act 1979 if this time frame is not met.

57. The Gateway Determination states that the Council is not authorised to exercise delegation to make the local environmental plan. If approved by Council, the planning proposal will be forwarded to the Department of Planning and Industry with a request to draft and publish the local environmental plan.

Public Consultation

58. The planning proposal was publically exhibited from 10 December 2018 to 25 March 2019 in accordance with the Gateway Determination. Exhibition documents were made available for viewing on the 'Sydney Your Say' website, and at the One Stop Shop at Town Hall and the Kings Cross Neighbourhood Service Centre.

59. The exhibition was also advertised in the Sydney Morning Herald and Wentworth Courier, and through the City's website and the 'Sydney Your Say' e-newsletter

60. Written notification to landowners affected by the proposal and in the vicinity of the area provided information on how to view the relevant documentation. The Office of Environment and Heritage was also consulted on the planning proposal and supporting documentation, in accordance with the Gateway Determination.

61. A discussion regarding the submissions received is provided earlier in this report. A summary of all the issues raised by residents and public authorities and how the planning proposal addresses each issue is provided at Attachment D.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Anna Kaskanlian, Planner

Attachment A

Planning Proposal - Proposed heritage items, Potts Point:
Kingsley Hall, 1A Elizabeth Bay Road;
The Bourbon Hotel, 22-24 Darlinghurst Road;
The Empire Hotel, 32-32A Darlinghurst Road.

Planning Proposal – Proposed heritage items, Potts Point:

Kingsley Hall, 1A Elizabeth Bay Road; The Bourbon Hotel, 22-24 Darlinghurst Road; The Empire Hotel, 32-32A Darlinghurst Road.

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

April 2019



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Cover image: Studio Zanardo, Urban Design Study, Darlinghurst Road, Potts Point Streetscape - Elevations Study, July 2018

Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify three heritage items for inclusion in Schedule 5 located in Potts Point.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Site identification

This planning proposal relates to the following places within Potts Point, as described in Part 3 and mapped in Part 5:

- Kingsley Hall, 1A Elizabeth Bay Road - Lot 1 DP 191425
- The Bourbon Hotel, (formerly The Bourbon and Beefsteak), (part) 22-24 Darlinghurst Road – part of Lot 1 DP 1097710
- The Empire Hotel, 32-32A Darlinghurst Road - Lot 1 DP 510235

Kingsley Hall is privately owned by various parties under Strata Plan No 10070. It comprises a ten-storey Art Deco apartment block, constructed with a concrete frame and clad in distinctive red face textured brickwork with Aztec motifs incorporated within the detailing of the brick parapets.

The Bourbon Hotel is privately owned by Piccadilly Freehold Pty Limited. It comprises two early 20th century mansion-style terrace houses, with Italianate detailing, plus a 1950s extension which have been incorporated into entertainment facility.

The Empire Hotel is also privately owned by Piccadilly Freehold Pty Limited. It is a three-storey commercial/entertainment building constructed in 1962.

Planning background

Following a recent development application submitted for 18-32 Darlinghurst Road, Potts Point (D2017/1705) involving demolition of the majority of structures in this location, and the subsequent community response to this proposal, the City of Sydney commissioned a heritage assessment of 18-32A Darlinghurst Road, 1A Elizabeth Bay Road and 2 Roslyn Street. The primary purpose of this heritage study is to confirm which properties on these sites should be considered for heritage listing.

The City commissioned PTW Architects to carry out this heritage assessment, and to subsequently prepare inventory sheets for any potential heritage items. The heritage assessment is included at Appendix 1. This report identifies 3 buildings as potential heritage. Draft inventory sheets for these items are attached at Appendix 2. This planning proposal is to include these items into Schedule 5 of Sydney Local Environmental Plan 2012.

Study area and scope

The heritage study investigates the heritage significance of the block bounded by Darlinghurst Road, Roslyn Street, Barncleuth Lane and Elizabeth Bay Road (Barncleuth Square) in Potts Point. This is shown in Figure 1.

Figure 1: Study area shaded yellow



Study findings

The heritage study report is included at **Appendix 1**.This study concludes that of the sites investigated, three have a high degree of heritage significance that warrants their potential listing as heritage items on Sydney Local Environmental Plan 2012.

Assessment of significance for listing

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing. The proposed sites satisfy one or more of these Heritage Council criteria of local heritage significance for local listing. It is noted some may also be state significant, however this comparative level of importance is determined by the Heritage Council of NSW, and is not required for local listing.

Progressing local heritage listing for the proposed heritage items will ensure the local heritage significance of these properties is appropriately considered and maintained as part of future plans or redevelopment.

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of these buildings in Potts Point, as identified in Part 2.

The intended outcomes to achieve these objectives are to:

- List buildings or complexes in Potts Point as heritage items in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012) as follows:
    - Kingsley Hall, 1A Elizabeth Bay Road - Lot 1 DP 191425
    - The Bourbon Hotel, (formerly The Bourbon and Beefsteak), (part) 22-24 Darlinghurst Road – part of Lot 1 DP 1097710
    - The Empire Hotel, 32-32A Darlinghurst Road - Lot 1 DP 510235

Part 2 – Explanation of the provisions

The final clauses in Sydney Local Environmental Plan 2012 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows to achieve the intended outcomes

Heritage schedule amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 heritage schedule by inserting or altering the following items as shown below in **Table 1.** Text to insert is shown as **bold underline**. Text to omit is shown as ~~**bold strikethrough**~~.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

Locality	Item name	Address	Property description	Significance	Item no.
Potts Point	**Kingsley Hall including interiors**	**1A Elizabeth Bay Road**	**Lot 1 DP 191425**	**Local**	**I2289**
Potts Point	**(part) The Bourbon Hotel including front façade to depth of 8 metres from front facade**	**22-24 Darlinghurst Road**	**part of Lot 1 DP 1097710**	**Local**	**I2290**
Potts Point	**The Empire Hotel**	**32-32A Darlinghurst Road**	**Lot 1 DP 510235**	**Local**	**I2291**

The heritage item naming convention conforms with existing listings in Schedule 5, which include building interiors. This is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features.

The features noted in the above item names are described further in the supporting information contained in the heritage inventories included at **Appendix 2**. The non-statutory heritage inventories can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a heritage assessment block bounded by Darlinghurst Road, Roslyn Street, Barncleuth Lane and Elizabeth Bay Road (Barncleuth Square) in Potts Point, prepared by PTW architects completed in August 2018. The City of Sydney commissioned this strategic study in response to a development application for part of this site.

The items identified in this planning proposal are recommended for investigation for listing in this study, with supporting draft heritage inventories. These establish that these recommended heritage items meet at least one of the Heritage Council criteria for local listing for their local heritage significance.

The heritage study is included in **Appendix 1**. The draft heritage inventories are included at **Appendix 2.**

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection for these three sites is best achieved through identification as a local heritage item in an environmental planning instrument. .

City of Sydney has authorisation to make interim heritage orders for unlisted buildings under the Heritage Act 1977, however these items are included within an existing Conservation Area, preventing the City's ability to make an interim heritage order. A more strategic approach is preferred as recommended in this planning proposal. No immediate threat to these buildings is known to warrant any emergency form of heritage protection.

Progressing local heritage listing for these proposed heritage items will ensure the local heritage significance of these sites are appropriately considered and maintained as part of future plans or redevelopment. It will also ensure prior formal consultation with the land owners and broader community. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the "Eastern Harbour City".

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By proposing to consult the community for listing these new heritage items, this planning proposal will fulfil this object.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- *(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *(b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
- *(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. It notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into centres.

In proposing to consult the community to identify these sites of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of central Sydney.

Early informal engagement with the community on proposed planning controls for the block indicated support for acknowledging local significance of these buildings and the function over the years.

Subsequent community consultation has been conducted as part of Council's review of the existing planning framework. CRED Consulting and Micromex Research and People, Place and Partnership were commissioned to undertake an online survey and workshop with the local community to better understand views concerning character, built form and experience along Darlinghurst Road, both now and in the future.

The consultation asked specific questions about the social, cultural or historical value or significance of The Bourbon and The Empire Hotel with a large number of responses noting that these sites were important to them, with particular focus on their iconic nature, historic, architectural and aesthetic significance, contribution to local character and streetscape, and in the case of The Empire Hotel, how it is considered significant to the LGBTIQ+ community.

The community consultation has provided Council with insight into the values and concerns of the local community and has directly informed the proposed planning controls.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes. See comments below.

Sustainable Sydney 2030 Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies these sites in Potts Point as heritage items, thereby providing for their conservation, a diversity of building stock in their vicinity and allowing future generations to understand the historic development of Kings Cross. The listing will ensure future development considers and maintains the heritage significance of these sites.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with and does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with and does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

No	Ministerial direction	Comment
1.1	Business and Industrial Zones	Consistent. The planning proposal will not reduce the total potential floor space area for employment uses and related public services in business zones.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal provides for the conservation of heritage items.
2.4	Recreation Vehicle Areas	Not applicable
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable

No	Ministerial direction	Comment
4.1	Acid Sulphate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5.1	Implementation of Regional Strategies	Consistent. This planning proposal is consistent with key strategic goals and directions within the Greater Sydney Region Plan and the District as outlined above.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. As addressed above.
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls.
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney or the Greater Sydney Region Plan
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

No	Ministerial direction	Comment
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of these heritage items in Potts Point will facilitate retention of buildings that may have significance to community. No changes to the zoning are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed. Listing may activate conservation incentives for listed buildings, including flexible uses.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed properties to be identified as heritage items are well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Heritage Council of NSW will be consulted during the public exhibition. The identification of these heritage items, based on a comprehensive heritage assessment, is consistent with Heritage Council standards.

It is not considered necessary to consult with other public authorities as the planning proposal relates to the listing of local heritage items that are privately owned.

Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage map tiles HER_022 will be updated to shade in brown the location of the new heritage items. The heritage map extract at **Figure 2** show the new heritage items.

Figure 2: Kingsley Hall, The Bourbon Hotel & The Empire Hotel, items 2289-2291



Part 5 – Community consultation

Public Exhibition

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Greater Sydney Commission. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

A 28-day public exhibition is recommended with notification:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney Local Government Area; and

- in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

Action	Anticipated date
Commencement / gateway determination	October 2018
Public exhibition & government agency consultation	November 2018
Consideration of submissions	December 2018 – ~~**January 2019**~~ **March 2019**
Post exhibition consideration of proposal	~~**February 2019**~~ **April 2019**
Draft and finalise LEP	~~**February 2019**~~ **April 2019**
LEP made (if delegated)	~~**March 2019**~~ **May 2019**
Plan forwarded to DoPE for notification	~~**March 2019**~~ **May 2019**

Appendices

1. **Heritage Assessment: 18-32A Darlinghurst Road, 2 Roslyn Street, Potts Point, 22 June 2018**

2. **Draft Heritage inventories for recommended heritage items**

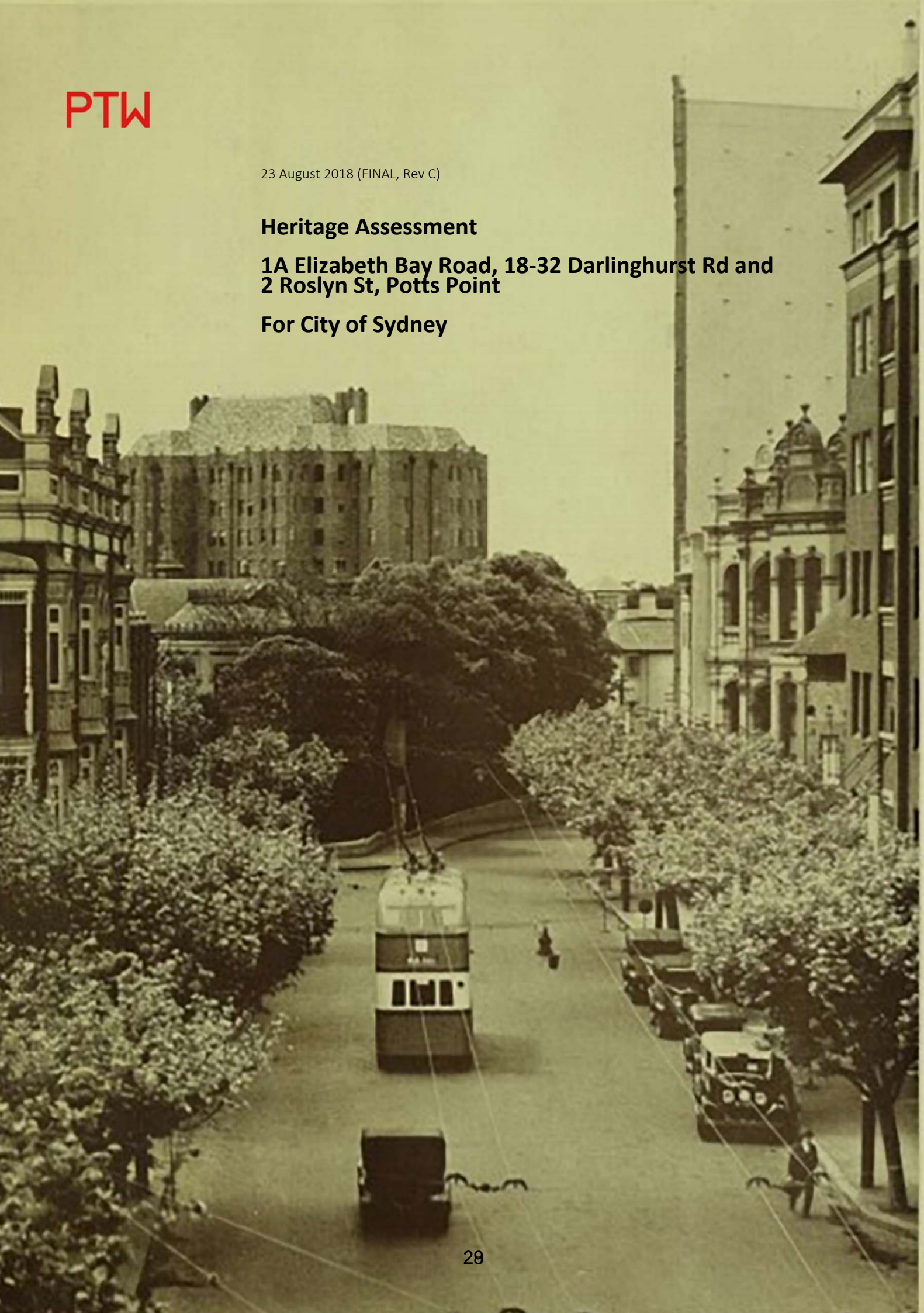
PTW

23 August 2018 (FINAL, Rev C)

Heritage Assessment

1A Elizabeth Bay Road, 18-32 Darlinghurst Rd and 2 Roslyn St, Potts Point

For City of Sydney



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Version Control

Issue	Date	Comment	Author
A	4 May 2018	DRAFT Rev A Issue	PTW Architects
B	23 June 2018	DRAFT Rev B Issue	PTW Architects
C	23 August 2018	FINAL Rev C Issue	PTW Architects

Front Cover: Darlinghurst Road with 18-32A Darlinghurst Road shown to the right. Image: The Home, 1934

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EXECUTIVE SUMMARY

This heritage assessment for the properties at 1A Elizabeth Bay Road, 18-32A Darlinghurst Road and 2 Roslyn Street, Potts Point has been prepared for City of Sydney by PTW Architects. This assessment sets out to facilitate a greater understanding of this place supported by the history and development of the buildings within this city block since their construction. The history of this city block reveals a complex pattern of change and evolution and an assessment of the relative heritage significance of the present buildings has led to differences in cultural significance being recommended.

The flat building Kingsley Hall at 1A Elizabeth Bay Road, Potts Point forms the northernmost portion of this city group of buildings. Dating to 1929, this building has heritage significance yielding information on the design, construction and use of luxury flats within the City of Sydney before WW II. External features include its well-preserved form and prominent elements such as its face brick Art Deco façade. Having landmark character and links to the past through historic photography, Kingsley Hall building should continue to be used for residential purposes in a way that conserves its significant fabric.

The three-storey former terrace group at 22-24 Darlinghurst Road, now forming part of The Bourbon Hotel also has heritage significance. This terrace group has high historic significance through its long relationship with former residential use, private hospital and nightclub uses; this being representative of the changes to the community of Potts Point. The façade of this building group, and the external space facing onto the street, has moderate aesthetic and high social significance. External features include its well-preserved form and prominent elements such as the Italianate façade with later 1950s addition. Importantly, the social links to the past are well recorded in historic photography. The building elements should be conserved and reconstructed and integrated with ongoing mixed uses in a way that conserves its significant fabric and immediate external street edge spaces.

Of similar heritage importance is The Empire Hotel, containing the site of the former Les Girls night club. The setting for this place has high historic and social significance as demonstrated through its relationship with the area's nightclub use and the growing acceptability for the LGBTQI community; this being representative of the community within Potts Point. Importantly, the social links to the past are well recorded in historic photography. Elements of the building, including the performance space and signage, should be reinterpreted and integrated with new uses in a way that conserves the social significance of this important place.

The multistorey buildings including Lowestoft at 20 Darlinghurst Road, The Commodore at 30 Darlinghurst Road and former Clivedon Flats at 2 Roslyn Street, have been identified as contributory items within the Potts Point Heritage Conservation Area (HCA). These three properties continue to meet the criteria established by the City of Sydney for contributory items as outlined in the City of Sydney Development Control Plan 2012.

This report is set out under five sections. The substance of Documentary Evidence is contained under Section 2 while the Physical Analysis is contained under Section 3. Recommendations regarding Heritage Significance, the conclusion of this report, are contained within Section 5.

1.0 INTRODUCTION

1.1 Background and Objectives of the Study

This Heritage Assessment for 1A Elizabeth Bay Road, 18-32A Darlinghurst Road and 2 Roslyn Street, Potts Point has been prepared for The Council of the City of Sydney. The subject properties, located within a Conservation Area of local heritage significance.

1.2 Location and Site Context

The city block containing the subject sites is located on the east side of Darlinghurst Road and is bounded by Barncleuth Square and Fitzroy Gardens to the north, Roslyn Street to the south and Barncleuth Lane to the east.

The building group consists of a mixture of 3 – 10 storey buildings, which are constructed of rendered and/or face brick and built in a variety of architectural styles, with the earliest building in this group dating to the 1890s. Consisting of ground floor retail and hospitality uses, bars, residential flats and tourist accommodation, the existing building group forms a varied yet distinctly cohesive city block within an historic streetscape *(refer Figure1).*



Figure 1: Site Plan. Image: SIX Maps

1.3 Heritage Listings

The building group of this study area forms part of the Potts Point Conservation Area *(refer figure 2*).

The following extract from the State Heritage Inventory notes:

Statement of Significance:

The Potts Point Conservation Area provides evidence of the subdivision of the early land grants and the consolidation of development in Potts Point during the nineteenth and twentieth centuries, reflecting the evolution of the locality from a district of substantial nineteenth century villas, to one characterised by terraces of late nineteenth and early twentieth century interspersed with early to mid-twentieth century apartment housing and several surviving grand houses. Together with adjoining Elizabeth Bay and Rushcutters Bay, nowhere else in Australia were apartments built to this height or level of density. This creates streetscapes of strong urban form and Victorian, Federation and Inter - war character.

The area provides building types which represents the last 150 years of development and coexist in a harmonious way. Despite the intrusive nature of later high-rise towers, whose impact is disproportionate to their proportion of built area, the area provides a highly cohesive character although the towers visually dominate the background of low scale streetscapes.

The commercial strip along Darlinghurst Road, together with Fitzroy Gardens and the El Alamein Fountain, provide a continuing civic and visual focus for the area.



Figure 2: Heritage Map – Sheet HER_022 (extract). Image: City of Sydney LEP 2012.

Physical Description

The Conservation Area adjoins Garden Island Naval Depot to the north. The boundary follows roughly the rear of properties that front the western side of Victoria Street whilst Kings Cross Road forms its southern boundary. Ward Avenue and the rear of properties fronting Macleay Street are along its eastern boundary.

The area slopes north along Victoria Street and Macleay Street which is the highest point. The area has a dense urban character. Around Victoria Street and Tusculum Street the scale is predominantly three storey Victorian Terraces. Around Rockwall Crescent, Manning Street and Onslow Place high early twentieth century apartments cluster around the original villas, Rockwall and Tusculum, on subdivided allotments.

There are some fine examples of grand terraces in particularly in Challis Avenue and parts of Victoria Street and Rockwell Crescent. Macleay Street provides a mixture of ten storey high-rise early twentieth apartment and late nineteenth three storey residential and commercial. Significant 20th century apartment blocks in the street include 4 Macleay Street, Macleay Regis at Nos 10-12, Seldson at No 16, 20 Macleay Street, Manar at Nos 40A -42, Kingsclere at No 48, Werrington at No 85, Byron Hall at Nos 97-99 and Cahors at 117 Macleay Street.

The north- western side of Wylde Street, which falls within the conservation area, is a continuation of Macleay Street and is characterised by a number of 20th century residential flats, mainly two to three storeys with the exception being the post - war International Style building at No 17, and a number of grand villas including Bomera at No 1 and Tarana at No 1A.

Darlinghurst Road forms part of a "bright light" entertainment and commercial strip, and features various forms of commercial and retail enterprises along with cafes, take away food shops, gaming venues, bars, hotels and adult entertainment venues. The built form is predominantly 3-4 storey commercial with some residential.

Important institutional sites include the St Vincent's School Group in Victoria Street, which includes a Victorian Gothic style chapel, and the Wayside Chapel.

There are patches of open space provided at Springfield Gardens at the northern end of Springfield Avenue, Arthur McElhone Reserve in front of Elizabeth Bay House and Fitzroy Gardens.

Street Rating for Darlinghurst Road:

Darlinghurst Road: Predominantly 3-4 storey commercial / residential development of mixed character. Strong street alignment and continuous awning. [Some] Detracting shopfronts.
Rated B

Further information, general:

The area, while evidence of a dramatic change in scale was by no means a complete transformation of the area. [sic] Whether due to site availability or planning, the variation in height is a characteristic of the area. Part of its aesthetic qualities relates to the mixture of building scale and topographical height which creates reasonable amenity and access to view. The area has already reached a high level of density and increased density should be discouraged. Improvements to façade treatments could be encouraged by slight increased development potential.

Information is taken from:
http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2435711

1.4 Methodology and Terminology

This heritage assessment uses primary sources as well as information contained in the inventory sheets in the State Heritage Inventory. The study team visited the properties on 26 April 2018 to undertake condition surveys, with access facilitated by Warren Duarte, Development Manager for Iris Capital. This inspection did not involve any disturbance of fabric as the buildings were occupied at the time of the surveys.

The methodology of this assessment is guided by the study brief, dated March 2018, including consistency with the Burra Charter in accordance with recognised heritage processes. Terminology is consistent with the Burra Charter and has been prepared having regard to the methodology outlined in the *NSW Heritage Manual* guidelines for the preparation of Conservation Management Plans (NSW Department of Urban Affairs and Planning and the Heritage Council of NSW, November 1996, as amended July 2002.)

This assessment also follows the approach set out in *The Conservation Plan,* by James Semple Kerr (National Trust of Australia (NSW), fifth edition, 2000) and the guidelines of *The Burra Charter: The Australia ICOMOS Charter for the Places of Cultural Significance 2013* (the Burra Charter). Conservation terminology used in this report is consistent with the *NSW Heritage Manual,* prepared by the NSW Heritage Office and the Burra Charter.

1.5 Limitations

This report does not include a formal Social Significance Assessment, but the social significance of the site has been discussed. Separately, the City of Sydney has initiated community consultation as part of their review of the existing planning framework for the site. CRED Consulting and Micromex Research and People, Place and Partnership were commissioned to undertake an online survey and workshop with the local community to better understand views concerning character, built form and experience along Darlinghurst Road, both now and in the future. The consultation asked specific questions about the social, cultural or historical value or significance of The Bourbon Hotel and The Empire Hotel with a large number of responses noting that these sites were important to them, with particular focus on their iconic nature, historic, architectural and aesthetic significance, contribution to local character and streetscape, and in the case of The Empire Hotel, how it is considered significant to the LGBTIQ+ community.

This report does not include an archaeological assessment of the site nor does it assess issues associated with natural values, flora or fauna. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and/or in figure captions. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright owners.

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1.6 Author identification

This heritage assessment has been prepared by:

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- Dr Noni Boyd, MSc Arch Cons, PhD, Architectural Historian & Heritage Consultant, in, particular, Section 2: Documentary Evidence;
- Glenn Harper, Senior Associate PTW Architects (Architects Registration No.6561);
- Moya Lum, Knowledge / Research Manager, PTW Architects, and
- Claudia Yang, Graduate of Architecture.

1.7 Terminology and Abbreviations

The following abbreviations are used:

BA	Building Application
CMP	Conservation Management Plan
DCP	Development Control Plan
GAB	Government Architect's Branch, subsequently GAO
GAO	Government Architect's Office, formerly GAB
GPO	Government Printer's Collection of images and videodisks held at the Mitchell Library
LEP	Local Environmental Plan
NAA	National Archives of Australia
NLA	National Library of Australia
NMA	National Museum of Australia
ML	Mitchell Library
SCC	(former)Sydney City Council
SHR	State Heritage Register
SLNSW	State Library of NSW
SLV	State Library of Victoria
SMH	Sydney Morning Herald
SRNSW	State Records of NSW

2.0 DOCUMENTARY EVIDENCE

2.1 Introduction

The history of the properties within this city block and its components have been researched and presented as phases of development under eight separate themes. Historic information, including plans were obtained from the City of Sydney Archives and other referenced electronic databases. A search of the Sands Directory was undertaken via electronic data available via the City of Sydney Archives.

For purposes of this study, including detailed analysis in the pattern of development, is described as 1A Elizabeth Bay Road, 18-32 Darlinghurst Road and 2 Roslyn Street *(refer figure 3).*

The phases of development area:

Phase 1: The Villas of Darlinghurst (to c.1850);
Phase 2: Subdivision for Townhouses and Mansions (1850-1907);
Phase 3: Boarding Houses (from 1907 - 1924);
Phase 4: The Flat Dweller (1925- 1938);
Phase 5: Private Hotels (1936-1946);
Phase 6: Notoriety (1947 -1960);
Phase 7: The Glittering Mile (from 1961-1974); and
Phase 8: Late Night Life (from 1975-to date).

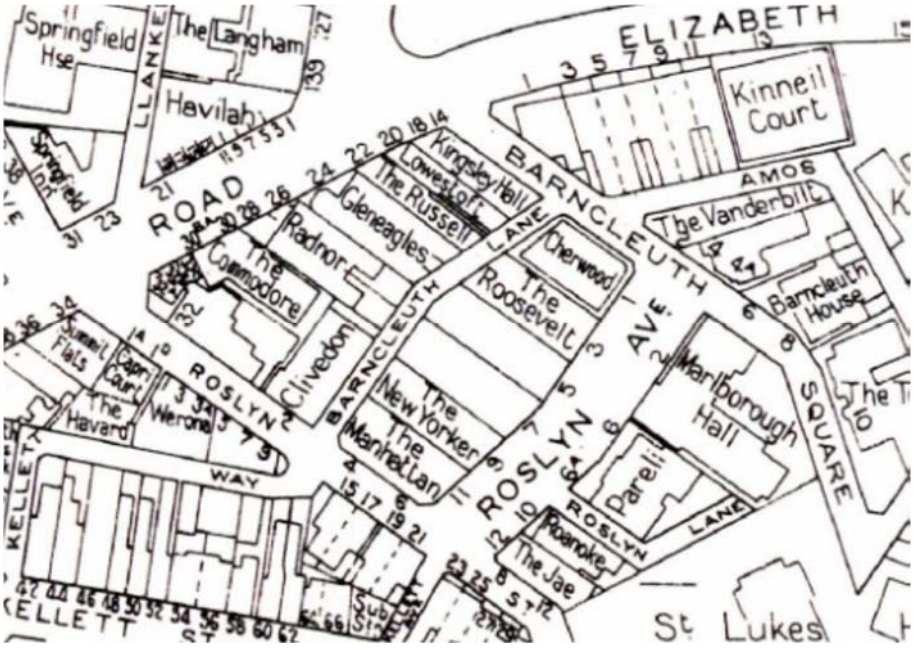


Figure 3: Block plan, c. 1937. This plan, prepared by the Sydney City Council, shows the location and names of the buildings discussed in this heritage study. The buildings Kingsley Hall and Lowestoft are all built following the subdivision of the gardens to Rosyln Hall in 1889. This block plan was prepared after 1937 as Rosyln Hall had been demolished and replaced by two blocks of flats. Image: City of Sydney Archives.

2.2 Thematic History

Owing to the early and intensive use of Potts Point by Europeans, there has been limited opportunity to investigate archaeologically the indigenous occupation of the area. The presence of Aboriginal people, however, in the locality and their dislocation dating from European settlement in the late 18th century is recognised, while not included in the description of the phases of development for this city block.

The "Eora people" was the name given to the coastal Aborigines around Sydney. Central Sydney is therefore often referred to as "Eora Country". Within the City of Sydney local government area, the traditional owners are the Cadigal and Wangal bands of the Eora. There is no written record of the name of the language spoken and currently there are debates as whether the coastal peoples spoke a separate language "Eora" or whether this was actually a dialect of the Dharug language. Remnant bushland in places like Blackwattle Bay retain elements of traditional plant, bird and animal life, including fish and rock oysters.

With the invasion of the Sydney region, the Cadigal and Wangal people were decimated but there are descendants still living in Sydney today. All cities include many immigrants in their population. Aboriginal people from across the state have been attracted to suburbs such as Pyrmont, Balmain, Rozelle, Glebe and Redfern since the 1930s. Changes in government legislation in the 1960s provided freedom of movement enabling more Aboriginal people to choose to live in Sydney.

Information is taken from:
http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2435711

2.3 Phase 1: The Villas of Darlinghurst (to c. 1850)

The subject block was once part of the grounds of Roslyn Hall, a substantial villa designed for Thomas Barker by Ambrose Hallen around 1833.[1] In addition to erecting a substantial villa and grounds, Barker erected windmills on his estate. The quality of houses erected north of what is now William Street was tightly controlled and the initial grant holders were required to erect a villa to the value specified by the Governor.

The villas of Darlinghurst were oriented towards the views and the harbour. Each house was set in extensive grounds and was sited well back from the road. Darlinghurst Road and Macleay Street ran along the ridge and each villa had its own carriage drive and rear stables and outbuildings. Barncleuth Avenue and Roslyn Street are both named for the now demolished villas, and the street names have their origins in access roads to the stables and rear wings. No views of Roslyn Hall from Darlinghurst Road have been located as the surviving images by artists such as Conrad Martens show the house from within the grounds, as do later photographs. The earlier Trigonometrical Maps for this part of Sydney do not fully overlap however part of the Roslyn Hall estate is shown. The Metropolitan Detail Series Map shows the location of Rosyln Hall and the entrance gates off Darlinghurst Road just prior to the subdivision (*refer figure 4*).

The occupiers of Roslyn Hall during the 1880s were Charles Chauvel and later, his widow. The property remained in the family and was part of the estate of Elizabeth Amelia Parry Long, a descendant of Barker by marriage. Roslyn Hall survived until around 1937 when it was demolished to make way for flats. Following subdivision, Barncleuth Lane separated the house with some of its grounds from the allotments facing Darlinghurst Road *(refer figure 5).*

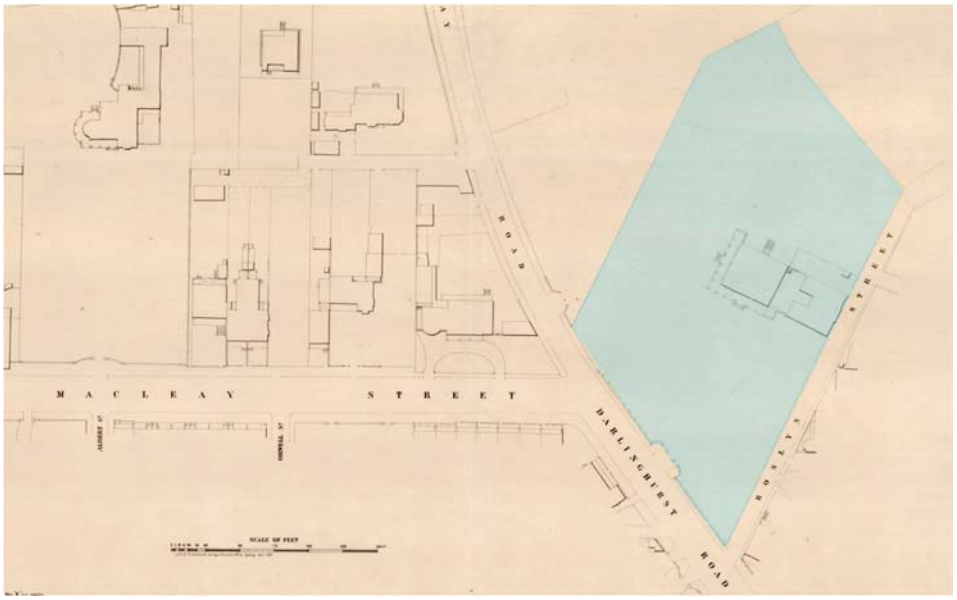


Figure 4: Extract from the Metropolitan Detail series plan showing Roslyn Hall and the gates to Darlinghurst Road. Image: SCC Historic Atlas

[1] The subdivision of Darlinghurst by Governor Darling (after whom the area in named) and the series of architect-designed villas erected from the late 1820s to the early 1840s was the subject of the Villas of Darlinghurst exhibition held at the State Library of NSW in 2002.

2.4 Phase 2: Subdivision for Townhouses and Terrace Mansions (1850-1907)

From around the mid-1850s onwards, the grounds of substantial Darlinghurst villas were subdivided and substantial rows of town houses or individual mansions were erected such as Maramanah on the current site of Fitzroy Gardens.

Another mansion Barncleuth, designed by James Hume for the wine merchant John Brown, was erected on land subdivided from Alexander Macleay's Elizabeth Bay estate in the early 1850s. Purchased by Robert Amos in 1881 the property was subdivided into splendid building sites. The house and its immediate grounds were retained by Amos who commissioned the architect J. J. Clarke to transform the house into a substantial Italianate villa, which became known as Kinneil house. The mansion Barncleuth / Kinneil survived until 1971, and the site is now Lawrence Hargrave Reserve and the carpark underneath.

The block fronting Darlinghurst Road, which had been subdivided from the grounds of Roslyn Hall, was put up for sale in September 1889. There appears to have been, however, little initial interest in developing this block unlike the subdivision of the adjacent Barncleuth Estate, which had begun in the early 1880s. The subdivision of this block retained a portion of the grounds to Roslyn Hall and the house itself, which was separated from the subdivision by a 20ft lane, later named Barncleuth Lane. The subdivision also created a street that separated the adjacent Barncleuth Estate and its house, becoming known as Barncleuth Square. The subdivision of the Roslyn Hall Estate was undertaken by the Sydney Permanent Freehold Land and Building Society, a building society that undertook substantial subdivisions, such as the progressive release of land in Annandale. The original subdivision of the block *(refer to figure 5)* incorporated eleven sites facing Darlinghurst Road: two corner sites were set out with a frontage of 9.2m approx. while nine mid-block sites had a frontage of 8.24m approx. Kingsley Hall and Lowestoft are currently the only two properties which align to this original subdivision pattern *(shown as Lots 11 and 10 on Figure 5).*

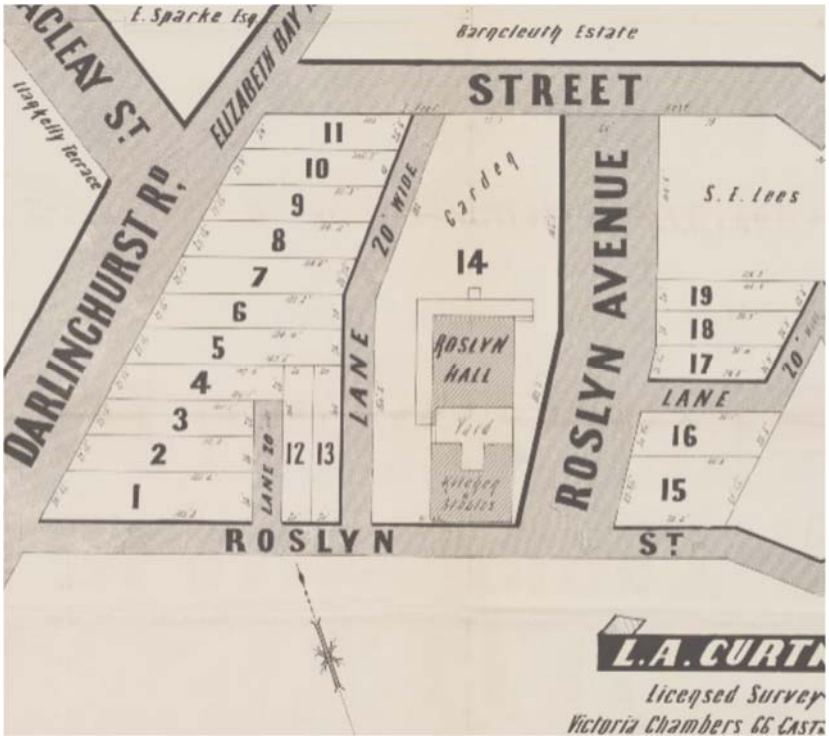


Figure 5: Subdivision of the Roslyn Hall Estate, "for sale at the Auction Rooms, 313 Pitt Street on Tuesday 10th September 1889 at 11.30 am". Image: NLA Map Folder 49, LFSP702

2.4.1 Fordon, 32 Darlinghurst Road, c. 1891

The Sands Directories and Rate books record that only one house was initially erected within the subdivision along Darlinghurst Road. Fordon at No. 32 Darlinghurst Road, erected for Rose and Henry Nelson, first appears in the rate books in 1891.[2] The Nelsons purchased lots 1-4 of the Roslyn Hall Estate subdivision. Henry and Rose Nelson (born Rose Alexander) continued to occupy Fordon until their respective deaths in 1912 (Rose) and 1915. After their marriage in Sydney in 1878 the Nelsons had lived in Sydney where their first child Evelina was born the following year. After a number of years in Walgett the Nelsons had returned to Sydney by 1885, initially living at Herberto Terrace in Glebe where their son Gustav born. Nelson & Co operated a substantial store in Walgett known as the Great Western Store. Two of their daughters were born in Walgett.

The Nelson children Eveline, Miriam, Esther and Gustav lived at Fordon. Esther died at home aged 15 in 1898. The family were Jewish and many of the substantial residences in the Potts Point and Darlinghurst area were owned by Jewish families. The choice of a Polish (or Prussian) place name of the house may indicate the origins of family. The Water Board plan of 1939 shows a bay fronted villa with a front verandah and the outline of the house can be seen on later civic surveys. The Rate Assessment Books record that Fordon was a substantial two-storey brick house with a slate roof that contained 12 rooms. A glimpse of the house can be seen in a 1930s image in the Council's collection *(refer figure 6).* The architect of Fordon has not yet been identified. Until around 1899 Fordon was the only house (numbered 32 Darlinghurst Road) in the block. The grounds of Fordon extended as far as the southern boundary of No. 28 Darlinghurst Road. The popularity of the area with Jewish businessmen may have been as it was within walking distance of the city and the main Synagogue on Elizabeth Street.

Fordon remained a single-family residence and the Nelson family remained at Fordon until 1915/1916. Mrs Fordon took her surviving daughters to England on an extended visit in 1906. The girls returned with her to Sydney unmarried. The occupier of the house in 1907 was Lewis Levy, indicating that the family was still away. It was at Fordon that Miriam Nelson married the optician Adolph Basser, later Sir Adolph Basser in 1912. Adolph Basser was born in Kracow and trained in optometry in Berlin, though while travelling in NSW, he described himself as a Viennese optician. This time spent in Europe prior to his arrival in Australia in 1908/09 led to his being under suspicion during the Great War (despite having been naturalised the year after his marriage).

The surviving Nelson children inherited Fordon, the 'superior surplus furniture and effects' of which were sold in April 1916 by Miriam Basser. The sale included walnut furniture, a dining room suite and a separate dining table as well as superior Axminster and Brussels carpets.[3] Fordon was purchased by Dr Weston Maher who remained in residence until after the adjacent block of flats had been erected, although by then he had sold the land.

Miriam and Eveline were already wealthy, owning property in Clarence Street that had been purchased in 1910. After each inheriting a third of their father's estate, Miriam Basser and her unmarried sister Eveline continued to invest in the series of companies Adolf Basser was involved in and undertook charity work. At the time of her death in 1940 Evaline Nelson was still living in Darlinghurst in a flat at the Savoy[4] in Hardie Street, while the Bassers lived in Edgecliff. Eveline's death, it was reported, robbed Sydney of one of its most energetic

[2] The house is alternatively described as being in Potts Point.
[3] SMH 7 April 1916
[4] The Savoy erected in 1919 to designs by Claude Hamilton. Federation Arts & Crafts. Built for Mr W H James and Miss Cleary. Distinguished residents included Dame Eadith Walker and Mrs Ure Smith. Sixth floor dining room, meals delivered. Commissar (doorman like NY). Described as the classiest apartment block.

workers.[5] The Savoy where Miss Nelson lived was a highly respectable building whose tenants had included Dame Eadith Walker and Mrs Ure Smith. Living near town was convenient for women who undertook charity work. The Nelson's former residence Fordon survived until the early 1960s, hidden behind a series of shops. The Bassers were major philanthropists. Basser College at the University of NSW is funded by a substantial gift from the Basser Foundation established in 1950, as were other scientific, educational and medical institutions and research projects in Sydney and Melbourne.



Figure 6: A photograph of one of the Darlinghurst Road stalls taken in 1933 held in the Council's collection labelled "fruit stall at the corner of Springfield Avenue and Darlinghurst Road" appears to be of the opposite corner and showing Fordon in the background. Image: SCC CRS 51 Demolition Books via ArchivesPix 001/001812

2.4.2 Lowestoft, 20 Darlinghurst Road, 1896

Unlike Fordon, Lowestoft was erected as an investment by the Guy family of Potts Point and the family never lived in the house. Alice Noble Guy, the wife of Robert Guy, of Guylyn, 128 Victoria Street, Potts Point had purchased land in the Roslyn Estate subdivision during the 1890s. The Guy family had been living in Victoria Street since at least 1885, having previously lived in Glebe and by 1896 owned two substantial semi-detached houses No. 126 and 128 on the corner of Orwell Street. Correspondence between Robert Guy and the Council in August 1896 advised the Town Clerk that the house in Darlinghurst Road close to Barncleuth Street was being erected by his wife.[6] Robert Guy a 'well-known worker in charitable and philanthropic movements' and for thirty years had been the honorary secretary of the City Night Refuge and Soup Kitchen died in 1898.[7] Advertisements show that Robert Guy sold a number of suburban allotments as well as selling wine. The property may always have been intended for their daughter Alice.

This area on the border with Potts Point was an upmarket residential area and Lowestoft was the second of the two substantial houses erected on land subdivided from the grounds of Roslyn Hall during the 1890s and for the first few years of its life was No. 4 Darlinghurst Road. There were once grounds on the north-eastern side of the Lowestoft and views towards Elizabeth Bay that were blocked when Kingsley Hall was built in the 1920s. The original form of the house seems to have been, like Fordon, a bay fronted residence containing 10 rooms, however, the difference in values suggests that the residence erected

[5] Sun 1 September 1904
[6] SCC Letters Received 26/286/1124
[7] Daily Telegraph 13 September 1898

by Mrs Guy was not as elaborate as Fordon.

No documentary evidence has been located to indicate that Lowestoft was erected as a boarding house or residential chambers, as is claimed by previous studies. An advertisement placed in 1899 for house and parlour maid noted that the occupiers of Lowestoft only had one child. A number of the initial tenants, like the occupants of Fordon, were Jewish, with events such as Bar mitzvahs being recorded in the Hebrew Standard. The first tenants were Joseph Levy and S. Abrahams, then P. Abrahams. The house was also known as 'Lowe's Loft".

Neither Mrs Alice Guy or her daughter are listed as occupying Lowestoft. The house was one of their investment properties. At some point after 1914 the property was transferred by the widowed Mrs Robert Guy (Alice Noble Guy) to her only daughter, also named Alice. At the time of her death in 1919 the widowed Mrs Guy was living in Roslyn Street, presumably with Noble family members who are listed in the directories rather than at the home of her now married daughter.[8] The Guy's property in Victoria Street had been sold.

Alice Alma Guy married John W. S. Haslam in 1914, the son of the architect English-trained architect and sanitary engineer John Haslam.[9] The Haslams had lived in Barcom Avenue and Darlinghurst Road for many years. At the time of his marriage John W. S. Haslam was employed in the Chief Secretary's Department. The ceremony was performed by Alice's cousin the Rev H. J Noble.[10] Alice Haslam retained ownership of the property in Darlingurst until her death.[11] The architect has not yet been identified and no photographs of the original configuration of houses have been located beyond glimpses in general views of the Darlinghurst Road and Macleay Street. The setting of the house has been completely changed by the creation of Fitzroy Gardens and the demolition of the other substantial residences at the intersection of Macleay Street and Darlinghurst Road.

2.4.3 Lister and Lynn (later Uralla and Lynn), 26-28 Darlinghurst Road, 1903-4

The asymmetrical semi-detached houses at No. 26-28 Darlinghurst Road, erected in 1903-04, were initially tenanted by professional men, surgeon William McKay at Lister (No.26) and Judge, the Honourable William Walker McGregor at No. 28. The architect of this Federation Arts and Craft style building has not been identified, although drawings of the building survive in a later building application, dated 1939 (BA 39/0874) *(refer figure 7)*.

Until the construction of the Commodore at No. 30, there were no buildings between this pair of houses and Fordon to the south. This pair of houses formed part of the estate of Adolph[us] Rogalsky, a Land Agent, property owner and merchant who had lived in Levuka, Fiji during the late 1860s and 1870s before settling in Sydney. Like the Nelson family, Rogalsky was Jewish and hailed from Poland. A prominent member of the Jewish community in Sydney, he died in 1905,

> *The death was announced on Friday evening, April 7th, of Mr. Adolphus Rogalsky, at his residence, 50 Bayswater road, Darlinghurst, Sydney. The end came peacefully after a long illness. He was born at Lask, Russian Poland, in 1838. Mr. Rogalsky arrived in Australia in 1860, and resided in Fiji for about seven years, at a time prior to the annexation by the British Government. On his return to Sydney he went into business at 42 Hunter-street, that being his office until his demise. He resided for very*

[8] Possibly Alan Noble who was occupying No. 12 Rosyln Street, one of Eliza Parry Longs properties
[9] Sunday Times 8 March 1914
[10] Raleigh Sun 20 Feb 1914
[11] The transfer of the title mentioned in the previous history (Urbis) may be a mortgage as Alice Guy and Alice Haslam are the same person.

many years at the Glebe, Sydney. In 1873 he was married to Miss Phoebe Mitchell, eldest daughter of the late Mr. David Mitchell of Sydney, who survives him, with their two sons, Mr. David Mitchell Rogalsky and Mr. Julian Cecil Rogalsky. Mr. Adolphus Rogalsky was of the orthodox members of the community and took a very great deal of concern in the establishment of a Chevra Keddusha, and the various communal institutions.[12]

By 1907 the widowed Mrs Rogalsky was living in one of the pair of houses on Darlinghurst Rd, having previously lived with her husband in Bayswater Road. She did not remain in the house for long. Under the terms of her husband's will Mrs Rogalsky received a substantial annuity of 750 pounds so could afford to live elsewhere in Darlinghurst.[13] The other house was occupied by Leslie Walford (1907) and subsequently by Elizabeth Walford (1911). Some indication of the character and importance of the residences can be gained from the sale by Lawsons of the contents of No. 26, now known as Uralla in 1912: bedroom and dining room furniture, including a piano and billiard table, are to be sold. [14]

In 1918 and 1927, the pair of houses in Darlinghurst Road were still listed as being part of the estate of A. Rogalsky. No. 26, known as Uralla since around 1912, together with No. 28, was still known as Lynn. Phoebe Rogalsky died in 1919. The Rogalskys also owned land in Addison Road, Manly and elsewhere in inner Sydney.

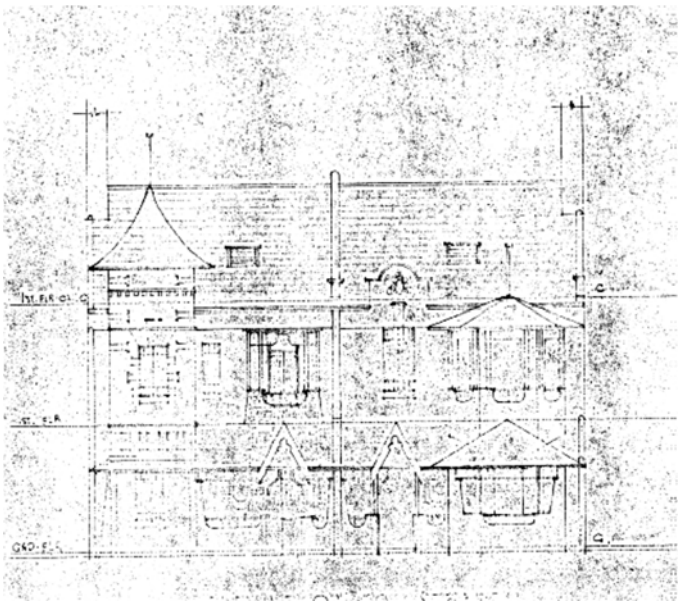


Figure 7: Extract from the BA, approved 23 October 1939, showing the original elevation of Lister and Lynn. This BA, prepared by the architect Richard Simpson, was for the construction of three street facing shops and involved the demolition of the front garden, street façade front and substantial internal alterations of the pair of houses. Image: City of Sydney Archives.

2.4.4 St Louis (later The Russell) and The Charlemount, 22-24 Darlinghurst Road, 1904

Around 1904 a substantial pair of houses was erected at No. 22-24 Darlinghurst Road for William J. Blakewell, necessitating the renumbering of the adjacent house as No. 20 *(refer figure 8).* The architect for this substantial building has not been identified. In terms of its style, the building

[12] Hebrew Standard, 14 April 1905 The Rogalsky's concern to establish facilities in Sydney so that proper Jewish burial rites could be held was the result of the death of their son Hillier.
[13] Australian Star 3 July 1905
[14] SMH 27 April, 1912

was somewhat old fashioned, although its scale and Italianate detailing responded to the context of the series of substantial mansions and terrace houses in the Springfield Avenue and Macleay street area, all of which have now been demolished. The design was to attract a particular standard of tenant and may have been influenced by the substantial additions to the adjacent villa Barncleuth by the well-known architect J. J. Clark in the early 1890s, the design of which was published. These extensions turned Barncleuth into a substantial trophy house, a conspicuous display of wealth. Other substantial Italianate houses in Challis Avenue erected in the 1890s also feature similar tiers of arcades, which are more characteristic of Melbourne houses of this period. The owner of No. 22-24 was William Bakewell who was a wealthy brick, tile and pottery works owner. William John Bakewell had already erected (or altered) St Aubins at Scone and a second house Airlie around the time that No. 20-24 was commenced. Bakewell also commenced a substantial house at Clifton Gardens for his family that the locals referred to as Bakewell's folly. No. 22-24 was one of a number of investments Bakewell erected and products from the firm's factory may have been employed. W. J. Bakewell died in 1917 at his estate in Taylors Bay, Mosman and his obituary noted that he was a:

> *Native of Nottingham, England and was one, the second of four brothers, who came, first to New Zealand and then to Sydney in their boyhood. With two of the brothers, Messers Thomas and Jack Bakewell, was founded, many years back, the now widely known and extensive brick, tile and pottery works at St Peters near Sydney under the name of Bakewell Brothers…The most generous gift of the site of the Scott Memorial Hospital [Scone] is one with which his name will ever be associated… The late Mr Bakewell was a man of untiring industry and great business capacity, and had been failing health for some time.*[15]

The income from his substantial estate was to be paid to his widow, and after her death, to be held in trust for his children and grandchildren.[16] The Bakewells owned No. 22-24 until 1922 when the sale of the estate commenced.

2.4.5 The Charlemount Private Hospital, 24 Darlinghurst Road, 1904-1919

The Charlemount Private Hospital (later known as The Charlemont Private Hospital after 1919) was established by Susan Bell McGahey at No. 24 Darlinghurst Road in 1904, with an entry appearing in the 1905 Sand's Directory *(refer figure 8)*. This was not the first private hospital in Darlinghurst, and it is a use that continues in the area today. Susan McGahey was one of the most senior nurses in the state and had served as matron for two substantial NSW hospitals, the Carrington Centennial Hospital at Camden and the Royal Prince Alfred Hospital (RPAH) in Camperdown. In 1901-1902 Matron McGahey travelled to England and American to see developments in nursing and attend a Nursing Conference in Buffalo. The Sydney Mail reported that she had 'brought back with her many new and modern ideas for practical use'.[17]

She had resigned from RPAH after a disagreement with Dr Anderson Stuart about the training of nurses and set up her own private hospital on Darlinghurst Road where she could supervise nurse training without interference. The hospital was in operation by July 1904. Susan McGahey was involved in developments in nursing and the training of nurses at an international level. Irish-born and London-trained in the Nightingale tradition, Susan McGahey was a career woman, one of the two most influential nurses in the profession in NSW, the other being Lucy Osborne at Sydney Hospital. Nurse McGahey's hospital had numerous VIP patients and their health, deaths or recovery were reported in the press. Nurses who had worked at the Charlemount were highly regarded, and this was often

[15] Scone Advocate 2 March 1917
[16] Daily Telegraph 10 May 1917
[17] Sydney Mail 22 March 1902

mentioned in appointments. Operating rooms were added in 1910, the drawings of which survive at Council. By 1916 Susan McGahey turned over the management of the hospital to another nursing sister. She died of cancer in 1919 and the contents of Charlemount Private Hospital were sold.



Figure 8: Postcard of The Charlemount Private Hospital (later known as Charlemont Private Hotel), c.1910.
The Charlemount, at 24 Darlinghurst Road, was to operate as a private hospital from 1904-1919 and on another occasion from 1929-1934. Nos 22 and No 24 were built in 1904 as speculative up market terrace mansions by William J. Bakewell for the conservative professional wanting to live in a "mansion". This typical Potts Point housing type was to change and by 1918 the boarding house (and residential chambers) were a major housing type in the area. Image: Joseph Lebovic Collection, NMA

2.5 Phase 3: Boarding Houses and Residential Chambers (1907 – c. 1925)

Articles written in 1908-1909 describe the phenomenon of boarding houses and residential chambers, particularly in the Darlinghurst area. Between 1898 and 1908 what had been single-family houses were informally adapted to serve as accommodation for single people or couples from wealthier families choosing to live further out of the city.[18] The articles noted that the motor car had helped this trend, but so had the expanding tram network. The difference between boarding houses and residential chambers were the facilities and types of meals provided. At residential chambers, breakfast was served and while residents could make their own tea, they had to eat elsewhere at 'three penny' and/or 'six penny' restaurants. This, it was noted, was why Sydney has so many restaurants.

Church-sponsored papers like the Catholic Press believed boarding houses were not proper homes, noting that students, widows and widowers and young married couples had to make

[18] Sydney Mail 10 June 1908

do due to the cost of owning or renting a cottage. Children in particular, it was believed, suffered in this form of accommodation and in many boarding houses children were not permitted. By around 1908 half of Sydney was described as living in boarding houses.[19] Some boarding houses were segregated, taking gentlemen or women only. The change from substantial family homes to boarding houses in the suburbs near to the commercial heart of a city is not particular to Sydney, but could also be found in cities such as Dublin and London. In the case of the Darlinghurst / Potts Point area, living in a boarding house (and later a flat) became what would now be termed a lifestyle choice. Those who for a variety of reasons did not wish to conform to the norms of suburban living began to gravitate to the area.

2.5.1 Lowestoft, refurbished as a boarding house, 20 Darlinghurst Road, 1907 and 1929

The first indication of the house at No 20 Darlinghurst Road, having been subdivided into flats was in 1907, when a balcony flat containing two rooms and another flat of three rooms at Lowes' Loft was advertised. The following year accommodation at Lowestoft for county visitors was advertised. [20] In 1925 Lowestoft was described as residential chambers and the occupiers changed frequently. The property was extended for Alice Haslam in 1929. Council records includes a Building Application BA0023/2 for proposed alterations and additions to No. 20 Darlinghurst Road, Darlinghurst including shop front extension, extension of the back wing with overhead yard and laundry, also S. O. [sleep out] balconies and two extra bathrooms. These works were for Mrs A. A. Haslam, 116 Bellevue Hill Road, Bellevue Hill. The architect's name is not on the plans. This was the first shop to be constructed in the row.

The water coloured series of plans submitted to Council in 1929 show that the house, originally built for Alice Guy, survived within the later additions. The two-storey bay window and the first-floor balcony were shown to be removed and the front was extended to form a shop front *(refer figure 9).* The premises were being used as a residential or boarding house. A kitchen and dining room were shown on the ground floor. The remaining rooms were bedrooms, including behind the shop on the ground floor. What would have originally been the kitchen was also converted into bedrooms with coke breeze partitions. The new façade was to be given an Inter War Mediterranean style façade (with still extant lead light windows), which can be seen in the later postcard of Kingsley Hall held in the National Museum of Australia *(refer figure 15).* By 1931 the building was variously described as Lowestoft containing 14 (or 15) flats, and a shop. Alice Guy, later Alice Haslam, retained the property until at least 1948. Alice Alma Haslam died in 1951, by which time she was residing at 667 Old South Head Road.

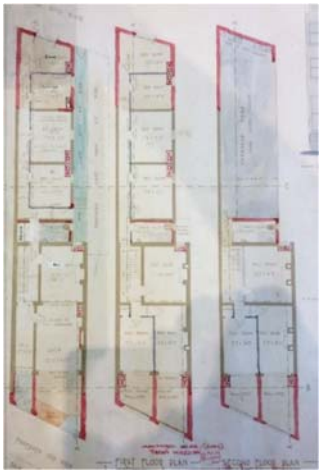


Figure 9: Plan to Lowestoft at No. 20 Darlinghurst Road, 1929. This plan identifies change from a terrace house to a multiple room boarding house with a ground floor shop. Image: City of Sydney Archives.

[19] Catholic Press 8 July 1909

[20] SMH 22 August 1908

2.5.2 St Louis (later The Russell) as a boarding house, 22 Darlinghurst Road, 1904 – 1936

St Louis at No. 22 Darlinghurst Road was advertised as a 'Gentleman's Home" in April 1904.[21] The refined home for gentlemen operated by Mrs Alice Scott was new throughout, with modern conveniences, hot and cold running water, sunny rooms and first-class cuisine.[22] Operating a boarding house or residential chambers was a means by which widows could obtain an income. Advertisements for St Louis continued, with a large bright single and double balcony rooms advertised in 1909.[23] In 1912 the contents of the house were sold, in consequence of converting the premises into residential flats.[24] By 1913 the building had become known as The Russell but was still described as being a residence when the premises were sold in 1922 by the Bakewell Brothers, indicating that no substantial changes to the layout had been made.[25]

In 1920 Dr Philip de Luca announced that he had just returned from Italy and that he was resuming practice at No. 22 Darlinghurst Road.[26] Bakewell Brothers of Erskineville lodged an application with Council for alterations that may have been for the Doctors chamber's.[27]

In September 1922, the Bakewell Brothers liquidated their family estate including,

> *The Glengarry Hotel in Redfern, the Yarranabbie and Etham flats at Darling Point, the Charlemont and the Russell in Darlinghurst Road, the manor or Blackwell's Mansions in Taylor Bay, Clifton Gardens and Garrock as well as numerous terraces of houses in the best parts of Moore Park, Camperdown and Redfern along with thirteen building sites in the suburbs.*[28]

Not all the properties were sold. Despite keen competition, The Charlemount passed in at 8000 pounds. The estate sale raised 60,000 pounds.[29] The Russell had been sold privately just before the auction and it was envisaged that a private sale would also occur for the Charlemount.[30] Furnished flats continued to be advertised as available for let in The Russell in 1925. The Russell, and what was now termed The Clifford at No. 24, was owned by the Boulton family in 1931. In 1936 the property had been sold and became known as the Gleneagles Private Hotel and is discussed further on in this section.

2.5.3 The Charlemount (later Charlemont) as a boarding house and private hospital, 24 Darlinghurst Road, 1910-1936

The Charlemount operated as residential chambers during the 1920s and there was a court case over the sale of the goodwill in 1922. The Charlemount re-opened as a private hospital in the late 1920s, being later relocated further along Macleay Street in 1934. An application for minor alterations dates from 1926 identifying the building's use as a private hospital; as detailed in BA 26/0054 *(refer figure 10).* After the relocation of the private hospital, No. 24 Darlinghurst Road became a boarding house once again. The application to Council survives, and this gives an idea of the layout at the time *(refer figure 11).*

[21] SMH 16 April 1904
[22] SMH 4 June 1904
[23] SMH 9 Jan 1909
[24] SMH 22 July 1912
[25] SMH 22 July 1912
[26] SMH 6 Feb 1920
[27] C&LGJ 23 Feb 1920
[28] C&LGJ 13 September 1922
[29] SMH 20 September 1922
[30] Sunday Times 24 September 1922

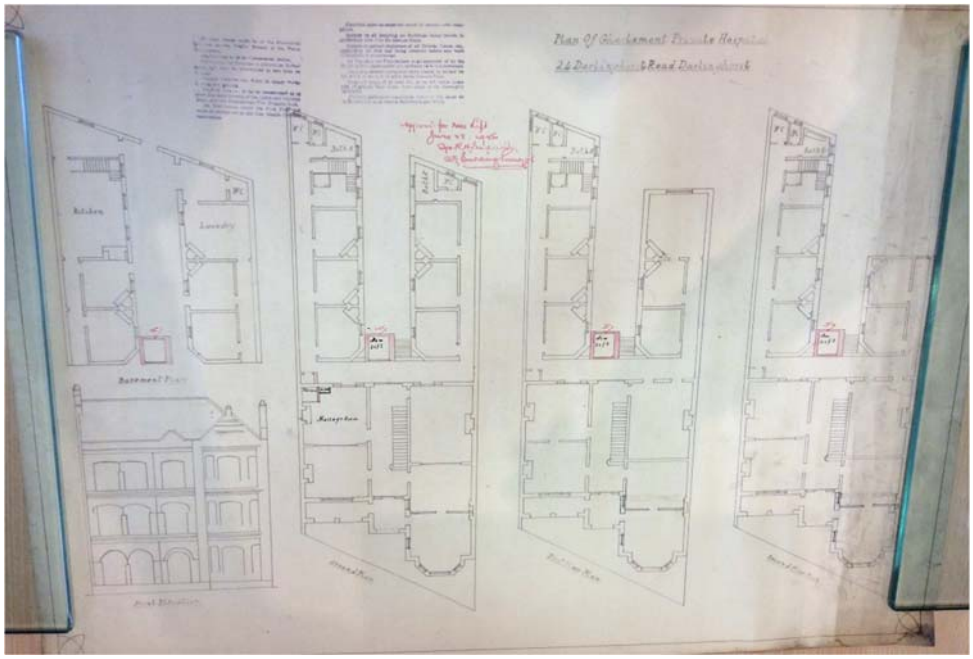


Figure 10: Plan identifying alterations to Charlemount, 24 Darlinghurst Road, 1926. This plan identifies alterations for a private hospital; this being a second time the building was to have this function. Image: City of Sydney Archives

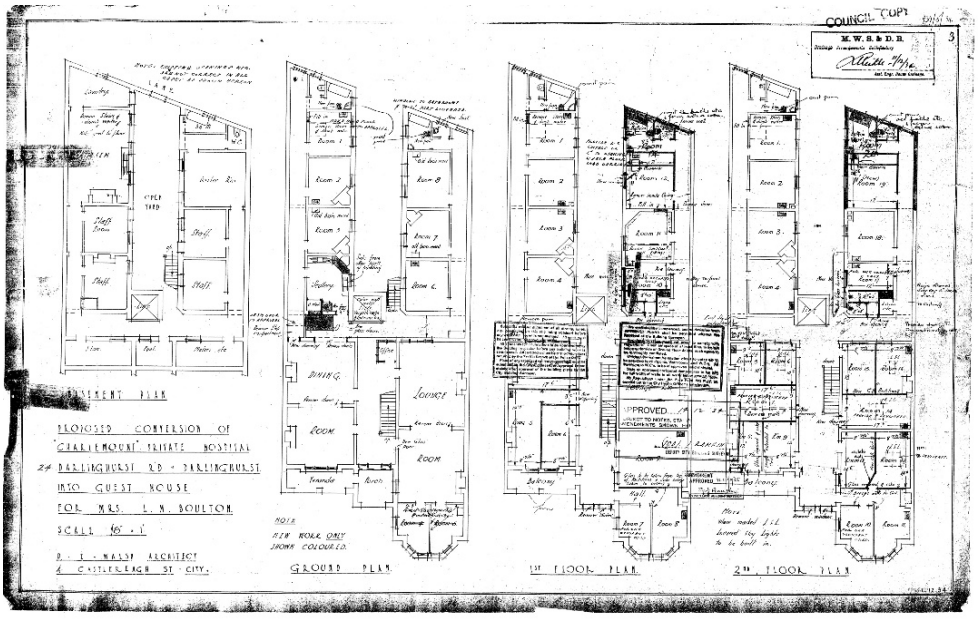


Figure 11: Plan identifying alterations to Charlemount, 1934. This plan identifies alterations from a Private Hospital to a guest house (boarding house). Image: City of Sydney Archives

2.5.4 Uralla and Lynn, as residential chambers, 26-28 Darlinghurst Road, 1925

Uralla was advertised as containing bed-sitting rooms in October 1925, with trays (ie meals) provided if required. A luxuriantly furnished bedsitter was advertised at No. 26 in 1927, and also a single room. An attempt to sell the pair of houses in December 1929 failed, an indication of the decline in the economy following the Wall Street crash. Uralla and Lynn were described as,

An important property with great prospective value for shops and/or

residential…Upon the land are erected a pair of substantial and well-built semi-detached residences of brick, with main roof of slate, and containing wide entrance hall (marble tiled), 10 rooms, large marble tiled bathroom, linen press, kitchen and laundry, second bathrooms &c. No. 26 is vacant but until recently was let at 8 pounds per week. No 28 is let on a monthly tenancy at 8 pounds per week.[31]

In 1930 the owner is listed as being Gertrude Schofield. In 1931 the Daily Telegraph announced that "Margaret Jaye has taken the top storey of a charming old house, 26 Darlinghurst Road".[32] Margaret Jaye was an interior decorator whose shop and workshop was further south on Darlinghurst Road and she was a recognisable Darlinghurst identity, the first "trader to have been listed as an interior decorator".[33] Although her work was frequently featured in popular Women's Magazines, Design and Art Australia is somewhat dismissive of her as she was not part of the more radical art set.

At some point after 1936 Gertude Schofield sold the pair of houses to the Ginsberg sisters as an investment. By 1938/39 Misses Ginsberg, Rose and Rebecca owned the property and each house was still separately occupied. The Ginsberg family came to Sydney from Perth around 1921, their father having died in 1916. Their mother Bessie Ginsberg applied to council to erect shops and a residence on the corner of Darlinghurst Road and Liverpool Street in 1921 (1 Darlinghurst Road?). By 1927 Mrs Ginsberg owned a house in Macleay Street and a series of portions of land. The family were Jewish and the Ginsberg daughters assisted various Jewish charitable organisations during the 1920s and 1930s. In 1929, after the death of their mother, the family endowed a ward at the Women's Hospital, Crown Street in her honour.

By 1936 the Ginsberg family owned land and a pavilion in Earl Street (Dr Maurice William Ginsberg and Miss Rebecca Ginsberg), 39-43 Darlinghurst Road (estate of Bessie Ginsberg) and flats at 45-47 Darlinghurst Road (Maurice William Ginsberg and Miss Rebecca Ginsberg) as well as the property at 34/36A owned by Bessie Ginsberg, which had originally been a substantial townhouse. After the death of their mother and marriage of their sister Freda in 1929, the two unmarried sisters Rose and Beck toured Russia; Rose's detailed descriptions were published as a warning to Australians in 1932[34] The sisters also travelled to Paris and London. In the late 1930s the Misses Ginsberg contributed to the Australian Jewish Welfare Society appeal. The addition of shops to the front of the buildings at 24-26 Darlinghurst Road was undertaken for the Ginsberg sisters in 1939 *(refer figure 12).*

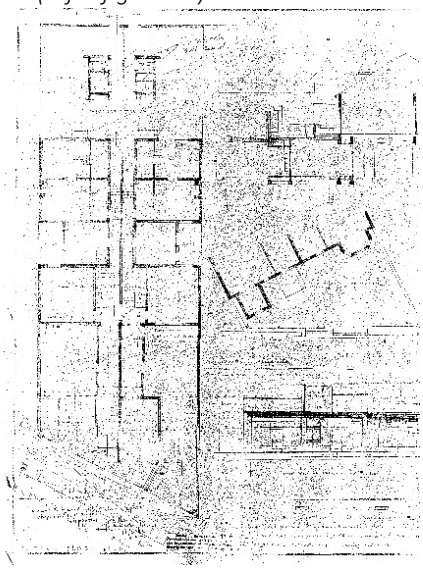


Figure 12: Plan identifying alterations, including ground floor shops, to Uralla and Lynn at 24-26 Darlinghurst Road, 1939. Image: City of Sydney Archives

[31] SMH 7 Dec 1929
[32] Daily Telegraph 5 Nov 1931
[33] The same phrase is quoted in a number of separate sources.
[34] The Sun 15 November 1932, Daily Commercial News 17 November 1932

2.6 Phase 4: The Flat Dweller (1925 - 1938)

In 1924 the row of buildings from 20-32 Darlinghurst Road are all listed in the rate assessment books as being houses. From 1925 onwards the density of the block was substantially increased as blocks of flats were erected. Charlemont, at No. 24 operated as a residence from around 1920 until 1929 when it operated as a private hospital for the second time. In 1934 the hospital relocated to Macleay Street where it operated until its premises were requisitioned for wartime use. During this decade three multi-storey buildings were erected within this city block: Kingsley Hall on the corner of Barncleuth Avenue, and the Commodore and Cliveden Flats, both on land subdivided from the grounds of Fordon.

By 1929 Kings Cross was known both for its bohemian character and its aspirations to be more 'continental' in flavour, including basement jazz clubs established in the buildings further to the south. The buildings in the study area do not have full basements.[35] The menace of bohemianism in Darlinghurst to home life was reported nationally in 1938.[36] Flats were considered somewhat immoral by many suburban council alderman, including some of the aldermen of the Sydney City Council. Young couples, spinsters, bachelors, homosexuals and artists, who wished to live life on their own terms, were drawn to the area. Darlinghurst/Kings Cross became the most densely populated area in Sydney. The standard of accommodation varied considerably, depending on what the resident or temporary visitor could afford. By this time blocks of luxury flats were being constructed and the existing large villas and terrace mansions were now subdivided into flats, some with ground floor alterations as shops.

2.6.1 The Commodore, American style flats, 30 Darlinghurst Road, 1925-26

In January 1926, it was announced that,

> *Mr S. B. Gange, builder of Darling Point who has purchased Dr Weston Maher's property 'Fordon' 32 Darlinghurst Road for 20,000 [?] pounds intend[sic] building a block of the latest American style flats, Mr Gange has also purchased No. 15 Darlinghurst Road for 6,000 pounds and intends to erect shops and modern flats on the site…*[37]

S B Gange and his business partner, the Hon T. G. Murray, lodged an application with Council for a very substantial block of flats that would have taken up all the four lots that comprised Fordon. Only one section was built and Dr Weston Maher, who had been the owner of Fordon, continued to reside in the house for a while after its sale.

The American-style flats were designed by the New Zealand-born architect Claude Hamilton in 1925. From the end of the Great War, Hamilton had designed a series of apartment buildings in the Darlinghurst/Potts Point area, many of which are still extant. Examples of American-style flats were also erected in Wynyard Square but these have all been demolished. Other blocks of flats in Darlinghurst, such as the Waldorf, were also described as being American flats. American-style flats may either refer to the layout of the flat, usually as a single room with a fold-down bed, or refer to the arrangement of the building: a multiple storey (tall) building originating from America, particularly Chicago.

Had the Commodore been completed as planned *(refer to figure 13)* it would probably have been the largest block of flats in Sydney at the time. By 1928 the first stage was ready for occupation:

[35] Daily Telegraph 21 March 1929
[36] Evening News, Rockhampton 24 August 1938
[37] Evening News 11 Jan 1926

Deluxe flats, at corner of Rosyln Street & Darlinghurst Road. A newly built block of flats, furnished in American style, service &c from 50/. A superior locality, quiet surroundings &c. Entrance Roslyn street.[38]

The Commodore catered to visitors to Sydney, an advertisement in the Brisbane Courier described the accommodation, which today would be termed serviced apartments:

Resorts, NSW, Sydney
At the Commodore 30 Darlinghurst Road, Potts Point
Convenient to the City
88 Furnished Apartments for 1, 2 or 3 persons with Service, Linen, Cutlery, Crockery, Electric Appliances, Hot and Cold Water in every room,
Efficient Telephone system, Elevator, Roof Garden, Night Porter From 30/ weekly.[39]

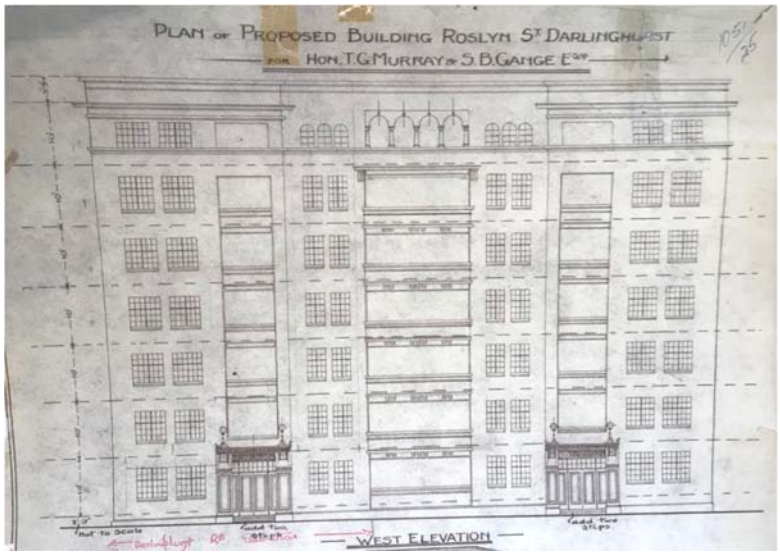


Figure 13: Proposed Darlinghurst Road elevation of the Commodore,1925. With the intention to build up to the corner of Roslyn Street, only the northern half was completed. Image: City of Sydney Archives

2.6.2 Clivedon Flats, 2 Roslyn Street, 1926

The building application for the Clivedon Flats is dated 1926.[40] The block has been altered and no 1920s or 1930s images have yet been noted *(refer to figure 3).* By the 1940s the block had featured in numerous scandals, love affairs, illegal gambling and there had been a shooting on the staircase. Roslyn Hall was still in existence when this block was erected but was to be replaced by apartments in the late 1930s.

2.6.3 Kingsley Hall, 18 Darlinghurst Road, 1929

The design of Kingsley Hall was designed by Emil Sodersteen and a building application for the block was submitted to Council in 1929.[41] Initially the drive to Elizabeth Bay House started at the corner of Darlinghurst Road and Macleay Street and this street became Elizabeth Bay Road. When Kingsley Hall was erected the two substantial mansions Barncleuth (now Kiniel) and Maramanah were still in existence, as was Roslyn Hall to the rear.

[38] SMH 3 September 1928
[39] Brisbane Courier Mail 10 March 1934
[40] SCC BA1148//1937
[41]. Building Application – Elizabeth Bay Road & Barncleuth Square, flats 1929 BA 0121/29

By March 1930 there was already a demand for the luxury flats in Kingsley Hall, and it was announced that 20 % had already been let. The block contained 20 flats and this was described as being 10 years ahead of its time. The planning was arranged so that there were no dark rooms.[42] The entrance of Kingsley Hall, Elizabeth Bay appeared in the Construction & Real Estate Journal in November 1930 with the caption that there is something very delightful in a well-designed doorway. Other works by Sodersteen were also featured *(refer figure 14).*

The previous month the Sydney Morning Herald had run an article about the changes in Darlinghurst and the building of flats that were to be the homes of professional people.[43] During the 1930s newspapers published probate notices for wealthy widows who lived in Kingsley Hall and the social columns describe those who have come to town and taken up temporary residence. Pastoralists would come to town for some weeks or months and rent a furnished apartment. In 1933 Emil Sodersteen called tenders for renovations to Kingsley Hall, Darlinghurst Road. In 1936 there was an issue with a fire-bug who lit five separate fires at Kingsley Hall. Kingsley Hall remains a sought after residential building with its landmark character and views north of Sydney Harbour *(refer figure 15).*

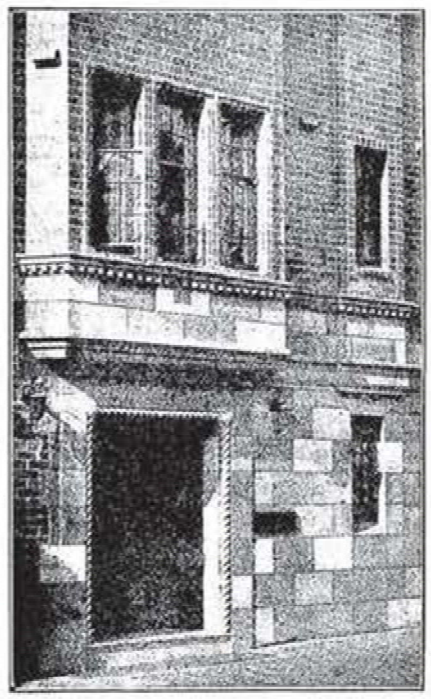




Figure 14 (left): Kingsley Hall, Potts Point, featuring decorative face brickwork with stone detailing at the street level. While decorative face brickwork remains, the stonework has since been altered. Image: Construction Nov 12, 1930 p.13

Figure 15 (right): Postcard of Kingsley Hall, Potts Point, including the façade added to No. 20 Darlinghurst Road, c. 1955. Image: Joseph Lebovic Collection, National Museum of Australia

[42] Announcing Kingsley Hall. SMH 22 March 1930

[43] SMH 14 October 1930

A photograph of Darlinghurst Road that appeared in the Home magazine in 1934 shows the residential character of this section of the street, the side wall of Kingsley Hall, the gables of The Charlemount (Charlemont by this stage) and a glimpse of the round tower of No. 26-28. No full views of Lister (Uralla by this stage) and Lynn at No. 26-28 have been located. The original character of the façade of the Commodore can also be seen. A glimpse of Maramanah can also be seen, the substantial mansion of the eccentric Eakin family immortalised by Robin Eakin in Aunts up at the Cross. Beyond is Birtley Towers by Emil Sodersteen. The mansion Maramanah was demolished by the City Council in 1954 to create Fitzroy Gardens *(refer figure 16).*

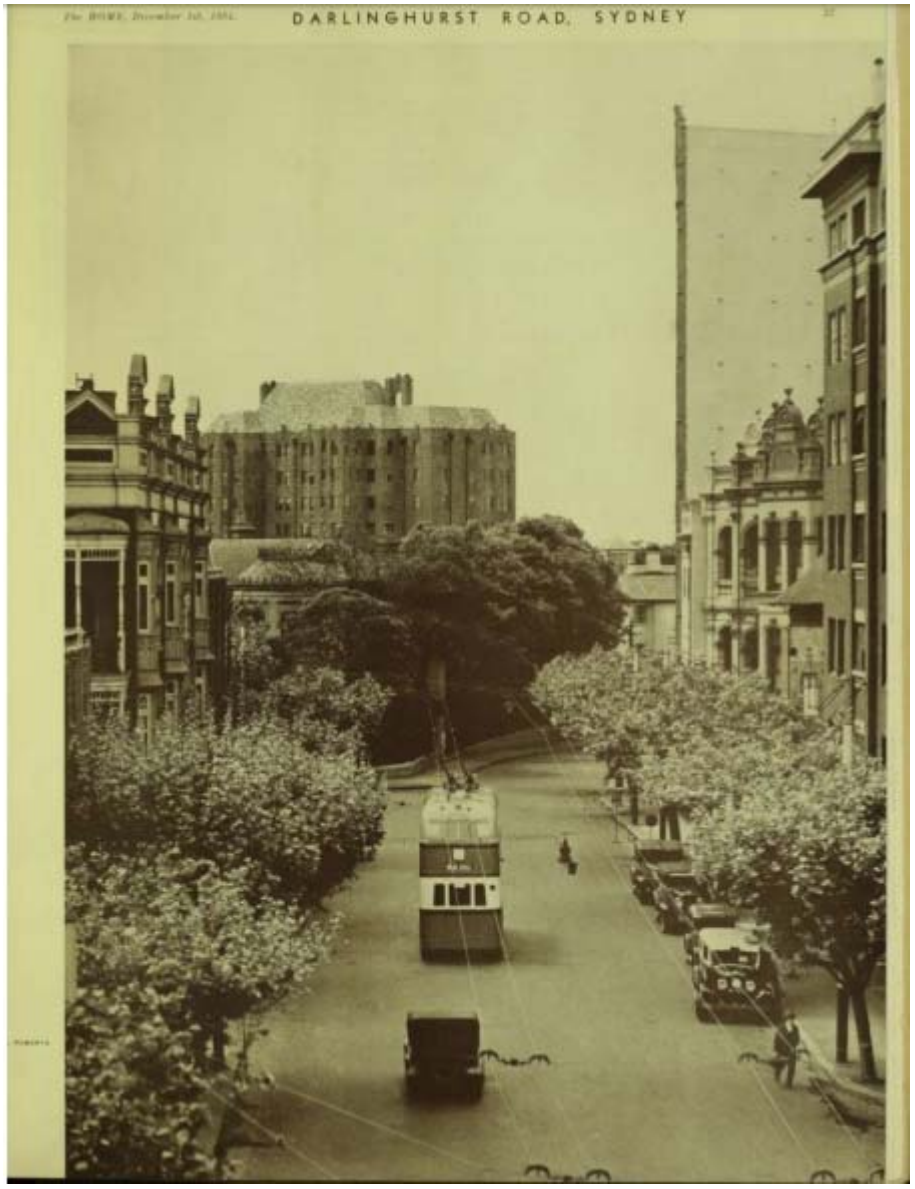


Figure 16: Darlinghurst Road with the Commodore (as unpainted face brick), the turret to No. 26, the parapet of the Charlemount (as multi coloured painted render) and the side wall to Kingsley Hall all shown. Notice also Maramanah and Birtley Towers shown in the distance. Image: Home, 1934

2.7 Phase 5: Private Hotels (1936-1946)

By the time of the outbreak of World War II, the block still consisted of a series of residential buildings, some of which now had shops added at ground level. During the war years the Potts Point and Kings Cross areas were a mecca for servicemen on leave. Parties were held in the surviving grand mansions as well as in the boarding houses and hotels. Maramanah was utilised as a canteen by the British. The substantial enlargement of the naval installation at Garden Island and the construction of the Graving Dock during World War II meant that a number of ships could dock in Woolloomooloo Bay.

The residential buildings at 18-32 Darlinghurst Road were on the fringe of what was described in the Perth Daily News as 1936 as:

> *The Darlinghurst Road, for a distance of two or three hundred yards, presents a mixed spice of the Continent, without giving the impression of a provincial imitation. The many piquant restaurants, feeding the huge flat population of the district, bright sunlight, gaiety of the lights, plane trees of the street, coloured striped awnings, delicatessen shops, florists and greengrocers, all this, for some not easily analysed reason, suggests the Boulevard St Germain, a corner of Valencia, a strada of Florence all at the same time.*[44]

The Gleneagles Private Hotel at No 24 Darlinghurst Road, which had opened in 1936, continued to operate during the war years. Events were held to raise funds for the war effort during 1940 and 1941. The Commodore at No. 30 also continued to operate during the war years. By 1942 the premises were described as a guesthouse rather than a hotel, indicating that it did not have a liquor license, and one of Cahill's six restaurants was located on the ground floor. Advertisements in the Melbourne Argus noted:

> *Large and comfortably furnished one-room apartments, with hot and cold running water, and equipped with electric griller and kettle, cutlery, crockery and all necessary cooking utensils. Night Porter, Elevators, Roof Garden, Harbour Views.*[45]

By the end of 1943 the Commodore at 30 Darlinghurst Road was being utilised as a venue by visiting Americans and this use continued after the war for farewell dinners for officers stationed in Sydney who were returning home.[46] The building became notorious with the Vice Squad. The press reported 'drunken immoral parties, sly grog, a gun man and an attempted assault on a woman tenant, [all] highlighted allegations of unsavoury goings on at the Commodore Residential, 30 Darlinghurst Road'.[47] There had been complaints from US Naval services and in an aim to protect the sailors from sexually transmitted diseases, the Commodore had been declared out of bounds to USS Birmingham. The proprietors were quick to point out that theirs was not the only block declared out of bounds to American servicemen.[48] Allied servicemen also brought girls back to the block.

2.7.1 Alterations to 26-28 Darlinghurst Road

In 1938 the architects Brewster and Manderson applied to the Council to make alterations to No. 26-28 Darlinghurst Road to form shops and to add an awning. This work may not have proceeded as there is another application in 1939. The drawings of the proposed new shops at No 26-28 Darlinghurst Road for Miss B. Ginsberg include a drawing of the pair of houses

[44] Perth Daily News 12 June 1936
[45] Melbourne Argus 23 May 1942
[46] Sun, 24 Dec 1943
[47] Truth 30 June 1946
[48] Sun 17 July 1946

as they currently existed by the architect Richard G. Simpson dated October 1939 (in BA 39/0874). In 1940 alterations to shops and flats at 26-28 Darlinghurst Road were made by the MSD&WB. By 1948 the pair of houses had become one residential known as The Radnoor (or Radnor) residential and the property was still owned by the Ginsberg sisters. Their other Darlinghurst properties had been sold. Council records indicate that there were three shops and 18 flats in the building by 1945. The sisters continued to own the property, making various applications to Council to use parts of the building variously as a Ladies Hairdressing Salon, babywear and lingerie workshop and professional rooms. Sketches were presented to Council in 1953 showing how the residential rooms on the ground floor could be used as shops, followed by a DA. Other applications for the property included a frock shop on the ground floors at the rear and a showcase in the corridor. Drawings survive at Council by Douglas Snelling for listening facilities for a Radio Centre at 28 Darlinghurst Road.

2.8 Phase 6: Notoriety (1947-1960)

Newspaper reports of raids by the Vice Squad detail the various attempts by proprietors in the Darlinghurst/ Kings Cross area to get around the state's liquor licensing laws. In a case held at the Fair Rents Court in 1946 the proprietors of the Commodore commented that they had 82 lettings and they could not be expected to examine the morals of all of the tenants. Besides they noted, conditions had improved since the American servicemen had left Sydney. In May 1946 Commodore had 27 permanent tenants and the remainder were on a casual letting basis with the lease held by Alum & Mellick. The Dutch Government had a permanent arrangement for six rooms.

The Gleneagles restaurant was periodically raided between 1947 and 1953. American sailors were among the clientele and charges were unable to be pressed as the majority gave their name as Smith. A room on the first floor had been illegally fitted out as a bar. The Council approved alterations to Gleneagles in 1956 (BA 56/0546). A new modern façade was added designed by the emigre architect Frank Kolos. Kolos had been designing cafes and restaurants since the late 1950s and he went on to design substantial modern hotels and motels with his partner Jim Bryant *(refer figure 17).*

By 1953 the National Australia Bank occupied these premises between Kingsley Hall and No. 22-24 Darlinghurst Road and the character of the block had changed from largely residential to commercial with residential to the rear.[49] In front of No. 32 the timber stalls of the 1930s had been replaced by single storey shops.

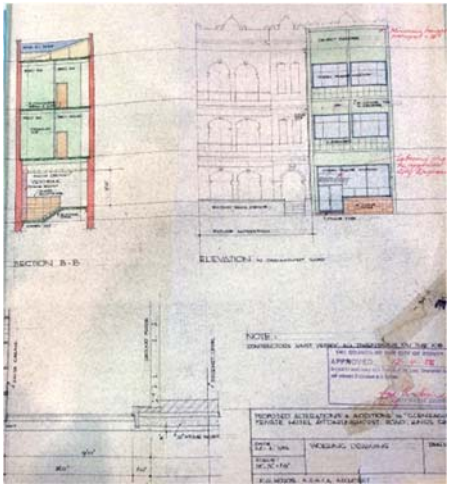


Figure 17: BA for the proposed street addition to No. 24 Darlinghurst Road, 1956 by the emigre modernist architect Frank Kolos. This addition for Gleneagles "Night club" was to extend the façade to the street by providing additional retail uses. Image: City of Sydney Archives

[49] Extensions to the banking chamber, BA 0846/56

2.9 Phase 7: The Glittering Mile (From 1961-1974)

Kings Cross became known as the "Glittering Mile" and was the subject of a TV documentary of the same name that aired in 1964. Portrayed were the high population density, the bohemians and the way that the area came to life after dark. The late-night venues, the cafes and clubs that had once been located further towards the intersection at William Street now extended towards Macleay Street *(refer figures 18 and 19).*



Figure 18: Day-time photograph of Darlinghurst Road, 1958. Gleneagles Hotel has now become Greyeagles Hotel and by the late 1950s an addition by Frank Kolos (at the same address) became a street facing restaurant built within the front garden. The street elevation of the Commodore is now shown painted. Image: NAA_A1200 L31075



Figure 19: Night-time photograph of Darlinghurst Road in front of No 24 Darlinghurst Road, 1961. With neon lights Greyeagles Hotel is proclaimed as "Tabou" while the late 1950s addition by Frank Kolos is shown as a restaurant serving wine well into the night, indicating the cosmopolitan nature of Kings Cross. Image: NAA_A1200 L38208

No. 24 Darlinghurst Road had yet another transformation and with the closing of Greyeagles Hotel (previously known as Gleneagles Hotel) in the 1960s; the building became the Bourbon and Beefsteak Bar, one of two venues founded by Berni Houghton to cater to American soldiers on R & R (rest and recreation) from the fighting in Vietnam. There are numerous applications on file at the City Council for minor alterations, including an application to use the premises as a nightclub in 1968. The 'Bourbon' became notorious as a late night (and early morning) drinking venue, including the front garden of the building being redeveloped to become an important semi outdoor venue; a feature particular to the area at the time. After the premises were damaged by a storm in 2010 the Bourbon reopened with new décor, including a redevelopment of the semi outdoor street edge, that was more in keeping with

francophile Macleay Street than Darlinghurst Road *(refer figure 30).*

In 1938 shops had been added to the front of No. 26-28 and by the 1960s No. 28 was in use as a venue, initially as Sydney's Folk Attick (1964) and later Le Café Francais (by 1966). The ABC notes that:

> *The mid-1960s was a golden period for folk music. It was a popular style that attracted large and diverse crowds around the country. Its biggest stars were a worldwide phenomenon and many young musicians aspired to being the next Joan Baez or Bob Dylan. Australia was a hotbed of talent…*[50]

At the Folk Attick you could find non-stop folk singing by Australia's best artists, a romantic terrace overlooking the fountain, all the coffee you can drink and an 'uninhabited ultra-violet atmosphere'.[51] Drawings for a coffee shop dated 1964 at No. 28 Darlinghurst Road were submitted to Council by the architect Peter L. Kish of Bobbin Head Road, Pymble (BA64/0853). Drawings for more substantial alterations were submitted in 1967 by Peter Rommel & Associates of Potts Point (BA 67_0819). This may not have gone ahead, as the following year there was an application to convert the existing coffee shop (then known as the Showbiz restaurant) into a Kentucky Fried Chicken (BA 68/1679).

An application was made for the whole first floor of No. 26-28 under the Theatres and Public Halls *Act* in 1968. By 1970 an escort service also operated from the premises. No full views of the building at this address have been located. Many of the advertisements for the cafes, restaurants and other services available in this block were in Sydney's foreign language newspapers, particularly in French and Dutch, cultures with a more liberal attitude towards the sex industry and denser urban areas with bars and cafes rather than the corner pubs that characterised Sydney's suburbs.

In the early 1960s Fordon at No. 32 Darlinghurst Road was demolished, as was the row of shops that had been erected fronting Darlinghurst Road. The rate books show that part of Fordon was owned by the City Council in the late 1930s. Tooth & Company owned most of the lot (1936 rate assessment book) but did not erect a hotel. A new three-storey building with a curved corner designed by Neville Gruzman was erected for G. Lehrer. The initial correspondence with the City Council dates from 1962. The new building was to contain shops at ground level, a restaurant on the first floor and offices on the second floor. G & A Lehrer owned other property in Darlinghurst Road, including shops and flatettes at 61-65 Darlinghurst Road *(refer figures 20-22).*

The restaurant became a club/cabaret known as Les Girls after the female impersonators (drag queens) who performed covers of popular songs. Archival footage of the performances survives and Les Girls was one of the clubs featured in the Glittering Mile documentary as were the strip club, folk dancing and a jazz club. At times, the address for Les Girls was advertised as 2c Roslyn Street.

> *Les Girls was the brainchild of the entrepreneur Sammy Lee who brought the idea back from a show he saw in San Francisco and Paris, started in Kings Cross in 1962.*[52]

Sydney had long had a reputation as being one of four world cities that were tolerant to homosexuality, the other cities being Paris, Venice and San Francisco. The Glittering Mile commentator noted that Les Girls would not have been possible a few years earlier. Mitzi Mackintosh in an interview in 1995 commented that:

[50] Folk Singers of the Golden Age, broadcast by the ABC 6 October 2013
[51] Ad for the Folk Attick. Published on the web
[52] Victor Harbour Times 16 November 1984

Drag has come a long way since the early days of Les Girls when it was a criminal act for a man to appear in public in a dress or to wear women's underwear. In those days the girls had to run from the club to the cab and then from the cab to their home, or they could be arrested on the street.[53]

Drag queens were nothing new in Sydney. Outrageous outfits had been worn by men to the artists balls held at the Sydney Town Hall in the 1920s. Les Girls was one of the first drag cabaret clubs to open and it was the longest lasting. Les Girls continued to perform in the Cross in 1980 when their focus then changed to touring. The club remains the most well-known of the gay clubs (outside of the gay community) and the lettering on the façade become a Sydney landmark.

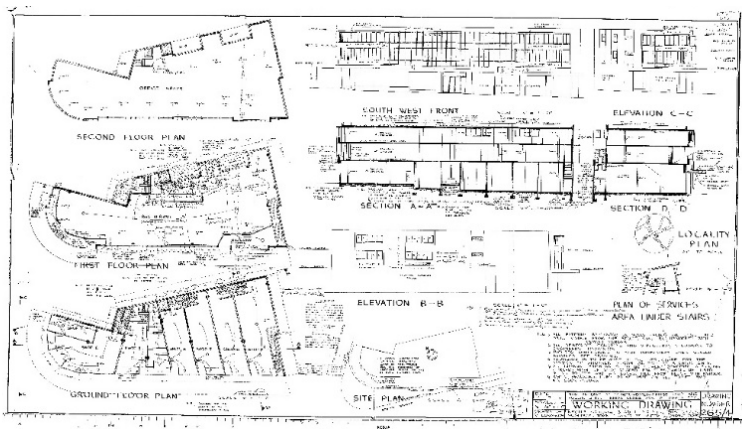


Figure 20: BA Drawings for No. 32 Darlinghurst Road, 1961 by Neville Gruzman. The current form of the building still retains it predominate shape while the retail uses to the ground floor and the upper storey curtain wall glazing has been removed. Image: City of Sydney Archives

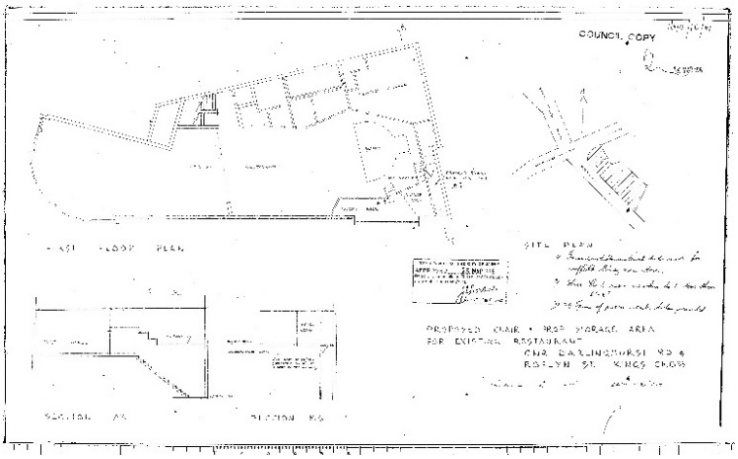


Figure 21: Internal modification to 32 Darlinghurst Road, 1965 by Neville Gruzman. The first-floor restaurant was modified to include a small rostrum and change rooms at the eastern end of the building for the night-club Les Girls. It seems this BA was submitted after the space was already being used for performances as identified in the 1964 ABC documentary "Glittering Miles". Image: City of Sydney Archives

[53] Tharunka 11 April 1995



Figure 22: Le Girls founded in 1962 performed upstairs at No. 32 Darlinghurst Road well into the 1980s. The "wild west" font of the famous sign was derived from a font describe as French Clarendon, a wooden type face dating to 1865. This font was similar to that used for the Moulin Rouge signage in Paris. Image: SLV

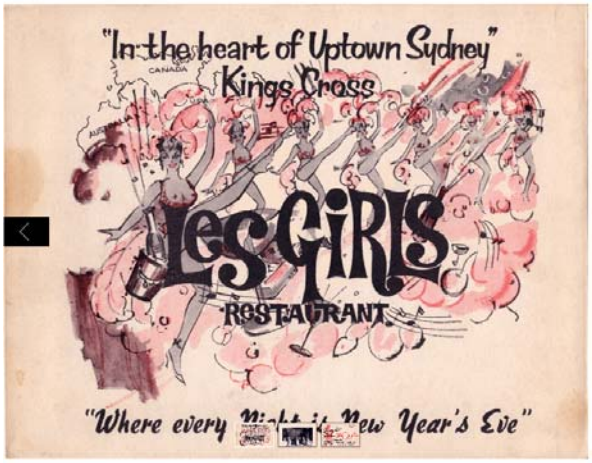


Figure 23: Opening in the early 1960s, Sammy Lee and Reg Boom created Les Girls. The restaurant targeted the "straight market", titillated by the frisson of "sexy" Kings Cross. Illustrated is the rear of a souvenir photo folder, while referencing the "can-can" of the Moulin Rouge it was located "In the heart of Uptown Sydney, Where every night is New Year's Eve". Image:
https://library.lmc.nsw.gov.au/Montage/Gallery.aspx?refinements=XCT0000165997#prettyPhoto[opac2]/2/



Figure 24: A still taken from the ABC TV documentary "The Glittering Mile" (1964) with Carlotta (wearing a brunette wig) performing with Les Girls. The documentary refers to this performance taking place within the nightclub "Les Girls".
Image: https://www.youtube.com/watch?v=hApcvwJkiDg

In 1970, an application was made for the adaption of No. 2 Roslyn Street from apartment to motel use. Interestingly this change in use, to a design by a local resident architect – N. Tesdorf – included a change in name to the Lido Motel. This was promoted with brochures claiming, "elegance in the grand manner" *(refer to figure 25).* The Lido Motel Restaurant, which served continental food, advertised its location as being in the heart of Kings Cross, near Les Girls.[54]

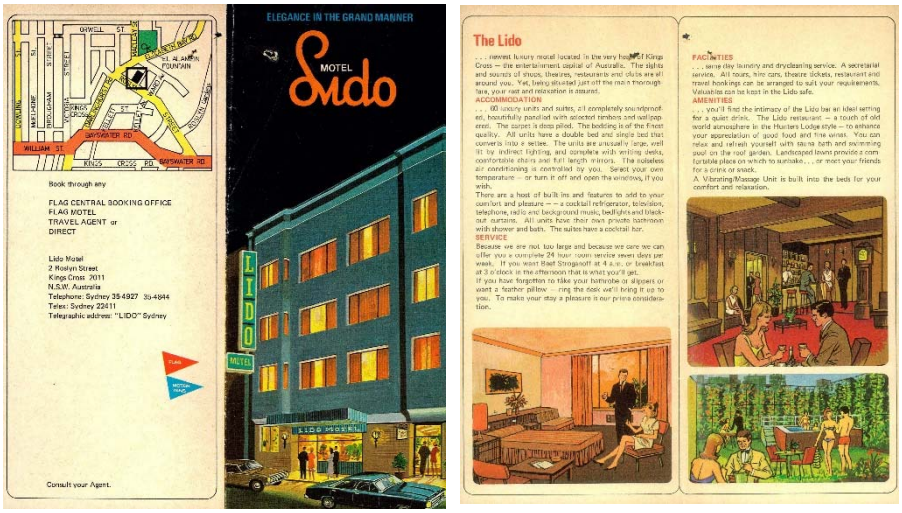


Figure 25: Brochure advertising the refurbishment of 2 Roslyn Street from apartment to motel use. In this refurbishment all pre WWII was removed including painting of the street elevation and replacement of the original windows. Image: City of Sydney Archive.

By the mid-1970s the block included residential, retail club and motel uses and there was a proposal to connect the Lido Motel to the Commodore. A photograph of Darlinghurst Road, held by the National Archives of Australia, shows the cosmopolitan and varied urban character of this section of the street, a characteristic which has largely remained unchanged since the photograph was taken in 1969 *(refer figure 26)*. Identified is the side wall of Kingsley Hall, the painted façade of Charlemont with the 1950s addition (now trading as the Bourbon and Beef Steakhouse Bar) and a glimpse of The Radnor at No. 26-28. Adjacent to this is the painted façade of the Commodore and the prominent corner of No. 32 Darlinghurst Road with the prominent 'Les Girls' signage. Fitzroy Gardens is identified and the sweep of Darlinghurst Road meeting the former Elizabeth Bay Road (now within the Fitzroy Gardens) is also visible. Almost on axis with this section of Darlinghurst Road is the Gazebo Hotel, while Birtley Towers once quite visible, is now masked by the hotel. By 1970 Kingsley Hall was refurbished with changes to the ground floor and replacement of the steel framed casement and hopper windows *(refer figures 27 and 28).*

[54] Dutch Australian Weekly. 8 October 1971



Figure 26: Photograph of Darlinghurst Road, 1969. With prominent signage now installed at No. 32 Darlinghurst Road advertising "Les Girls", the distinguishable Gazebo Hotel, had too become an important landmark within the area. Image: NAA_A1200, L81109



Figure 27: Photograph of Kingsley Hall and Lowestoft, c. 1967. Alterations to Kingsley Hall, including ground floor modification and window replacement, had not commenced while The National Bank was still located in the ground floor of Lowestoft, now with a cantilevered street awing. Image: NAA_A1200, L62711



Figure 28: Life in the "Golden Mile", this time documented by the photographer Rennie Ellis. Shown here in 1970-71 is Kingsley Hall and Fitzroy Gardens beside Barncleuth Square. Image: Rennie Ellis Archive
http://www.rennieellis.com.au/

2.10 Phase 8: Late Night Life (From 1975 – date)

During this phase, there have been various changes to the individual in the block for individual owners and tenants. After the Americans departed in the mid-1970s the Cross continued to be known for its nightlife, particularly clubs and late-night drinking venues, which had progressively been legalised. In his history of Gay Sydney, Gary Wotherspoon noted that the gay clubs shifted their focus to Oxford Street/ Taylor Square, as during the Vietnam War, the Cross had become too dangerous.[55] Once the military had departed, suburbanites and tourists were drawn to the area. The sex industry expanded north along Darlinghurst Road with Adult Bookshops and Escort Services located within the block.

By 1973 the 'private VIP club' Les Girls had become the Carousel Lounge. The last place the heiress, newspaper owner and activist Juanita Nielson was seen alive at in July 1975 was the Carousel. The Carousel became the Palladium and then the Empire Hotel. The ground floor rooms of Clivedon were converted into lock-up shops in the late 1960s including a pharmacy and a coffee lounge.

The Bourbon and Beefsteak Bar's notoriety was summed up in the Daily Telegraph after its closure due to storm damage in 2010; the 24/7 venue: "hosted celebrities, gangsters, bent coppers, hookers and just about every Underbelly character".[56] The lock out laws imposed in 2014 changed the character of the area, with many venues closing. A substantial increase in the number of late night venues was noted in submissions on late night trading, however the two venues in the study area were both uses that dated back to the 1960s. The City Council had already conducted a Late-Night Trading Research Project to determine the impact on residents.

The pattern of development of the block has seen a transition from residential accommodation for professional men and their families to higher density living in flats and boarding houses. The association with the prominent philanthropic Jewish families has not been researched in detail, but is a characteristic of Potts Point and Darlinghurst. Little evidence survives in the immediate area of this once upmarket housing precinct. The decline of the large-scale housing stock and subdivision of the grounds is also characteristic of the inner ring of suburbs such as Glebe and the Rocks/Millers Point. However, the larger scale rows of terrace houses were largely confined to the Eastern suburbs.

'Bohemian Darlinghurst' became a residential area of choice with a particular character derived from the mixture of housing stock, the wide choice of residential accommodation (that ranged from budget to luxury) and desire of the residents to be free to live as they chose.

The extension of the Glittering Mile to encompass this block saw it change in character from being similar to Macleay Street, a predominantly residential block with shops that serviced the flat dwellers, to a block with a focus on entertainment, including the home of the legendary Les Girls and other once well-known venues such as the Folk Attick *(refer figures29-31).*

[55] Gary Wotherspoon, Gay Sydney, A history, p.196-197
[56] Daily Telegraph 28 July 2010

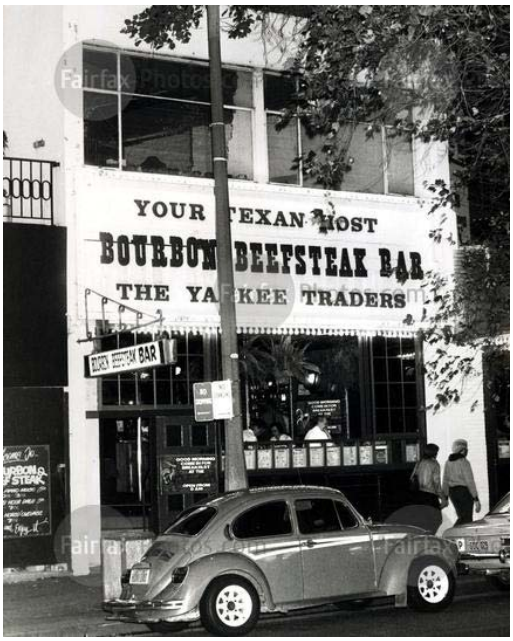


Figure 29: Photograph of the Bourbon and Beefsteak Bar, c 1980. With the closure of Gleneagles, 22-24 Darlinghurst Road was redeveloped as the 'Bourbon' and by the 1980s this was extended into the addition designed by Frank Kolos in the late 1950s, previously trading as restaurant. Image: Getty



Figure 30: The front garden of the original mansion terrace houses at 22-24 Darlinghurst Road became an integral part of the night club experience at The Bourbon Hotel (known previously as The Bourbon and Beefsteak Bar). Shown here are members of an unidentified performance band in front of the distinctly illuminated venue incorporating advertising iconography that referenced Sydney, London and the Montmartre district of Paris. At the 'Bourbon' the windmill of the Moulin Rouge had now become the Harbour Bridge in front of a pink painted building. Image: Fairfax Media, 1997



Figure 31: After the closure of Les Girls in the 1980s, Carlotta performed briefly at the 'Bourbon'. Image: The Australian Newspaper Archive, 2005
https://www.theaustralian.com.au/life/kings-and-queens-of-the-cross/image-gallery/c7c13e0cbdc175225ebba536baafcf9b

3.0 PHYSICAL EVIDENCE

3.1 Introduction

The purpose of the following analysis is to identify what remains of the original fabric or early building components together with their integrity and condition, to facilitate an assessment for heritage significance. Internal inspection of all buildings (except Lido Suites at 2 Roslyn Street) were carried out in 26 April 2018. The conditions of the buildings at the time of inspection was recorded on marked up plans and digital photographs and later identified on various tables. The descriptions below reflect the state of all the properties at the time of inspection by PTW Architects.

3.2 Site and Setting

The properties are located on the eastern side of Darlinghurst Road which follows the ridge line of the area. Three of the properties have corner sites facing either Barncleuth Square or Roslyn Street. Barncleuth Lane provides service function at the rear of the various properties. Together these properties form a visual component to Darlinghurst Road and contribute to an overall historic pattern of the place.

3.3 Components of the Place

The Darlinghurst Road elevation of the building group consist of a variety of buildings and heights, varying in date from the late 19th century to mid-20th century. The urban character of the place is of a cohesive street edge aligned buildings, with a mixture of uses, as noted under the entry of the Potts Point Conservation Area (C51):

> *Darlinghurst Road forms part of a "bright light" entertainment and commercial strip, and features various forms of commercial and retail enterprises along with cafes, take away food shops, gaming venues, bars, hotels and adult entertainment venues. The built form is predominantly 3-4 storey commercial with some residential.*
>
> Information is taken from:
> http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2435711

The subject block displays a number of important characteristics and historic urban features. This includes a subdivision pattern dating to the late 1890s and a diversity of urban scale, indicative of historic change in the area. This is most indicative in the change from large mansion terraces for single families to multiple single room boarding houses with ground floor retail uses. Later purpose-built apartment buildings with night club uses, incorporating illuminated signage, contributed to the cosmopolitan and complex urban pattern. Sections of the building at No. 22-24, the Bourbon and Beefsteak Bar, date from 1904 and have elements indicative of the late Italianate / Boom period. Kingsley Hall at No. 18 has elements indicative of the Art Deco period while The Empire, at No. 32 has a curved corner façade dating from the early 1960s. Other buildings in the group were built as face brick yet these have been painted. Also of interest is the way the front gardens of the remaining terrace houses in this block have been filled while others have been adapted over the years to become active and social street frontages *(refer to figures 33-34).*

The following table *(refer to Table 1)* confirms the architectural character of each property in the group. It is noted that the properties do not contain any landscape components of potential significance.

Table 1 – Phases of building development

Address	Building name/s	General description and architectural style, including original designer and dates
1A Elizabeth Bay Rd	Kingsley Hall	10 storey face brick apartment building dating to 1929. Designed by Emil Sodersteen Architectural Style: Art Deco with Scottish Baronial detailing, (ground floor and many of the apartments now modified)
18-20 Darlinghurst Rd	formerly Lowestoft	Originally a 3-storey terrace house dating to 1896 Modified as a boarding house with full height street addition and ground floor retail uses with BA dated 1929 Architectural Style: Evidence of original terrace house in Italianate style. Inter-war 1920s street addition incorporating Mediterranean details
22-28 Darlinghurst Rd	22-24 Darlinghurst Rd No. 22, formerly St Louis, later The Russell No. 24, formerly The Charlemount later Charlemont, The Gleneagles Hotel, then the Greyeagles Hotel No. 22-28, later being known as Bourbon and Beefsteak Bar, now The Bourbon Hotel	Originally built in 1904 as a pair of speculative up market terrace 'mansions', The Russell and The Charlemount consisted of two 3- storey terraces with basements. The Charlemount was later modified as a private hospital (on two separate occasions), then as a boarding house then as a nightclub. The site later became the Bourbon Beefsteak Bar An addition to part of 24 Darlinghurst Road, designed by Frank Kolos in 1956, involved removing the distinctly Italianate window bay and parapet Evidence of original late Italianate / Boom Style Evidence of Modernist style street addition Evidence of the front garden being adapted to become an active and important social space.
	26-28 Darlinghurst Rd formerly Lister and Lynn, later Uralla and Lynn. Later becoming The Radnor, then the Bourbon and Beef Steakhouse Bar, now The Bourbon Hotel	Originally built c. 1904 as Lister and Lynn, a 2- storey face brick Federation terrace incorporating 2 buildings Later modified as a boarding house with various ground floor retail uses, followed by various nightclub uses No evidence of original fabric
30-30B Darlinghurst Rd	The Commodore Flats	A 7-storey face brick apartment building designed as an "American Style Apartment" in 1925-26 Only one half of the building as designed was built Inter-war architectural style with Edwardian free style detailing, now modified and painted
32-32A Darlinghurst Rd	Upper storey nightclub known as Les Girls in 1961 Site included the Carousel Lounge and the Palladium nightclubs before becoming The Empire Hotel	A 3-storey curved corner mixed use building dating to 1961. Original designed included ground floor retail uses and an upper level restaurant and offices on the top floor, to a design by Neville Gruzman Evidence of level one night club remains. It is here that Les Girls performed from 1962 – 1980s. Evidence of original architectural style: Modernism
2 Roslyn St	Formerly Clivedon Flats, later Lido Motel, now Lido Suites	A 4-storey painted face brick building (lane elevation remains unpainted) Inter-war architectural style, now modified

3.4 Phases of Development

The following diagrams identify the key phases of development within each property. These are overlaid on the existing plans as reconstructed from various sources, including a site inspection undertaken on 26 April 2018.

Refer figures 32-34

3.4.1 Exterior, including schedule of Significant Elements

The exterior character of each building in the group is tabulated, noting that the properties do not contain any landscape components of potential significance.

3.4.2 Interior

Internally, the building group varies in quality with most properties retaining the primary spatial relationship of rooms generally as planned except for the *Bourbon and Beefsteak House* and the street level of *The Empire.*

The internal character of the building group is tabulated as follows, noting that most properties have been modified and do not contain fabric of potential significance.

Refer Tables 2 - 15

Figure 32: Phases of building development. Ground

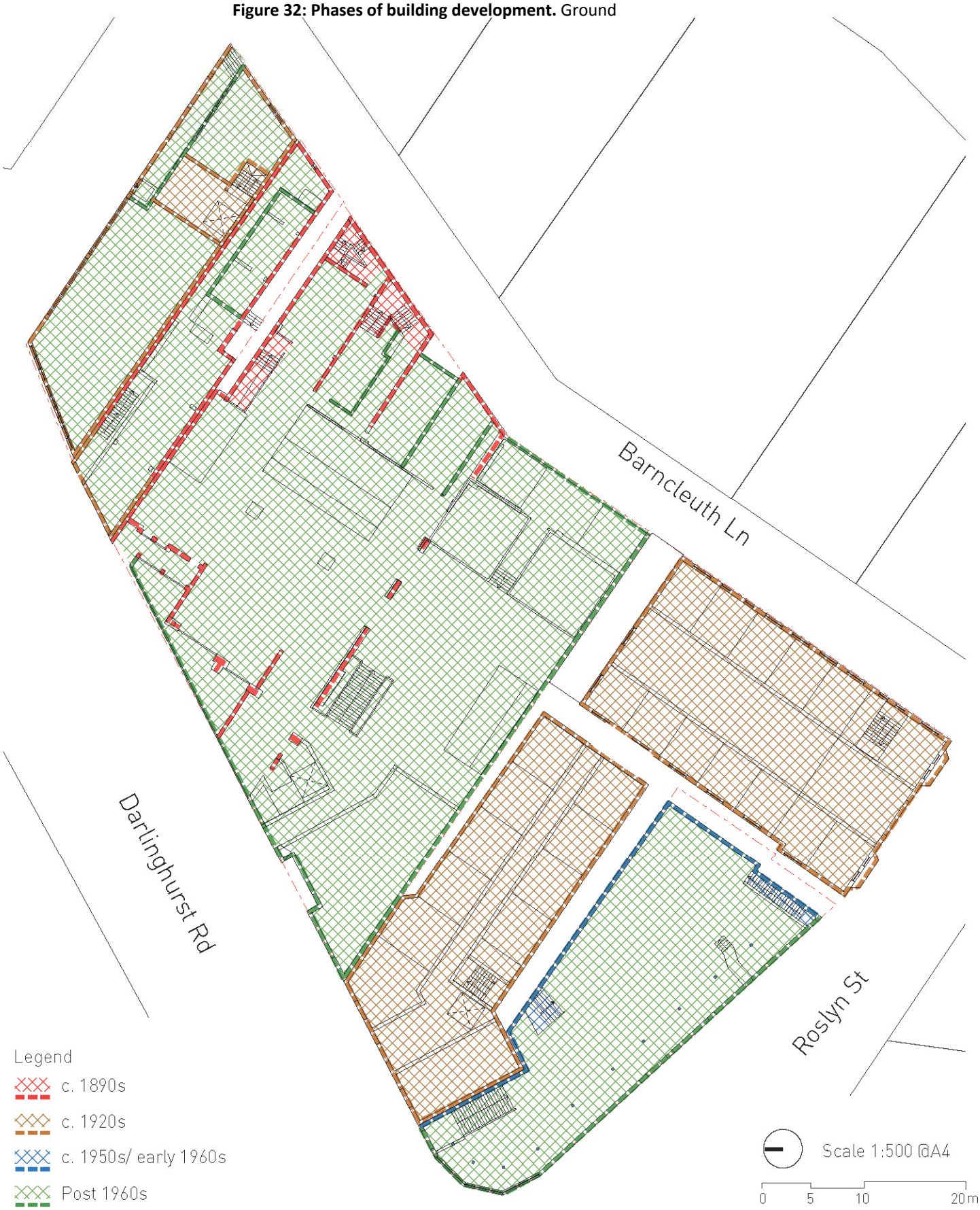


Figure 33: Phases of building development. Typical upper level

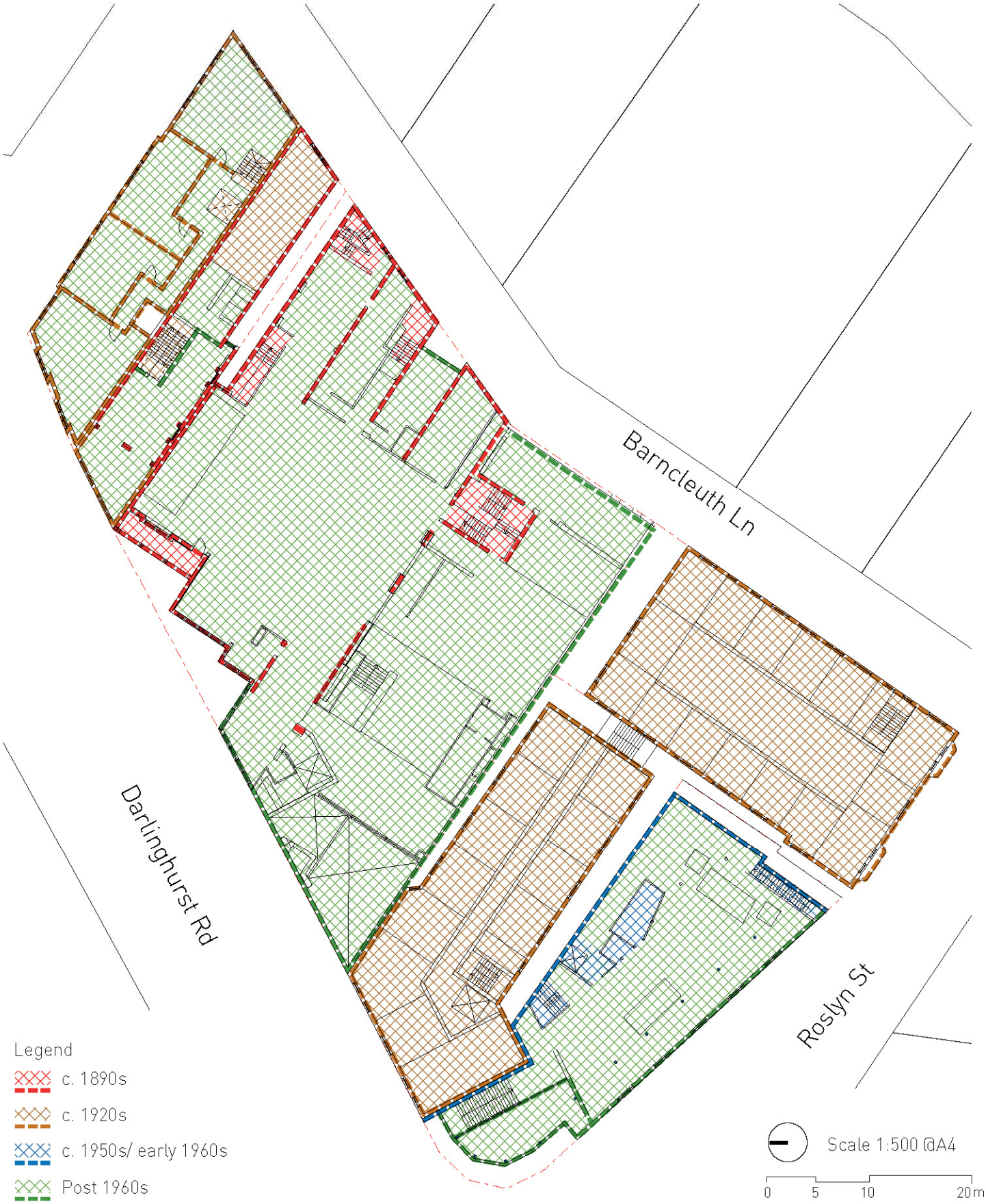




Figure 34: Phases of building development. Darlinghurst Road Street Elevation

Legend

- c. 1890s
- c. 1920s
- c. 1950s/ early 1960s
- Post 1960s

Scale 1:400 @A4

0 2 5 10 20m

Table 2 – EXTERIOR, Kingsley Hall, 1A Elizabeth Bay Road,
Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road and Barncleuth Square		
 	Street Level	Darlinghurst Rd elevation contains original wall fabric Barncleuth Lane elevation now modified with recent rendered arched openings relating to new colonnade and retail use: original ground floor apartment adapted c. 1975
	Middle and upper Portion	Original wall fabric: Face brick walls with casement and hopper windows replaced with similar style windows c.1975
	Parapet	Original face brick wall fabric and decorative parapet brickwork retained

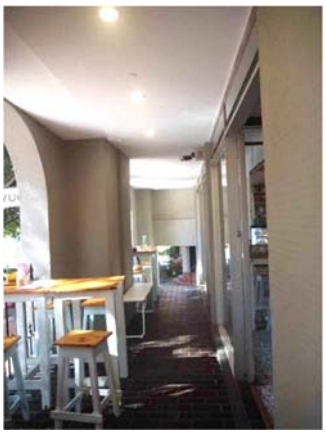
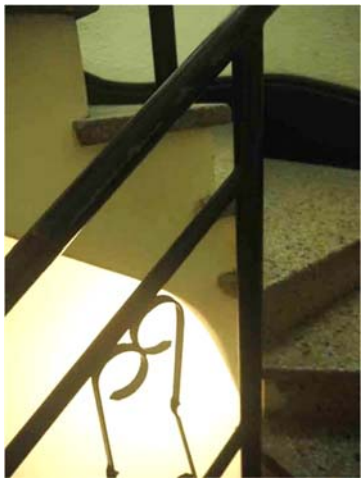
Exterior: Barncleuth Lane		
 	Street Level Middle to Upper Portion	Some modification at laneway with new colonnade opening onto a stair case c.1975 Original wall fabric: painted rendered walls with original painted timber double hung sash and casement windows; painted cast iron plumbing
	Lightwell	Original wall fabric painted render with recent windows
Roof		Not visited

Table 3 – INTERIOR, Kingsley Hall, 1A Elizabeth Bay Road,
Schedule of Significant Elements

Element	Component	Evidence of original fabric
Interior		
	Foyer	Original floor finish, walls and ceiling modified
	Stairway	Original fabric: terrazzo stair, timber balustrades and rough cast render to walls. Evidence of original colour (green) identified at ground floor.

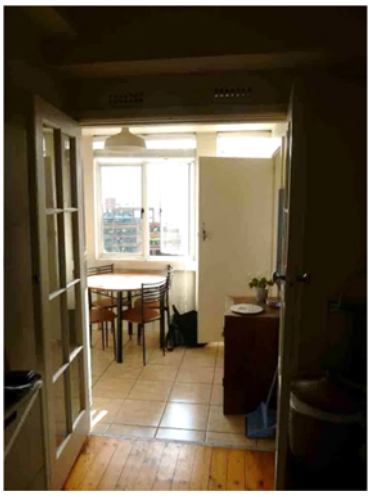
		
	Common Hall	Level 1 and L8 visited: Original skirting profiles, all other finishes modified
	Typical Apartment	Single bedroom apartment L8. Internal wall layout generally remains as designed: rooms opening out onto a breezeway for access to kitchen and bathroom. The finishes to these areas are now modified.

Table 4 – EXTERIOR, formerly Lowestoft, 18-20 Darlinghurst Road, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road		
	Street Level	Modified, new cantilevered street awnings, signage and recent tilework to retail chemist use
 	Middle and Upper Portion including parapet	Painted render walls c. 1920s (More recent façade to the 1890s terrace house) Roundels incorporated as decorative features and shown installed before c. 1930 Early painted double hung sash timber windows with lead lights to each floor in the 1920s addition Early painted rendered parapet and cornice with decorative brackets remain Early painted terracotta wall vents remain

Exterior: Barncleuth Lane		
	Street, Middle and upper Portion	Street level section has evidence of original painted rendered terrace house walls with incised line work (assumed part of the 1890s terraced Upper storey is a painted rendered addition with aluminium framed windows
	Side walls	Original double hung sash windows, rear balcony wall and painted rendered walls (with incised line work representing ashlar coursing) to 1890s terrace.
Roof		
	Party wall and chimney	Evidence of original painted rendered party wall (with coping) and decorative moulded chimney

Table 5 – INTERIOR, formerly Lowestoft 18-20 Darlinghurst Road, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Interior		
	Street entry	Modified
 	Stairway L1 and L2	Original timber staircase with turned banister, balustrade and scroll work, part of 1890s terrace (now painted). Wall and ceiling finishes now modified.

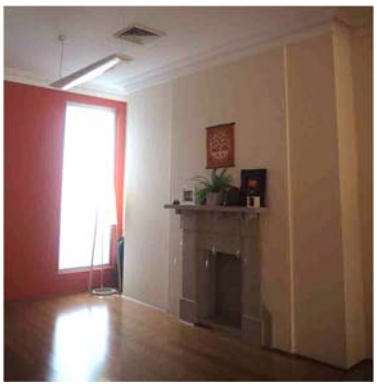
 	Former Apartment	Original room layout of 1890s terrace is retained, although lower sections of walls were removed during the 1920s adaption from single terrace house to boarding house with multiple rooms. Early 1920s street addition remains with internal walls removed to make a single space. Evidence suggests that plaster ceilings with cornices and ceiling roses are not original. Original fireplaces (note corner beading to chimney breasts) but modified with more recent over mantles (x2 in Arts and Crafts Style) relating to when the new façade was added in c. 1929 Fireplace overmantels are in good condition, painted. Evidence of tuckpointed brick panels within fireplace opening.

Table 6 – EXTERIOR, The Bourbon Hotel (formerly The Russell and The Charlemount, later Charlemont, Gleneagles Hotel, The Greyeagle Hotel, Bourbon and Beefsteak Bar), 22-24 Darlinghurst Road, northern section of The Bourbon Hotel, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road		
	Street Level	Evidence of original 'mansion' terrace house form Modified with original front garden, now as an outdoor sitting terrace for night club use.
  	Middle Portion Parapet and upper portion	Original wall fabric: painted render to former Italianate dwelling c. 1890 To level 2, original tessellated tilework to balcony floor remains within The Russell. Possibly locally made by Bakewell Bros.* Original painted render wall and decorative mouldings parapet remain to The Russell Evidence of upper sections of Charlemount mansion terrace remains, together with 1950s street addition. Evidence of 1950s street addition first trading as Gleneagles night club, later portion of The Bourbon Hotel (The Bourbon and Beefsteak Bar) * Refer to research undertaken by Sydney Living Museum on the Bakewell Bros, including the supply of Sydney made floor tiles

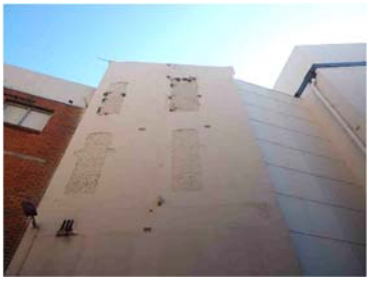
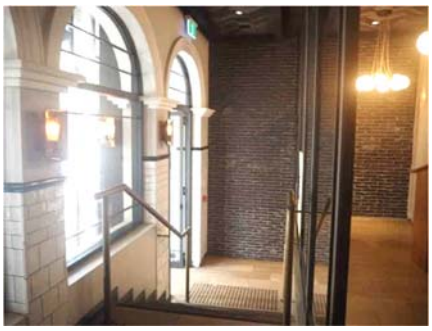
Exterior: Barncleuth Lane		
 	Street Level, Middle and upper Portion	Evidence of earlier fabric consisting of painted render with incised coursing line work remains to early 20th century building. Sections of elevation now modified including early openings. Evidence of external sections of The Russell and Charlemount mansion terraces remain.
Roof		
	Party wall and chimney	Evidence of original painted rendered party wall and chimney to The Russell remains

Table 7 – INTERIOR, The Bourbon Hotel (formerly The Russell and The Charlemount, later Charlemont, Gleneagles Hotel, The Greyeagle Hotel, Bourbon and Beefsteak Bar), 22-24 Darlinghurst Road, northern section of The Bourbon Hotel, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Interior		
	Ground	Modified
  	First	Severely modified. No original wall lines remain. Original brickwork remains to front street wall, party walls and rear boundary wall, including evidence of original 19th fireplaces to northern party wall (adjoining Lowestoft) and former internal wall junctions.

  	Second	Severely modified. No original walls remain and is currently in a semi derelict state. Door and window to original street balcony remains Original brickwork remains to front street wall, party walls and rear boundary wall, including evidence of original 19th century doors with fanlights. Notice the change in floor levels between the threshold of the early lane facing French doors and current floor.

Table 8 – EXTERIOR, southern section of The Bourbon Hotel, (formerly Lister and Lynn, later Uralla and Lynn, The Radnor and The Bourbon and Beefsteak Bar), 26-28 Darlinghurst Road, Schedule of Significant Elements

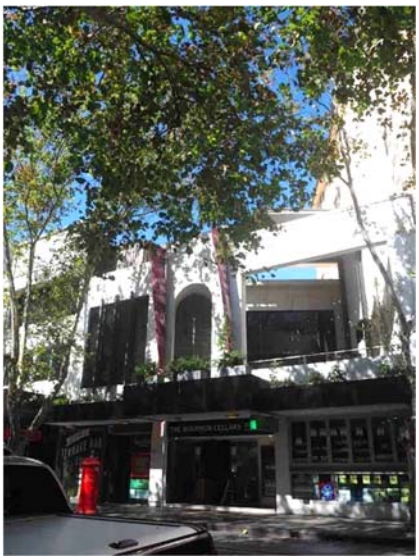
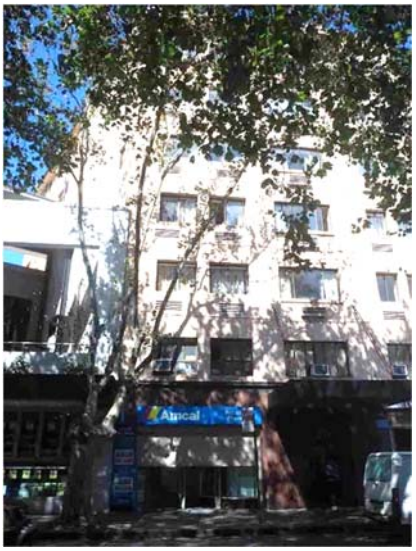
Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road		
	Street Level and upper walls	Modified with recent addition
Exterior: Barncleuth Lane		
	Street Level and upper walls	Modified, with recent face brick addition
Roof		
		Not inspected, evidence suggests roof is now modified

Table 9 – INTERIOR, southern section of The Bourbon Hotel, (formerly Lister and Lynn, later Uralla and Lynn, The Radnor and The Bourbon and Beefsteak Bar), 26-28 Darlinghurst Road, Schedule of Significant Elements

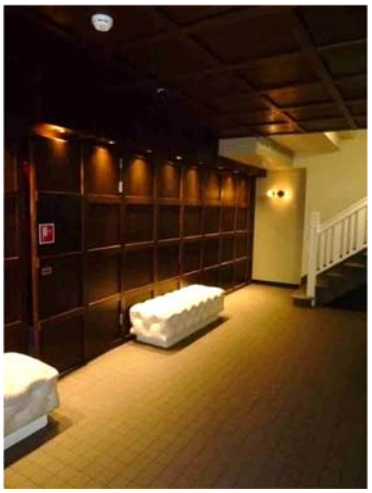
Element	Component	Evidence of original fabric
Interior		
	Ground	Severely modified; no evidence of original and/or early fabric
 	First and second	Severely modified; no evidence of original and/or early fabric

Table 10 – EXTERIOR, The Commodore Flats, 30-30A Darlinghurst Road, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road		
	Street Level	Modified, new cantilevered street awning with painted rendered for retail uses
	Middle Portion	Modified: face brickwork now painted with windows replaced with aluminium frames; recent louver panels and boxes to conceal A/C units. Original cable stay tram brackets are retained
	Parapet and upper portion	Original fabric: decorative painted rendered cornice with rendered parapet coping remain

Side elevation		
	Side, south facing elevation	Evidence of early fabric: painted render, terracotta wall vents and cast-iron plumbing Windows modified: replaced with aluminium frames
Roof		
		Original hipped roof profiles remain with Marseille tiles (assumed recently replaced)

Table 11 – INTERIOR, The Commodore Flats, 30-30A Darlinghurst Road, Schedule of Significant Elements

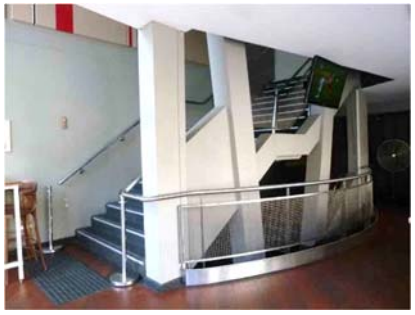
Element	Component	Evidence of original fabric
Interior		
	Ground Floor Foyer	Modified: timber wall and ceiling panelling is recent Original concrete staircase with terrazzo treads and painted timber Arts and Crafts style balustrade
 	Typical Common Hall	Common Corridor: original plan configuration of corridor with modified finishes Original concrete staircase with terrazzo treads and landings. Stair balustrade is original, consisting of Arts and Crafts style timber balustrade, now painted

  	Typical Serviced Apartment	Rooms on L1 and L4 visited. Modified: in some instances, original room plan configuration, however modified with new bathrooms and additional rooms. All finishes are recent.

Table 12 – EXTERIOR, The Empire Hotel (formerly Les Girls, The Carousel Lounge and The Palladium), 32 Darlinghurst Road, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Darlinghurst Road and Roslyn Street		
	Darlinghurst Street elevation	Exterior retains its three storey mixed use appearance although now modified
	Roslyn Street Elevation	Exterior retains its three-storey mixed use appearance although now modified Street awning is now modified
Roof		
		Original roof profiles retained

Table 13 – INTERIOR, The Empire Hotel (formerly Les Girls, The Carousel Lounge and The Palladium), 32 Darlinghurst Road, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Interior		
	Ground	Modified Previously individual shops, now modified and forming part of the hotel
 	Staircases	Earlier intervention of entry staircase off Darlinghurst Road retained Original internal staircase c. 1961 with terrazzo risers and tread finish and painted square section metal balustrade Original three storey mixed use building retained although now modified
	First Floor	Original nightclub space is retained, although finishes now modified

 	Second Floor	Original nightclub space (stage end of Les Girls) is retained, although finishes are now modified Earlier arrangement of toilets (refer to 1962 alteration plan) is retained.

Table 14 – EXTERIOR, Lido Suites (formerly Clivedon, Lido Motel), 2 Roslyn Street, Schedule of Significant Elements

Element	Component	Evidence of original fabric
Exterior: Roslyn Street		
	Street Level Middle Portion Parapet and upper portion	Modified: recent stone cladding and doorframes added. Modified: painted face brick walls with aluminium windows added c. 1970. Original bay fronts are retained. Modified: painted face brick walls; aluminium windows added c. 1970
Exterior: Barncleuth Lane		
	Elevation generally	Original face brick wall finish and lintels; aluminium framed windows added c. 1970.
Roof		
	Roof	Original parapets, modified with changes to lift motor room.

Table 15 – INTERIOR, Lido Suites (formerly Clivedon, Lido Motel), 2 Roslyn Street, Schedule of Significant Elements

Interior		
No illustration	Foyer	Modified
No illustration	Typical Common Hall	Not visited
No illustration	Typical Serviced Flats	Not visited

4.0 COMPARATIVE ANALYSIS

4.1 Aims and Approach

The purpose of the comparative analysis is to provide supporting information for Section 5 Analysis of Significance. This analysis relates to the rarity and/or representative status of the place/site/item overall and/or its components or attributes. This section identifies the range of building types including key features, characteristics and/or historic themes.

4.2 Introduction

From the physical evidence, the building group of at 1A Elizabeth Bay Road, 18-32 Darlinghurst Road and 2 Roslyn Street were originally constructed during various times and with different uses. The physical evidence together with various plans is consistent with the development of a mixed building group up until the mid-1960s.

4.3 Aspects of Comparison

A range of building types and associated historic themes within an area characteristic of terraces in the High Victorian style, Inter-war purpose built flats and mixed-use commercial buildings in the Modernist style are identified in this section. These themes and building types form a complex collection of buildings. The complexity of this urban block is reflected in the range of significant themes. The following are noted:

4.3.1 Large 'mansion' Terrace Houses

The speculative development of 'mansion' terraces for prosperous families continued up until 1910s as these began to transition to high class boarding 'homes' for gentlemen and/or gentlewomen. Interestingly these mansion terraces were built either by property investors or philanthropists. A similar pattern of 'decline' occurred with large mansion terraces and villa residences being subdivided elsewhere within inner Sydney suburbs, for example Glebe, during the early 20th century. There was a concentration of private hospitals within Darlinghurst, again a characteristic type of the area. It was very unusual for a woman, however, to establish a private hospital of this scale as did Susan Bell McGahey with The Charlemount Private Hospital *(refer Table 16).*

Table 16 – Large 'up market mansion' Terrace Houses, c1890s

Name and Address	Date and Description	Listing	SHR Criteria (f) and (g)
Terrace Group "Byrock" and "Uralla" Including Interiors and Front Fencing 21-23 Challis Avenue, Potts Point	Pair of 3 -storey grand semi-detached late Victorian Italianate terraces c. 1893 with palisade fence. Part of a row of grand terraces. Adaptively reused as a hotel	LGOV	f) Rarity: The terraces are not rare g) Representativeness: Representative example of pair of grand Victorian Italinate semi-detached terraces
Terrace Group "Highclere" and "Romney Hall" Including Interiors and Front Fencing 25-27 Challis Avenue, Potts Point	Pair of 3 -storey grand semi-detached late Victorian Italianate terraces c. 1893 with palisade fence. Part of a row of grand terraces. Adaptively reused as flats	LGOV	f) Rarity: The building is not rare g) Representativeness: Representative example of pair of grand Victorian Italinate semi-detached terraces
Terrace House "Saraville" Including Interior 29 Challis Avenue, Potts Point	A grand late Victoria terrace built c. 1893. Part of a row of grand terraces. Now modified.	LGOV	g) Representativeness: Representative example of a grand Victorian Italianate terrace found in the inner suburbs of Sydney

4.3.2 Inter-War Flat Buildings

During this period, there was an increase in residential density incorporating the construction of purpose built 'American style flats' or as a modification of existing houses (often continuing a residential existing use). The Potts Point and Elizabeth Bay area became known for apartment living as distinct from those wishing to live in a house within a suburban setting. In addition to this, the luxury flat of the area was designed to overlook the harbour and take advantage of the views.

High rise apartment housing was located across Sydney city, the eastern part of the city and Manly *(refer Table 17).*

Table 17 – Inter War Flat Buildings, 1918-1939

Name and Address	Date and Description	Listing	SHR Criteria
Flat Building "Birtley Towers" Including Interior 8 Birtley Place, Elizabeth Bay	A significant freestanding Inter War Art Deco style apartment building designed by the architect Emil Sodersteen, built 1933-1934	LGOV	g) Representativeness: A fine representative example of an Inter - war Art Deco style residential flat building found in the inner suburbs of Sydney
Flat Building "Wychbury" Including Interior 5 Manning Street, Potts Point	A significant mid-block Inter-war Art Deco style apartment building designed by the architect Emil Sodersteen, built c. 1934	LGOV	f) Rarity: The building is not rare but its integrity and fine detailing is rare in the local area g) Representativeness: The building is a fine representative example of an Inter-war Art Deco apartment building found in the inner suburbs of Sydney.
Bachelor Flats "7 Elizabeth Street" 7 Elizabeth Street, Sydney City	A significant mid-block Inter-war Art Deco style apartment building designed by the architect Emil Sodersteen, with interiors by Marion Hall Best, built c. 1939. Demolished by the NSW State Government, 2018	LGOV	f) Rarity: The building is rare within the centre of the CBD g) Representativeness: The building is a representative example of an Inter war block of apartments found in the centre of Sydney.

4.3.3 World War II

R & R for Americans and other armed forces took place in Potts Point/ Darlinghurst area. This theme was repeated in the 1960s and early 1970s during the Vietnam War.

4.3.4 Sydney as a Tolerant Post-War City

Gay /Lesbian residents had been living in the Potts Point / Darlinghurst area well before the night clubs of the early 1960s. It is suggested that this community have been living in the area since the 1920s. 'Drag shows' have been held in the Darlinghurst area since the 1960s; first at the Jewel Box, then later at Les Girls. Les Girls remains the most well-known and the longest running venue, eventually closing in the 1980s.

It is known that the LGBTQI community are a longstanding community living in the Darlinghurst area. Other cultural groups, such as the Polish/Russian Jews, have historic associations with the Potts Point / Darlinghurst area. This was a close-knit community group

that socialised at home within a tolerant suburb (r*efer Table 18).*

Table 18 – Post-War LGBTQI venues, 1960s

Name and Address	Date and Description	Listing	SHR Criteria
Commercial Building Including Interior 163-169 Oxford Street	Victorian Free Classical style commercial building incorporating Capriccio's nightclub, an important focus for the Sydney gay community from 1969- early 1980s.	LGOV	g) Representativeness: Fine representative example of a Victorian Free Classical commercial building

4.4.4 Kings Cross "in the heart of uptown Sydney", Mixed Use Commercial Buildings

The area became an important destination for R&R and entertainment for the gay/lesbian community, as well as the 'straight' community. In some cases, this resulted in specifically designed commercial buildings containing a mix of uses within the one building.

Those who visited the 'Cross' would seek a 'night on the town' by attending the night clubs. Photographic documentation from the 1950s onwards confirm a mixture of residential uses, retail uses, restaurants (serving wine) and night clubs along the northern sections of Darlinghurst Road. 'Les Girls' with its famous sign in 'wild-west font' is mentioned in the suburb entry for Darlinghurst within the Dictionary of Sydney (r*efer Table 19).*

Table 19 – Mixed-use post war buildings, 1960s

Name and Address	Date and Description	Listing	SHR Criteria
"Gaden House" 24-26 Double Bay	A substantially intact 4-storey commercial office building with ground floor retail uses by Neville Gruzman, built 1968-1971	Not listed	Not applicable

5.0 ANALYSIS OF SIGNIFICNACE

5.1 Introduction

Cultural significance (or heritage significance), as defined by the Burra Charter (2013) means 'aesthetic, historic, scientific, social or spiritual value for past, present or future generations'. Heritage significance is "embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects." These values are considered in accordance with NSW Heritage Assessment Criteria as follows.

5.2 City of Sydney, Sydney Local Environmental Plan (LEP) 2012

The building group is within the Potts Point Heritage Conservation Area (C51) pursuant to the Sydney LEP 2015 *(refer figure 2 and table 20).*

5.3 Historic Themes

The SHI listing for the Potts Point Conservation Area identified 3 of the 37 New South Wales historical themes as relevant to the Conservation Area.

Table 20 – Historic Themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy-Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	(none)-
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Residential-
4. Settlement-Building settlements, towns and cities	Land tenure-Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal	Villas-

Information is taken from:
http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2435711

The ability of the properties to demonstrate the main themes is integral to the following analysis of fabric and assessment of significance related to activities associated with a range of themes. From a comparative assessment, it is concluded that the main themes represented in the building group at 1A Elizabeth Bay Road, 18-32 Darlinghurst Road and 2 Roslyn Street are:

- Philanthropy;
- Property investment;
- Accommodation: terrace house, boarding house and apartment;
- High density living and domestic life;
- Commerce;
- Significant persons;
- Established migration;
- Private hospitals and nurses training;
- Welfare;
- Entertainment; and
- Tolerance of the LGBTQI Community.

5.4 Assessment and Items of Significance

From the analysis of the building fabric, together with analysis of the documentary evidence, many of the sites do meet the threshold of local heritage significance and suitable for inclusion in the Sydney LEP. The following is noted:

_Important characteristics of the streetscape and character of this city block are to be reflected in any site specific DCP

_In terms of overall form, Kingsley Hall (1A Elizabeth Bay Road) retains a high degree of integrity externally while part of the Bourbon Hotel (former The Russell and former The Charlemount) (22-24 Darlinghurst Road) together with The Empire Hotel (containing the former night club Les Girls) (32-32A Darlinghurst Road) maintain a high level of heritage significance. It is recommended that each of these sites be individually listed as heritage items in Schedule 5 of the Sydney LEP 2012 *(refer Tables 22-23).*

_While they have all undergone changes to varying degrees since they were originally constructed, Lowestoft at 20 Darlinghurst Road, The Commodore at 30 Darlinghurst Road and the Lido Suites at 2 Roslyn Street, these three properties continue to meet the criteria established by the City of Sydney for contributory items, as outlined in the City of Sydney Development Control Plan 2012 *(refer to figure 35).*

_It is recommended that if new development is to occur at an upper level at 20-24 Darlinghurst Road than appropriate setbacks be considered which recognise the heritage significance of the place. Also, the disposition of street awnings along the whole of the Darlinghurst Road facades be recognised in terms of historic importance *(refer figures 36-37).*

Table 21 – Kingsley Hall, 1A Elizabeth Bay Road, Potts Point

Criterion	Significance	Comments
(a) - Historic: Evolution *Important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*	Kingsley hall provides evidence in a change in housing type within the Potts Point area from boarding house (within a refurbished terrace) to purpose built 20th century residential apartment. The construction of the building dates from a key period in the development of Potts Point when taller purpose-built luxury apartment buildings were being designed in consideration of amenity and function with apartments being planned efficiently with northerly aspect overlooking Sydney Harbour. Meets the criteria at **State** Level.	Most evident in the presentation of the building to Darlinghurst Rd, Barncleuth Square and Macleay Street and with the plan of each apartment to have a view overlooking Sydney harbour
(b)- Historic: Association *Strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the local area)*	The building is associated with prominent inter war architect Emil Sodersteen who was one of the leading practitioners of the Art Deco style in Sydney during the Inter-war period Meets the criteria at **Local** Level	Most evident in the external façade detailing, including decorative parapet and modelling.
(c) - Aesthetic *Important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*	The building is a prominent element in the streetscape of Darlinghurst Road and is a fine example of an Inter-War Art Deco residential flat building attributed to Emil Sodersteen. Meets the criteria at **Local** Level	Most evident in the overall building form, the street face brick facades and the appearance of the building to Darlinghurst Rd, Barncleuth Square and Macleay Street.
(d) – Social *Strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons*	Although not assessed as part of this report, this site is likely to have a high level of social significance for the local residential community. Meets the criteria at **Local** Level	
(e) – Research *Potential to yield information that will contribute to an understanding of the cultural or natural history of NSW or the local area*	With surviving original features that date to the 1930s this flat building demonstrates construction methods and detailing of the period. Meets the criteria at **Local** Level	Evident in the surviving fabric externally and internally.
(f) – Rarity *Possesses uncommon, rare or endangered aspects of the cultural or natural history of NSW or the local area*	Possibly does not meet this criterion and more historic analysis is required.	
(g)- Representativeness I*mportant in demonstrating the principal characteristics of a class of cultural or natural places or cultural or natural environments of NSW or the local area*	The building is a fine representative example of an Inter War Art Deco apartment building found in the inner suburbs of Sydney. Meets the criteria at **Local** Level and contributes to the Potts Point Heritage Conservation Area	Evident in the current form of the building together with a communal street entry.

Table 22 – Northern portion of The Bourbon Hotel, 22-24 Darlinghurst Road, Potts Point

Criterion	Significance	Comments
(a) - Historic: Evolution *Important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*	The development of the site is associated with changes in pattern of use representative of the area: from speculative terrace mansion house built for wealthy families from 1904 to private hospital, boarding house and night club. Meets the criteria at **State** Level.	Most evident in the external façade detailing, including decorative parapet and later addition.
(b)- Historic: Association *Strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the local area)*	This place has a rich and complex pattern of varied uses and significant social groups. Origonally built formerly as mansion terraces The Russell and Charlemount by the speculative property and entrepreneurial Bakewell Brothers, these buildings later became either a private hospital, established by the prominent Sydney nurse Susan Bell McGahey, a 'guest house' or a night club. Once a rented family home for a wealthy professional family, this place later became a venue for the bohemian life of Darlinghurst Road. This site later acquired a risqué reputation when operating as Bourbon and Beefsteak Bar. Meets the criteria at **State** Level.	Most evident in the external façade detailing, including decorative parapet and later addition.
(c) - Aesthetic *Important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*	With a remnant façade of a grand mansion terrace built as an investment property, this place has high aesthetic qualities. Later street façade at 24 Darlinghurst Road is a good example of post -war modernism designed by the émigré architect Frank Kolos. Meets the criteria at **Local** Level	Most evident in the external façade detailing, and later addition.
(d) – Social *Strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons*	Although not assessed as part of this report, recent media coverage of the proposed redevelopment of the subject site indicates a very high level of contemporary community esteem. Likely to meet the criteria at **State** Level.	
(e) – Research *Potential to yield information that will contribute to an understanding of the cultural or natural history of NSW or the local area*	With surviving original features that date to the c. 1904 this building demonstrates construction methods and detailing of the period. Meets the criteria at Local Level	Evident in the surviving external fabric.
(f) – Rarity *Possesses uncommon, rare or endangered aspects of the cultural or natural history of NSW or the local area*	The building provides evidence of a former way of life: the mansion terrace house. In addition to this and in its change of use to a private hospital, provides evidence of a significant human activity. Meets the criteria at Local Level	Evident in the surviving external fabric.
(g)- Representativeness I*mportant in demonstrating the principal characteristics of a class of cultural or natural places or cultural or natural environments of NSW or the local area*	Representative example of a pair of grand terrace houses built in the late Italianate style. Meets the criteria at Local Level	Evident in the surviving external fabric.

Table 23 – The Empire Hotel (the site of Les Girls Nightclub), 32 Darlinghurst Road, Potts Point

Criterion	Significance	Comments
(a) - Historic: Evolution *Important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*	The building has significance as it dates from a key period in the development of Potts Point from residential uses to specific mixed-use commercial uses. The architectural form and detail of the site is evident in the design of a mixed-use commercial building designed and built during the early 1960s. The design of this building was associated with a significant phase of cosmopolitan life within Potts Point where retail uses faced the street and night club uses were located to the upper level. As home for the performers Les Girls within the nightclub Les Girls, this formed an important focus for the entertainment of the Kings Cross area; and helped pioneer acceptability of the LGBTQI community. Here female impersonators Les Girls performed together with Carlotta, Australia's first transgender patient. Meets the criteria at a **State** Level	Most evident in the presentation of the building to Darlinghurst Rd.
(b)- Historic: Association *Strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the local area)*	The site is associated with the Nelson / Basser family who were Jewish philanthropists and important members of the Jewish community in Darlinghurst /Potts Point area. The building has links to the noted Australian architect Neville Gruzam. As a nightclub called Les Girls this is where Les Girls together with the noted Australian artist Carlotta, Australia's first transgender patient, performed. This building was an important focus within Sydney's nightlife at the Cross during the 1960s and 1980s and an important focus for Sydney's LGBTQI community. Meets the criteria at a **State** Level	Most evident in the overall building form and the interior spaces known as Les Girls Nightclub.
(c) - Aesthetic *Important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*	It does not meet this criterion.	
(d) – Social *Strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons*	Although not assessed as part of this report, this site is likely to have a high level of contemporary community esteem to the former patrons of Le Girls as well as the LGBTQI community. Likely to meet the criteria at a **State** Level	Most evident in the overall building form, the former distinctive signage 'Les Girls' and the interior spaces known as Les Girls Nightclub.
(e) – Research *Potential to yield information that will contribute to an understanding of the cultural or natural history of NSW or the local area*	It does not meet this criterion.	

(f) – Rarity *Possesses uncommon, rare or endangered aspects of the cultural or natural history of NSW or the local area*	It does not meet this criterion.	
(g)- Representativeness I*mportant in demonstrating the principal characteristics of a class of cultural or natural places or cultural or natural environments of NSW or the local area*	The building in which housed Les Girls Nightclub is a representative example of a mixed use commercial building in the modernist style. This meets the criteria at a Local Level Meets the criteria at a **Local** Level	Most evident in its surviving parts: 3 storey commercial building with interior spaces designed to change subject to retail use. Level one still retains its original night club spatial form.

Figure 35: Recommended Heritage Listings

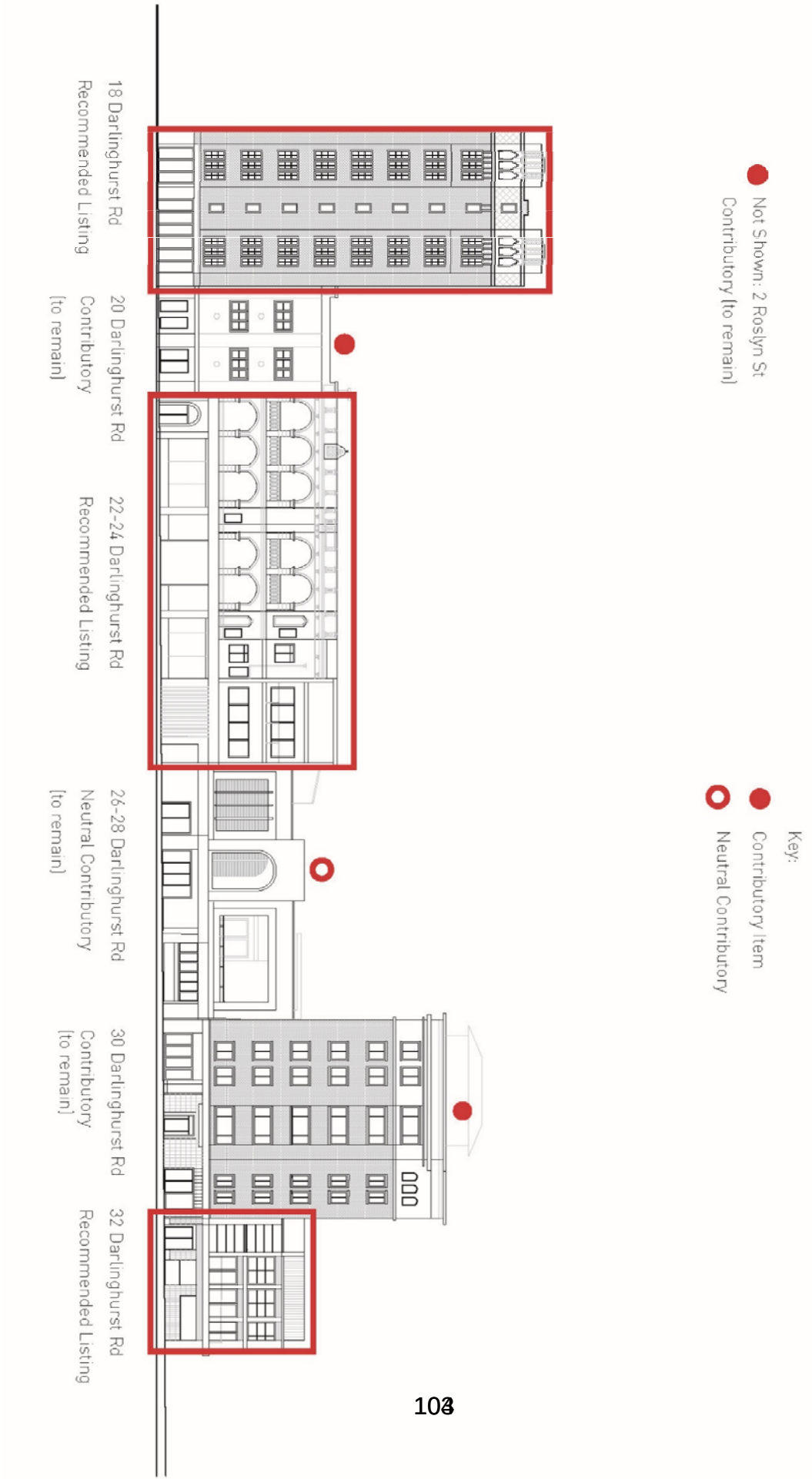


Figure 36: Recommended roof top setbacks for new development, 20-24 Darlinghurst Road



Not Shown: 2 Roslyn St: provide awning at common doorway



18 Darlinghurst Rd
no awning

20 Darlinghurst Rd
at common
doorway

22-24 Darlinghurst Rd
no awning

26-28 Darlinghurst Rd
continuous

30 Darlinghurst Rd
at common doorway

32 Darlinghurst Rd
continuous and around
corner onto Roslyn Street

Figure 37: Recommended street awning treatment

APPENDIX

Tabulation of BA Drawings relative to this study,
Contained within City of Sydney Archives

	Appendix A: Tabulation of BA Drawings relative to this study, contained within City of Sydney Archives **Darlinghurst Road**	**Comment**	**IMG**
20	Proposed Alterations & Additions to No [unreadable] Darlinghurst Road, Darlinghurst including shop front, extension of back wing, with over-head yard for laundry also S.O [sleep out] balconies and two extra bathrooms. For Mrs A. A. Haslam, 116 Bellevue Road, Bellevue Hill	Floor plan of house evident, typical, same plan as terrace houses, two storey rear wing. Stair in Hall	3892
20	Ditto		3893
20	[part of drawing showing bedrooms] Additional work initialled J R, 11/7/ [19]29	Shows sinks being added to each bedroom	3894
20	[Part of drawing showing new shopfront]	Shows new façade and detail of metal and plate glass shop front. Typical for the era	3895
20	Proposed Alterations & Additions to No [unreadable] Darlinghurst Road, Darlinghurst including shop front, extension of back wing, with over-head yard for laundry also S.O [sleep out] balconies and two extra bathrooms. For Mrs A. A. Haslam, 116 Bellevue Road, Bellevue Hill		3896
20	[part of drawing showing back elevation & elevation to light area.]	Slate roof to front section of the house	3897
20	[BA] 0023/29 note to archivist		3898
20	Supplementary drawings to plans approved Feb 21 1929) Alterations to No 20 Darlinghurst Road for Mrs A. A. Haslam. Proposed parapet at the Darlinghurst Rd Frontage	Shows small section of tiled roof, new chimneys	3899
20	Amendment to drawing approved 13 June 1929. Proposed parapet at No. 20 Darlinghurst Road for Mrs A. A. Haslam c/- R Guy 59 Kings Cross Road, Darlinghurst	Lettering Lowestoft and date 1929 [R Guy Alice's brother?]	3900
20	BA 0565/29 file reference		3901
22-24	Residential Buildings, Macleay Street, Sydney, Arthur B. Polin, Architect, Union Bank Chamber BA 19/0452	[Don't think this scheme is for this block, drawings also with No 30]	0452
24	Proposed new Operating Room, Charlemount, Darlinghurst Road for Ms McGahey Kent and Budden Architects	[Kent and Budden did a lot of hospital work.]	0658
24	Proposed conversion of Charlemount Private Hospital 24 Darlinghurst Road, Darlinghurst into Guest House for Mrs L M Boulton D E Walsh Architect, 4 Castlereagh Street, City 2 sheets	[Dallas E Walsh in Anne Higham's list. No biography. Active Sydney 1920s and 1930s see notes at end of file	1934_0937
24	Floor plan and proposed extension to 24 Darlinghurst Road, Kings Cross for Licensing purposes P2 Proposed alterations to premises at 24-26 Darlinghurst Road Kings Cross for B Houghton Esq Planner West and partners	[Bourbon]	1968_0593

24	Proposed alterations and additions to 'Gleneagles' Private Hotel, Darlinghurst Road, Kings Cross F. G. Kolos, ARAIA, Sydney 1 Mocata Avenue, Pymble	1956	3902, 3093, 3904, 3905
24	Exhaust fan from dining room M J Marshall P/L		3906, 3907
24	Proposed alterations and additions to 'Gleneagles' Private Hotel, Darlinghurst Road, Kings Cross F. G. Kolos, ARAIA, Sydney 1 Mocata Avenue, Pymble	1956	3908
24	[Enlargement of section]	1956	3909
24	[Enlargement of section]	1956	3910
24	[Enlargement of elevation] Kolos	1956	3911
24	Proposed alterations and additions to 'Gleneagles' Private Hotel, Darlinghurst Road, Kings Cross F. G. Kolos, ARAIA, Sydney 1 Mocata Avenue, Pymble	1956 Floor plans	3912, 3913
	Remainder of drawings also in this set		3914-3944
24	Plan of the Charlemont Private Hospital, 24 Darlinghurst Road, Darlinghurst	Installation of a lift [shows the floor plan]	0554_1926
26-28	Proposed new shops at 26-28 Darlinghurst Road for Miss B. Ginsberg		1939_0874 p 1-2
26-28	Proposed new shops at 26-28 Darlinghurst Road for Miss B. Ginsberg. Existing Work. Architect: Richard G. Simpson		1939_0874 p 3
26-28	Proposed new shops at 26-28 Darlinghurst Road for Miss B. Ginsberg [unreadable] Architect: Richard G. Simpson		1939_0874 p 4
26-28	Alterations to Radio Centre, 28 Darlinghurst Road, Kings Cross Douglas B. Snelling		1956_0800
26-28	Proposed new coffee shop fittings and new shopfront. Peter L. Kish of Bobbin Head Road, Pymble		1964_0853
26-28	Proposed Alterations & Additions to No. 26-28 Darlinghurst Road, Peter Rommel & Associates of Potts Point (		1967_0819
26-28	Proposed conversion of Showbiz Restaurant Peerless Engineering, Kentucky Fried Chicken		1968_1679
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C. Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Elevation showing part to Darlinghurst Road	1051 1995 Front elevation
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T G Murray & S B Gange Esq. C Hamilton Architect, D T Building, Sydney. BA 1051/25	Plan	1051 1995 Ground Floor plan
30	Residential Buildings Macleay Street Sydney Arthur B. Pollin, Architect, Union Bank chambers 68 ½ Pitt Street	See No 24 also	Img_3381
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D T Building, Sydney. BA 1051/25	Sections	Img_3382
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Roof plan	Img_3383
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Elevations	Img_3384
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G.	Ground Floor Plan	Img_3385

	Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25		
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Fourth, Fifth and Sixth floor plans	Img_3386
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	South Elevation	Img_3387
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Section	Img_3388
30	Plan of Proposed Building, Roslyn Street, Darlinghurst for Hon T. G. Murray & S. B. Gange Esq. C Hamilton Architect, D. T. Building, Sydney. BA 1051/25	Fourth, Fifth and Sixth floor plans	Img_3389
	File ref for 1051/25		
32	Proposed Awning alterations Dewar Structures P/L ltd		1977_1194
32	Set of drawings for the Proposed new building at Corner of Darlinghurst Road with Roslyn Street, Kings Cross for G. Lehrer esq. Architect Neville Gruzman, BArch, Dip T&CP, 27 Hunter Street	Approved Dec 1962	1961_1694
	One drawing in the set is proposed changes to existing restaurant.	1965 Stage and change room	1961_1694
	One drawing in the set is the Certificate of title [house labelled No.30]	Dry cleaners, sportswear shop fish shops, outline of Fordon and verandah. Commodore first stage return meets Fordon	1961_1694

Appendix 2: Inventory sheets

Changes to Kingsley Hall heritage inventory sheet

Insertion of the following text under heading ‘Statement of significance’:

Elements of high significance identified by LSJ (March 2019):

- External form and design of building envelope including bay windows, corbels and buttresses.
- Brick external walls with details such as diaper panels, piers, dentil courses and moulded window surrounds.
- Surviving steel windows (unit 94).
- Internal floor plan layout of flats and circulation areas.
- Original stair comprising concrete structure, terrazzo surfaces with decorative floral motif, wrought iron balustrades and timber newel posts.
- Surviving original interior building fabric: timber floors, bullnose skirtings and architraves, panelled cupboard doors, surviving French windows to bedrooms, surviving moulded timber skirtings and architraves to common areas, the one surviving original window lining architraves and sill found in the First floor Garbage Room.

Insertion of the following text under heading ‘Recommended management’:

The fine brick apartment building, Kingsley Hall, by noted architect, Emil Lawrence Sodersteen, should be retained and conserved.

A Heritage Impact Statement should be prepared for the building prior to any major works being undertaken. This should refer to the Heritage Fabric Survey.

There shall be no alterations to the face brick façades of the building facing Macleay Street/ Darlinghurst Road and Barncleuth Square other than to reinstate original features or finishes. The other facades facing Barncleuth Lane and the adjoining property to the west are more altered and less important but care should be taken to retain the overall fenestration pattern as seen from the public realm.

The principal room layout and planning configuration as well as significant internal original features including joinery (glazed French windows, built-in cupboards, doors, skirtings and architraves), remaining steel windows, timber flooring and terrazzo staircase, should be retained and conserved.

If the opportunity arises, the aluminium windows should be replaced with steel-framed windows based on photographic evidence and the surviving examples on the top floor; and internal window surrounds should be reconstructed to match the last surviving example in the Garbage Room on the First Floor.

If the opportunity arises, the original ground floor finishes (where they survive) should be revealed or reconstructed to restore the eclectic Gothic/Classical style of the building based on the available physical, photographic and documentary evidence. Any future changes or signs added to the ground floor facades should not obscure or detract from the first floor corbels, retaining their full form and detail.

Removal of the following text under heading ‘Application of criteria’:

> Darlinghurst Road within Potts Point has social significance and reflective of a community which chose to live in a high density non-suburban setting.

Replacement of the above text with ***‘Not used’***, as Kingsley Hall is not being listed for its social significance.

Changes to The Empire Hotel heritage inventory sheet

Insertion of following text under heading ‘Recommended management’:

> The existing building can be replaced, provided the new building and uses interpret the original Les Girls venue as described below.

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Address: 1A Elizabeth Bay Road **Planning:** Sydney South

Suburb/nearest town: Potts Point 2011

Local govt area: Sydney **Parish:**

State: NSW **County:**

Other/former names:

Area/group/complex: **Group ID:**

Aboriginal area: Dharug

Curtilage/boundary:

Item type: Built **Group:** Residential buildings (private) **Category:**

Owner: Private - Corporate

Admin codes: **Code 2:** **Code 3:**

Current use: Residential Apartments

Former uses:

Assessed significance: Local **Endorsed significance:** Local

Statement of significance: Kingsley Hall at 1A Elizabeth Bay Road has a high degree of heritage significance at a local level.

The apartment block provides evidence in a major change in housing type within the inner-city suburbs of Sydney, Potts Point area from boarding houses (within adapted terraces) to purpose-built high rise residential apartment blocks during the Interwar period. The construction of the building dates from a key period in the development of Potts Point, when taller purpose-built luxury apartment buildings were being designed in consideration of amenity and function.

The building is associated with prominent Interwar architect Emil Sodersteen who was one of the leading practitioners of the Art Deco style in Sydney during the Interwar period.

The building is a prominent element in the streetscape of Darlinghurst Road and is a fine example of an Inter-War Art Deco residential flat building with high quality brick detailing.

With surviving original features that date from the 1930s, Kingsley demonstrates construction methods and detailing of the period. As such it is a fine representative example of an Interwar Art Deco apartment building found in the inner suburbs of Sydney.

Elements of high significance identified by LSJ (March 2019):
- External form and design of building envelope including bay windows, corbels and buttresses.
- Brick external walls with details such as diaper panels, piers, dentil courses and moulded window surrounds.
- Surviving steel windows (unit 94).
- Internal floor plan layout of flats and circulation areas.
- Original stair comprising concrete structure, terrazzo surfaces with decorative floral motif, wrought iron balustrades and timber newel posts.
- Surviving original interior building fabric: timber floors, bullnose skirtings and architraves, panelled cupboard doors, surviving French windows to bedrooms, surviving moulded timber skirtings and architraves to common areas, the one surviving original window lining architraves and sill found in the First floor Garbage Room.

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Historical notes of provenance: Though there is little or no evidence of the indigenous occupation of the Potts Point area prior to European settlement, it is noted that they are known to have used the area and their dislocation dating from European settlement in the late 18th century is recognised.

The land upon which Kingsley Hall was built was once part of the grounds of Roslyn Hall, a substantial villa designed for Thomas Barker by Ambrose Hallen around 1833. As per the other villas of Darlinghurst, Roslyn Hall was oriented towards the views of the harbour, set in extensive grounds and sited well back from Darlinghurst Road.

From around the mid-1850s onwards, the grounds of the large Darlinghurst villas were subdivided and rows of town houses or individual mansions were erected. The block fronting Darlinghurst Road, which had been subdivided from the grounds of Roslyn Hall, was put up for sale in September 1889. There appears to have been little initial interest in developing this block unlike the subdivision of the adjacent Barncleuth Estate, which had begun in the early 1880s. The subdivision of this block retained a portion of the grounds to Roslyn Hall and the house itself, which was separated from the subdivision by a 6m approx. (20ft) lane, later named Barncleuth Lane. The subdivision also created a street that separated the adjacent Barncleuth Estate and its house, becoming known as Barncleuth Square.

The subdivision of the Roslyn Hall Estate was undertaken by the Sydney Permanent Freehold Land and Building Society. The original subdivision of the block incorporated eleven sites facing Darlinghurst Road: two corner sites were set out with a frontage of 9.2m approx. while nine mid-block sites had a frontage of 8.24m approx. The Sands Directories and Rate books record that only one house was initially erected within the subdivision along Darlinghurst Road. Fordon at No. 32 Darlinghurst Road, erected for Rose and Henry Nelson; this first appears in the rate books in 1891.

From the mid-1920s, an increasing number of high-rise apartment developments were constructed in the Potts Point area. By 1929 Kings Cross was known both for its bohemian character and its aspirations to be more ‘continental’ in flavour, including basement jazz clubs established in the buildings further to the south. Young couples, spinsters, bachelors, homosexuals and artists, who wished to live life on their own terms, were drawn to the area and Darlinghurst/Kings Cross became the most densely populated area in Sydney.

Kingsley Hall was designed by Emil Sodersteen and a building application for the block was submitted to Council in 1929. Initially the drive to Elizabeth Bay House started at the corner of Darlinghurst Road and Macleay Street and this street became Elizabeth Bay Road. When Kingsley Hall was erected the two substantial mansions Barncleuth (then Kiniel) and Maramanah were still in existence, as was Roslyn Hall to the rear.

By March 1930 there was already a demand for the luxury flats in the area and Kingsley Hall, as was announced during construction, that 20 % had already been let. The block contained 20 flats and this was described as being 10 years ahead of its time. The planning was arranged so that there were no dark rooms. The front entry for Kingsley Hall, facing Darlinghurst Road at the time, appeared in the Construction & Real Estate Journal in November 1930 with a caption that there is something very delightful in a well-designed doorway. In 1933 Emil Sodersteen called tenders for renovations to Kingsley Hall, Darlinghurst Road. In 1936 there was an issue with a fire-bug who lit five separate fires at Kingsley Hall. The apartment building, however, remains a sought after residential building with its landmark character and views north towards Sydney Harbour.

During the 1970s, the building underwent some minor alterations, including the creation of an arched colonnade along Barncleuth Square and replacement of some of the metal casement windows.

Themes: **National theme** **State theme** **Local theme**

Designer: Emil Sodersteen (the spelling of the surname was changed to Sodersteen by deed poll in 1943)

Builder:

Year started: **Year completed:** 1929 **Circa:** No

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Physical description: Kingsley Hall is a 10 storey Inter-War Art Deco apartment building on the corner of Darlinghurst Road and Barncleuth Square.

It is a concrete framed building, clad in distinctive red face textured brickwork with Aztec motifs incorporated within the detailing of the brick parapets.

The building is tightly planned, with four apartments to each floor all with a northerly aspect overlooking Sydney Harbour.

The ground floor was designed to incorporate a street entry and retail space to face Darlinghurst Road. This was modified in the 1970s when the street entry was relocated off Barncleuth Square together with a second retail space.

Physical condition level: Excellent

Physical condition: The exterior face brick façade is in excellent condition.

Some modification has occurred including replacement of the steel framed casement and hopper windows in the 1970s.

The ground floor rear apartment facing Barnclueth Lane was modified in the 1970s, being altered to become a second retail space.

Internally the stair and common halls retain original elements and finishes.

Archaeological potential level: Not assessed

Archaeological potential Detail: Not Assessed

Modification dates: The following is identified:

1970s rear ground floor apartment modified to incorporate a new entry porch and retail space;

1970s ground floor windows facing Barncleuth Square modified to incorporated round roman arch openings; and

1970s casement and hopper steel window frames modified.

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Recommended management: Any development of this site, including refurbishment, is to respect the Inter-War art deco character of Kingsley Hall at 1A Elizabeth Bay Road through height, scale, materials and detail.

The fine brick apartment building, Kingsley Hall, by noted architect, Emil Lawrence Sodersten, should be retained and conserved.

A Heritage Impact Statement should be prepared for the building prior to any major works being undertaken. This should refer to the Heritage Fabric Survey.

There shall be no alterations to the face brick façades of the building facing Macleay Street/ Darlinghurst Road and Barncleuth Square other than to reinstate original features or finishes. The other facades facing Barncleuth Lane and the adjoining property to the west are more altered and less important but care should be taken to retain the overall fenestration pattern as seen from the public realm.

The principal room layout and planning configuration as well as significant internal original features including joinery (glazed French windows, built-in cupboards, doors, skirtings and architraves), remaining steel windows, timber flooring and terrazzo staircase, should be retained and conserved.

If the opportunity arises, the aluminium windows should be replaced with steel-framed windows based on photographic evidence and the surviving examples on the top floor; and internal window surrounds should be reconstructed to match the last surviving example in the Garbage Room on the First Floor.

If the opportunity arises, the original ground floor finishes (where they survive) should be revealed or reconstructed to restore the eclectic Gothic/Classical style of the building based on the available physical, photographic and documentary evidence. Any future changes or signs added to the ground floor facades should not obscure or detract from the first floor corbels, retaining their full form and detail.

Management:

Management category	Management name
Statutory Instrument	List on a Local Environmental Plan (LEP)

Further comments: The site is located on the corner of Darlinghurst Road to the north-west, Barncleuth Square to the north-east and 20 Darlinghurst Road to the south-west.

Criteria a): [Historical significance] Kingsley Hall, built in 1929, is a prominent and reasonably intact example of the earliest apartment blocks constructed in Kings Cross during the 1910s and 1920s. As such it provides evidence of the major change in housing type within the inner-city suburbs of Sydney from boarding houses (within adapted terraces) to purpose-built high rise residential apartment blocks. The construction of the building dates from a key period in the development of Potts Point, when taller, purpose-built luxury apartment buildings were being designed.

Criteria b): [Historical association significance] The building is associated with prominent Interwar architect Emil Lawrence Sodersten (1899-1961) who designed the Australian War Memorial, Canberra and went on to become one of the leading designers of high quality apartment blocks in Sydney in the 1920s and 1930s.

Criteria c): [Aesthetic/ Technical significance] Kingsley Hall is a fine apartment building by the noted architect, Emil Lawrence Sodersten (1899-1961). It is of interest in the evolution of residential flat design, by virtue of its tight but well-designed floor plan, giving natural light and ventilation to every room, as well as for its striking use of decorative brick detailing and eclectic use of Gothic Revival and Classical motifs.

Due to its highly visible northern and eastern facades adjacent to the public square surrounding the El Alamein Fountain, the building makes an important contribution to the streetscape in the heart of Kings Cross.

Criteria d): [Social/Cultural significance] Not used.

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Criteria e): [Research significance] Kingsley Hall demonstrates construction methods and detailing of the period, for example, for its reinforced concrete structure and highly articulated brick façade.

Criteria f): [Rarity] Not used.

Criteria g): [Representative] It is representative of the apartment blocks designed by Emil Sodersten in the Kings Cross area during the Interwar period (e.g. Marlborough House, Wychbury, Birtley Towers).

Intactness/Integrity: The exterior and interior common areas retain historic integrity

References:

Author	Title	Year
PTW Architects	Heritage Assessment: 1A Elizabeth Rd, 18-32 Darlinghurst Rd	2018
Lucas Stapleton Johnson & Partners Pt	Kingsley Hall, 1A Elizabeth Bay Road, Kings Cross: Heritage I	2019

Studies:

Author	Title	Number	Year

Parcels:

Parcel code	Lot number	Section number	Plan code	Plan number

Latitude: **Longitude:**

Location validity: **Spatial accuracy:**

Map name: **Map scale:**

AMG zone: **Easting:** **Northing:**

Listing:

Name	Title	Number	ListingDate

Data entry: Data first entered: 07/09/2018 Data updated: 17/04/2019 Status: Basic

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Image:



Caption: Western elevation of Kingsley Hall
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345977b2e9ff4884b6d8e9074fcf32716aa.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345977b2e9ff4884b6d8e9074fcf32716aa.JPG

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Image:



Caption: View of Kingsley Hall with original ground street uses facing Darlinghurst Rd, slightly modified
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345cb767d70832f48d48dd67e7dcf018c7c.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345cb767d70832f48d48dd67e7dcf018c7c.JPG

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Image:



Caption: View of original stair with original finishes and details
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3457fbeb2973abf49afb1e98e50620a485f.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test3457fbeb2973abf49afb1e98e50620a485f.JPG

Item name: **Flat Building "Kingsley Hall"**

Location: 1A Elizabeth Bay Road Potts Point 2011 Sydney

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Address: 30-32A Darlinghurst Road **Planning:** Sydney South

Suburb/nearest town: Potts Point 2011

Local govt area: Sydney **Parish:**

State: NSW **County:**

Other/former names: Formerly known as: Les Girls Restaurant; Carousel Club; The Palladium

Area/group/complex: **Group ID:**

Aboriginal area: Dharug

Curtilage/boundary: Lot 1 DP 510235

Item type: Built **Group:** Commercial **Category:**

Owner: Private - Corporate

Admin codes: **Code 2:** **Code 3:**

Current use: Hotel

Former uses: Night club; retail; theatre resturant; assumed office uses (top floor)

Assessed significance: Local **Endorsed significance:** Local

Statement of significance: The Empire Hotel has a high degree of heritage significance at a local level, primarily linked to its use as the Les Girls Nightclub.

The building has historic significance as it dates from a key period in the development of the Potts Point / Kings Cross area, with the changing of predominantly residential development to mixed-use commercial uses, especially to the major roads in the area. The architectural form and detail of the site is evident in the design of a mixed-use commercial building designed and built during the early 1960s. The design of this building was associated with a significant phase of cosmopolitan life within Potts Point where retail uses faced the street and night club uses were located to the upper level.

A major component of the historic and associative significance of the site is linked to its use as home for the performers Les Girls within Les Girls Nightclub; this formed an important focus for the entertainment of the Kings Cross area and helped pioneer acceptability of the LGBTQI community. Female impersonators Les Girls performed at Les Girls, together with Carlotta, possibly Australia's first sex-change patient.

The site is also associated with the Nelson / Basser family who were Jewish philanthropists and important members of the Jewish community in Sydney. The building also has links to the noted Australian architect Neville Gruzman.

This site is likely to have a high level of contemporary community esteem to the former patrons of Le Girls as well as the LGBTQI community.

Though modified, the Empire Hotel is a representative example of a mixed use commercial building in the modernist style.

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Historical notes of provenance: Though there is little or no evidence of the indigenous occupation of the Potts Point area prior to European settlement, it is noted that they are known to have used the area and their dislocation dating from European settlement in the late 18th century is recognised.

The land upon which The Empire Hotel now stands was once part of the grounds of Roslyn Hall, a substantial villa designed for Thomas Barker by Ambrose Hallen around 1833. As per the other villas of Darlinghurst, Roslyn Hall was oriented towards the views of the harbour, set in extensive grounds and was sited well back from Darlinghurst Road.

From around the mid-1850s onwards, the grounds of the large Darlinghurst villas were subdivided and rows of town houses or individual mansions were erected. The block fronting Darlinghurst Road, which had been subdivided from the grounds of Roslyn Hall, was put up for sale in September 1889. There appears to have been little initial interest in developing this block unlike the subdivision of the adjacent Barncleuth Estate, which had begun in the early 1880s. The subdivision of this block retained a portion of the grounds to Roslyn Hall and the house itself, which was separated from the subdivision by a 6m approx. (20ft) lane, later named Barncleuth Lane. The subdivision also created a street that separated the adjacent Barncleuth Estate and its house, becoming known as Barncleuth Square.

The subdivision of the Roslyn Hall Estate was undertaken by the Sydney Permanent Freehold Land and Building Society. The original subdivision of the block incorporated eleven sites facing Darlinghurst Road: two corner sites were set out with a frontage of 9.2m approx. while nine mid-block sites had a frontage of 8.24m approx. The Sands Directories and Rate books record that only one house was initially erected within the subdivision along Darlinghurst Road; Fordon at No. 32 Darlinghurst Road was erected for Rose and Henry Nelson and first appears in the rate books in 1891. The Nelsons purchased lots 1-4 of the Roslyn Hall Estate subdivision. Until around 1899 Fordon was the only house (numbered 32 Darlinghurst Road) in the block. The grounds of Fordon extended as far as the northern boundary of No. 28 Darlinghurst Road. Henry and Rose Nelson continued to occupy Fordon until their respective deaths in 1912 (Rose) and 1915. The surviving Nelson children inherited Fordon, the ‘superior surplus furniture and effects’ of which were sold in April 1916 by Miriam Basser. The sale included walnut furniture, a dining room suite and a separate dining table as well as superior Axminster and Brussels carpets.

Fordon was purchased by Dr Weston Maher who remained in residence until after the adjacent block of flats had been erected, although by then he had sold the land. The 1939 Water Board plan shows a bay fronted villa with a front verandah. The Rate Assessment Books record that Fordon was a substantial two-storey brick house with a slate roof that contained 12 rooms. The Nelson’s former residence Fordon survived until the early 1960s, hidden behind a series of shops.

By the mid-1950s, much of Darlinghurst Road had commercial uses along the street alignment with residential uses above. Kings Cross became known as the “Glittering Mile” and was the subject of a TV documentary of the same name that aired in 1964. Portrayed were the high population density, the bohemians and the way that the area came to life after dark. The late-night venues, the cafes and clubs that had once been located further towards the intersection at William Street now extended towards Macleay Street.

In the early 1960s Fordon at No. 32 Darlinghurst Road was demolished, as was the row of shops that had been erected fronting Darlinghurst Road. The rate books show that part of Fordon was owned by the City Council in the late 1930s. Tooth & Company owned most of the lot (1936 rate assessment book) but did not erect a hotel.

A new three-storey building with a curved corner designed by Neville Gruzman was erected for G. Lehrer. The initial correspondence with the City Council dates from 1962. The new building was to contain shops at ground level, a restaurant on the first floor and offices on the second floor. G & A Lehrer owned other property in Darlinghurst Road, including shops and flatettes at 61-65 Darlinghurst Road.

The restaurant became a club/cabaret known as Les Girls after the female impersonators (drag queens) who performed covers of popular songs. Archival footage of the performances survives and Les Girls was one of the

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

clubs featured in the Glittering Mile documentary as were the strip club, folk dancing and a jazz club. (At times, the address for Les Girls was advertised as 2c Roslyn Street). Les Girls was the brainchild of the entrepreneur Sammy Lee who brought the idea back from shows he saw in San Francisco and Paris, started in Kings Cross in 1962.

Sydney had long had a reputation as being one of four world cities that were tolerant to homosexuality, the other cities being Paris, Venice and San Francisco. The Glittering Mile commentator noted that Les Girls would not have been possible a few years earlier. Les Girls was one of the first drag cabaret clubs to open and it was the longest lasting. Les Girls continued to perform in the Cross when in 1980, their focus then changed to touring. The club remains the most well-known of the gay clubs (outside of the gay community) and the lettering on the façade become a Sydney landmark.

After the Americans departed in the mid-1970s (due to the end of the Vietnam War) the Cross continued to be known for its nightlife, particularly clubs and late-night drinking venues, which had progressively been legalised. In his history of Gay Sydney, Gary Wotherspoon noted that the gay clubs shifted their focus to Oxford Street/ Taylor Square, as during the Vietnam War, the Cross had become too dangerous. Once the military had departed, suburbanites and tourists were drawn to the area. The sex industry expanded north along Darlinghurst Road with Adult Bookshops and Escort Services located within this block.

By 1973 the 'private VIP club' Les Girls had become the Carousel Lounge. Within the Carousel, this was the last place the heiress, newspaper owner and activist Juanita Nielson was seen alive in July 195. The Carousel became the Palladium and more recently the Empire Hotel.

Themes: **National theme** **State theme** **Local theme**

Designer: Neville Gruzman

Builder:

Year started: 1961 **Year completed:** 1962 **Circa:** No

Physical description: The building which houses the former Les Girls theatre nightclub, is a three storey modernist building with a curved corner by the Sydney architect Neville Gruzman. This mixed-use building was designed to incorporate retail uses to the ground floor, a theatre restaurant on the first floor and commercial offices on the top floor. By 1965 both upper floors were functioning as night clubs.

Physical condition level: Fair

Physical condition: External façade and internal spaces now modified.
Internal spaces are modified although the club/cabaret performance space of the Les Girl theatre nightclub is still evident.

Archaeological potential level: Not assessed

Archaeological potential Detail:

Modification dates: Internal modification occurred during late 1980s when Les Girls theatre nightclub closed.
Internal and external modification again took place in 1990s when the ground floor retail uses were removed and hotel uses extended.

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Recommended management: The existing building can be replaced, provided the new building and uses interpret the original Les Girls venue as described below.

Any development of this site must interpret the social and historic significance of the site as the original Les Girls venue through an architectural interpretation of the building as constructed in 1962, including the curved corner form, floor and parapet levels, ground level awning, the first and second floor balconies and the prominent corner sign, in correct letter form and font style based on archival research, to read “Les Girls”.

To reflect the historic and social significance of The Empire Hotel at 32-32A Darlinghurst Road, the ground level and first floor should have commercial food and drink or entertainment uses.

Management:

Management category	Management name

Further comments: The site is located on the corner of Darlinghurst Road to the north-west and Roslyn Street to the south-west and is bounded by 30 Darlinghurst Road to the north-east and 2 Roslyn Street to the south-east.

Criteria a): [Historical significance] The building has significance as it dates from a key period in the development of Potts Point from residential uses to specific mixed-use commercial uses. The architectural form and detail of the site is evident in the design of a mixed use commercial building designed and built during the early 1960s. The design of this building was associated with a significant phase of cosmopolitan life within Potts Point where retail uses faced the street and night club uses were located to the upper level.

Criteria b): [Historical association significance] The site is associated with the Nelson / Basser family who were Jewish philanthropists and important members of the Jewish community in Darlinghurst /Potts Point area.

As a performance space and home of the Le Girls Nightclub this nightclub was an important focus within Sydney's nightlife at the Cross during the 1960s and 1980s an important focus for Sydney’s LGBTQI community.

Criteria c): [Aesthetic/ Technical significance] It does not appear to meet this criterion.

Criteria d): [Social/Cultural significance] As home for the Les Girls theatre nightclub and performers Les Girls, this formed an important focus for the entertainment of the Kings Cross area; and helped pioneer acceptability of the LGBTQI community. Here the female impersonators Les Girls performed with Carlotta, Australia’s first known transgender patient.

Criteria e): [Research significance] It does not appear to meet this criterion.

Criteria f): [Rarity] It does not appear to meet this criterion.

Criteria g): [Representative] The building in which housed Les Girls theatre nightclub is a representative example of a mixed use commercial building in the modernist style.

Intactness/Integrity: The current form of the building still retains its predominate external shape even though the detail, including ground floor retail uses and upper level curtain walls, have been modified. Internally now modified although the rear staircases and upper level bathrooms retain early fabric and details.

References:

Author	Title	Year
PTW Architects	Heritage Study: 1A Elizabeth Bay Road, 18-32 Darlinghurst Rc	2018

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Studies:	**Author**	**Title**	**Number**	**Year**

Parcels:	**Parcel code**	**Lot number**	**Section number**	**Plan code**	**Plan number**

Latitude: **Longitude:**

Location validity: **Spatial accuracy:**

Map name: **Map scale:**

AMG zone: **Easting:** **Northing:**

Listing:	**Name**	**Title**	**Number**	**ListingDate**

Data entry: Data first entered: 12/09/2018 Data updated: 17/04/2019 Status: Basic

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Image:



Caption: Exterior of 30 Darlinghurst Road, Les Girls theatre nightclub was located on the upper level.
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34508b0d35a93494ef4ba4a63b27498ba11.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test34508b0d35a93494ef4ba4a63b27498ba11.JPG

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

Image:



Caption: Interior of upper level of 30 Darlinghurst Road, identifying Les Girls theatre nightclub.

Copy right:

Image by: Glenn Harper

Image date: 20/04/2018

Image number:

Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345ec54a8f1b2dd4d53a83b0076ce696959.JPG

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345ec54a8f1b2dd4d53a83b0076ce696959.JPG

Item name: **The Empire Hotel**

Location: 30-32A Darlinghurst Road Potts Point 2011 Sydney

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Address: (part) 22-24 Darlinghurst Road **Planning:** Sydney South

Suburb/nearest town: Potts Point 2011

Local govt area: Sydney **Parish:**

State: NSW **County:**

Other/former names: Formerly known as: The Bourbon and Beefsteak Bar & Restaurant; The Charlemont Private Hospital; Gleneagles Hotel; Grey

Area/group/complex: **Group ID:**

Aboriginal area: Dharug

Curtilage/boundary: part of Lot 1 DP 1097710

Item type: Built **Group:** Commercial **Category:**

Owner: Private - Corporate

Admin codes: **Code 2:** **Code 3:**

Current use: Hotel

Former uses: Speculative residential terraces; Private Hospital; Boarding House; Night Club

Assessed significance: Local **Endorsed significance:** Local

Statement of significance: The Bourbon Hotel has a high degree of heritage significance at a local level, linked to its historical development, distinctive architectural form and character and high levels of community esteem.

The historic development of the site is associated with the evolving history of the local area, with changing building forms linked to changing uses; a speculative terrace mansion house built for wealthy families in 1904 becomes a private hospital, boarding house and finally a night club. From the 1960s, this site became an integral part of the bohemian life of Darlinghurst Road, acquiring a risqué reputation in later years.

With a remnant façade of two grand mansion terraces, The Bourbon Hotel has high aesthetic significance. The later street façade addition at 24 Darlinghurst Road is a good example of post -war modernism designed by the émigré architect Frank Kolos.

Public concern about changes to this area indicate a very high degree of social significance for the site.

With some surviving original features that date to c.1904, this building demonstrates construction methods and detailing of the period, and as such are representative examples of a pair of grand terrace houses built in the late Italianate style.

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Historical notes of provenance: Though there is little or no evidence of the indigenous occupation of the Potts Point area prior to European settlement, it is noted that they are known to have used the area and their dislocation dating from European settlement in the late 18th century is recognised.

The land upon which The Bourbon Hotel now stands was once part of the grounds of Roslyn Hall, a substantial villa designed for Thomas Barker by Ambrose Hallen around 1833. As per the other villas of Darlinghurst, Roslyn Hall was oriented towards the views and the harbour, set in extensive grounds and was sited well back from the road.

From around the mid-1850s onwards, the grounds of the large Darlinghurst villas were subdivided and rows of town houses or individual mansions were erected. The block fronting Darlinghurst Road, which had been subdivided from the grounds of Roslyn Hall, was put up for sale in September 1889. There appears to have been little initial interest in developing this block unlike the subdivision of the adjacent Barncleuth Estate, which had begun in the early 1880s. The subdivision of this block retained a portion of the grounds to Roslyn Hall and the house itself, which was separated from the subdivision by a 20ft lane, later named Barncleuth Lane. The subdivision also created a street that separated the adjacent Barncleuth Estate and its house, becoming known as Barncleuth Square.

The subdivision of the Roslyn Hall Estate was undertaken by the Sydney Permanent Freehold Land and Building Society. The original subdivision of the block incorporated eleven sites facing Darlinghurst Road: two corner sites were set out with a frontage of 9.2m approx. while nine mid-block sites had a frontage of 8.24m approx. The Sands Directories and Rate books record that only one house was initially erected within the subdivision along Darlinghurst Road. Fordon at No. 32 Darlinghurst Road, erected for Rose and Henry Nelson, first appears in the rate books in 1891.

Around 1904 a substantial pair of houses was erected at No. 22-24 Darlinghurst Road for William J. Blakewell. The architect for these houses has not been identified. In terms of its style, the houses were somewhat old fashioned, although their scale and Italianate detailing responded to the context of the series of substantial mansions and terrace houses in the Springfield Avenue and Macleay Street area. The design was to attract a particular standard of tenant and may have been influenced by substantial additions to the adjacent villa Barncleuth by the well-known architect J. J. Clark in the early 1890s. Other substantial Italianate houses in Challis Avenue erected in the 1890s also feature similar tiers of arcades, which are more characteristic of Melbourne houses of this period.

The owner of No. 22-24 was William Bakewell who was a wealthy brick, tile and pottery works owner. No. 22-24 was one of a number of investments Bakewell erected and products from the firm's factory may have been employed. The Bakewells owned No. 22-24 until 1922 when the sale of the William's estate commenced. These houses were called St Louis and The Charlemount (respectively).

The Charlemount Private Hospital (later known as The Charlemont Private Hospital after 1919) was established by Susan Bell McGahey at No. 24 Darlinghurst Road in 1904, with an entry appearing in the 1905 Sand's Directory. Susan McGahey was one of the most senior nurses in the state and had served as matron for two substantial NSW hospitals, the Carrington Centennial Hospital at Camden and the Royal Prince Alfred Hospital (RPAH) in Camperdown. She had resigned from RPAH after a disagreement with Dr Anderson Stuart about the training of nurses and set up her own private hospital on Darlinghurst Road where she could supervise nurse training without interference. The hospital was in operation by July 1904. Susan McGahey was involved in developments in nursing and the training of nurses at an international level. Irish-born and London-trained in the Nightingale tradition, Susan McGahey was a career woman, one of the two most influential nurses in the profession in NSW, the other being Lucy Osborne at Sydney Hospital. Nurse McGahey's hospital had numerous VIP patients and their health, deaths or recovery were reported in the press.

Nurses who had worked at the Charlemount were highly regarded. Operating rooms were added in 1910. By 1916 Susan McGahey turned over the management of the hospital to another nursing sister. She died of cancer in 1919 and the contents of Charlemount Private Hospital were sold.

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

St Louis at No. 22 Darlinghurst Road was advertised as a 'Gentleman's Home" in April 1904. The refined home for gentlemen operated by Mrs Alice Scott was described as having modern conveniences, hot and cold running water, sunny rooms and first-class cuisine. Advertisements for St Louis continued, with a large bright single and double balcony rooms advertised in 1909. In 1912, the house was converted into residential flats, and by 1913 the building had become known as The Russell.

In 1920 Dr Philip de Luca announced that he had just returned from Italy and that he was resuming practice at No. 22 Darlinghurst Road. Bakewell Brothers of Erskineville lodged an application with Council for alterations that may have been for the Doctors chambers.

In September 1922, the Bakewell Brothers liquidated their family estate including the Charlemont and the Russell in Darlinghurst Road, however, not all the properties were sold. The Russell had been sold privately just before the auction and it was envisaged that a private sale would also occur for the Charlemount, however, it was passed in at auction at 8000 pounds.

Furnished flats continued to be advertised as available for let in The Russell in 1925. The Russell, and what was now termed The Clifford at No. 24, was owned by the Boulton family in 1931. In 1936 the property had been sold and became known as the Gleneagles Private Hotel, which continued to operate during the war years, with events held to raise funds for the war effort during 1940 and 1941.

The Charlemount operated as residential chambers during the 1920s and there was a court case over the sale of the goodwill in 1922. The Charlemount re-opened as a private hospital in the late 1920s, being later relocated further along Macleay Street in 1934. An application for minor alterations dates from 1926 identifying the building's use as a private hospital. After the relocation of the private hospital, No. 24 Darlinghurst Road became a boarding house once again.

Newspaper reports of raids by the Vice Squad detail the various attempts by proprietors in the Darlinghurst/ Kings Cross area to get around the state's liquor licensing laws. The Gleneagles restaurant at 24 Darlinghurst Road was periodically raided between 1947 and 1953; American sailors were among the clientele and charges were unable to be pressed as the majority gave their name as Smith. A room on the first floor had been illegally fitted out as a bar.

The Council approved alterations to Gleneagles in 1956, with a new modern façade added designed by the emigre architect Frank Kolos and by 1958, it was known as the Greyeagles Hotel. By the mid-1950s, much of Darlinghurst Road had commercial uses along the street alignment with residential uses above.

Kings Cross became known as the "Glittering Mile" and was the subject of a TV documentary of the same name that aired in 1964. Portrayed were the high population density, the bohemians and the way that the area came to life after dark. The late-night venues, the cafes and clubs that had once been located further towards the intersection at William Street now extended towards Macleay Street.

No. 24 Darlinghurst Road had yet another transformation with the closing of Greyeagles Hotel in the 1960sand reopening as the Bourbon and Beefsteak Bar, one of two venues founded by Berni Houghton to cater to American soldiers on R & R (rest and recreation) from the Vietnam War. There are numerous applications on file at the City Council for minor alterations, including an application to use the premises as a nightclub in 1968. The 'Bourbon' became notorious as a late night (and early morning) drinking venue, including the front garden of the building being redeveloped to become an important semi outdoor venue; a feature particular to the area at the time. Similar development occurred at 26-32 Darlinghurst Road from this time.

The Bourbon and Beefsteak Bar's notoriety was summed up in the Daily Telegraph after its closure due to storm damage in 2010; the 24/7 venue: "hosted celebrities, gangsters, bent coppers, hookers and just about every Underbelly character". In 2010 the Bourbon reopened with new décor, including a redevelopment of the semi outdoor street edge, that was more in keeping with francophile Macleay Street than Darlinghurst Road.

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Themes:

National theme	State theme	Local theme

Designer: 1956 front addition to southernmost terrace, by Frank Kolos

Builder: c. 1904 terrace mansions built by William J. Bakewell

Year started: **Year completed:** 1904 **Circa:** Yes

Physical description: This two-storey terrace complex, dating to around 1904 and built in the late Italianate style, consists of two mansion terraces of uneven street width. With the southernmost terrace being wider than the northernmost terrace, both incorporate remnant arched balconies with parapet detailing. Internal changes gradually took place with the removal of most of the internal fabric commencing in the 1980s.

The front garden of this terrace complex was gradually filled. This commenced in the 1950s when a new addition, with ground floor retail uses, was built onto the projecting front bay of the southernmost terrace.

Physical condition level: Fair

Physical condition: The original building is modified.

Archaeological potential level: Not assessed

Archaeological potential Detail:

Modification dates: Refer to history

Recommended management: Any development of 22-24 Darlinghurst Road (The Bourbon) is to conserve the existing facade to a minimum depth of 8m. The ground floor additions at Darlinghurst Road are to be removed and the space is to be designed as an extension of the footpath.

Management:

Management category	Management name

Further comments: The site is bounded by Darlinghurst Road to the north-west, 20 Darlinghurst Road to the north-east and 26-30 Darlinghurst Road to the south-west, to a minimum depth of 8 metres from the c. 1904 Darlinghurst Road façade line.

Criteria a): [Historical significance] The development of the site is associated with changes in pattern of use representative of the area: from speculative terrace mansion house built for wealthy families from 1904 to private hospital, boarding house and night club.

Criteria b): [Historical association significance] As the former mansion terraces The Russell and former Charlemount, built as speculative property by the entrepreneurial Bakewell Brothers to private hospital established by the prominent Sydney nurse Susan Bell McGahey, later becoming ‘guest house’ and night club, this place has a rich and complex pattern of varied uses and significant social groups. Once a rented family home for a wealthy professional this place became a venue for the bohemian life of Darlinghurst Road. This site later acquired a risqué reputation when operating as Bourbon and Beefsteak Bar.

Criteria c): [Aesthetic/ Technical significance] With a remnant façade of a grand mansion terrace built as an investment property, this place has high aesthetic qualities.

Later street façade at 24 Darlinghurst Road is a good example of post -war modernism designed by the émigré architect Frank Kolos in1956.

Criteria d): [Social/Cultural significance] The former Charlemount Private Hospital, owned and managed by prominent Sydney nurse Susan Bell McGahey, provided an important use.

In addition to this, the former front garden of 22-24 Darlinghurst Road became an important social place and an integral part of the cosmopolitan life of the street.

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Criteria e): [Research significance] With surviving original features that date to the c. 1904, this building demonstrates construction methods and detailing of the period

Criteria f): [Rarity] The building provides evidence of a former way of life: the mansion terrace house. In addition to this and in its change of use to a private hospital, provides evidence of a significant human activity.

Criteria g): [Representative] Representative example of a pair of grand terrace houses built in the late Italianate style.

Intactness/Integrity: Parts of the c. 1904 terrace façade remains, including tessellated tiles to the upper level balcony of the northernmost terrace. Parts of the 1950s addition built onto the front of the southernmost terrace remains.

References:

Author	Title	Year
PTW Architects	Heritage Assessment: 1A Elizabeth Bay Road, 18-32 Darlingh	2018

Studies:

Author	Title	Number	Year

Parcels:

Parcel code	Lot number	Section number	Plan code	Plan number

Latitude: **Longitude:**

Location validity: **Spatial accuracy:**

Map name: **Map scale:**

AMG zone: **Easting:** **Northing:**

Listing:

Name	Title	Number	ListingDate

Data entry: Data first entered: 11/09/2018 Data updated: 12/09/2018 Status: Basic

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Image:



Caption: Darlinghurst Road Elevation
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34528a20814a4e0491097131c2089a42d15.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test34528a20814a4e0491097131c2089a42d15.JPG

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Image:



Caption: Darlinghurst Road Elevation with 1950s addition by Frank Kolos identified
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345c007db54fcc2438e8ae3f0b003a909f0.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345c007db54fcc2438e8ae3f0b003a909f0.JPG

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Image:



Caption: Darlinghurst Road balcony terrace with tessellated tile work identified.
Copy right: PTW Architects
Image by: Glenn Harper
Image date: 20/04/2018
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34519a46d785f1d4f018d71b10a9c001c54.JPG
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test34519a46d785f1d4f018d71b10a9c001c54.JPG

Item name: **The Bourbon Hotel**

Location: (part) 22-24 Darlinghurst Road Potts Point 2011 Sydney

Attachment B

Resolution of the
Central Sydney Planning Committee -
13 September 2018

and

Resolution of Council -
17 September 2018

Resolution of Central Sydney Planning Committee

13 September 2018

Item 4

Public Exhibition – Planning Proposal and Draft Development Control Plan – Darlinghurst Road, Potts Point

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalis -

It is resolved that:

(A) the Central Sydney Planning Committee approve Planning Proposal - Proposed heritage items, Potts Point, shown at Attachment A to the subject report, for submission to the relevant plan making authority with a request for Gateway Determination;

(B) the Central Sydney Planning Committee approve Planning Proposal - Proposed heritage items, Potts Point, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Development Committee on 10 September 2018 that Council approve Sydney Development Control Plan 2012 – Darlinghurst Road, Potts Point, shown at Attachment B to the subject report, for public authority consultation and public exhibition with the Planning Proposal and Planning Agreement;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 September 2018 that Council seek authority from the relevant plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal - Proposed heritage items, Potts Point; and

(E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Proposed heritage items, Potts Point as required by the relevant plan making authority's Gateway Determination or to correct minor drafting errors.

Carried unanimously.

X018038

Resolution of Council

17 September 2018

Item 9.3

Public Exhibition – Planning Proposal and Draft Development Control Plan - Darlinghurst Road, Potts Point

It is resolved that:

(A) Council approve Planning Proposal: Darlinghurst Road, Potts Point, shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for Gateway Determination;

(B) Council approve Planning Proposal: Darlinghurst Road, Potts Point for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) Council approve the Draft Sydney Development Control Plan 2012: Darlinghurst Road, Potts Point, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with Planning Proposal: Darlinghurst Road, Potts Point;

(D) Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: Darlinghurst Road, Potts Point; and

(E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Darlinghurst Road, Potts Point and Draft Sydney Development Control Plan 2012: Darlinghurst Road, Potts Point following receipt of the Gateway Determination.

Carried unanimously.

X018038

city of villages

Attachment C

Gateway Determination – 26 October 2018

NSW GOVERNMENT | Planning & Environment

IRF18/5714

Ms Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Document Services
1 NOV 2018
City of Sydney

Dear Ms Barone

Planning proposal PP_2018_SYDNE_006_00 to amend Sydney Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Sydney Local Environmental Plan 2012 by listing three items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point as heritage items in Schedule 5 of the LEP.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal is found to be consistent with section 9.1 Directions. No further approval is required in relation to these Directions.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given that the planning proposal is the result of a development application.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

Should you have any further enquiries about this matter, I have arranged for Ms Kate Masters to assist you. Ms Masters can be contacted on 02 9274 6321.

Yours sincerely

Amanda Harvey 26/10/18
Director, Sydney Region East
Planning Services

Encl: Gateway determination

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

NSW GOVERNMENT | Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_006_00): *to list three new heritage items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point.*

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to list three new heritage items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
   (a) the planning proposal must be made publicly available for a minimum of 28 days;
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

2. Consultation is required with the Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 26th day of October 2018.

Amanda Harvey
Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment D

Summary of Submissions

Planning Proposal: 1A Elizabeth Bay Road (Kingsley Hall), 22-24 Darlinghurst Road (The Bourbon), and 32-32A Darlinghurst Road (The Empire), Potts Point

Summary of submissions and City of Sydney response

Planning Proposal: 1A Elizabeth Bay Road, 22-24 Darlinghurst Road and 32-32A Darlinghurst Road, Potts Point

Publicly exhibited from 10 December 2018 to 25 March 2019

Summary of matter raised in submission	Officer's response
30 submissions received	
<u>The Empire</u> The Empire is an essential part of LGBT history, a rallying point for diversity and fairness. Welcome the acknowledgement of social heritage and its equal significance as architectural and historical heritage to an area and community. Had this been in place some years back, Barrons would still be standing.	Noted.
The description of the listing for The Empire within Schedule 5 of the Sydney Local Environmental Plan 2012 should be amended to distinguish between the site and the building and reflect the recommendation that the site can be redeveloped. The heritage inventory sheet that accompanies the listing should be amended to clearly state that he building can be demolished.	Noted. The heritage inventory sheet for The Empire has been updated to clarify that the physical structure of The Empire may be demolished and redeveloped. The description of the listing for The Empire has not been amended as the inventory sheets clearly detail the heritage value of The Empire which extends only to the site's social significance, and explicitly state that the structure itself may be demolished and rebuilt.
The Empire is a sympathetic structure reflective of the past nightlife of The Cross.	Noted. The heritage assessment found that as internal and external fabric has been heavily modified. The site-specific draft Development Control Plan (DCP) for Darlinghurst Road stipulates that any new building on the site of The Empire at 32-32A Darlinghurst Road is to interpret the social and historical significance of the site as the original Les Girls venue through an architectural interpretation of the building between 1962-1980s, including the curved corner form, floor and parapet levels, ground level awning, the first and second floor balconies and the corner sign reading 'Les Girls'.
Kingsley Hall and The Bourbon should be listed but The Empire should not.	The Empire is being listed for social significance only. See comments above.

Summary of matter raised in submission	Officer's response
30 submissions received	
The Empire should be demolished and amalgamated with surrounding blocks to enable a new building to be built at the same height as Kingsley Hall next door. The whole of Darlinghurst Road needs to be redeveloped to get rid of undesirable business activity.	The Empire can be demolished and a new building can be rebuilt on site. Concerning amalgamation, controls in the site-specific draft DCP for Darlinghurst Road require new development at 18-32A Darlinghurst Road to consist of separate buildings with individual cores and entries, to ensure they are legibly distinct. This is in keeping with the character of existing development on Darlinghurst Road, and reflects the community's strong desire to avoid large, homogenous apartment buildings that are unsympathetic to Potts Point's fine grain. The height standard for The Empire is 22m or 6 storeys. Development at the site cannot be built to the same height as Kingsley Hall under existing planning controls. **Changes to the Heritage Data Sheet (inventory) for The Empire have been made to clearly state the building can be demolished and rebuilt.**
<u>Kingsley Hall</u> Kingsley Hall is a fine building characteristic of its era. The building facade is of great architectural and historical significance. It is a good example of an early Art Deco high rise apartment block that retains much of its original features.	Noted.
Listing Kingsley Hall will provide an important argument against any development near or close to the building.	Listing Kingsley Hall does protect the building and requires additional consideration in the event that development is proposed within the vicinity of the building, however does not preclude development from occurring where it complies with relevant planning standards, objectives and provisions.
Do not support the proposal for the entire building to be heritage listed as it will create additional cost burden on owners to undertake works of a minor nature. Would be greatly beneficial for a Conservation Management Plan to be put in place to identify or rule out heritage significance within the interiors of individual units. Council should not pursue any social heritage significance such as maintaining the original configuration of units and rooms within them. This does not result in any real public benefit as the internal apartments are	The listing of Kingsley Hall includes the face brick facades of the building; and the principal room layout and planning configuration as well as significant internal original features including joinery (glazed French windows, built-in cupboards, doors, skirtings and architraves), remaining steel windows, timber flooring and terrazzo staircase. The extent of the interior listings is based on an extensive fabric survey carried out by LSJ Planning and Architecture on behalf of the Kingsley Hall body corporate. This assessment has been

Summary of matter raised in submission	Officer's response
30 submissions received	
private spaces. Alternatively, list the façade only, which is not unreasonable given this is the proposal for the adjoining Bourbon Hotel.	reviewed and is supported by Council's heritage specialist. Maintaining the original room configuration of units and rooms reflects the original intent of the architect as well as the spatial and structural integrity of the building, and is an important aspect of the heritage significance of a residential flat building like Kingsley Hall. **Changes to the Heritage Data Sheet (inventory) for Kingsley Hall have been made, providing more detail on the extent of internal and external fabric to be heritage listed.**
<u>The Bourbon</u> Proposed listing of the Italianate terraces is completely warranted. Reflects housing history of area, beautiful and articulated. The Bourbon has been a hub of the Cross for the last half of the 20th century and has a lovely façade, if properly restored.	Noted. **No changes to the proposed listings are recommended.**
<u>General heritage</u> Generally in favour of changes to urban fabric, however these listings will protect buildings that improve the amenity of the area. Supportive of listings – too much destruction occurring, losing buildings such as these would alter the substance of what makes Potts Point unique. The buildings are a mix of architectural, historic and cultural importance. The proposed heritage listings are in line with community expectations. All three buildings, structurally and culturally, have a relationship in how residents and visitors perceive the history of the area. This block has considerable social significance – The Bourbon represents the Vietnam R&R era, the Nugan Hand scam and decades of Kings Cross sleaze – all parts of Darlinghurst Road's colourful history.	Noted. **No changes to the proposed listings are recommended.**

Summary of matter raised in submission	Officer's response
30 submissions received	
<u>Character and overdevelopment</u> As a resident and business owner, the listings are beneficial – so much unique character of the area is in its architecture which is worth preserving. Much character has been lost to overdevelopment in the inner city, severely impacting the local community. The neighbourhood has become a place of high rise bunkers with no thought to community, aesthetics and population pressure. Heritage listings allow the community to have a say. The city and inner suburbs are seeing a decline in the original character of its areas. The proposal to heritage list the buildings will protect them from this type of developer greed.	Noted. The Planning Proposal and recommended heritage listings are the result of a Council directive to investigate existing planning controls in the Darlinghurst Road precinct in the face of significant changes to the area. Much of the research and consultation undertaken in this process has been based on the local character of Kings Cross and Potts Point. The proposed heritage listings are consistent with expert heritage advice and what the community expects and desires for the character and built form of Darlinghurst Road now and into the future. **No changes to the proposed listings are recommended.**
<u>Opposition to the proposal</u> There is no merit in this proposal. There is nothing to admire or like about those buildings. They should be torn down and replaced with a building to admire and have beauty about it.	Heritage assessments have been carried out by experts from PTW Architects (on behalf of Council), GML Heritage (on behalf of Iris Capital, owners of 18-32A Darlinghurst Road) and LSJ Planning and Architecture (on behalf of the body corporate of Kingsley Hall). The proposal to list these items has also been thoroughly considered by Council's heritage specialists. The advice from consultants and internal heritage specialists is consistent, identifying considerable aesthetic, social, historical and cultural significance in the buildings and sites at 18-32A Darlinghurst Road. The subject heritage listings also have strong public support and are in keeping with the community's expectations for Darlinghurst Road, as told to Council through community consultation in 2018. **No changes to the proposed listings are recommended.**
<u>Late night trading</u> We live in East Sydney because we wanted to take advantage of the vibrant nightlife and the safety that comes with a wide variety of people being out and about late at night or in the early hours of the morning.	Noted. The subject planning proposal does not relate to changes to late night trading controls, which are currently being considered in the review of the late night trading DCP.

Summary of matter raised in submission	Officer's response
30 submissions received	
There has been a steady decline of people in the area after midnight and the closure of many local businesses, leading to the area feeling much less safe of a night time, and with far fewer options to get something to eat or a drink with friends late at night. The proposed late precinct around Green Square/Alexandria is also something that appeals to me and which would be made use of. I am very happy with all the suggested proposals.	**No changes to the proposed listings are recommended.**

Item 4.

Planning Proposal - Public Exhibition – 46 Chisholm Street, Darlinghurst – Sydney Local Environmental Plan 2012 Amendment

File No: X020345

Summary

Weatherboard buildings are an important element to the City's make up as they are amongst the oldest buildings in the city. These buildings contribute a unique character to their streets, and a diversity in city life. However, they are becoming increasingly rare, and have been under threat of demolition.

In 2002, concerns about the increasing number of applications for demolition or redevelopment of weatherboard buildings in its area, South Sydney City Council commissioned a study of this type of building. Following the amalgamation in 2004, the City endorsed a number of heritage listings of weatherboard cottages, and soon after incorporated guidelines based on this study into heritage provisions. These provisions remain in the City's current Development Control Plan 2012. These guide development not only generally within conservation areas but also specifically in relation to weatherboard buildings older than 50 years.

In mid-2018, the City of Sydney received a development application for a proposed development at 46 Chisholm Street, Darlinghurst, involving the demolition of the existing cottage and construction of a pair of two-storey semi-detached terraces. The timber weatherboard cottage at 46 Chisholm Street, is located within the Paddington Conservation Area and identified as a contributory building. The City commissioned an independent heritage assessment to determine if the site should be included as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012.

The independent heritage assessment by John Oultram Heritage + Design concluded the cottage at 46 Chisholm Street, Darlinghurst meets the threshold for inclusion as a heritage item on the Sydney Local Environmental Plan 2012 for its historic values, rarity and representativeness. The assessment notes that the house is an example of a mid-late Victorian weatherboard cottage that retains its early form and its detail to the front. The property contains the only remaining, timber weatherboard cottage from the earliest development of the Chisholm Estate.

This report seeks support for listing the weatherboard cottage at 46 Chisholm Street, Darlinghurst, as a heritage item on the Sydney Local Environmental Plan 2012 to ensure its heritage significance is protected. The City has prepared a Planning Proposal to include the site as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012.

Recommendation

It is resolved that:

(A) Council approve the Planning Proposal: 46 Chisholm Street, Darlinghurst, as shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for a Gateway Determination;

(B) Council approve Planning Proposal: 46 Chisholm Street, Darlinghurst for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

(C) Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: 46 Chisholm Street, Darlinghurst; and

(D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: 46 Chisholm Street, Darlinghurst following receipt of the Gateway Determination.

Attachments

Attachment A. Planning Proposal – Proposed Heritage Item, 46 Chisholm Street, Darlinghurst

Attachment B. Heritage Assessment

Attachment C. Draft Heritage Inventory Sheet

Background

1. Weatherboard buildings are an important element to the City's make up as they are amongst the oldest buildings in the city and demonstrate particular aspects of 19th and early 20th century life. Although once common, they are now rare due to successive periods of redevelopment. These buildings contribute a unique character to their streets, and a diversity in housing stock and city life. However, they are becoming increasingly rare, and continue to be under threat of demolition.

2. Following concerns about the increasing number of applications for demolition or redevelopment of weatherboard buildings in its area, South Sydney City Council commissioned a study of this type of building in 2002.

3. After the amalgamation with the City of Sydney in 2004, the City endorsed a number of heritage listings of weatherboard cottages, as recommended by this study.

4. Soon after, the City incorporated guidelines related to this study into the Heritage Development Control Plan 2006, which has evolved into the current Sydney Development Control Plan 2012. This document guides development of weatherboard cottages within Conservation areas, but also specifically any weatherboard buildings older than 50 years.

5. In mid-2018, the City of Sydney received a development application for a proposal at 46 Chisholm Street Darlinghurst, involving the demolition of the existing single-storey weatherboard cottage, and construction of a pair of two-storey semi-detached terraces. The application triggered a site inspection.

6. The City commissioned an independent heritage assessment to determine if the single-storey weatherboard cottage should be included as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012.

7. The heritage assessment by John Oultram Heritage + Design determined the dwelling at 46 Chisholm Street, Darlinghurst meets the threshold for inclusion as a heritage item on the Sydney Local Environmental Plan 2012 for its historic values, rarity and representativeness. The heritage assessment is at Attachment B of this report, and is supported by the Draft Inventory Sheet at Attachment C.

8. The development application has been refused by the City on the basis of heritage and adverse internal amenity impacts, along with impacts to the streetscape. The application has been through a formal review process, which upheld the refusal determination.

9. The proponent of the development has appealed to the Land and Environment Court regarding the determination.

10. The subject site was not identified in the South Sydney City Council Weatherboard Buildings Study, however, this study was not comprehensive. As has been identified in the independent heritage assessment, the dwelling at 46 Chisholm Street, Darlinghurst is rare in its context, as the only weatherboard cottage in its immediate vicinity and is one of a very limited number in Darlinghurst generally.

11. This report seeks support for public exhibition of a planning proposal for listing the weatherboard cottage at 46 Chisholm Street, Darlinghurst, as a heritage item on the Sydney Local Environmental Plan 2012 to ensure its heritage significance is protected.

12. The City has prepared a Planning Proposal to include the site as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012, which is provided at Attachment A.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

13. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:

    (a) Direction 7 - A Cultural and Creative City - the planning proposal supports the cultural life and diversity of Sydney through the retention of a historic dwelling.

    (b) Direction 9 - Sustainable Development, Renewal and Design - retention of historic buildings contributes to this Direction.

Relevant Legislation

14. Environmental Planning and Assessment Act 1979.

15. Environmental Planning and Assessment Regulations 2000.

Public Consultation

16. If Council approves the planning proposal, it will be forwarded to the Department of Planning and Industry with a request for a Gateway Determination to allow public exhibition.

17. The public exhibition process for the planning proposal will be subject to the conditions of the Gateway Determination issued by the Department of Planning and Industry.

18. The City will notify the public of the exhibition of the planning proposal on the City's website, in newspapers that circulate in the area and in writing to the land owners, relevant community groups and stakeholders. Exhibition documents will be made available for viewing on the City of Sydney website, the relevant neighbourhood service centre and one stop shop.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Matt Devine, Senior Specialist Planner (Heritage)

Attachment A

Planning Proposal -
Proposed Heritage Item,
46 Chisholm Street, Darlinghurst

Planning Proposal – Proposed heritage item, 46 Chisholm Street, Darlinghurst

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

April 2019



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Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify one heritage item for inclusion in Schedule 5 located at 46 Chisholm Street, Darlinghurst.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Site identification

This planning proposal relates to the following place within Darlinghurst, as described in Part 3 and mapped in Part 5:

- 46 Chisholm Street, Darlinghurst - Lot 71 DP 602585

The property at 46 Chisholm Street, Darlinghurst is a single-storey timber weatherboard cottage, dating from circa 1876, and is privately owned.

Planning background

Weatherboard buildings are an important element to the City of Sydney's make up as they are amongst the oldest buildings in the City. These buildings contribute a unique character to their streets and a diversity to city life. However, they are becoming increasingly rare and have been under threat of demolition.

Following concerns about the number of applications for demolition or redevelopment of weatherboard buildings in its area, South Sydney City Council commissioned a study of this type of building in 2002. After the amalgamation with the City of Sydney in 2004, the City endorsed a number of heritage listings of weatherboard cottages, and soon after incorporated guidelines based on this study into the heritage provisions. These provisions remain in the City's current Development Control Plan 2012. These guide development, not only within Conservation Areas, but also specifically call out weatherboard buildings older than 50 years. Despite this there are fewer weatherboard buildings extant every year within the local government area as a result of development.

In mid-2018 the City of Sydney received a development application for a proposed development at 46 Chisholm Street, Darlinghurst involving the demolition of the existing single-storey weatherboard cottage and construction of a pair of two-storey semi-detached terraces. The timber weatherboard cottage at 46 Chisholm Street, is located within the Paddington Conservation Area and identified as a contributory building. The City of Sydney commissioned a heritage assessment to determine if the site should be included as a heritage item within Schedule 5 of the Sydney Local Environmental Plan 2012 (SLEP2012)

The independent heritage assessment by John Oultram Heritage + Design concluded that the cottage at 46 Chisholm Street, Darlinghurst meets the threshold for inclusion as a heritage item on the SLEP 2012 for its historic values, rarity and

representativeness. The assessment notes that the cottage is an example of mid-late Victorian weatherboard cottage that retains its early form and its detail to the front. The property contains the only remaining, timber weatherboard cottage from the earliest development of the Chisholm Estate.

The heritage assessment prepared by John Oultram Heritage + Design is included at Appendix 1. A draft inventory sheet for this item is attached at Appendix 2.

This planning proposal is to include this item into Schedule 5 of Sydney Local Environmental Plan 2012.

Study area and scope

The heritage study investigates the heritage significance of the property at 46 Chisholm Street, Darlinghurst Road. This is shown in Figure 1.

Figure 1: Study area shaded yellow



Study findings

The heritage study report is included at **Appendix 1**.This study concludes that the site meets the threshold of heritage significance that warrants its potential listing as heritage items on Sydney Local Environmental Plan 2012.

Assessment of significance for listing

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing.

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criteria (f) – An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's:

Cultural or natural places; or

Cultural or natural environments

(Or a class of the local area's:

Cultural or natural places; or

Cultural or natural environments)

The proposed site satisfies these three Heritage Council criteria of local heritage significance for local listing.

Based on the above, progressing local heritage listing for the proposed heritage item will ensure the local heritage significance of this property is appropriately considered and maintained as part of future plans or redevelopment.

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of this building, as identified in Part 2.

The intended outcomes to achieve these objectives are to:

- List the building at 46 Chisholm Street Darlinghurst as a heritage item in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012).

Part 2 – Explanation of the provisions

Heritage schedule amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 Environmental Heritage by inserting the following item as shown below in **Table 1.** Text to insert is shown as **bold underline**. Text to omit is shown as ~~**bold strikethrough**~~.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

Locality	Item name	Address	Property description	Significance	Item no.
Darlinghurst	**Weatherboard cottage**	**46 Chisholm Street, Darlinghurst**	**Lot 71 DP 602585**	**Local**	**I2292**

The heritage item naming convention conform to existing listings in Schedule 5. This is in accordance with the directions contained in the Standard Instrument (Local

Environmental Plans) Order 2006, which require the item name to briefly describe significant features.

The features noted in the above item names are described further in the supporting information contained in the heritage inventory included at **Appendix 2**. The non-statutory heritage inventory sheet can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a heritage assessment of the subject site, prepared by John Oultram Heritage + Design completed in January 2019.

The item identified in this planning proposal is recommended for investigation for listing in this study, with a supporting draft heritage inventory sheet. This establishes that this recommended heritage item meets at least one of the Heritage Council criteria for local listing for its local heritage significance.

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The independent heritage assessment prepared for the City notes:

> *46 Chisholm Street is a single storey, late Victorian cottage built c1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate. The Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street...*
>
> *The property was formerly part of Edward Riley's vast landholdings in the area that he purchased directly or later acquired, from John Palmer…*
>
> *The cottage is emblematic of the early development of the area for small-scale housing.'*

The building is of local significance.

Criteria (f) – An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment notes:

> *'The single storey, weatherboard cottage type is uncommon in the area that largely comprised two storey masonry terraces. In the plan of 1888… only five, one storey timber cottages are shown in the area and the subject cottage is now the only weatherboard house in the former Chisholm Estate subdivision and dates from the earliest building period for the area.*

The subject building is rare locally, and therefore of local significance.

Criterion (g) – An item is important in demonstrating the principal characteristics of a class of NSW's:

> Cultural or natural places; or
>
> Cultural or natural environments

(Or a class of the local area's:

Cultural or natural places; or

Cultural or natural environments)

The heritage assessment notes:

> *'The house is an example of a mid Victorian weatherboard cottage that retains its early form and its detail to the front. The house retains a two room arrangement to the front and though it has been altered internally with the loss of much of its original, internal features it remains a representative example of the type.'*

The building is a representative example of a mid-Victorian weatherboard cottage locally, and therefore of local significance.

The heritage assessment report is included in **Appendix 1**.

The draft heritage inventory sheet is included at **Appendix 2.**

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection for this sites is best achieved through identification as a local heritage item in an environmental planning instrument.

City of Sydney has authorisation to make interim heritage orders for unlisted buildings under the *Heritage Act 1977*, however this item is included within an existing Conservation Area, preventing the City's ability to make an interim heritage order. A more strategic approach is preferred as recommended in this planning proposal.

Progressing local heritage listing for this proposed heritage item will ensure that the local heritage significance of this site is appropriately considered and maintained as part of future plans or redevelopment. It will also ensure prior formal consultation with the land owners and broader community. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By proposing to consult the community for listing this new heritage item, this planning proposal will fulfil this object.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- *(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *(b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
- *(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. It notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attracts residents, workers, visitors, enterprise and investment into centres.

In proposing to consult the community to identify this site of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of the City of Sydney.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies 46 Chisholm Street as a heritage item, thereby providing for its conservation, a diversity of building stock in this vicinity and allowing future generations to understand the historic development of Darlinghurst. The listing will ensure future development considers and maintains the heritage significance of this site.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with and does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with and does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

No	Ministerial direction	Comment
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal provides for the conservation of a heritage item.

No	Ministerial direction	Comment
2.4	Recreation Vehicle Areas	Not applicable
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4.1	Acid Sulphate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5.1	Implementation of Regional Strategies	Consistent. This planning proposal is consistent with key strategic goals and directions within the Greater Sydney Region Plan and the District as outlined above.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. As addressed above.

No	Ministerial direction	Comment
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls.
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney or the Greater Sydney Region Plan
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of this heritage item will facilitate retention of the building that may have significance to community. No changes to the zoning are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into

account these matters when development is proposed. Listing may activate further conservation incentives for listed buildings.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed property to be identified as a heritage item is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Heritage Council of NSW will be consulted during the public exhibition. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council standards.

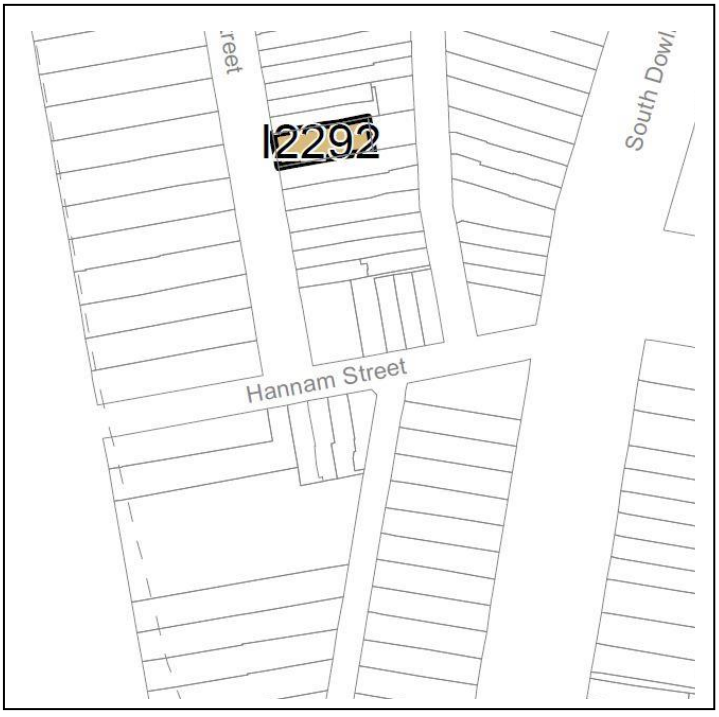
It is not considered necessary to consult with other public authorities as the planning proposal relates to the listing of a local heritage item that is privately owned.

Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage map tiles HER_022 will be updated to shade in brown the location of the new heritage item. The heritage map extract at **Figure 2** shows the new heritage item.

Figure 2: 46 Chisholm Street, Darlinghurst, item 2292



Part 5 – Community consultation

Public Exhibition

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Department of Planning and Industry. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

A 28-day public exhibition is recommended with notification:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney Local Government Area; and
- in writing to the owner, the adjoining landowners, and the surrounding community in the immediate vicinity of the site.

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

Action	Anticipated date
Commencement / gateway determination	June 2019
Public exhibition & government agency consultation	July 2019
Consideration of submissions	August 2018 – September 2019
Post exhibition consideration of proposal	October 2019
Draft and finalise LEP	November 2019
LEP made (if delegated)	January 2019
Plan forwarded to DoPI for notification	January 2019

Appendices

1. **Heritage Assessment**
2. **Draft Heritage Inventory Sheet**

Attachment B

Heritage Assessment

46 CHISHOLM STREET, DARLINGHURST, NSW

HERITAGE ASSESSMENT



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Prepared for:

City of Sydney

March 2019

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1.0 INTRODUCTION

1.1 THE BRIEF

The following report has been prepared to provide a heritage assessment of the existing property at 46 Chisholm Street, Darlinghurst NSW. The report has been prepared on behalf of the City of Sydney.

1.2 BACKGROUND

The property has been the subject of a development application (D/2018/591) to the City of Sydney that includes the demolition of the existing timber cottage on the site and its replacement with a two storey duplex.

The City of Sydney has requested a heritage assessment to consider if the property should be included as a heritage item in Schedule 5 Part 1 of the Sydney Local Environmental Plan 2012.

A draft heritage assessment was issued in January 2019 and, since, access to the interior has been made available. The assessment has been updated to include a more detailed description of the cottage (see Section 3.0).

1.3 THE STUDY AREA

The study area is Lot 71 in DP 602585 at Darlinghurst, Parish of Alexandria and County of Cumberland (Figure 1.1).

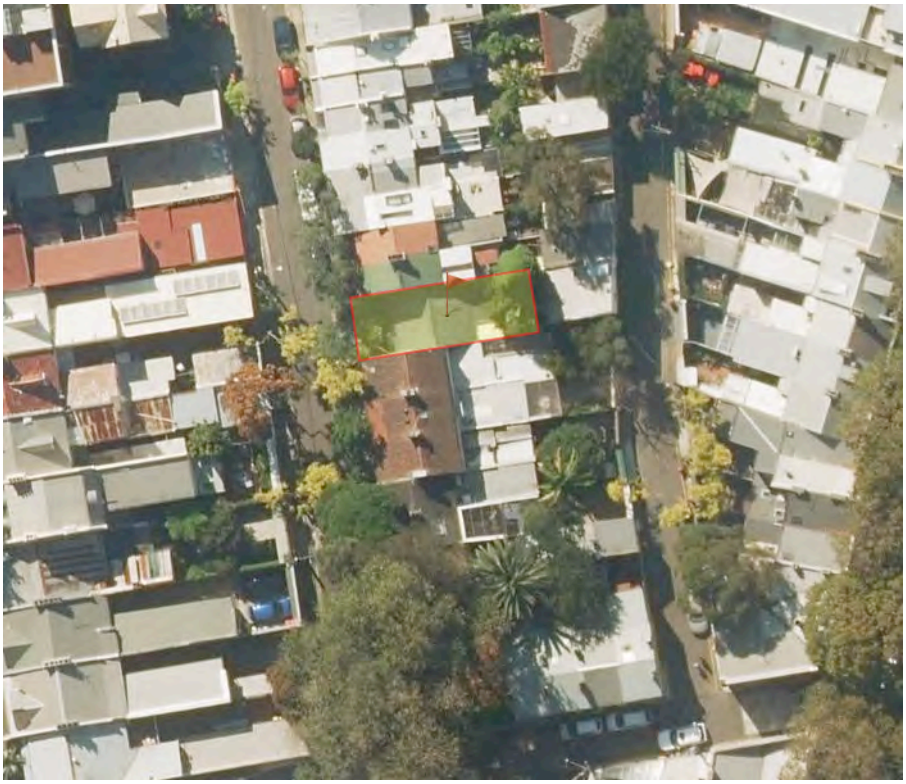


Figure 1.1 The Study Area shaded

Source: Six Maps

1.4 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation, compatible use and cultural significance* used in this report are as defined in the Australia ICOMOS *Burra Charter.*

1.5 SUPPORTING INFORMATION

The development application was supported by a heritage impact statement:

Zoltan Kovacs Architect, *Heritage Impact Assessment, Proposed Development, 46 Chisholm Street, Darlinghurst*, date April 2018 (HIA)

1.6 METHODOLOGY

This report was prepared in accordance with the *NSW Heritage Manual* "Assessing Heritage Significance Guidelines" and the City of Sydney Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

1.7 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.

2.0 HISTORICAL DEVELOPMENT

2.1 SUMMARY

The HIA contained a detailed history of the site that is summarised below.

Date	Event
	The area was part of the land of the Cadigal people
1794	70 acres of land grated to John Palmer and later subdivided
1803	South Head Road (later Oxford Street) built
1811	Governor Macquarie sets aside 1000 acres of land east of the city as a water catchment to improve water supply
1816	First land grant to James Riley issued by Governor Macquarie
1855	Block of 8 acres purchased by James Chisholm
1880?	Lot 7 of Section 2 of the Chisholm Estate purchased by James Parker and subdivided
1881	Cottage constructed on the subject site and occupied by James Parker
1896	Property sold to James Brindle
	Later owners and occupiers are listed in the HIA

The site is part of the Chisholm Estate that appears to have been subdivided by Mary Chisholm c 1875[1].

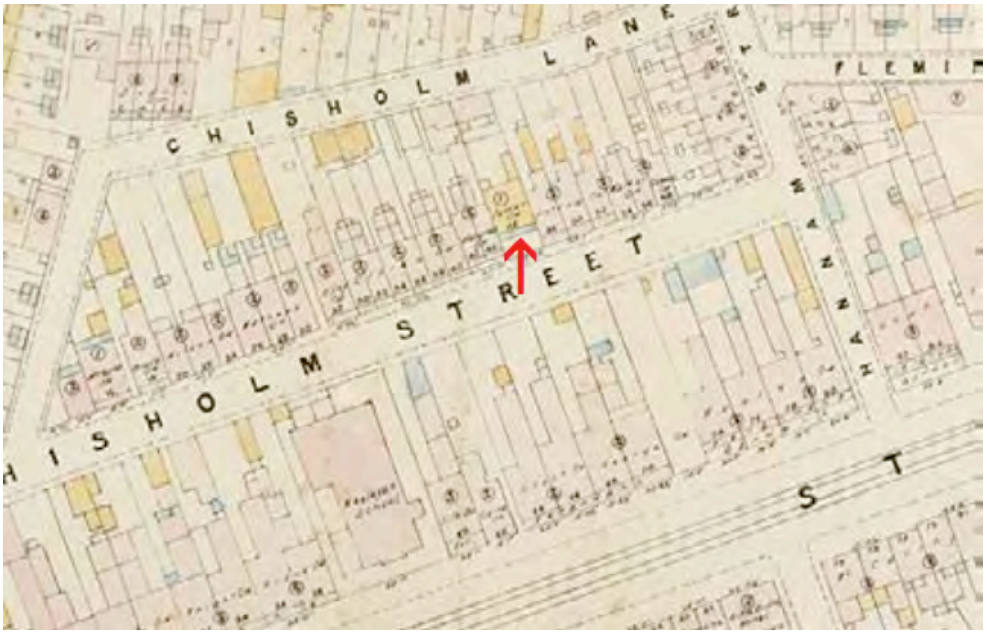


Figure 2.1 Detail of Rygate and West's plan of Sydney c. 1888 Sheet 30

Source: City of Sydney Archives

[1] The Primary Application for 48 Chisholm Street (PA22494) notes Mary Chisholm as the owner in 1875

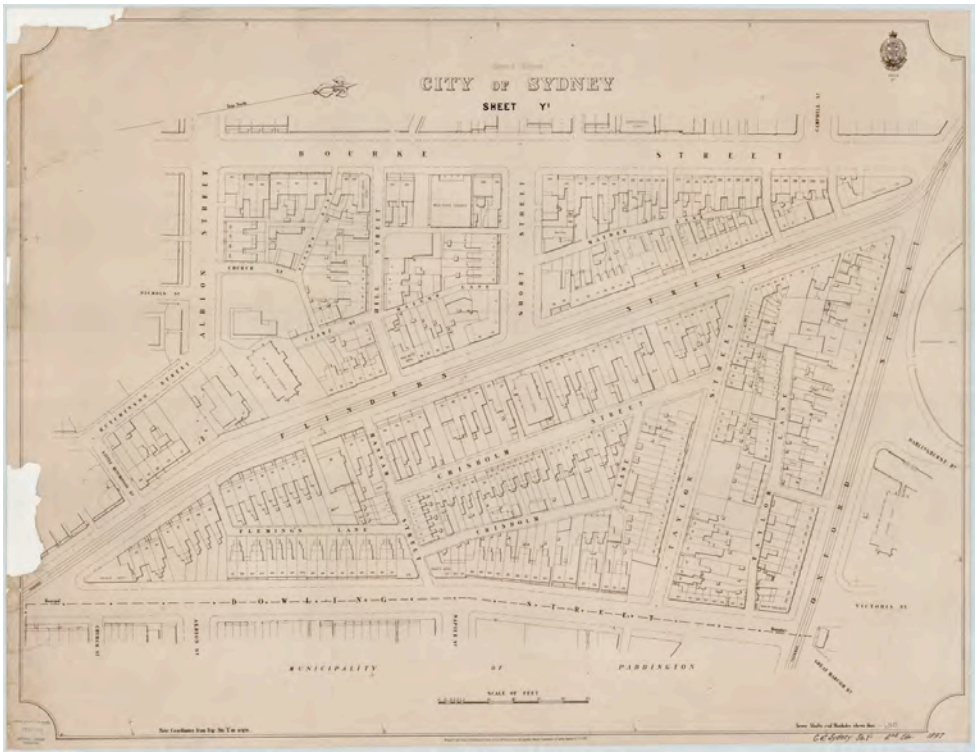


Figure 2.2 Metropolitan Detail Sheet Y1, dated 1897 showing the area largely developed

Source: State Library of NSW (Z/ M Ser. 4 811.17/1)

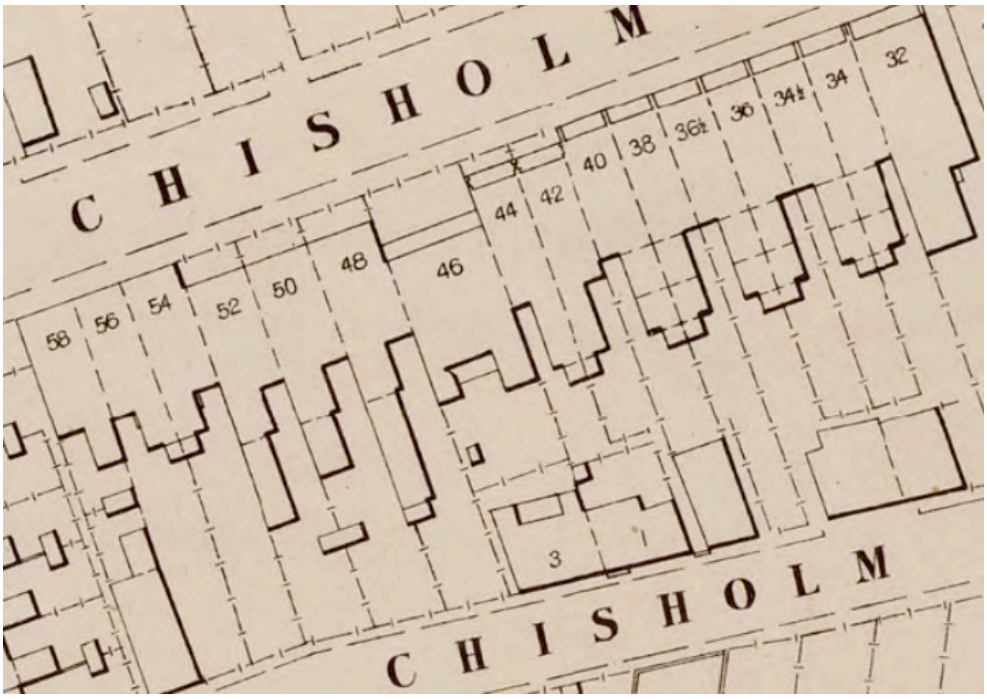
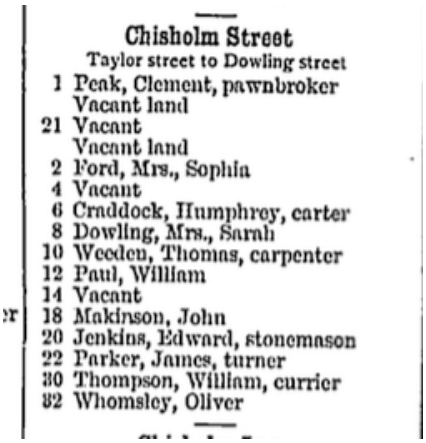


Figure 2.3 Extract from same showing the cottage at 46 Chisholm Street

2.2 46 CHISHOLM STREET

Development in Chisholm Street is not listed in the Sands Directory till 1877 when ten houses appear.



Chisholm Street
Taylor street to Dowling street

1 Peak, Clement, pawnbroker
Vacant land
21 Vacant
Vacant land
2 Ford, Mrs., Sophia
4 Vacant
6 Craddock, Humphrey, carter
8 Dowling, Mrs., Sarah
10 Weeden, Thomas, carpenter
12 Paul, William
14 Vacant
18 Makinson, John
20 Jenkins, Edward, stonemason
22 Parker, James, turner
30 Thompson, William, currier
32 Whomsley, Oliver

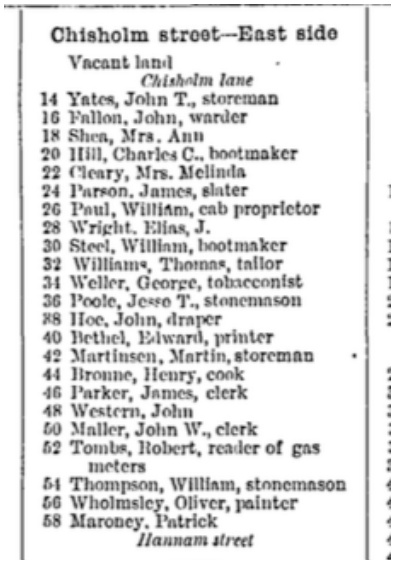
Figure 2.4 Sand Directory of 1877

Included in the street is 22 Chisholm Street with James Parker as occupier then noted as a *turner*. It is clear from later editions of the Sands that the street numbers altered as in 1880 Parker's address is noted as 30 Chisholm Street. By 1882 the address was altered to its current number of 46 Chisholm Street.



Chisholm street—East side

2 Sullivan, Michael
4 Fallon, John
6 Shea, Mrs. Ann
8 Steel, William, bootmaker
10 Mulligan, John, grocer
12 McKeon, F., boatbuilder
14 Paul, Wm.
16 Silks, John, blacksmith
18 McNab, ——, com. traveller
20 Taylor, George, butcher
22 Skyrme, Edw., coachpainter
24 Bethel, Edw., printer
26 Martinson, Martin, storeman
28 Bourne, Henry
30 Parker, James
32 Western, John
34 Miller, John W.,
36 Ewington, Geo., upholsterer
38 Thomson, Wm., stonemason
40 Wholmsley, Oliver, painter
42 Darcy, J.



Chisholm street—East side

Vacant land
Chisholm lane
14 Yates, John T., storeman
16 Fallon, John, warder
18 Shea, Mrs. Ann
20 Hill, Charles C., bootmaker
22 Cleary, Mrs. Melinda
24 Parson, James, slater
26 Paul, William, cab proprietor
28 Wright, Elias, J.
30 Steel, William, bootmaker
32 Williams, Thomas, tailor
34 Weller, George, tobacconist
36 Poole, Jesse T., stonemason
38 Hoe, John, draper
40 Bethel, Edward, printer
42 Martinsen, Martin, storeman
44 Bronne, Henry, cook
46 Parker, James, clerk
48 Western, John
50 Maller, John W., clerk
52 Tombs, Robert, reader of gas meters
54 Thompson, William, stonemason
56 Wholmsley, Oliver, painter
58 Maroney, Patrick
Hannam street

Figure 2.4 Sand Directories of 1880 (left) and 1882 (right). Note the neighbours to Parker's residence remain as Henry Bourne and John Western. Parker is noted in the 1879 Sands as *collector*.

It would appear from the above that the cottage was built c. 1876. By 1882 the majority of the sites to the east of Chisholm Street had been developed.

3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in January. The interior of the cottage was inspected in March 2019 to ascertain its layout, condition and intactness from original construction. The description has been updated below and the current plan is shown in Figure 3.1.

46 Chisholm Street is a single storey, late Victorian cottage in the Georgian vernacular style set on a wide lot to the east side of the street. The house retains its original form and detail but has been modernised internally.

The house is in timber weatherboards (O) with a gabled, corrugated metal roof in short sheets (L). The original timber shingles (O) are extant under the later cladding. There is a verandah to the front with a skillion, corrugated metal roof supported on timber posts on metal stirrups (rebuilt). The verandah has no soffit lining. The cottage has a symmetrical front elevation with two pane, double hung, timber sashes (L) each side of a four panel, timber door and fanlight (Door L). Part of the original, timber internal lining is evident to the northern side of the front elevation where original boards have fallen away. There is a narrow skillion wing to the rear in chamfered timber weatherboards with a corrugated metal roof (L).

The cottage has a two room arrangement off a central hall that opens to a full width dining/living room and kitchen with a narrow hall to the bathroom in the rear skillion. The hall has a timber fretwork screen (L).

Floors are in polished timber (M) and tile (M). To the front walls are in masonite and battens (L) with moulded timber skirtings. To the hall and living room, walls are in plasterboard with moulded timber skirtings (M). Ceilings are in plasterboard with coved cornices (O). Doors are four panel timber with moulded timber architraves (M). Thee are multi-paned, glazed doors and sidelights to the living room (M). The front windows are two pane, double hung, timber sashes (L). There is a narrow, double hung sash to the bathroom (M). Fireplaces have been removed.

The cottage has a small garden to the front with concrete pavers and gravel and two, concrete planter boxes (all M). The garden is bounded by timber picket fence to the street (M).

The house has a paved garden to the rear with perimeter planter boxes and plantings and a small metal shed (all M). To the rear there is a two storey, late Victorian house at the rear fronting Sims Street.

Chisholm Street is a narrow street lined to the east with two storey, Victorian houses some in a terrace form. The western side of the street has the rear wings and garages to the properties fronting Flinders Street with some later infill development to the north. The street is part of a tightly knit pattern of streets and lanes bounded by Oxford Street, Flinders Street and South Dowling Street.

Figures 3.2 – 3.17

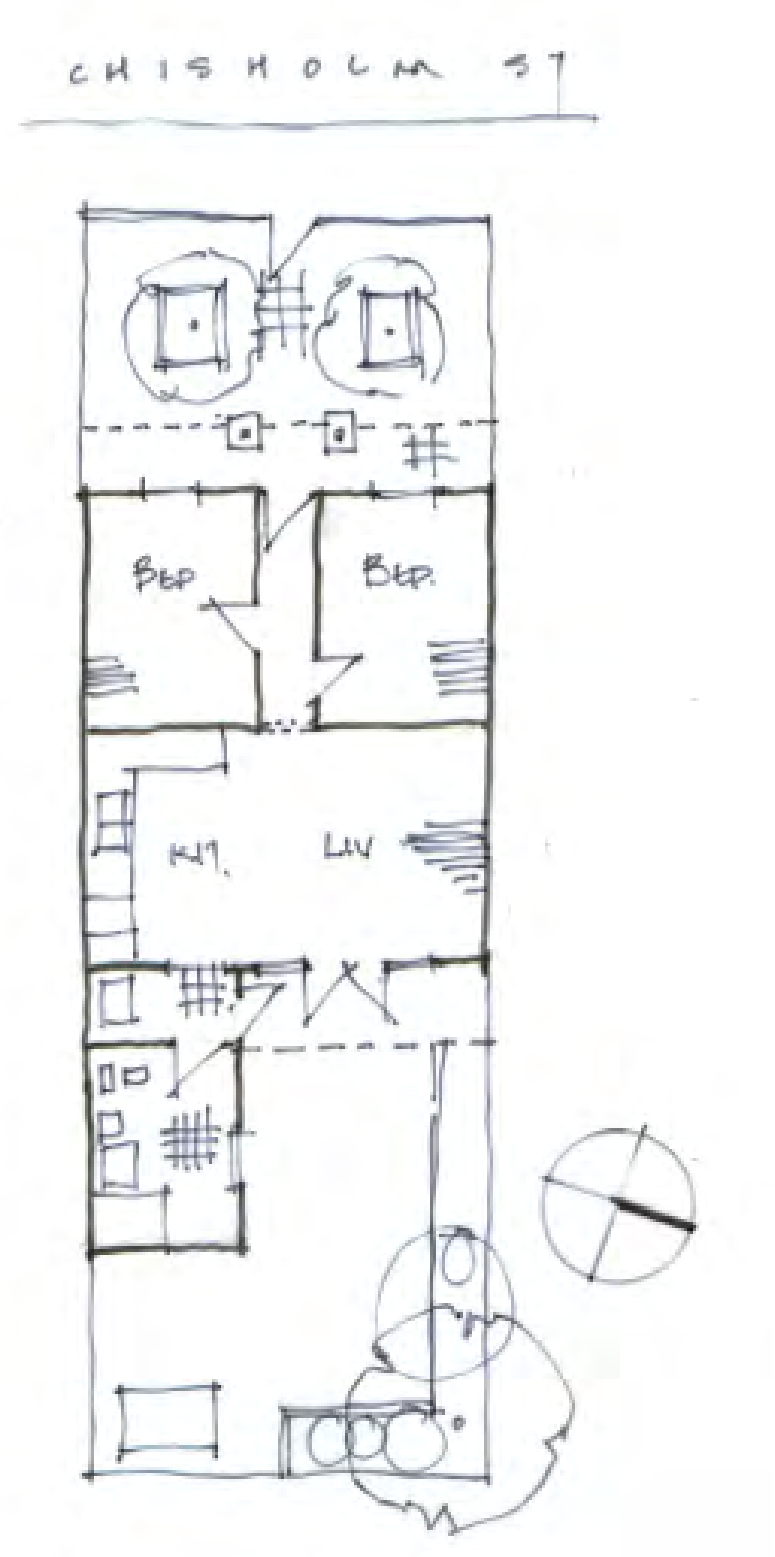


Figure 3.1 46 Chisholm Street, Darlinghurst

Plan as existing

March 2019



Figure 3.2 46 Chisholm Street, Darlinghurst

Front elevation



Figure 3.3 46 Chisholm Street, Darlinghurst

Front elevation detail



Figure 3.4 46 Chisholm Street, Darlinghurst

View to interior linings where external board removed



Figure 3.5 46 Chisholm Street, Darlinghurst

Verandah soffit



Figure 3.6 46 Chisholm Street, Darlinghurst

Rear skillion

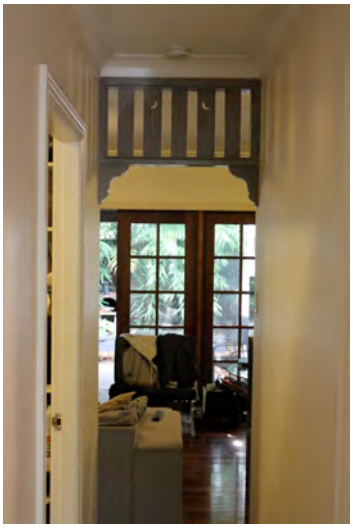


Figure 3.7 46 Chisholm Street, Darlinghurst

Hall

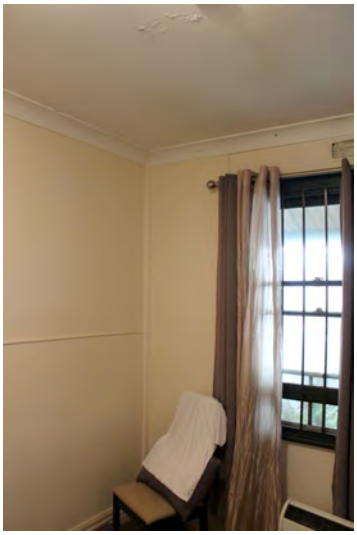


Figure 3.8 46 Chisholm Street, Darlinghurst

Front bedroom south showing typical wall and ceiling cladding

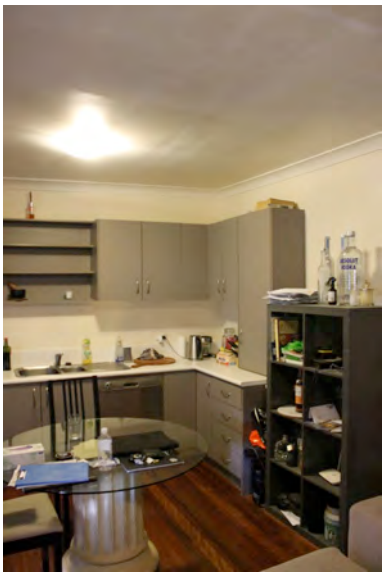


Figure 3.9 46 Chisholm Street, Darlinghurst

Kitchen



Figure 3.10 46 Chisholm Street, Darlinghurst

Living room

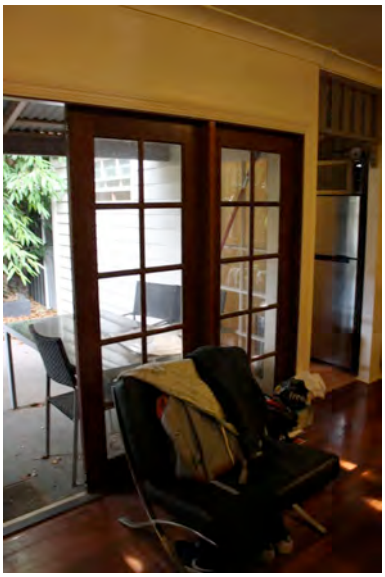


Figure 3.11 46 Chisholm Street, Darlinghurst

Living room doors

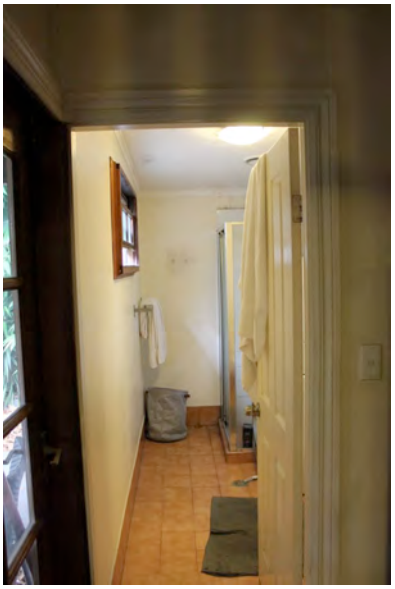


Figure 3.12 46 Chisholm Street, Darlinghurst

Bathroom



Figure 3.13 46 Chisholm Street, Darlinghurst

Roof – note the timber weatherboards to the north wall (right) and extant shingles



Figure 3.14 46 Chisholm Street, Darlinghurst

Roof – note the extant shingles



Figure 3.15 46 Chisholm Street, Darlinghurst

View to the cottage from Sims Street



Figure 3.16 46 Chisholm Street, Darlinghurst

Houses to the north



Figure 3.17 46 Chisholm Street, Darlinghurst

Terrace to the south

4.0 HERITAGE LISTINGS & CONTROLS

4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

4.2 HERITAGE DIVISION OF THE NSW OFFICE OF ENVIRONMENT & HERITAGE

4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended), the NSW Heritage Council, administered by the Heritage Division of the NSW Office of Environment and Heritage, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

4.2.2 State Heritage Inventory

The Heritage Division also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The subject property is not listed on the Inventory.

4.3 LOCAL AUTHORITY

The local authority for the area is the City of Sydney. The property is not listed as a heritage item in Schedule 5 Part 1 of the *Sydney Local Environmental Plan 2012* (as amended) (LEP) but is within the Paddington/Darlinghurst Heritage Conservation Area (C50).

The property is in the vicinity of a heritage item at:

REF	ADDRESS	ITEM	RANKING
I290	58A Flinders Street	Former Wesleyan School including interior	Local

The heritage provisions in the LEP relating to the development in a conservation area and in the vicinity of a heritage item would apply.

Development at the site would also be the subject of the *Sydney Development Control Plan 2012* (as amended) (DCP) that contains detailed heritage objectives and controls for the development in conservation areas.

The property is identified as a Contributory Item on the Buildings Contributions Map for the area.

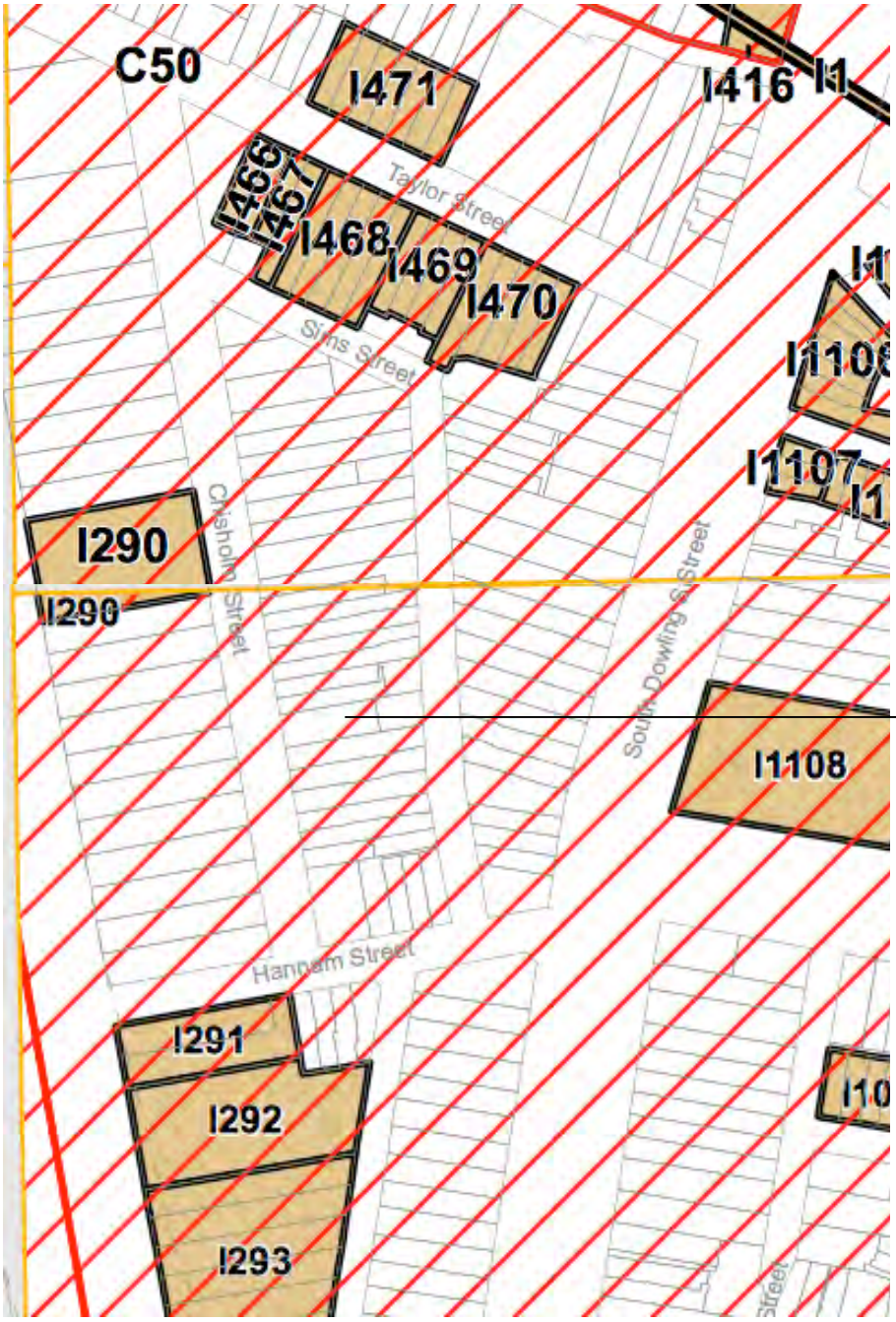


Figure 4.1 Sydney Local Environmental Plan 2012 – Heritage Maps HER_022 and HER_ 023

Heritage items are coloured brown

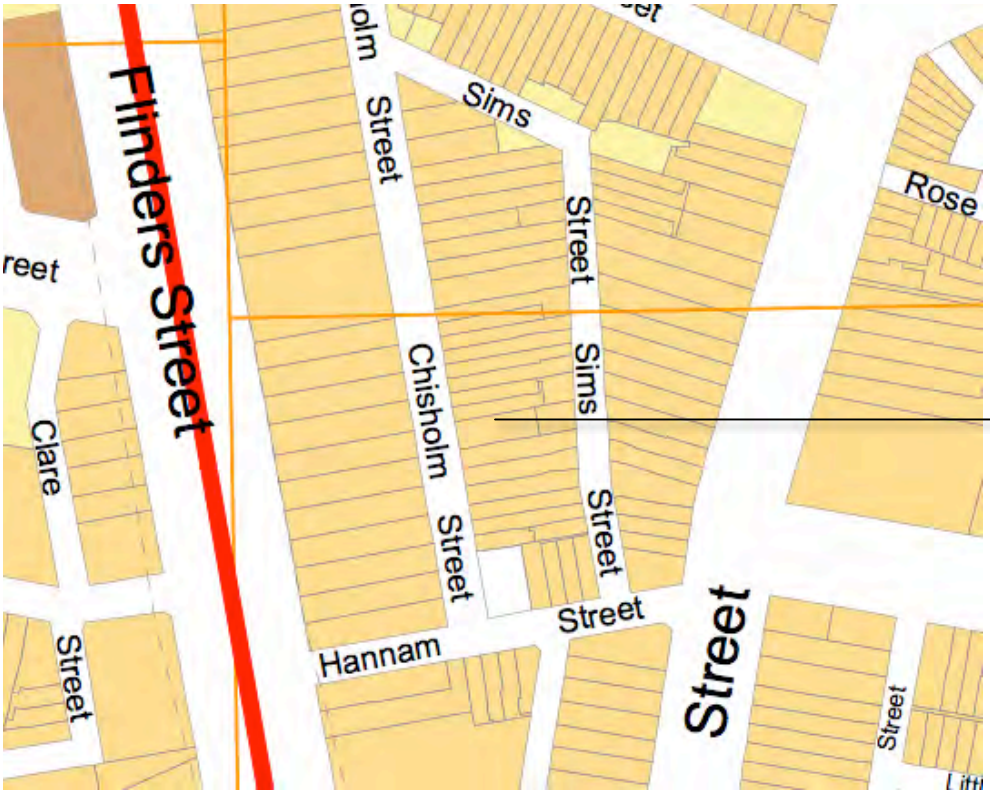


Figure 4.2 Sydney Development Control Plan 2012 – Building Contributions Map 023

Source: City of Sydney

5.0 ASSESSMENT OF SIGNIFICANCE

The Heritage Office of New South Wales has issued guidelines as part of the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

5.1 HISTORIC SIGNIFICANCE

Criterion (a)	*An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*

46 Chisholm Street is a single storey, late Victorian cottage built c.1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate. The Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street. The early plan (undated) shows the subject site to its current configuration.

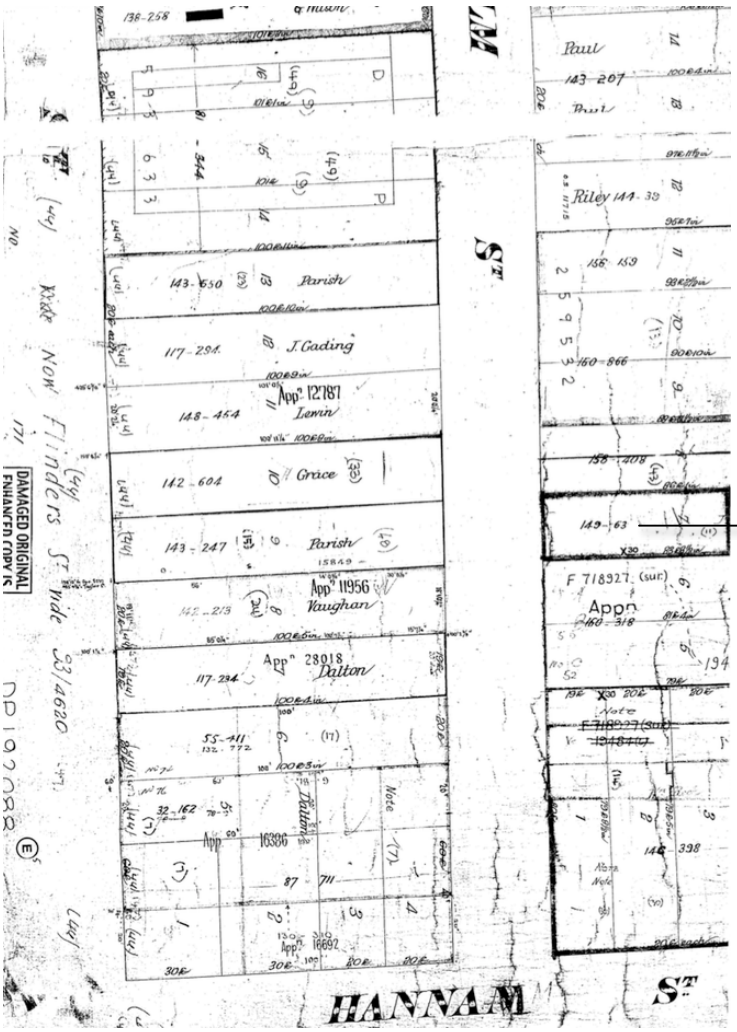


Figure 5.1 Extract from the subdivision of the Chisholm Estate. The subject site is lot 7 in Section 2

Source: NSW Land Registry Services DP192088

The property was formerly part of Edward Riley's vast landholdings in the area that he purchased directly, or later acquired, from John Palmer.

The cottage was sold to James Brindle c. 1895 and tenanted.

The cottage is emblematic of the early development of the area for small-scale housing.

Local Significance.

5.1.1 Historical Associations

Criterion (b)	*An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)*

The place is most closely associated with James Parker, variously a clerk, turner and collector. No biographical details were available.

The place is also associated with James Chisholm who carried out the early subdivision of one of the lots of the Riley Estate. The association would cover a large portion of the local area and is incidental.

Does not meet the criterion.

5.2 Aesthetic Significance

Criterion (c)	*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*

The house is a modest example of a single storey, late Victorian cottage in the Georgian vernacular style. The house retains its original form and detail to the front but has lost much of its original internal fabric with nearly all original finishes and detail replaced. The cottage may retain its original wall and roof framing and the current floors are in timber.

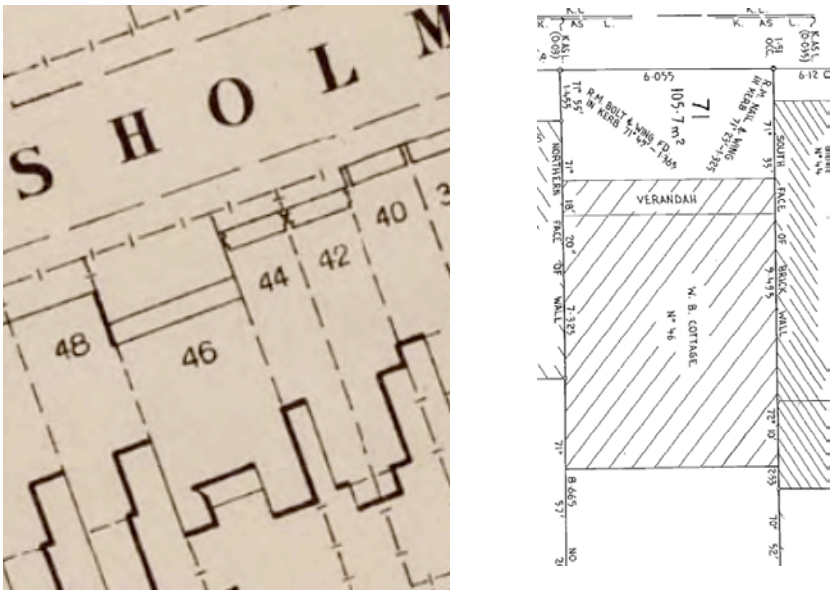


Figure 5.2 Footprint of the cottage c 1897 (left) and in 1978 (right). The northern rear wing has been demolished and the southern wing extended or rebuilt

The cottage is a little unusual being built on the original lot width (many other sites have been subdivided) and has a greater front setback as most house in the area are built to the street frontage.

The cottage is also unusual in the area for its weatherboard construction being the only such cottage in the triangular area bounded by Oxford Street, Flinders Street and South Dowling Street.

The house was built by James Parker as his own residence and this may account for both the lot layout and building material.

Does not meet the criteria.

5.3 SOCIAL SIGNIFICANCE

Criterion (d)	*The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons*

The house has no special associations with any particular group.

Does not meet the criterion.

5.4 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (e)	*An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)*

There do not appear to have been any previous buildings on the site and the place has no archaeological potential.

The cottage demonstrates the timber weatherboard style of construction of the era but is of no technical significance.

Does not meet the criterion.

5.5 RARITY

Criterion (f)	*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)*

The single storey, weatherboard cottage type is uncommon in the area that largely comprised two storey, masonry terraces. In the plan of 1888 (Figure 2.1) only five, one storey timber cottage are shown in the area and the subject cottage is now the only weatherboard house in the former Chisholm Estate subdivision and dates from the earliest building period for the area.

Rare locally.

5.6 REPRESENTATIVENESS

Criterion (g)	*An item is important in demonstrating the principal characteristics of a class of NSW's* *Cultural or natural places; or* *Cultural or natural environments*
	(or a class of the local area's: *Cultural or natural places; or* *Cultural or natural environments)*

The house is an example of a mid Victorian weatherboard cottage that retains it early form and its detail to the front. The house retains a two room arrangement to the front and though It has been altered internally with the loss of much of its original, internal features it remains a representative example of the type.

Local Significance.

5.7 INTACTNESS

The cottage retains its primary form to the front and rear and its detail to the front but has been altered internally and much of the original fabric and detail removed. The southern rear wing has been rebuilt or extended and the northern rear wing demolished.

Intactness is not a measure of significance but the cottage retains part of its original layout to the front along with its external cladding, wall framing, possibly its internal cladding (under later coverings), the weatherboards to its gables (that clearly indicate the house was built prior to the adjoining houses), the timber roof structure and timber shingles (under the corrugated metal). The extant details clearly indicate its form of construction.

5.8 STATEMENT OF SIGNIFICANCE

46 Chisholm Street, Darlinghurst has heritage significance at a local level for its historic value, its rarity and representation of the earliest development period of the Chisholm Estate.

The cottage is a single storey, late Victorian, weatherboard cottage in the Georgian vernacular style built c.1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate.

The property was part of the Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street.

The cottage retains its primary form and some of its exterior detail. The cottage was only one of five, weatherboard cottages that were built in the area and is the last remaining weatherboard cottage on the Chisholm Estate subdivision.

5.9 CONTRIBUTION TO THE PADDINGTON HERITAGE CONSERVATION AREA

The cottage is unusual for this section of the Paddington HCA due to its scale and detail as most of the remaining, early houses on the Chisholm Estate are two storey and in masonry though there are some are single storey, masonry cottages. The cottage makes a very distinctive contribution to the conservation area and signals the earliest development of the area more clearly than other development that was built in the same period.

6.0 SUMMARY AND RECOMMENDATIONS

6.1 SUMMARY

Based on the above we consider that the cottage at 46 Chisholm Street would meet three of the Heritage Manual criteria for identification as a place of local significance being:

Criterion (a)	*An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*

Criterion (f)	*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)*

Criterion (g)	*An item is important in demonstrating the principal characteristics of a class of NSW's* *Cultural or natural places; or* *Cultural or natural environments*
	(or a class of the local area's: *Cultural or natural places; or* *Cultural or natural environments)*

The property is a surviving timber cottage that dates from the earliest development of the Chisholm Estate and that retains its primary form and detail to the front and that remains readable as an early development in the area. The cottage retains some of its early detail and fabric including external weatherboards, internal linings, wall structure, roof structure and timber shingles. The property contains the only remaining, timber weatherboard cottage from the earliest development of the Chisholm Estate.

6.2 RECOMMENDATIONS

6.2.1 Heritage Listing

This Heritage Assessment for the dwelling at 46 Chisholm Street, Darlinghurst was prepared by John Oultram Heritage & Design on behalf of the City of Sydney. The objective of the assessment was to determine if inclusion of the building as a heritage item on the Sydney Local Environmental Plan 2012 (SLEP 2012) is warranted.

The assessment has determined that the item meets the threshold for inclusion for its historic values, rarity and representativeness. The following recommendations are made for consideration by the City of Sydney Council:

- The property at dwelling at 46 Chisholm Street, Darlinghurst should be considered for nomination for inclusion as a heritage item on the Sydney Local Environmental Plan 2012 (SLEP 2012)

- Consideration should be given to development principles that will ensure conservation of the building, as well as the retention of its contribution to the Paddington Heritage Conservation Area

6.2.2 Conservation Area

Council should investigate the possibility of creating a new Conservation Area focusing on the Chisholm Estate, as:

- The area has well defined boundaries
- The character of this area is quite distinct
- The narrow street pattern is also distinct due to the irregular major road pattern
- The area has a well-defined history and subdivision pattern
- The buildings pattern is more fine grained and tight knight than the pattern seen in other parts of the Paddington Heritage Conservation area to the east across South Dowling Street where the building stock is larger scale and includes two and three storey houses on larger sites and rows of terrace houses with verandahs



JOHN OULTRAM

Attachment C

Draft Heritage Inventory Sheet

Sydney City Council

SHI number
5066915
Study number

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Address: 46 Chisholm Street **Planning:** Sydney South

Suburb/nearest town: Darlinghurst 2010

Local govt area: Sydney **Parish:**

State: NSW **County:**

Other/former names:

Area/group/complex: **Group ID:**

Aboriginal area:

Curtilage/boundary:

Item type: Built **Group:** **Category:** House

Owner: Private - Individual

Admin codes: **Code 2:** **Code 3:**

Current use: Dwelling house

Former uses: Dwelling house

Assessed significance: Local **Endorsed significance:** Local

Statement of significance: 46 Chisholm Street, Darlinghurst has heritage significance at a local level for its historic value, its rarity and representation of the earliest development period of the Chisholm Estate.

The cottage is a single storey, late Victorian, weatherboard cottage in the Georgian vernacular style built c.1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate.

The property was part of the Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street.

The cottage retains its primary form and some of its exterior detail. The cottage was only one of five, weatherboard cottages that were built in the area and is the last remaining weatherboard cottage on the Chisholm Estate subdivision.

Historical notes of provenance: The area was part of the land of the Cadigal people. In 1794 70 acres of land was granted to John Palmer and later subdivided. The first land grant to James Riley was issued by Governor Macquarie in 1816. In 1855 a Block of 8 acres of the subdivision of the Riley Estate was purchased by James Chisholm and the land subdivided c.1880 as the Chisholm Estate by Mary Chisholm. Lot 7 of Section 2 of the Chisholm Estate was purchased by James Parker and subdivided. A weatherboard cottage was constructed on the subject site c. 1876 and occupied by James Parker. In 1896 the property was sold to James Brindle.

Themes:

National theme	State theme	Local theme
4. Settlement	Accommodation	
4. Settlement	Towns, suburbs and villages	

Designer:

Builder:

Year started: 1876 **Year completed:** **Circa:** No

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Physical description: 46 Chisholm Street is a single storey, late Victorian cottage in the Georgian vernacular style set on a wide lot to the east side of the street. The house retains its original form and detail but has been modernised internally.

The house is in timber weatherboards (O) with a gabled, corrugated metal roof in short sheets (L). The original timber shingles (O) are extant under the later cladding. There is a verandah to the front with a skillion, corrugated metal roof supported on timber posts on metal stirrups (rebuilt). The verandah has no soffit lining. The cottage has a symmetrical front elevation with two pane, double hung, timber sashes (L) each side of a four panel, timber door and fanlight (Door L). Part of the original, timber internal lining is evident to the northern side of the front elevation where original boards have fallen away. There is a narrow skillion wing to the rear in chamfered timber weatherboards with a corrugated metal roof (L).

The cottage has a two room arrangement off a central hall that opens to a full width dining/living room and kitchen with a narrow hall to the bathroom in the rear skillion. The hall has a timber fretwork screen (L).

Floors are in polished timber (M) and tile (M). To the front walls are in masonite and battens (L) with moulded timber skirtings. To the hall and living room, walls are in plasterboard with moulded timber skirtings (M). Ceilings are in plasterboard with coved cornices (O). Doors are four panel timber with moulded timber architraves (M). Thee are multi-paned, glazed doors and sidelights to the living room (M). The front windows are two pane, double hung, timber sashes (L). There is a narrow, double hung sash to the bathroom (M). Fireplaces have been removed.

The cottage has a small garden to the front with concrete pavers and gravel and two, concrete planter boxes (all M). The garden is bounded by timber picket fence to the street (M).

The house has a paved garden to the rear with perimeter planter boxes and plantings and a small metal shed (all M). To the rear there is a two storey, late Victorian house at the rear fronting Sims Street.

Chisholm Street is a narrow street lined to the east with two storey, Victorian houses some in a terrace form. The western side of the street has the rear wings and garages to the properties fronting Flinders Street with some later infill development to the north. The street is part of a tightly knit pattern of streets and lanes bounded by Oxford Street, Flinders Street and South Dowling Street.

O ORIGINAL
L LATER
M MODERN

Physical condition level: Good

Physical condition: Later alterations, some fabric removed or overload with later materials

Archaeological potential level: Little

Archaeological potential Detail:

Modification dates:

Recommended management: The building should be retained and conserved. A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken. There shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls

Management:

Management category	Management name

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Further comments:

Criteria a): [Historical significance] 46 Chisholm Street is a single storey, late Victorian cottage built c.1876 for James Parker who had purchased Lot 7 in Section 2 of the Chisholm Estate. The Chisholm Estate (Roll Plan 619) appear to have been subdivided in 1875 and occupied an area bordered by South Dowling Street, Taylor Street, Flinders Street and Hannan Street. The property was formerly part of Edward Riley's vast landholdings in the area that he purchased directly, or later acquired, from John Palmer. The cottage is emblematic of the early development of the area for small-scale housing.

Criteria b): [Historical association significance]

Criteria c): [Aesthetic/ Technical significance]

Criteria d): [Social/Cultural significance]

Criteria e): [Research significance]

Criteria f): [Rarity] The single storey, weatherboard cottage type is uncommon in the area that largely comprised two storey, masonry terraces. In the plan of 1888 (Figure 2.1) only five, one storey timber cottage are shown in the area and the subject cottage is now the only weatherboard house in the former Chisholm Estate subdivision and dates from the earliest building period for the area.

Rare locally.

Criteria g): [Representative] The house is an example of a mid Victorian weatherboard cottage that retains it early form and its detail to the front. The house retains a two room arrangement to the front and though It has been altered internally with the loss of much of its original, internal features it remains a representative example of the type.

Intactness/Integrity: The cottage retains its primary form to the front and rear and its detail to the front but has been altered internally and much of the original fabric and detail removed. The southern rear wing has been rebuilt or extended and the northern rear wing demolished. Intactness is not a measure of significance but the cottage retains part of its original layout to the front along with its external cladding, wall framing, possibly its internal cladding (under later coverings), the weatherboards to its gables (that clearly indicate the house was built prior to the adjoining houses), the timber roof structure and timber shingles (under the corrugated metal). The extant details clearly indicate its form of construction.

References:

Author	Title	Year
John Oultram Heritage & Design	46 Chisholm Street, Darlinghurst, NSW, Heritage Assessment	2019
Zoltan Kovacs	Heritage Impact Assessment, Proposed Development, 46 Chish	2018

Studies:

Author	Title	Number	Year

Parcels:

Parcel code	Lot number	Section number	Plan code	Plan number
LOT	71		DP	602585

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Latitude: **Longitude:**

Location validity: **Spatial accuracy:**

Map name: **Map scale:**

AMG zone: **Easting:** **Northing:**

Listing:	**Name**	**Title**	**Number**	**ListingDate**

Data entry: Data first entered: 05/04/2019 Data updated: 08/04/2019 Status: Completed

Item name: **Weatherboard Cottage**

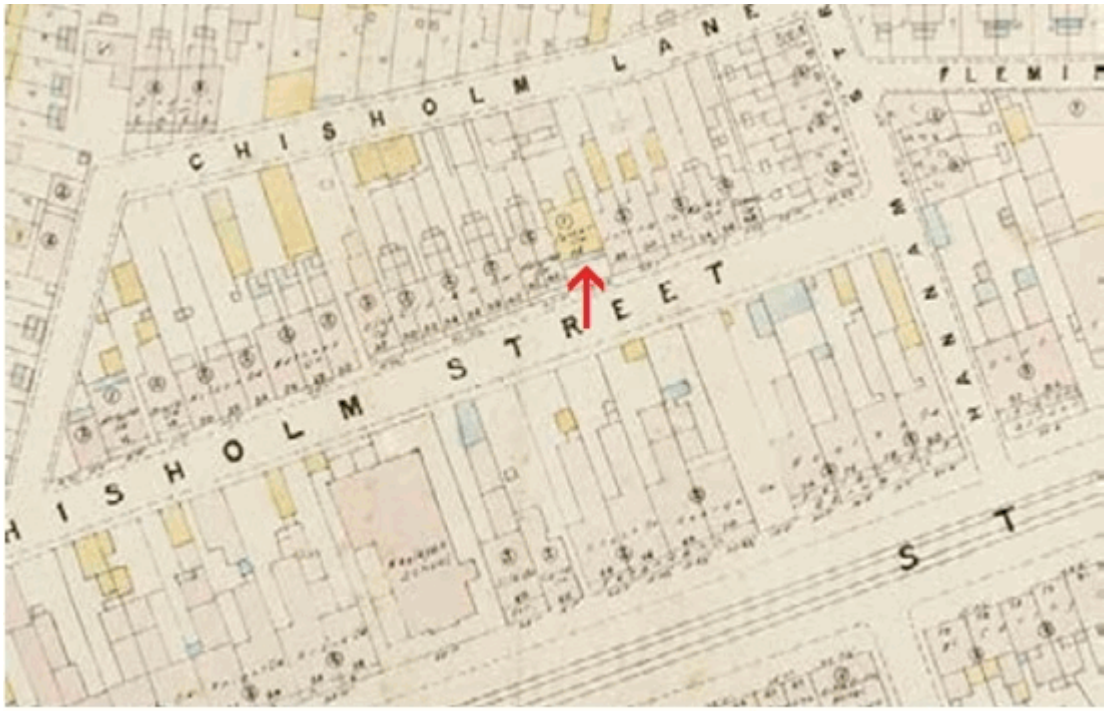
Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Image:



Caption: 46 Chisholm Street Front Elevation
Copy right:
Image by: John Oultram Heritage & Design
Image date: 01/03/2019
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3454d188a47586c48f4b095a9fecb7ac72a.jpg
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test3454d188a47586c48f4b095a9fecb7ac72a.jpg

Image:



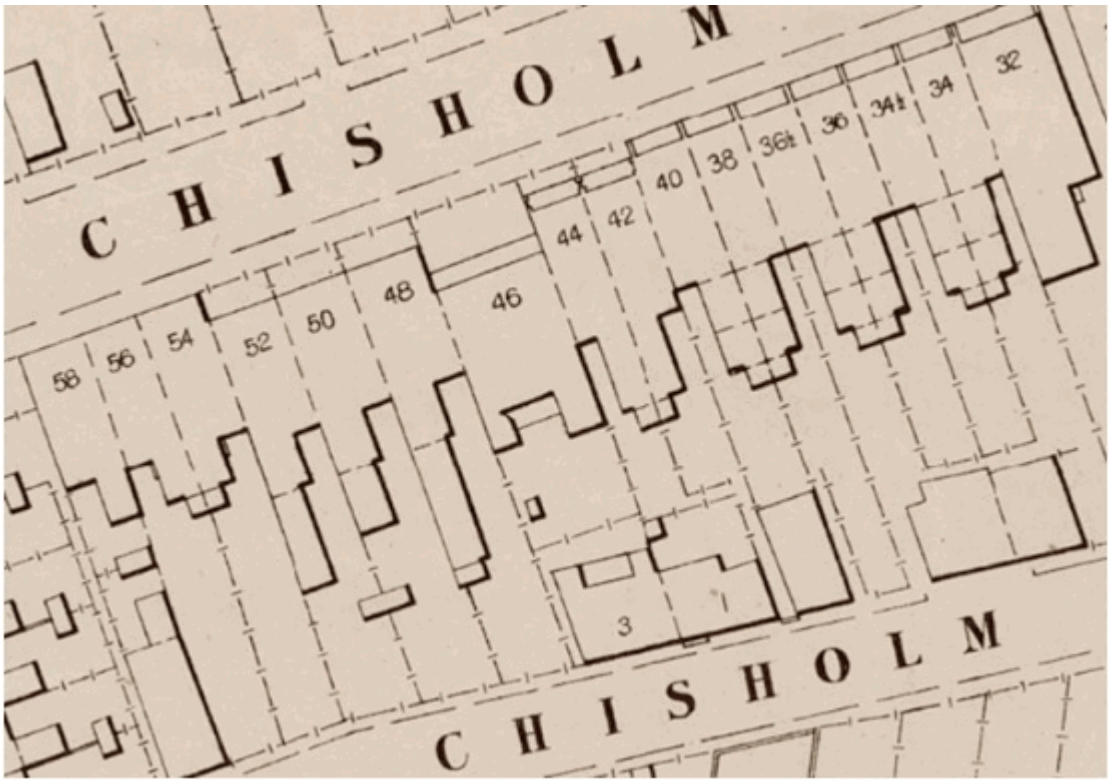
Caption: Detail of Rygate and West's plan of Sydney c. 1888 Sheet 30
Copy right:

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney

Image by: Rygate and West
Image date:
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345bb9e9f02de3e4313909cbe037fd154e1.jpg
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345bb9e9f02de3e4313909cbe037fd154e1.jpg

Image:

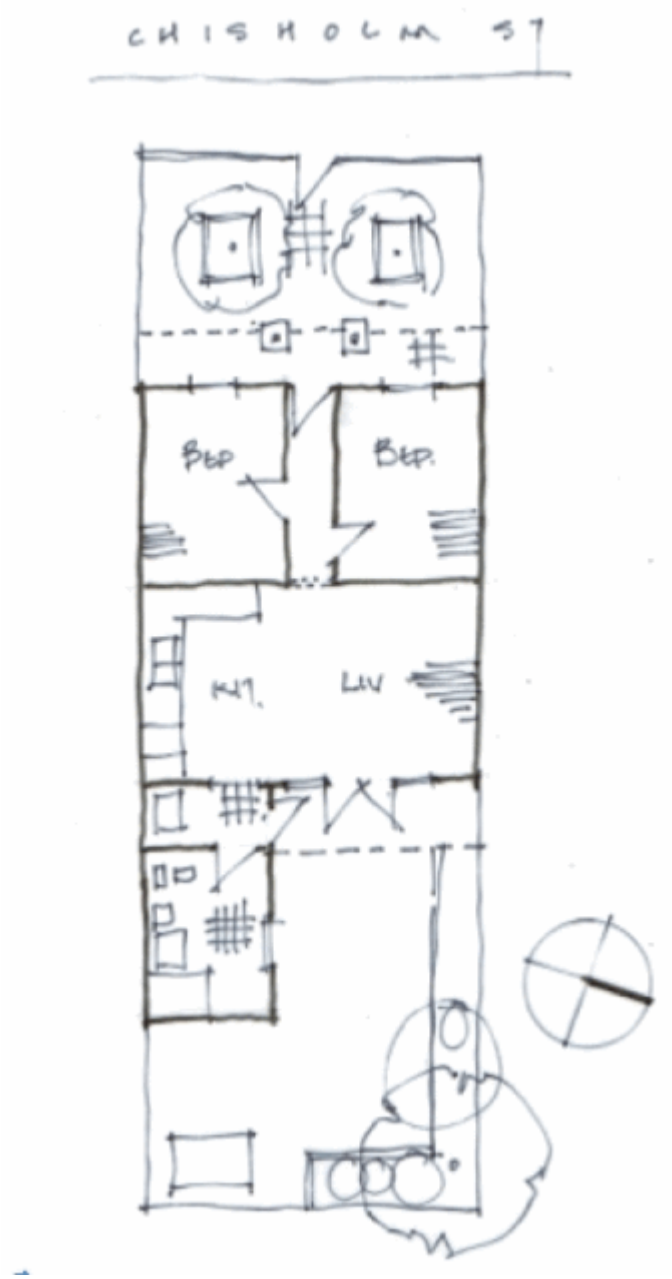


Caption: Metropolitan Detail Sheet Y1, dated 1897
Copy right:
Image by:
Image date:
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3456bb5cfbefb12412692142d0b57d4a5b4.jpg
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test3456bb5cfbefb12412692142d0b57d4a5b4.jpg

Image:

Item name: **Weatherboard Cottage**

Location: 46 Chisholm Street Darlinghurst 2010 Sydney



Caption: Plan as existing
Copy right:
Image by: John Oultram Heritage & Design
Image date: 01/03/2019
Image number:
Image url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345ea6282c272ba4642a1de1f544acdee7f.jpg
Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test345ea6282c272ba4642a1de1f544acdee7f.jpg

Item 5.

Traffic Treatment - Parkham Place, Surry Hills - Permanent Road Closure to Traffic from Nobbs Lane to Parkham Lane

File No: S 120932

Summary

This report recommends that Council approve the permanent road closure of Parkham Place, Surry Hills to traffic between Nobbs Lane and Parkham Lane.

The CBD and South East Light Rail Environmental Impact Statement has changed the local traffic access in Parkham Place to close a section of the road to operate the CBD and South East Light Rail.

Parkham Place crosses the light rail route and as a result is required to be closed to traffic to ensure safe light rail operation.

The closed section of Parkham Place will be shared between light rail, pedestrians, cyclists and new open space (Wimbo Park).

As part of the closure, Parkham Lane needs to be changed to one-way westbound from Parkham Place with a vehicle connection through community parkland to Bourke Street.

The one-way westbound in Parkham Lane was endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee at its February 2019 meeting.

Recommendation

It is resolved that:

(A) Council approve the permanent closure of Parkham Place between Nobbs Lane and Parkham Lane; and

(B) a Traffic Management Plan be submitted to the Roads and Maritime Services for the permanent closure of Parkham Place between Nobbs Lane and Parkham Lane.

Attachments

Attachment A. Map of Permanent Closure of Parkham Place

Attachment B. Parkham Place - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 – Item 35

Background

1. The City of Sydney on behalf of Transport for NSW, proposes to permanently close Parkham Place between Nobbs Lane and Parkham Lane, Surry Hills.

2. The property located at 625-629 South Dowling Street will require infrequent vehicle access over a short section of the road closure.

3. The permanent road closure to vehicular traffic will be shared between light rail, pedestrians, cyclists, new open space and improve safety.

4. The permanent road closure was shown in the CBD and South East Light Rail Environmental Impact Statement.

5. Parkham Lane will become one-way westbound with a single lane (Approximately 3 metres wide) next to the closure and across community parkland to Bourke Street.

Key Implications

6. Parkham Lane conversion from two-way to one way westbound will have a single access lane next to the closure and across community parkland to Bourke Street.

7. Special infrequent vehicle access will be provided to property located at 625-629 South Dowling Street over a short section of the road closure.

8. The one-way westbound connection to Bourke Street will retain local, service and Ausgrid vehicle access to a substation.

9. Emergency vehicle access will still be maintained via the Light Rail corridor.

Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:

    (a) Direction 4 - A City for Walking and Cycling - The proposal also helps develop a network of safe, linked pedestrian paths which gives greater priority to pedestrian movements and amenity in the City Centre.

    (b) Direction 5 - A Lively and Engaging City Centre - The proposal is consistent with Direction 5 as it would increase the quality of open space.

Budget Implications

11. The CBD and South East Light Rail project will deliver the Parkham Lane closure and associated works.

Relevant Legislation

12. The Roads and Maritime Services is responsible for the control of traffic on all NSW roads and has delegated to Council certain functions to regulate traffic on local roads.

13. The Roads and Maritime Services delegation gives Council authority to approve traffic management road closures under Part 8, Division 2 of the Roads Act 1993.

14. This delegation can only be exercised by the elected Council and is subject to a number of conditions and limitations, including the need to obtain the advice of Council's Local Pedestrian, Cycling and Traffic Calming Committee.

15. If Council agrees to the proposed traffic management road closure, the City must lodge a Traffic Management Plan for approval and implementation by the Roads and Maritime Services.

Critical Dates / Time Frames

16. Works are to be constructed in the 2018-19 financial year and delivered by CBD and South East Light Rail project.

Public Consultation

17. The CBD and South East Light Rail SELR Environmental Impact Statement and further consultation during light rail design and construction has met requirements for Parkham Place closure.

18. The property owner of 625-629 South Dowling Street requires access to an existing plant room for maintenance of the building and new Wimbo Park design will incorporate special access.

19. Emergency services (NSW Ambulance, Fire Brigade, Police and Roads and Maritime) have been consulted and are satisfied with access arrangements for their vehicles.

20. The Local Pedestrian, Cycling and Traffic Calming Committee meeting on 21 March 2019 endorsed the proposed permanent closure of Central Street to traffic at George Street (Attachment B).

CHRIS DERKSEMA

A/Chief Operating Officer

Laurance Johnson, A/Design Director

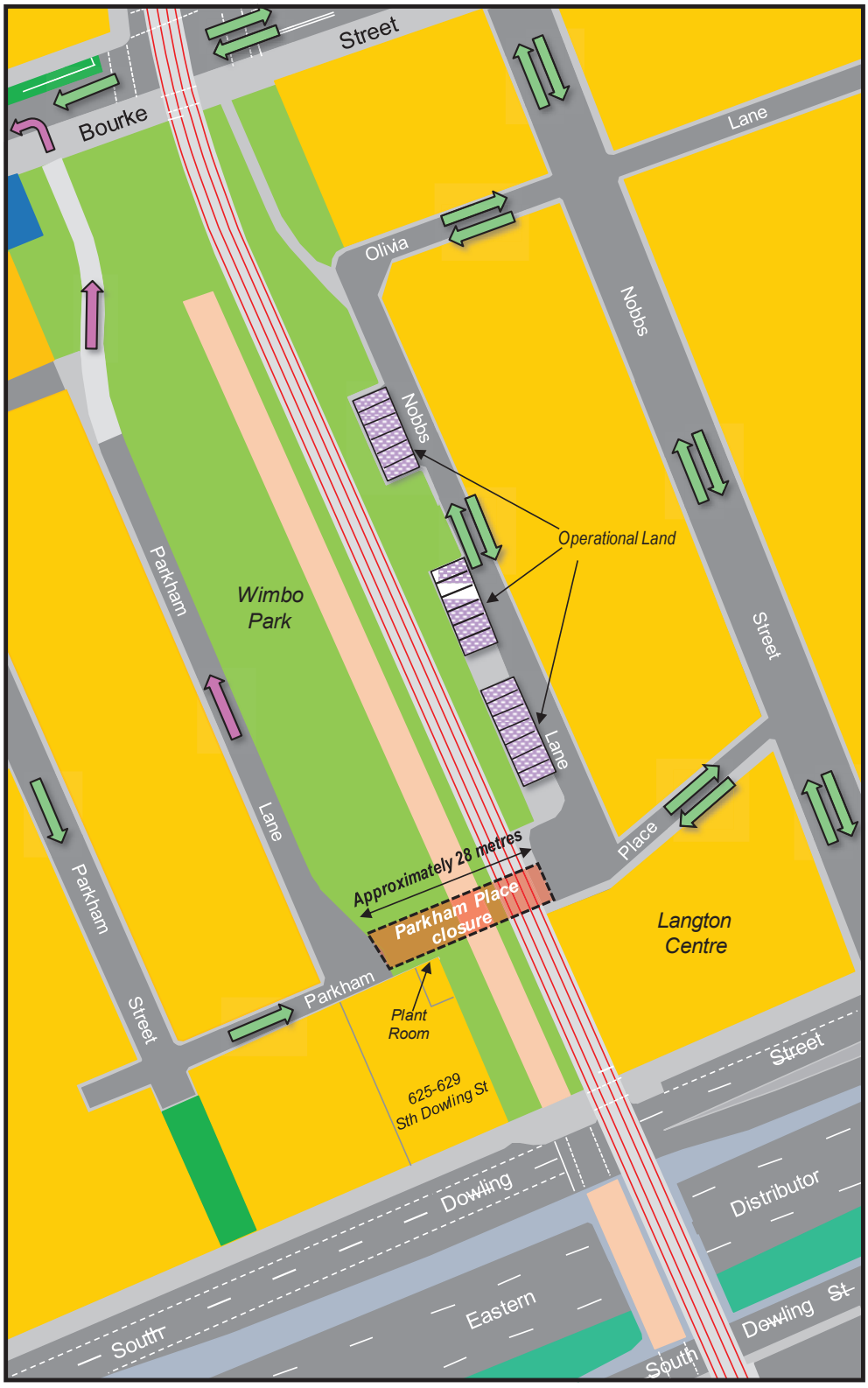
Col Warne, Traffic Project Manager

Attachment A

Map of Permanent Closure of Parkham Place

Proposal

Parkham Place, Surry Hills
Permanent road closure between Nobbs Lane and Parkham Lane



Traffic Flows before Light Rail work

Parkham Place, Surry Hills
Traffic arrangements around Parkham Place prior to light rail construction



not to scale

Attachment B

Parkham Place - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 - Item 35

Local Pedestrian, Cycling and Traffic Calming Committee

Meeting No 2019/02

Thursday 21 March 2019

minutes

city of villages

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Present

Councillor Professor Philip Thalis (Alternate Chair)	City of Sydney
David Riordan	City of Sydney
George Angelis	City of Sydney
Harry Muker	City of Sydney
Joseph Gomes	City of Sydney
Van Le	City of Sydney
Claudia Calabro (Secretary)	City of Sydney
Mariana Ivantsoff	City of Sydney
Tony Ly	City of Sydney
David Ballm	Roads and Maritime Services (RMS)
Mark Carruthers	Roads and Maritime Services (RMS)
Kaye Russell	Sydney Coordination Office
Keith Williamson	Surry Hills Police
James Mihos	Sydney City Police
Brad Groves	Sydney City Police
Katrina Merritt	Kings Cross Police
Sarah Trivett	Redfern PAC
Cathy Peters	Representative for the Member for Newtown
Bill Holliday	Representative for the Member for Balmain
Bushara Gidies	State Transit Authority
Sarah Zhang	Pedestrian Representative
David Lenoir	TWU
Peter Robinson	Item 22 - No Stopping – Toxteth Lane Glebe
Duane Loader	Item 29 – Various Parking Changes – Purves and Reuss Streets, Glebe

Apologies

Alex Greenwich MP	Member for Sydney
Roy Bishop	Representative for Member for Sydney
David Borella	BIKESydney
Jason Craig	Property NSW
Darren Jenkins	Representative for the Member for Heffron

Item 35 Traffic Treatment - Permanent Road Closure - Parkham Place, Surry Hills

2018/610870

Recommendation

It is recommended that the Committee endorse the permanent road closure of Parkham Place, Surry Hills between Nobbs Lane and Parkham Lane, to vehicular traffic.

Voting Members for this Item

Voting Members	Support	Object
City of Sydney	✓	
Roads and Maritime Services	✓	
NSW Police – Surry Hills PAC	✓	
Representative for the Member for Newtown	✓	

Decision

The Committee carried the recommendation unanimously.

Background

Transport for NSW has requested the consideration of the permanent road closure of Parkham Place, Surry Hills from Nobbs Lane to Parkham Lane, to facilitate the operation of the CBD and South East Light Rail (CSELR).

Parkham Place crosses the proposed light rail route and as a result is required to be closed to traffic to ensure safe operation of the light rail.

Item 6.

Traffic Treatment - Parkham Lane, Surry Hills - Permanent Road Closure to Traffic from Olivia Lane to Bourke Street

File No: S 120932

Summary

This report recommends that Council approve the permanent road closure of Parkham Lane to traffic from 106 metres west of Parkham Place to the western side of Olivia Lane.

The intersection of Parkham Lane and Olivia Lane has been a dead end, U-turn area for local vehicles for well over 40 years.

The CBD and South East Light Rail Environmental Impact Statement has changed the local traffic access in Parkham Lane from a dead end local two-way road, to a full road closure at Olivia Lane.

However, Parkham Lane will become one-way westbound with a single lane connection through the closure and across community parkland to Bourke Street.

The closure ensure safe light rail operations, retains local traffic access and increases open space.

Recommendation

It is resolved that:

(A) Council approve the permanent closure of Parkham Lane to traffic from 106 metres west of Parkham Place to the western side of Olivia Lane;

(B) a Traffic Management Plan be submitted to the Roads and Maritime Services for the permanent closure of Parkham Lane at Olivia Lane; and

(C) a single lane connection be provided through the Parkham Lane closure and across community parkland to Bourke Street.

Attachments

Attachment A. Map of Permanent Closure of Parkham Lane

Attachment B. Parkham Lane - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 – Item 36

Background

1. The City of Sydney on behalf of Transport for NSW, proposes to permanently close Parkham Lane from 106 metres west of Parkham Place to the western side of Olivia Lane, Surry Hills.

2. A single lane connection will be provided through the closed section of Parkham Lane and across community parkland to Bourke Street.

3. The permanent road closure to vehicular traffic will also improve pedestrian safety, accessibility and enhance the local amenity.

4. The permanent road closure with a single lane access to Bourke Street was shown in the CBD and South East Light Rail Environmental Impact Statement with a changed to local traffic access from a dead end local two-way road to a full road closure at Olivia Lane.

5. Parkham Lane will become one-way westbound with a single lane (Approximately 3 metres wide) connection through the closure and across community parkland to Bourke Street.

6. This is necessary to ensure safe light rail operations and retain local traffic access.

Key Implications

7. Parkham Lane conversion from two-way to one way westbound will have a single access lane through the closure and across community parkland to Bourke Street.

8. The one-way westbound connection to Bourke Street will retain local, service and Ausgrid vehicle access to a substation.

9. Emergency vehicle access will still be maintained via the Light Rail corridor.

Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:

    (a) Direction 4 - A City for Walking and Cycling - The proposal also helps develop a network of safe, linked pedestrian paths which gives greater priority to pedestrian movements and amenity in the City Centre.

    (b) Direction 5 - A Lively and Engaging City Centre - The proposal is consistent with Direction 5 as it would increase the quality of open space.

Budget Implications

11. The CBD and South East Light Rail project will deliver the Parkham Lane closure and associated work.

Relevant Legislation

12. The Roads and Maritime Services is responsible for the control of traffic on all NSW roads and has delegated to Council certain functions to regulate traffic on local roads.

13. The Roads and Maritime Services delegation gives Council authority to approve traffic management road closures under Part 8, Division 2 of the Roads Act 1993.

14. The delegation can only be exercised by the elected Council and is subject to a number of conditions and limitations, including the need to obtain the advice of Council's Local Pedestrian, Cycling and Traffic Calming Committee.

15. If Council agrees to the proposed traffic management road closure, the City must lodge a Traffic Management Plan for approval and implementation by the Roads and Maritime Services.

Critical Dates / Time Frames

16. Works are to be constructed in the 2018-19 financial year and delivered by CBD and South East Light Rail project.

Public Consultation

17. The CBD and South East Light Rail Environmental Impact Statement and further consultation during light rail design and construction has met requirements for Parkham Lane to be closed 106 metres to the western property boundary of Olivia Lane.

18. Emergency services (NSW Ambulance, Fire Brigade, Police and Roads and Maritime) have been consulted and are satisfied with access arrangements for their vehicle.

19. The Local Pedestrian, Cycling and Traffic Calming Committee meeting on 21 March 2019 endorsed the proposed permanent closure of Parkham Lane to traffic (Attachment B).

CHRIS DERKSEMA

A/Chief Operating Officer

Laurence Johnson, A/Design Director

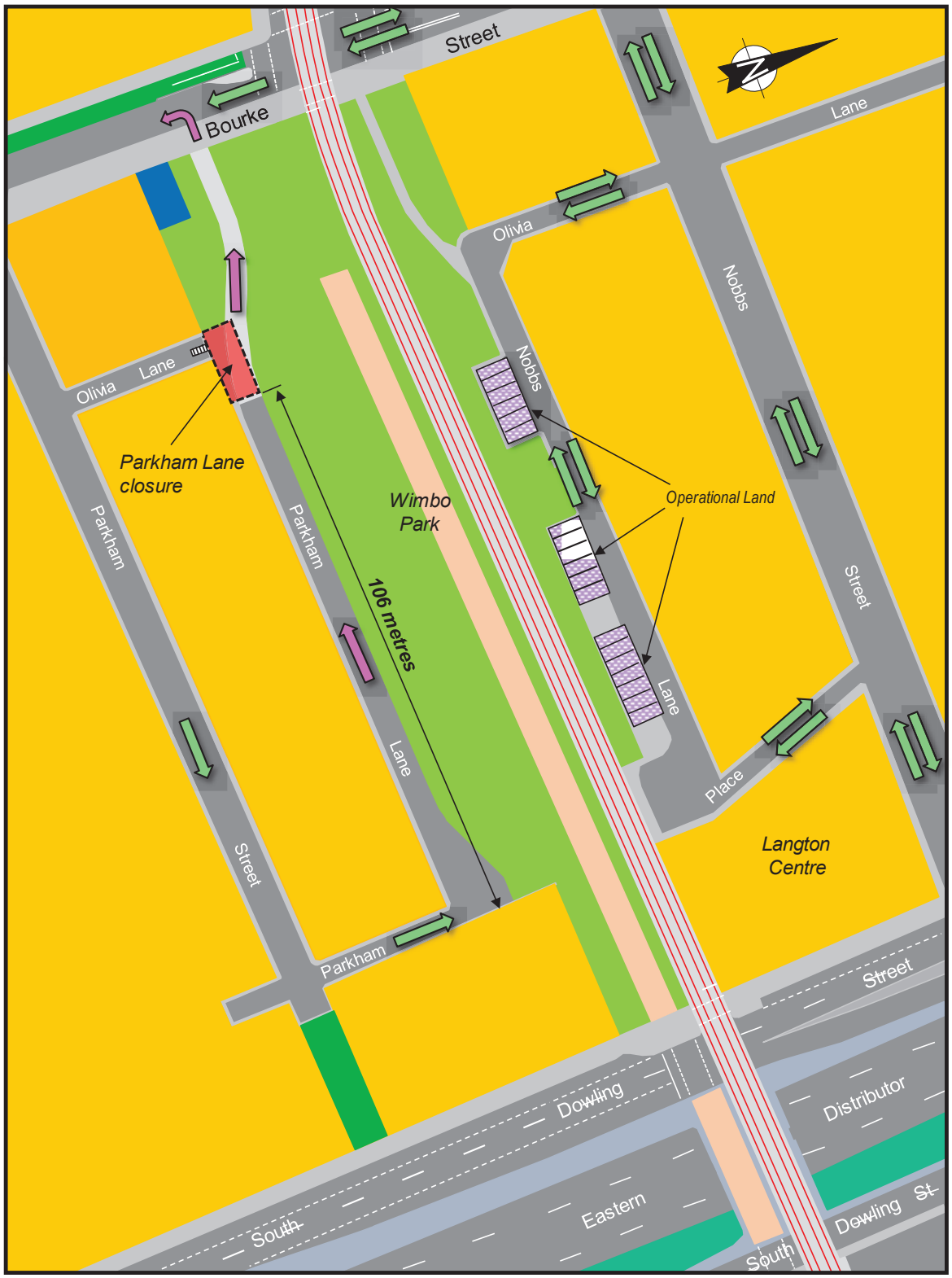
Col Warne, Traffic Project Manager

Attachment A

Map of Permanent Closure of Parkham Lane

Proposal

Parkham Lane, Surry Hills
Permanent road closure at Olivia Lane



not to scale

Traffic Flows before Light Rail work

Parkham Lane, Surry Hills

Traffic arrangements around Parkham Lane prior to light rail construction



not to scale

Attachment B

Parkham Lane - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 - Item 36

Local Pedestrian, Cycling and Traffic Calming Committee

Meeting No 2019/02

Thursday 21 March 2019

minutes

city of villages

24. Parking - No Parking - Ross Street, Forest Lodge 36
25. Parking - Permit Parking - Brougham Street, Woolloomooloo 37
26. Parking - Permit Parking - Josephson Street, Paddington 38
27. Parking - Timed Parking - Maddox Street, Alexandria 39
28. Parking - Timed Parking - Parkham Place, Surry Hills 40
29. Parking - Various Parking Changes - Purves and Reuss Streets, Glebe 41
30. Parking - Loading Zone - Moore Park Road, Moore Park 42
31. Parking - Timed Parking - Reed Street, Waterloo 43
32. Traffic Treatment - Continuous Footpath Treatment - Davoren Lane, Surry Hills 45
33. Traffic Treatment - Continuous Footpath Treatment - Little Regent Street at George Street, Chippendale 46
34. Traffic Treatment - Permanent Road Closure - Olivia Lane, Surry Hills 47
35. Traffic Treatment - Permanent Road Closure - Parkham Place, Surry Hills 48
36. Traffic Treatment - Permanent Road Closure - Parkham Lane, Surry Hills 49
37. Traffic Treatment - Raised Marked Pedestrian Crossing - Crescent Street, Waterloo 50
38. Traffic Treatment - Raised Marked Pedestrian Crossing - Young Street, Waterloo 51
39. Traffic Treatment - Raised Threshold - Young Street, Waterloo 52
40. Traffic Treatment - Central Median Island - O'Dea Avenue, Waterloo 53
41. Traffic Treatment - Raised Pedestrian Crossing, Separated Cycleway and Timed Parking - Archibald Avenue and Gadigal Avenue, Waterloo 54
42. Traffic Treatment - Shared Path - Lachlan Place, Waterloo 57
43. Schedule of Conditions 58
44. Late Item - Works Zone - William Street, Beaconsfield 59

Present

Councillor Professor Philip Thalis (Alternate Chair)	City of Sydney
David Riordan	City of Sydney
George Angelis	City of Sydney
Harry Muker	City of Sydney
Joseph Gomes	City of Sydney
Van Le	City of Sydney
Claudia Calabro (Secretary)	City of Sydney
Mariana Ivantsoff	City of Sydney
Tony Ly	City of Sydney
David Ballm	Roads and Maritime Services (RMS)
Mark Carruthers	Roads and Maritime Services (RMS)
Kaye Russell	Sydney Coordination Office
Keith Williamson	Surry Hills Police
James Mihos	Sydney City Police
Brad Groves	Sydney City Police
Katrina Merritt	Kings Cross Police
Sarah Trivett	Redfern PAC
Cathy Peters	Representative for the Member for Newtown
Bill Holliday	Representative for the Member for Balmain
Bushara Gidies	State Transit Authority
Sarah Zhang	Pedestrian Representative
David Lenoir	TWU
Peter Robinson	Item 22 - No Stopping – Toxteth Lane Glebe
Duane Loader	Item 29 – Various Parking Changes – Purves and Reuss Streets, Glebe

Apologies

Alex Greenwich MP	Member for Sydney
Roy Bishop	Representative for Member for Sydney
David Borella	BIKESydney
Jason Craig	Property NSW
Darren Jenkins	Representative for the Member for Heffron

Item 36 Traffic Treatment - Permanent Road Closure - Parkham Lane, Surry Hills

2018/630137

Recommendation

It is recommended that the Committee endorse the permanent road closure of Parkham Lane, Surry Hills from a point 106 metres west of Parkham Place to Olivia Lane, to vehicle traffic.

Voting Members for this Item

Voting Members	Support	Object
City of Sydney	✓	
Roads and Maritime Services	✓	
NSW Police – Surry Hills PAC	✓	
Representative for the Member for Newtown	✓	

Decision

The Committee carried the recommendation unanimously.

Background

The City of Sydney on behalf of Transport for NSW, must permanently close a section of Parkham Lane, Surry Hills at Olivia Lane to provide for light rail and pedestrian safety.

Item 7.

Traffic Treatment - Olivia Lane, Surry Hills - Permanent Road Closure to Traffic from Nobbs Lane to Parkham Lane

File No: S 120932

Summary

This report recommends that Council approve the permanent road closure of Olivia Lane, Surry Hills to traffic between Nobbs Lane and Parkham Lane.

Olivia Lane, between Nobbs Lane and Parkham Lane has been informally closed to traffic for over 40 years.

The CBD and South East Light Rail has this section of Olivia Lane closed which was included in the Environmental Impact Statement for the project.

Olivia Lane from Nobbs Lane to Parkham Lane, will be shared between light rail, pedestrians, cyclists and new open space area (Wimbo Park) with no traffic.

Recommendation

It is resolved that:

(A) Council approve the permanent closure of Olivia Lane between Nobbs Lane and Parkham Lane; and

(B) a Traffic Management Plan be submitted to the Roads and Maritime Services for the permanent closure of Olivia Lane between Nobbs Lane and Parkham Lane..

Attachments

Attachment A. Map of Permanent Closure of Olivia Lane

Attachment B. Olivia Lane - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 – Item 34

Background

1. The City of Sydney on behalf of Transport for NSW, proposes to formalise the permanent closure of Olivia Lane between Nobbs Lane and Parkham Lane, Surry Hills.

2. The permanent road closure to vehicular traffic will be shared between light rail, pedestrians, cyclists and provide new open space to improve safety.

3. The permanent road closure was shown in the CBD and South East Light Rail Environmental Impact Statement.

Key Implications

4. Parkham Lane has been converted from two-way to one way westbound with a single access lane through the Olivia Lane closure and across community parkland to Bourke Street.

5. Emergency vehicle access will still be maintained via the Light Rail corridor.

Strategic Alignment - Sustainable Sydney 2030 Vision

6. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:

   (a) Direction 4 - A City for Walking and Cycling - The proposal also helps develop a network of safe, linked pedestrian paths which gives greater priority to pedestrian movements and amenity in the City Centre.

   (b) Direction 5 - A Lively and Engaging City Centre - The proposal is consistent with Direction 5 as it would increase the quality of open space.

Budget Implications

7. The CBD and South East Light Rail project will deliver the Olivia Lane closure and associated works.

Relevant Legislation

8. The Roads and Maritime Services is responsible for the control of traffic on all NSW roads and has delegated to Council certain functions to regulate traffic on local roads.

9. The Roads and Maritime Services delegation gives Council authority to approve traffic management road closures under Part 8, Division 2 of the Roads Act 1993.

10. This delegation can only be exercised by the elected Council and is subject to a number of conditions and limitations, including the need to obtain the advice of Council's Local Pedestrian, Cycling and Traffic Calming Committee.

11. If Council agrees to the proposed traffic management road closure, the City must lodge a Traffic Management Plan for approval and implementation by the Roads and Maritime Services.

Critical Dates / Time Frames

12. Works are to be constructed in the 2018-19 financial year and delivered by CBD and South East Light Rail project.

Public Consultation

13. The CBD and South East Light Rail Environmental Impact Statement and further consultation during light rail design and construction has met requirements for formalising Olivia Lane closure.

14. Emergency services (NSW Ambulance, Fire Brigade, Police and Roads and Maritime) have been consulted and satisfied with access arrangements for their vehicles.

15. The Local Pedestrian, Cycling and Traffic Calming Committee meeting on 21 March 2019 endorsed the proposed permanent closure of Central Street to traffic at George Street (Attachment B).

CHRIS DERKSEMA

A/Chief Operating Officer

Laurence Johnson, A/Design Director

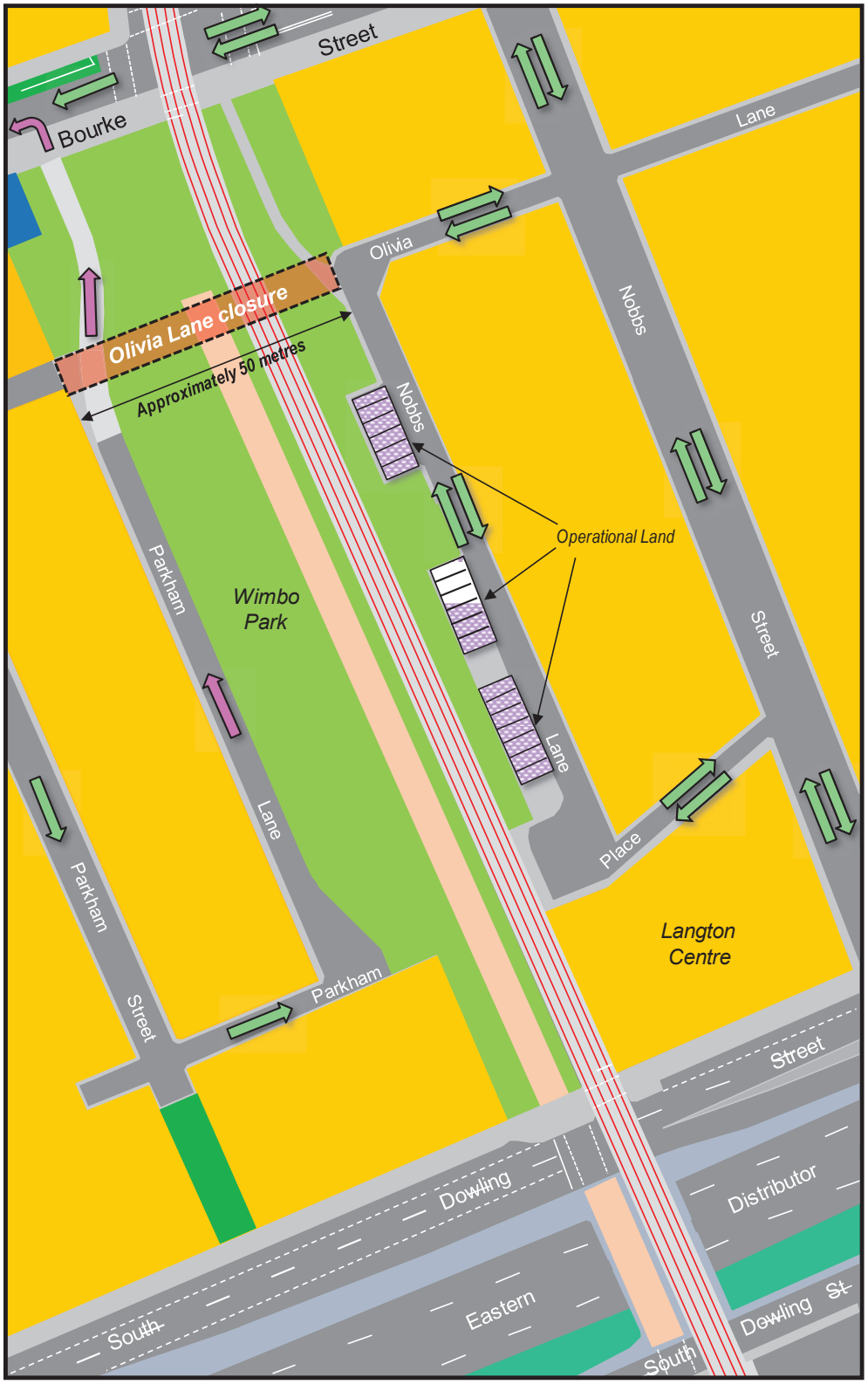
Col Warne, Traffic Project Manager

Attachment A

Map of Permanent Closure of Olivia Lane

Proposal

Olivia Lane, Surry Hills
Permanent road closure between Nobbs Lane and Parkham Lane



not to scale

Traffic Flow before Light Rail works

Olivia Lane, Surry Hills
Traffic arrangements around Olivia Lane prior to light rail construction



not to scale

Attachment B

Olivia Lane - Local Pedestrian, Cycling and Traffic Calming Committee Minutes of 21 March 2019 - Item 34

Local Pedestrian, Cycling and Traffic Calming Committee

Meeting No 2019/02

Thursday 21 March 2019

minutes

city of villages

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Present

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George Angelis	City of Sydney
Harry Muker	City of Sydney
Joseph Gomes	City of Sydney
Van Le	City of Sydney
Claudia Calabro (Secretary)	City of Sydney
Mariana Ivantsoff	City of Sydney
Tony Ly	City of Sydney
David Ballm	Roads and Maritime Services (RMS)
Mark Carruthers	Roads and Maritime Services (RMS)
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Keith Williamson	Surry Hills Police
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Brad Groves	Sydney City Police
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Sarah Trivett	Redfern PAC
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Bill Holliday	Representative for the Member for Balmain
Bushara Gidies	State Transit Authority
Sarah Zhang	Pedestrian Representative
David Lenoir	TWU
Peter Robinson	Item 22 - No Stopping – Toxteth Lane Glebe
Duane Loader	Item 29 – Various Parking Changes – Purves and Reuss Streets, Glebe

Apologies

Alex Greenwich MP	Member for Sydney
Roy Bishop	Representative for Member for Sydney
David Borella	BIKESydney
Jason Craig	Property NSW
Darren Jenkins	Representative for the Member for Heffron

Item 34 Traffic Treatment - Permanent Road Closure - Olivia Lane, Surry Hills

2018/610871

Recommendation

It is recommended that the Committee endorse the permanent road closure of Olivia Lane, Surry Hills between Nobbs Lane and Parkham Lane, to traffic.

Voting Members for this Item

Voting Members	Support	Object
City of Sydney	✓	
Roads and Maritime Services	✓	
NSW Police – Surry Hills PAC	✓	
Representative for the Member for Newtown	✓	

Decision

The Committee carried the recommendation unanimously.

Background

Transport for NSW has requested consideration of the permanent road closure of Olivia Lane, Surry Hills from Nobbs Lane to Parkham Lane, to provide for light rail operations and safe pedestrian access.

Olivia Lane, between Nobbs Lane to Parkham Lane has been informally closed to traffic for over 40 years. The implementation of a light rail corridor across the laneway requires the formal implementation of the closure to traffic.

Item 8.

Fire Safety Report

File No: S105001.002

Summary

The City of Sydney has received inspection reports with recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

Fire and Rescue NSW has powers under the Environmental Planning and Assessment Act 1979 (the Act) to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Council is then required to determine whether or not to exercise its power to give a fire safety order under Division 9.3 and Schedule 5 of the Act (previously s121B of the Act).

This determination may be made at the next meeting of Council held after the tabling of the Fire and Rescue NSW reports.

Attached are details of the reports received by the City from Fire and Rescue NSW that are required to be tabled.

The attachments deal with a specific property and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Investigation Officer, along with other documentation relevant to that property.

A recommendation is made in the attachment setting out the action that is recommended to be the most appropriate to take in the circumstances.

Recommendation

It is resolved that Council:

(A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;

(B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to Q of the subject report;

(C) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 814 George Street, Haymarket, as detailed in Attachment B;

(D) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 383-389 Bulwara Road, Ultimo, as detailed in Attachment C;

(E) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 278-284 Cleveland Street, Surry Hills, as detailed in Attachment D;

(F) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 6-10 Minogue Crescent, Forrest Lodge, as detailed in Attachment E;

(G) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 20-26 Bayswater Road, Potts Point, as detailed in Attachment F;

(H) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 9 Wylde Street, Potts Point, as detailed in Attachment G;

(I) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 231-235 Victoria Street,Darlinghurst,as detailed in Attachment H;

(J) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 141 & 141A Victoria Street, Potts Point, as detailed in Attachment I;

(K) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 9-11 Bayswater Road, Potts Point, as detailed in Attachment J;

(L) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 12-18 Forbes Street, Woolloomooloo as detailed in Attachment K;

(M) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 6-8 Orwell Street, Potts Point, as detailed in Attachment L;

(N) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 84-84B Pitt Street, Sydney, as detailed in Attachment M;

(O) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 10-24 Flinders Street,Darlinghurst,as detailed in Attachment N;

(P) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 14 Darling Drive,Sydney,as detailed in Attachment O;

(Q) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 156 Botany Road,Alexandria,as detailed in Attachment P; and

(R) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 43-127 Morehead Street, Redfern, as detailed in Attachment Q;

Attachments

Attachment A. Safety Report Summary Sheet

Attachment B. Inspection Report - 814 George Street, Haymarket

Attachment C. Inspection Report - 383-389 Bulwara Road, Ultimo

Attachment D. Inspection Report - 278-284 Cleveland Street, Surry Hills

Attachment E. Inspection Report - 6-10 Minogue Crescent, Forrest Lodge

Attachment F. Inspection Report - 20-26 Bayswater Road, Potts Point

Attachment G. Inspection Report - 9 Wylde Street, Potts Point

Attachment H. Inspection Report - 231-235 Victoria Street, Darlinghurst

Attachment I. Inspection Report - 141 and 141A Victoria Street, Potts Point

Attachment J. Inspection Report - 9-11 Bayswater Road, Potts Point

Attachment K. Inspection Report - 12-18 Forbes Street, Woolloomooloo

Attachment L. Inspection Report - 6-8 Orwell Street, Potts Point

Attachment M. Inspection Report - 84-84B Pitt Street, Sydney

Attachment N. Inspection Report - 10-24 Flinders Street, Darlinghurst

Attachment O. Inspection Report - 14 Darling Drive, Sydney

Attachment P. Inspection Report - 156 Botany Road, Alexandria

Attachment Q. Inspection Report - 43-127 Morehead Street, Redfern

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of certain buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.

3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or other people who have a concern relating to fire safety in a building.

4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.

5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do, or stop doing certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.

6. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by a City Investigation Officer.

7. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Luke Farrell, Fire Safety and Essential Services Specialist

Attachment A

Fire Safety Report Summary Sheet

Fire Safety Report Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 16

Report- May 2019

Summary table

Att. (A-Q)	**Premises Specifics** (*predominate building use*)	**Actions/ Recommendation**
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	814 George Street, Haymarket, Backpackers Hostel	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	383-389 Bulwara Road, Ultimo, Residential Hotel	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
D	278-284 Cleveland Street, Surry Hills, Commercial Premises	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
E	6-10 Minogue Crescent, Forest Lodge, Residential Apartments	Premises inspected, Council investigation officers has determined that a notice of intention to issue a fire safety order was required to be issued to remedy fire safety deficiencies as a matter of urgency. This notice was issued prior to the meeting of Council due to the need to ensure public safety
F	20-26 Bayswater Road, Potts Point, Licenced Premises	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required.
G	9 Wylde Street, Potts Point, Residential Apartments	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
H	231-235 Victoria Street, Darlinghurst, Commercial Premises	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required.
I	141 &141A Victoria Srtreet,Potts Point, Backpackers Hostel	Premises inspected, compliance site inspections undertaken, fire safety requirements of Council and Fire and Rescue NSW now satisfied No further action required.
J	9-11 Baywater,Road,Potts Point, Residential Apartments	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

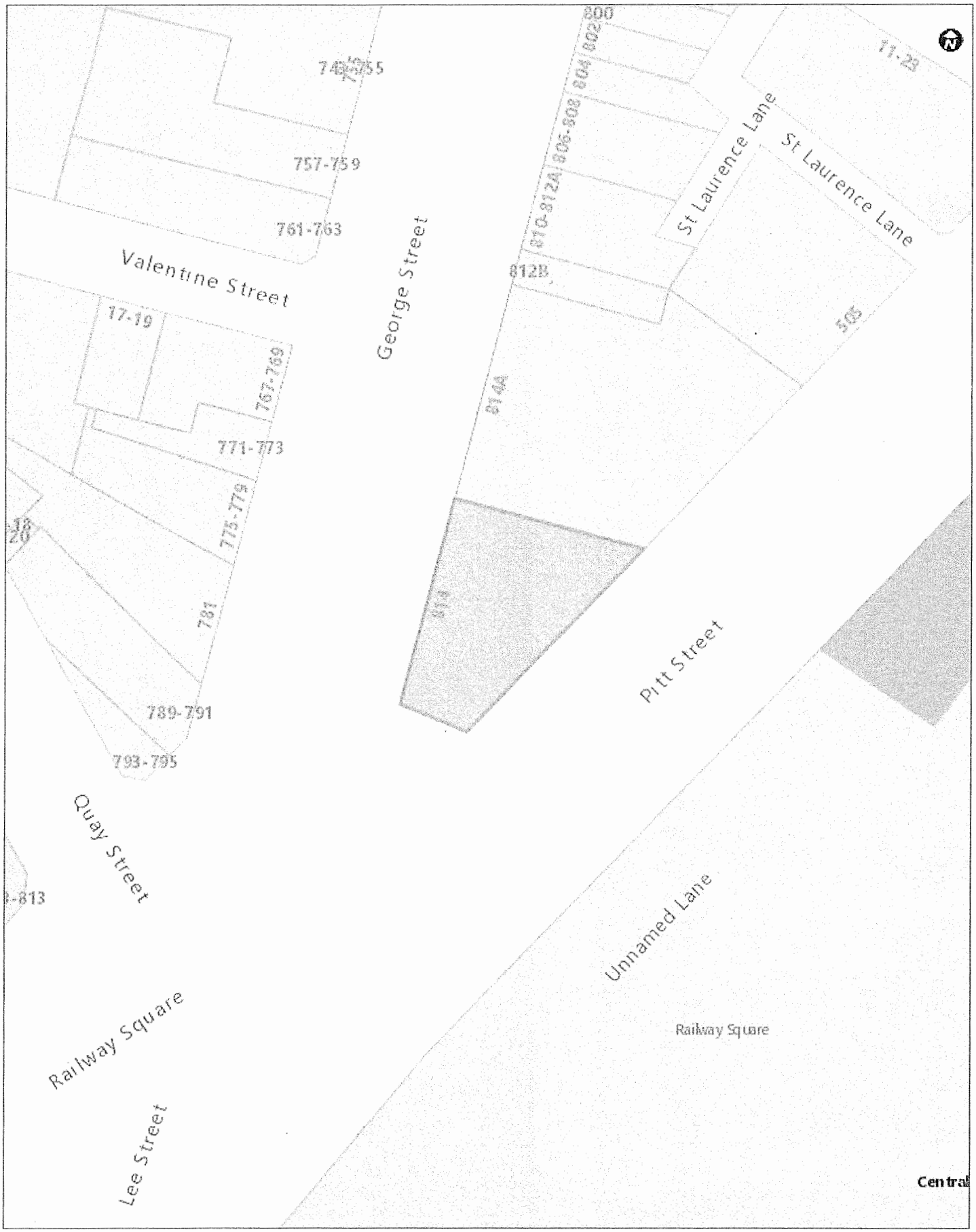
K	12-18 Forbes Street, Woolloomooloo, Licenced Premises	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required.
L	6-8 Orwell Street, Potts Point, Backpackers Hostel	Premises inspected, compliance site inspections undertaken, fire safety requirements satisfied. Fire safety certification current and compliant. No further action required.
M	84-84B Pitt Street, Sydney, Commercial Premises	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
N	10-24 Flinders Street, Darlinghurst, Boarding House	Premises inspected, compliance site inspections undertaken, fire safety requirements of Council and Fire and Rescue NSW now satisfied No further action required.
O	14 Darling Drive,Sydney,Function Centre	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required.
P	156 Botany Road, Alexandria, Residential Apartments	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
Q	43-127 Morehead Street,Redfern,Residential Apartments	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

Inspection Report - 814 George Street, Haymarket

814 George Street Haymarket

CITY OF SYDNEY 2030
Sydney2030 Green Global Connected



city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: S090897 **Officer:** Bhoomi Patel **Date:** 23 March 2019

Premises: 814 George Street Haymarket (Wake Up backpackers)

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises is located at 814 George Street Haymarket and is trading as "Wake Up backpackers".

The building comprises of a nine storey building that has three street elevations, Pitt Street to the east, George Street to the west and the connection between the two to the south as follows:

- A basement level containing a pub trading as "Side Bar", cellar, storage and patron sanitary facilities.
- A ground floor containing a foyer and reception area for backpackers' accommodation and a café.
- A first to seventh floor containing backpackers' accommodation.

The building is a Heritage item and listed on a State Heritage Register. The last proactive fire safety inspection was carried out on 29 November 2018. The building has an effective height of approximately 30m.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The building has a current annual fire safety statement which was on display within the premises at the time of inspection.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including a non-functional emergency light and repairs/maintenance to existing hydrant/sprinkler system, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractors through written instruction from Council.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
21/02/2019	FRNSW correspondence received regarding premises 'Side Bar' 814 George Street Haymarket
06/03/2019	An inspection of the subject premises was undertaken by Council officers together with the backpackers' manager. The inspection revealed only minor non-compliances which could be addressed through appropriate maintenance. The inspection also revealed that the majority of the issues raised by FRNSW had been addressed by the manager. The outcome of the inspection were discussed at the conclusion of the inspection with the manager who was also advised that written advice on the findings would be issued in the due course.
08/03/2019	A compliance letter of instruction was issued to the building owners and the backpackers' manager to rectify the non-compliances identified by Councils investigation officer during the inspection of the premises on 6 March 2018.
21/03/2019	During the inspection it was observed that the majority of the matters raised under a compliance letter of instruction had been rectified. The manager advised that the remaining matters were in the process of being rectified.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3691(5801); 2019/090578]

Fire and Rescue NSW conducted an inspection of the subject premises in the company of officers from the NSW Police force on 8 December 2018.

Issues The report from FRNSW detailed a number of issues, in particular noting:

1. The compliance aspects relating the existing automatic smoke detection and alarm system, hydrant system, sprinkler system and emergency lighting provisions.
2. The maintenance issue associated with one of the fire exit doors.
3. Fire resistance level of an existing enclosure of space under the stair.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	Continue to undertake compliance action in response to issued Council correspondence	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections undertaken by Council investigation officers the owners of the building were issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above written instructions have directed the owners of the premises to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/143613-01
A2.	Locality Plan	2019/143613-02
A3	Attachment cover sheet	2019/143613-03

Trim Reference: 2019/143613 **CSM reference No#:** 2041534

File Ref. No: BFS18/3691 (5801)
TRIM Ref. No: D19/3406
Contact: [redacted]

21 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'SIDE BAR'
814 GEORGE STREET, HAYMARKET
AKA 509 PITT STREET, SYDNEY ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the 'Side Bar', where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

A. There were four (4) faults shown at the Fire Indicator Panel (FIP), relating to the Automatic Smoke Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

A re-inspection of the premises was conducted on 14 December 2018, which found that the FIP was clear of all faults.

B. The spacing between smoke detectors within 'Side Bar' and also the ground floor lobby area of "Wake Up' did not appear to be in accordance with the requirements of Section 5 of Australian Standard (AS) 1670.1–2004.

1B. Fire Hydrant System

A. The fire hydrant pump is located in a small room. A clearance of not less than 1.0m had not been provided around the permitter of the completed pump assembly for ongoing inspection and testing, contrary to the requirements of Clause 11.3 of AS 2941–2013.

B. A block plan of the fire hydrant system had not been provided within the pump room, contrary to the requirements of Clause 7.11 of AS 2419.1-2005;

C. The pressure gauge at the booster pump was deteriorated and could not be read, contrary to the requirements of Clause 9.3 of AS 2419.1–2005.

1C. Sprinkler System

A. A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1–1999.

B. Stop valves were not secured open by a padlocked chain or riveted strap, contrary to the requirements of Clause 8.2 of AS 2118.1–1999.

1D. Emergency Lighting

A. Emergency lighting – An emergency light in the fire-isolated stairway failed to operate when push button tested and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Access and Egress

2A. Latching – A cabin hook and eye gate latch was installed to a fire door located in the path of egress within the fire-isolated exit leading from the upper level accommodation rooms, which when used would prevent the fire door from self-closing, contrary to the requirements of Clause 3.8 of the NCC. Management advised that they would remove the hook and eye latch.

2B. Final exit door – The final exit door to the road from the fire-isolated exit leading to George Street is a double door. Only one of the doors was openable and the other door was locked in the closed position with top and bottom slide bolts. FRNSW were unsure whether both the doors are required to be openable in order to achieve the minimum exit width required.

3. Compartmentation

3A. Enclosure of space under stairs – A space beneath the non fire-isolated stair, providing egress from the 'Side Bar' was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D2.8(b) of the NCC.

4. Generally

4A. Fire Hydrant System

It appears that the fire hydrant system may have been installed in accordance with the provisions of Ordinance 70, however, the block plan states the system was installed to AS2419 (1994), with the year of installation nominated as 2002.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3691 (5801) for any future correspondence in relation to this matter.

Yours faithfully

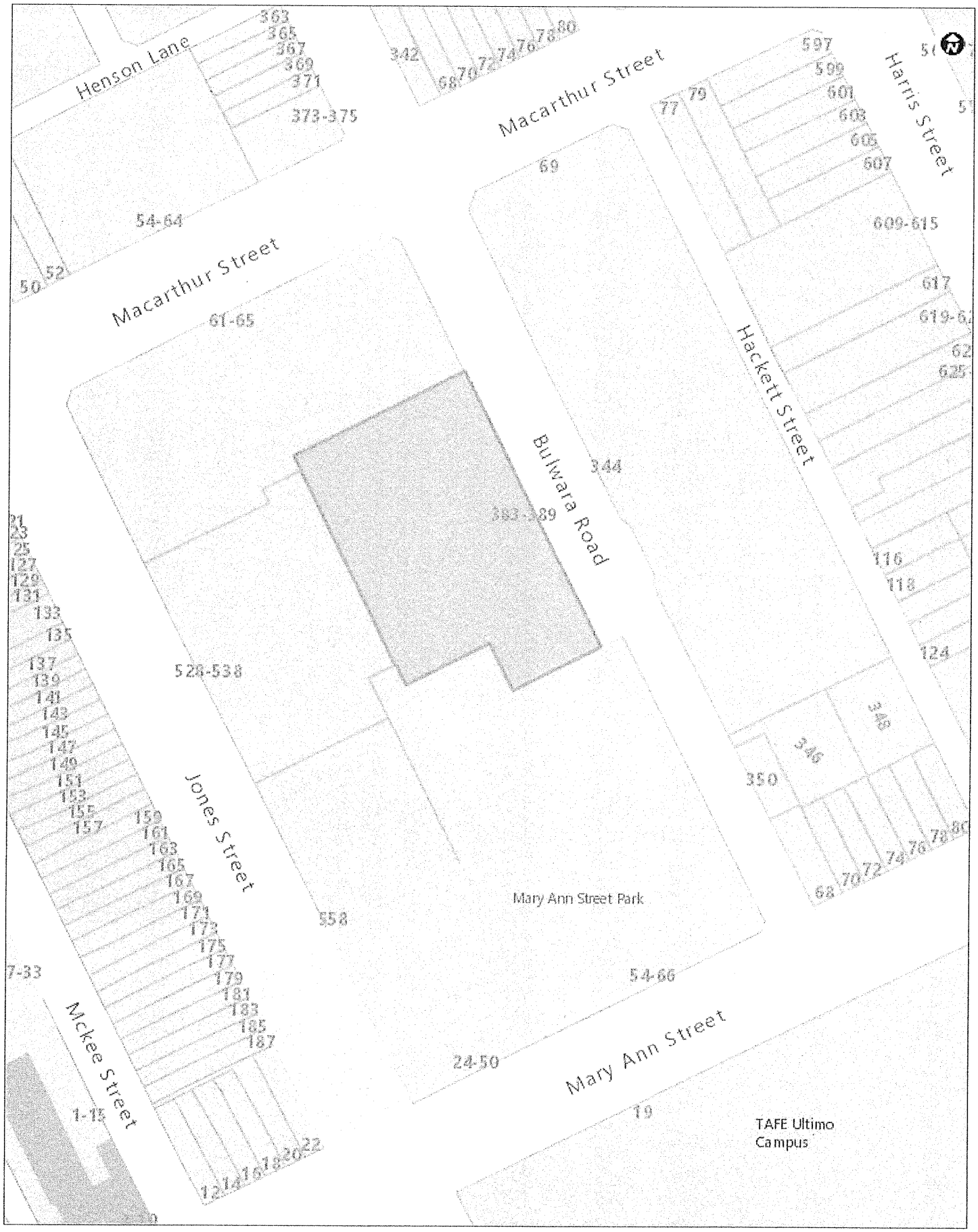
[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

Inspection Report - 383-389 Bulwara Road, Ultimo

383-389 Bulwara Road Ultimo

CITY OF SYDNEY
Sydney2030 Green Global Connected



city of villages

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A4 1:1,000 Metres Date:22-Mar-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2052900 **Officer: Bilal Badyari** **Date: 21 March 2019**

Premises: 383-389 Bulwara Road, ULTIMO NSW 2007

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises referred to as 383-389 Bulwara Road Ultimo- Metro Aspire Hotel with respect to matters of fire safety.

The premises consists of a six storey building located on the Bulwara Road Ultimo next to the Mary Ann Street Park. The premises is used as hotel accommodation, trading as "Metro Aspire Hotel".

- The basement level comprises a carpark.
- The ground floor comprises reception and restaurant area for the hotel.
- Level 1 to level 4 comprises the hotel accommodations.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Inadequate certification for existing fire safety measures;

(ii) A lack of adequate facilities for firefighting, being readily accessible firefighting equipment in some locations and exposure protection for externally installed equipment;

(iii) safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire, being the installation of compliant door handles to exit doors to fire isolated stairway entry doors;

(iv) Inadequate fire detection and alarm systems, an alarm system zone block plan not installed;

(v) Poor fire safety management systems (signs/notices/not displayed, poor housekeeping etc.) in place.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
12/03/2019	FRNSW correspondence received regarding premises 383-389 Bulwara Road Ultimo, Metro Aspire Hotel.
14/03/2019	Desktop review commenced by Council's Investigation Officer to review such things as the building's history including proactive fire safety inspections, relevant development consents / construction certificate approvals and annual essential fire safety certification.
20/03/2019	An inspection of the subject premises was undertaken by Council officers in presence of the manager of the Hotel. The inspection revealed: The hydrant booster assembly is located within close proximity of electrical substation and within an unmaintained garden with obstructions around booster assembly. House- keeping works are required to ensure unobstructed access is available for FRNSW fire-fighting operations. Design reconfiguration required to achieve separation between electrical substation and hydrant booster assembly to facilitate the operational needs of FRNSW. The hydrant booster couplings and internal hydrant landing valves are not fitted with storz fittings to aid FRNSW fire-fighting operations. The hydrant pump room height is very low and the block plan has not been displayed to assist FRNSW operations. The current fire safety schedule does not include all fire safety measures installed in the building, i.e., does not mention; ducted air conditioning system, alarm signalling equipment, kitchen exhaust system, lift landing doors, building occupant warning system and egress systems. The non-listing of such measures may result in some measures not being adequately maintained as they are not subject to annual testing/inspection and certification. A revised fire safety schedule is required to be issued to accurately record the installed fire safety measures and to ensure proper maintenance. Most exit doors leading to fire isolated stairs on accommodation levels have not been provided with the single hand action levers to aid persons evacuating the building. Compliant door levers should be installed to all fire exit doors. Fire stairs and egress passageway at the basement level were found to be clear of items as required by the regulations.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/2191 (4383), D19/16425; 2019/125519]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises on 23 October 2018 in accordance with Section 9.32 (1) of the Environmental Planning and Assessment Act 1979 (the Act).

Issues

1. Alarm signalling Equipment displaying faults.
2. Items have been stored within the basement level fire stairs used causing evacuation obstructions.
3. Door handles attached to exit doors are not acceptable.
4. Hydrant booster assembly is obstructed by unmaintained garden shrubs and located within a close proximity of electrical substation.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

1. Inspect the subject premises and take action to have the identified fire safety issues and any other deficiencies appropriately addressed;

2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/125519
A2.	Locality Plan	2019/143547-01
A3	Attachment cover sheet	2019/143547-02

Trim Reference: 2019/143547 **CSM reference No#: CSM 2052900**

File Ref. No: BFS18/2191 (4383)
TRIM Ref. No: D19/16425
Contact: [redacted]

12 March 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'METRO ASPIRE HOTEL'
383-389 BULWARA ROAD, ULTIMO ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 6 August 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *round door handles - will prevent people from safely opening doors leading into the fire exits*
- *fire rated frames are not backfilled*
- *Evacuation diagrams are poorly designed, no not display locations of exits, diagrams not orientated*
- *fire sprinklers are physically damaged*
- *a wall has been installed in the front foyer of the hotel within centimetres of sprinklers affecting their operation*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 23 October 2018

was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

   1A. Alarm Signalling Equipment (ASE) - The ASE was displaying "Comms Fault" indicating that the secondary (backup) communications link may not be operational, leaving only the primary link to notify emergency services. Discussion were held with the General Manager at the time of the inspection where he advised FRNSW that the issue would be resolved with the service provider immediately.

2. Access and Egress

   2A. Items, including but not limited to: boxes, furniture, shelving, laundry trolleys, a lounge and rolls of carpet, were being stored in the fire stairs and egress passageway at the basement level, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation.

The General Manager provided email correspondence following the inspection, along with a series of photographs, confirming all items had been removed and the exits were clear of all obstructions.

2B. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

3. Generally

3A. Fire Hydrant System: The fire hydrant system appears to installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

a) The hydrant booster assembly:

i. The hydrant booster assembly is located in a position less than 10m from the building, contrary to the requirements of Clause 7.3 of AS 2419.1-2005.

ii. The hydrant booster assembly is located in a position less than 10m from a high voltage electrical substation, contrary to the requirements of Clause 7.3(f) of AS2419.1-2005.

iii. The booster connections are located within an unmaintained garden area with obstructions in front of and around the booster assembly, contrary to the requirements of Clause 7.3(g) of AS2419.1-2005.

iv. The booster connections are located at a height less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4 of AS2419.1-2005.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2191 (4383) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

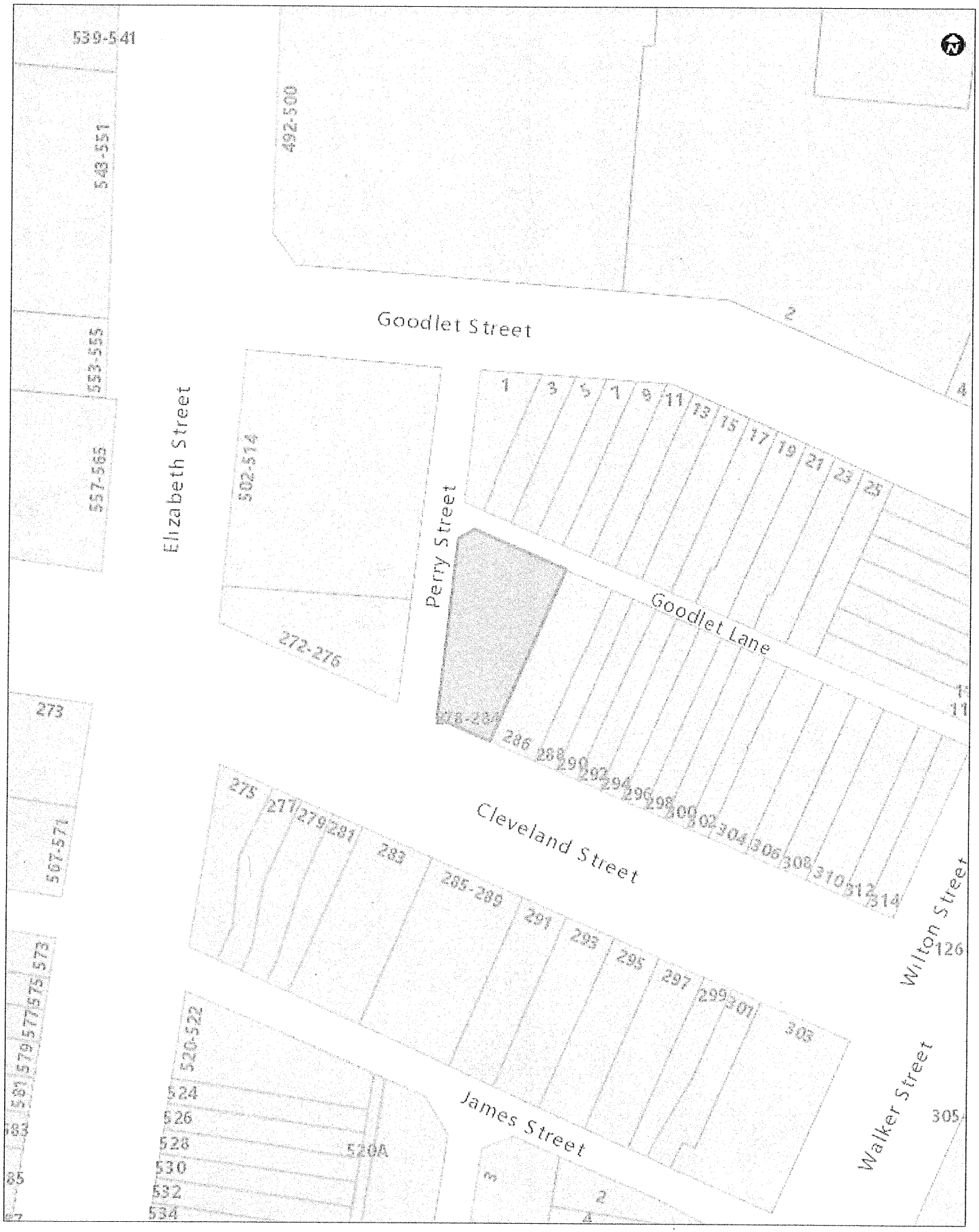
[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

Inspection Report –
278-284 Cleveland Street, Surry Hills

278-284 Cleveland St Surry Hills

CITY OF SYDNEY
Sydney2030 Green Global Connected



city of villages

0 9 19 38
A4 1:750 Metres Date: 3-Apr-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

CSM: 2054132 **Officer: Tereza Wickerson** **Date: 27 March 2019**

Premises: 278-284 Cleveland Street Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 278-280 Cleveland Street Surry Hills (the premises) regarding matters of fire safety.

The two storey building is currently used for commercial purposes, ground level being a public entertainment venue, and first floor containing an approved Brothel.

The premises is located on the corner of Cleveland Street and Perry Street in Surry Hills.

The building was affected by a previous Council Fire Safety Order issued on 9th of September 2008, modified on 18th of March 2009 and finalised on 21 May 2009.

The above fire safety order referenced an existing an automatic fire sprinkler system (distinctive type system).The system was a partial install protecting only the first floor. The system is considered fit for purpose notwithstanding the original installation limitations.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractors through written instruction from Council.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology

Date	Event
15/03/2019	FRNSW correspondence received regarding premises 278-280 Cleveland Street Surry Hills
20/03/2019	An initial desktop review revealed a historical Fire Safety Order issued on 19/09/2008 & as modified on 18/03/2009, was resolved as of 21/05/2009
22/03/2019	An inspection of the subject building was undertaken by a Council officer; the inspection revealed following issues: Ground level Tenancy 'Venue 505': Lockable security doors obstructing two final exit doors, No Annual Fire Safety Statement Present. First floor Tenancy '278 Club': No compliant final exit door latch ware, penetration to fire rated ceiling to storage room under stairs, protective clip to a sprinkler head, current sprinkler booster assembly adjacent to stair as per original installation, no obstruction to smoke detectors, no faults to Fire Panel, no excessive garbage of evidence of smoking, paths free from obstruction, no Annual Fire Safety Statement Present

27/03/2019	Council issued a compliance letter instructing the owner to conduct certain remedial works to existing fire safety measures (exit doors/fire sprinkler system). Council has scheduled progress inspections in relation to required maintenance works to ensure compliance with the relevant installation standards.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/2418, D19/17352]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 20th August 2018 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

Issues

The report from FRNSW detailed a number of issues, in particular noting;

1. Essential Fire Safety Measures

1A Automatic fire detection and alarm system- covered smoke detectors
1B Automatic fire suppression system- sprinkler
   a. Insufficient spare/stock replacement sprinkler heads
   b. Protective caps located on sprinkler heads
   c. Sprinkler booster assembly considered not in a suitable location
1C Annual Fire Safety Statement not present

2. Access & Egress

2A. Operation of latch to egress doors non-compliant
2B. Unable to verify fire resistance level of storage cupboard under stair
2C. Final fire exit door to venue 505 tenancy fitted with lockable gate

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order (NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	Continue to undertake compliance action in response to issued Council correspondence	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections and conversations undertaken by Council investigation officers and site personnel it is recommended that the owners of the building address and comply with the issued compliance letter of instruction and rectify the identified fire safety deficiencies noted by Council.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1	FRNSW Letter dated 20 August 2018	2019/159537-01
A2	Locality Plan	2019/159537-02
A3	Attached Cover Sheet	2019/159537-03

Trim Reference: 2019/159537 **CSM reference No#: 2054132**

File Ref. No: BFS18/2418 (4590)
TRIM Ref. No: D19/17352
Contact: [redacted]

15 March 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
278-280 CLEVELAND STREET, SURRY HILLS ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 23 August 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *About 00:30 on Monday 20th of August 2018 Police attended 278 Club to conduct a business inspection. On arrival Police noticed numerous potential breaches with the development consent.*

  At the entry of the building there was a secure grated door covering a fire exit which has a clear sign stating "Fire safety door. Do not obstruct". The grated door could not be opened without a key.

  Inside the entrance are two sets of staircase leading up to the brothel entrance. Directly to the right of the staircase was a wheelie bin with the lid propped up by excess bags garbage. The garbage was as mixture of general waste and hazardous waste.

  The staircase is the only point of entry and exit to the brothel. A wheelie bin was placed at the crossing point of the stairs which required a person to manoeuvre around it. This bin was also propped up by excess bags of garbage and hazardous waste.

Furthermore at the entrance of the brothel upstairs, which is a closed covered area, a small glass jar with liquid containing used cigarette butts was placed by the door. There was recent ash from cigarettes and a lighter nearby. Directly above this was a smoke alarm covered with paper sticky taped over it.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- Those parts of the building where access was available at the time of the inspection, which included the '278 Club' portion of the building only.
- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

   1A. The Automatic Fire Detection and Alarm System – A plastic bag was covering the detector in the storage room adjacent to the reception area. The plastic bag removed by the Manager at the time of the inspection.

1B. Automatic Fire Supression System:

a) A complete stock of replacement sprinklers had not been provided at the sprinkler control valves contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

b) Protective caps were fitted on multiple sprinkler heads throughout the 1st floor level. The Manager advised FRNSW that the caps were fitted to protect the sprinkler heads whilst the ceilings were being painted. The protective caps were removed by the Manager at the time of the inspection.

c) Sprinkler booster – the sprinkler booster assembly is located inside the '278 Club' entry on the ground floor, which is not considered a suitable location that is readily accessible to fire brigade personnel, contrary to the requirements of Clause 4.4.3. of AS2118.1-1999. Furthermore, should firefighting hoses be connected to the booster assembly in its current configuration, occupant egress from the 1st floor would be compromised as the hoses would cause an obstruction .

1C. Annual Fire Safety Statement (AFSS) – a copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

2. Access and Egress

2A. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

2B. Enclosure of space under stairs – the space beneath the non fire-isolated stair on the ground floor was enclosed to form a cupboard and it could not be determined whether the enclosing walls and ceiling achieve an FRL of not less than 60/60/60 and whether the access doorway was fitted with a self closing -/60/30 fire door, in accordance with the requirements of Clause D2.8(b) of the NCC.

2C. The side door from the ground floor 'Venue 505' was fitted with a locked gate on the outside of the door. The door was marked ' Fire Safety Door – Do Not Obstruct' which indicates the door is a required exit.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through Item No. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2418 (4590) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

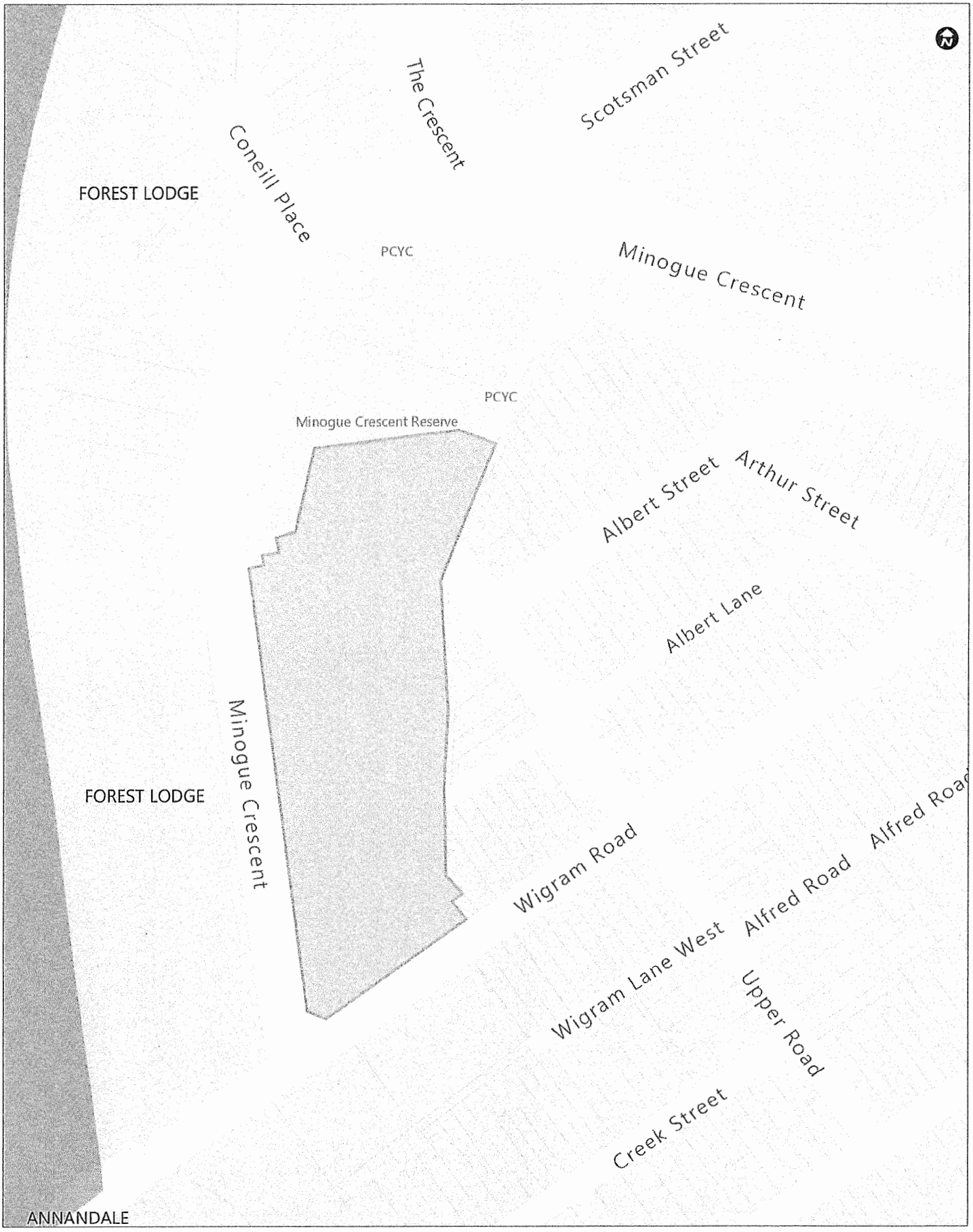
[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment E

Inspection Report -
6-10 Minogue Crescent, Forest Lodge

6 - 10 Minogue Crescent Forest Lodge

CITY OF SYDNEY 2030
Sydney2030 Green Global Connected



city of villages

0 19 38 75
A4 1:1,500 Metres Date: 3-Apr-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: FIRE/2019/26 **Officer:** Eyman Balta **Date:** 27 March 2019

Premises: 6 – 10 Minogue Crescent Forest Lodge

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises is located at 6 – 10 Minogue Crescent Forest Lodge and is a NSW Land and Housing Corporation owned and operated building.

The building presents as two rows of terrace type residential units located over a common carpark.

The building comprises of a four storey building bounded by Minogue Crescent Reserve to the north, Minogue Crescent to the west and Wigram Road to the south and is configured as follows:

- A ground floor level carpark accessible from Minogue Crescent.
- A two storey row of residential unit blocks located to the front of the site to Minogue Crescent containing thirty two (32) units constituting levels one and two.
- A three storey row of residential unit blocks are located to the rear of the site containing fifty four (54) units constituting levels one, two and three.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Inadequate fire detection and alarm systems;

(ii) A lack of adequate facilities for firefighting;

(iii) Suitable fire resisting construction to prevent the spread of fire;

(iv) Safe and dignified emergency egress for occupants to safety evacuate the building in the event of a fire;

(v) Poor fire safety management systems (signs/notices/not displayed etc.) and housekeeping procedures in place.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Fire Safety Order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

On the 27 March 2019 a Notice of Intention to Give an Order was issued by Council and a subsequent Fire Safety Order will be issued in twenty one days subject to any representations made by the building owner.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the facade of the building.

Chronology:

Date	Event
15/03/2019	FRNSW correspondence received regarding premises located at 6 – 10 Minogue Crescent Forest Lodge.
18/03/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: 1. A non-compliant and deficient fire hydrant system serving the building. 2. Non compliances associated with the sprinkler system serving the ground level carpark. 3. Separation of the main electrical switchroom in the carpark. 4. Non compliances associated with the bounding construction provided to residential sole occupancy units. 5. Security doors installed to fire rated door frames compromising the integrity of the fire rated frame. 6. Unprotected service penetrations visible in the floor slab located between the ground floor level carpark and the first floor residential units above. 7. Non compliances associated with defective handrails and balustrades. 8. No fire hydrant coverage to residential units. 9. No portable fire extinguishers provided to residential unit common areas. 10. Smoke alarms in common areas that appear to suffer from a lack of maintenance. 11. Lack of building occupant warning for the carpark sprinkler system. 12. Lack of emergency lighting in residential unit common areas. 13. Defective exit and directional signage throughout the building.
27/03/2019	A Notice of Intention to Give an Order is issued by Council.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3475 (5597) and D19/17040.

Fire and Rescue NSW conducted an inspection of the subject premises on the 5 December 2018 after receiving an enquiry about non-compliant egress systems and non-compliances associated with the buildings fire hydrant, sprinkler, smoke detection system and building occupant warning system.

Issues

The report from FRNSW detailed a number of issues, in particular noting concerns with:

1. Non compliances associated with the buildings fire hydrant pumpset, pump control panel and lack of maintenance and identification of non-compliances associated with this pump. A Fire Safety Order was issued by FRNSW on the 19 December 2018 and a further inspection undertaken by FRNSW on the 3 January 2019 and the 5 February 2019 confirmed compliance with this Order. FRNSW has advised that it *does not consider Council is required to take action in relation to this item.*

2. Non compliances associated with the fire hydrant and sprinkler booster connections.

3. That fire hydrant coverage is not provided to the residential parts of the building.

4. Non compliances associated with the sprinkler system servicing the buildings carpark.

5. Non compliances associated with the fire hose reels servicing the buildings carpark.

6. Bollards not being provided adjacent to fire exits in the buildings carpark to prevent the obstruction of exits by vehicles and the like.

7. Non-compliant balustrades provided to the residential foyer areas of the building.

8. Non compliances associated with doors swing against the direction of egress and the provision of non-compliant door hardware.

9. The provision of security screen doors to the entry doors of residential sole occupancy units that promote occupants chocking open these doors that contravenes the requirements of the Building Code of Australia (BCA) that requires these doors to remain in the closed position after each opening.

FRNSW Recommendations:

FRNSW have made recommendations within their report. In general FRNSW have requested that Council;

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed, with the exception of the items identified in the Fire Safety Order issued by FRNSW on the 19 December 2018;

2. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing a NOI to give a fire safety order in accordance with the above Act prior to the resolution of Council.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/136664-01
A2.	Locality Plan	2019/136664-02
A3.	Attachment cover sheet	2019/136664-03
A4.	Notice of Intention to Give an Order	2019/136664-04

Trim Reference: 2019/136664 **CSM reference No#:** 2054280

File Ref. No: BFS18/3475 (5597)
TRIM Ref. No: D19/17040
Contact: [redacted]

15 March 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 23 November 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Rubbish accumulated in fire stairs, fire doors blocked egress, fire doors non compliant, fire doors do open/close without force. no fire seals on fire doors hindering the fire separation requirements, doors function obstructed/held open with door stop (unit 1), fire hydrant system absent, fire sprinkler system absent, smoke detection insufficient, mechanical air handling system in fire control center not powered on, warning system inefficient, exit signs unclear, exits obstructed, exits pathways obstructed, chimney from control room is blocked with an overhanging tree branch blocking the chimney/obstruction of function from the outside, hose reel system location fire hazard/smoke insulation hazard, overhanging overgrown trees and heavy dense areas of trees throughout complex hazard for spreading fire between seperated buildings with huge fuel load, heavily overgrown bushes/vines with excessive accumulation of dead plants and bushes hazard for fire being excessive fuel load, no warning system, long term fire safety neglect of entire complex by NSW Land and Housing Corporation and City of Sydney Council. Hoarding tenants throughout complex, rats and possums infestation in roof throughout*

entire complex, evidence of rodents chewing power cords and cables in roofs, saftey switch in unit for does not work and landlord neglect to maintain electricity for safe habitation of residents, moisture in roof cavity where electricity cables are present. Water leaking throughout, broken pipes throughout complex

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. The Fire Hydrant System:

a) Hydrant pumpset: The hydrant system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

i. The diesel pump control panel was displaying "control battery fail".

ii. The 'Fire Pumpset' maintenance logbook, listed the following defects in the monthly service records, since October 2018.

- "Charger batteries need replacing"
- "PRV Faulty – needs overhaul"

b) The hydrant booster assembly:

i. The hydrant and sprinkler booster connections, which are independent from each other, are not clearly marked with signage to distinguish the hydrant system booster from the sprinkler system booster, contrary to the requirements of Clause 7.10 of AS2419.1-2005.

ii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.

iii. Above ground isolating valves are not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.

c) Hydrant coverage – Internal fire hydrants are provided throughout the carpark level only, however hydrant coverage is not available to the residential parts of 'the premise' from the on-site hydrant system.

1B. Automatic Fire Supression System:

a) A plan of risk (block plan) is not provided adjacent to the sprinkler booster assembly, contrary to the requirements of Clause 8.3 of AS2118.1-1999.

b) It appears a recent car fire in the northern carpark operated the sprinkler system and the replacement sprinkler head was substituted with a different release temperature bulb. In this regard, the carpark is provided with red coloured, nominal release temperature bulbs, whilst the replacement sprinkler head was green colour code which operates at a higher temperature release, which may not be consistent with the approved system.

c) The isolation valve at the sprinkler booster was not secured open by a padlocked chain or a padlocked or riveted strap, contrary to the requirements of Clause 8.2 of AS2118.1-1999.

d) A complete stock of replacement sprinklers had not been provided at the sprinkler control valves contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

e) A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

1C. Fire Hose Reels (FHR's) - Multiple FHR's throughout the carpark level were detached from the hose guide and nozzle interlocking devices.

1D. Exit signs – Multiple exit signs throughout carpark level were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

1E. Annual Fire Safety Statement (AFSS) – a copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

2. Access and Egress

2A. Barriers - Suitable barriers were not provided in the carpark level to prevent vehicles from blocking the exit, contrary to the requirements of Clause D1.10(a) of the NCC.

2B. Balustrades – The balustrades to the stair landing on the second floor level (residential foyers), appeared to achieve a height of less than 1m, contrary to the requirements of Clause D2.16 of the NCC.

2C. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

2D. Door swing – the final exit doors on the ground floor of each residential lobby, swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

3. Compartmentation and Separation

3A. Bounding construction – Screen security doors have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout 'the premises'. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry door, which is in contravention of Clause C3.11 of the NCC, which requires a doorway in a Class 2 SOU be protected by a door which is equipped with a device which returns the door to the fully closed position immediately after each opening.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 19 December 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A(a) of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A(a) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 3 January 2019 and 5 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection on 5 February 2019, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A(b) through Item No. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3475 (5597) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments: [Appendix 1 – Emergency Fire Safety Order No. 1 – 3 pages]

Appendix 1 – Emergency Fire Safety Order No. 1

Unclassified

File Ref. No: BFS18/3475 (5597)
TRIM Ref. No: D18/91483
Contact: [redacted]

19 December 2018

New South Wales Land and Housing Corporation
223-239 Liverpool Road
ASHFIELD NSW 2131

Dear Owner

Re: **FIRE SAFETY ORDER – ORDER 1**
6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")

Fire & Rescue NSW (FRNSW) has received your email correspondence dated 14 December 2018 in response to the Notice of Intention to issue a Fire Safety Order, dated 7 December 2018. With consideration being given to your representations, FRNSW has determined to issue the Fire Safety Order, in accordance with the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

Accordingly, please find attached a copy of the FRNSW Fire Safety Order (Order No. 1), dated 19 December 2018, issued in accordance with the provisions of Section 9.34 of the EP&A Act. A copy of the Order will be forwarded to City of Sydney Council, in accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, where further inspections will be conducted by FRNSW to assess compliance with the terms of the Order.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3475 (5597) for any future correspondence in relation to this matter.

Yours faithfully,

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

CC/- [redacted]
Department of Family and Community Services
[redacted]

[redacted]
Department of Family and Community Services
[redacted]

Fire and Rescue NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au
Community Safety Directorate
Fire Safety Compliance Unit
1 Amarina Ave
Greenacre NSW 2190
T (02) 9742 7434
F (02) 9742 7843
www.fire.nsw.gov.au

Unclassified

Unclassified

NSW GOVERNMENT | FIRE + RESCUE

Fire Safety Order
ORDER No. 1

Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)

I, [redacted] (name) Senior Building Surveyor (rank) [redacted] (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

New South Wales Land and Housing Corporation (name of person whom Order is served) — Owner (position i.e. owner, building manager)

with respect to the premise

6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Fire Hydrant System is capable of operating in accordance with the relevant standard of performance it was designed and installed, by:
    a. Repairing the 'control battery fail' displayed on the diesel pump control panel.
    b. Repairing the 'PRV fault' identified as a defect in the latest service record dated 2 November 2018.

Unclassified

Unclassified

Unclassified

The reasons for the issue of this Order are:

a. At the time of inspection on 5 December 2018, the following fault was displayed on the diesel pump control panel:

   i. "control battery fail"

b. The 'Fire Pumpset' maintenance logbook, listed the following defects in the monthly service records, since October 2018:

   i. "Charger batteries need replacing".

   ii. "PRV Faulty – needs overhaul".

c. To ensure that the hydrant system is capable of operating in accordance with the standard of performance it was designed and installed to.

d. To ensure that the hydrant system is capable of providing the operational requirements of the attending fire brigade.

e. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.

The terms of the Order are to be complied with:

By no later than Close of Business on the 2 January 2019.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

[redacted]

[redacted]

Senior Building Surveyor
Fire Safety Compliance Unit

This Order No. 6 was sent by mail on 19 December 2018.

Unclassified

Unclassified

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

27 March 2019

NEW SOUTH WALES LAND AND HOUSING CORPORATION
PO BOX 4009
ASHFIELD NSW 1800

Licence No: FIRE/2019/26

NOTICE OF INTENTION TO GIVE AN FIRE SAFETY ORDER
Schedule 5, Clause 6, Environmental Planning and Assessment Act 1979

Premises: 6 – 10 Minogue Crescent Forest Lodge NSW 2037

An inspection of the building by Council Investigation officer Eyman Balta on the 18 March 2019 has revealed that the abovementioned premises are deficient in fire safety and egress facilities.

City of Sydney Council intends to give you a Fire Safety Order under Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979.

A copy of the proposed order, which includes the period within which it must be complied with and the reasons for the proposed order, is attached.

You may make representations to Council's West Area Manager Josh Bradshaw as to why the Order should not be given or as to the terms of or period for compliance with the Order.

In this respect written advice of your intention to make representations including specific contact details to assist Council in informing you of the time and date of your representations should be received by Council within 21 days from the date of this notice.

After hearing and considering any such representations Council may determine:

(a) to give an order in accordance with the proposed order;
(b) to give an order in accordance with modifications made to the proposed order;
(c) not to give an order.

In the event that Council serves an Order under the said Act in the abovementioned terms, a person on whom such an Order is served may appeal against the Order to the Land and Environment Court of New South Wales within 28 days after service of the Order.

Sydney2030/Green/Global/Connected

Compliance Cost Notice

If Council issues you with an Order under Schedule 5, Part 2 following this Notice of Intention it may also issue you with a Compliance Cost Notice under Schedule 5 section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure the Order is complied with.

For further information regarding this notice please contact Eyman Balta of the Health and Building West Area on telephone number 9246-7275 or by email at ebalta@cityofsydney.nsw.gov.au.

Yours sincerely



Eyman Balta
Senior Building Surveyor - West Area
Health and Building Unit

CC: [redacted]

Date to be advised

NEW SOUTH WALES LAND AND HOUSING CORPORATION
PO BOX 4009
ASHFIELD NSW 1800

Licence No: FIRE/2019/26

NOTICE OF INTENTION TO GIVE AN FIRE SAFETY ORDER
Schedule 5, Clause 6, Environmental Planning and Assessment Act 1979

Premises: 6 – 10 Minogue Crescent Forest Lodge NSW 2037

You being the owner in respect of the property at the abovementioned premises are ordered by City of Sydney Council to do such things as are specified in the order so as to ensure and promote adequate fire safety and fire safety awareness within the subject premises. The specified works given below shall be completed to the satisfaction of Council within the compliance period detailed below.

Circumstances in which an Order number 1 can be given:

(1) When provision for fire safety or fire safety awareness is inadequate to:
- Prevent fire, or
- Suppress fire, or
- Prevent the spread of fire.

To ensure or promote the safety of persons in the event of fire.

When lack of maintenance of the premises or the use of the premises constitutes a significant fire hazard

Premises the subject of the Order:

6 – 10 Minogue Crescent Forest Lodge NSW 2037
Lot 2 in Deposited Plan 730920

Compliance Period:

Pursuant to clause **Schedule 5, Clause 27** of the Environmental Planning and Assessment Act 1979, the period for compliance with this order is as follows:

I. Stage 1 works shall be completed within **180 days** (Date T.B.A.) from the date of this order;

II. Stage 2 works shall be completed within **270 days** (Date T.B.A.) from the date of this order;

III. Stage 3 works shall be completed within **365 days** (Date T.B.A.) from the date of this order.

Relevant Authority:

The relevant legislative provisions are Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act, 1979.

Modification of Orders:

The terms of this development control order can only be modified by Council in writing, and only if the person to whom the Order was given agrees to that modification. In no circumstances can the terms of the Order be amended orally.

Any application to Council seeking an amendment of this Order must be in writing clearly setting out:

- The term(s) to be modified,
- The reasons for the modification of the term(s) and
- Any substitute term(s) to be added to the Order (if applicable)

Submission of Fire Safety Certificate:

That a person to whom a fire safety order is given, must within the time specified in the order, cause a copy of the final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the Council.

Failure to provide a copy of the Final Fire Safety Certificate is an offence under the Environmental Planning and Assessment Regulation and can be the subject of an infringement notice.

REASONS FOR GIVING THE FIRE ORDER

Pursuant to Schedule 5, Clause 5 of the Environmental Planning and Assessment Act 1979, this Order was given for the following reasons:

GENERAL

1. The building is considered to be in an unsafe fire safety condition, lacking among other things proper provision for the detection, controlling and extinguishment of fire and adequate provision for escape in the event of a fire emergency;

2. Written correspondence has been received by the Council from Fire and Rescue NSW (FRNSW) identifying serious fire safety concerns and large number of Building Code of Australia (BCA) non-compliances associated with the building;

CONSTRUCTION

3. The two residential unit buildings are not provided with building elements/measures which will avoid the spread of fire to the buildings from adjoining northern allotment;

4. The building has such pipes, electrical wiring and other services rising through the building which penetrate fire resisting building elements of construction and are not adequately sealed to prevent or resist the vertical or horizontal spread of fire;

5. Entry doors to residential sole occupancy units of the two residential unit buildings are damaged and have self-closing devices removed which can assist in early and rapid smoke migration and horizontal fire spread throughout the buildings in the event of a fire;

6. Entry doors to residential sole occupancy units of the two residential unit buildings require inspection certification to confirm that these doors are provided with compliant self-closing fire resisting doorsets which are required to prevent the spread of fire to exits and to assist in the safe evacuation of the occupants in the event of a fire emergency;

7. The building's residential sole occupancy units in the two residential unit buildings are not provided with compliant bounding construction which in the event of fire, can cause or lead to the early and rapid spread of fire and smoke throughout public corridors and the fire exit stairways;

8. The two residential unit buildings are not provided with ceiling below the roof with a resistance to the incipient spread of fire required to prevent the spread of fire to the roof structure and prevent structural collapse;

9. The carpet materials used in and around egress routes of the two residential unit buildings potentially have the ability to not resist the spread of fire or limit the generation of smoke and heat and toxic gases;

10. The buildings main electrical switch rooms are not enclosed with appropriate fire resisting elements of construction to prevent the spread of fire and smoke to egress paths and adjoining parts of the building;

11. Emergency equipment switchgear located within the main electrical switchboards of the main electrical switchrooms have not been separated from non-emergency equipment switchgear to prevent the spread of any fault from the non-emergency equipment to the emergency equipment;

MEANS OF EGRESS

12. The final exit doors from the two residential unit buildings are not provided with a single handed downward action latching devices and swing against the direction of travel. These omissions will negatively impact on the ease with which persons evacuate the building in an emergency;

13. The final exit doors from the carpark level of the building have single handed downward action latching devices that are damaged or missing. These omissions will negatively impact on the ease with which persons evacuate the building in an emergency;

14. The entrance into, and discharge of the buildings fire exits from the carpark level of the building could potentially be blocked by vehicles and the accumulation of stored items which hinder egress from this part of the building in a fire situation;

15. The fire exit stairs within the two residential unit buildings, and external stairs and ramps throughout the common grounds / walkways do not provide acceptable provisions for access and egress to and from the building as they have defective balustrades and handrails. These defects pose a serious falling threat to persons using the stair not only in an emergency but in the general day to day access of floors;

16. The storage of combustible materials in the carpark level of the building and the common areas of the two residential unit buildings is hindering egress and is presenting a serious fire threat;

17. The stair treads of the existing stairs either lack a slip resistant finish or non-skid strips, or have damaged non-skid strips. These omissions present a risk to occupants slipping and injuring themselves whilst using the stairs;

18. The building lacks (state general fire safety deficiency) and is in need of controlled fire safety evacuation procedures so as to assist occupants in the event of a building fire emergency;

19. There is inadequate signage which alerts-warns occupants against impairing the operation of any fire exit doors and from obstructing the fire exits from the carpark level of the building;

20. The residential apartment entry doors of the two residential unit buildings have screen/security doors fitted which encroach onto the passageway, affect the fire resistance of the entry door, hinder egress and present a potential fire safety threat by promoting that these entrance doors are held in the open position;

21. Artificial lighting provided to the two residential unit buildings is not working and fails to provide a level of illumination to enable safe movement by occupants. This poses a serious slipping and falling threat to persons using these areas not only in an emergency but in the general day to day access of floors;

FIRE SERVICES AND EQUIPMENT

22. The building is not provided with appropriate fire fighting equipment to safeguard against the spread of fire and to assist occupants and Fire and Rescue NSW to undertake fire-fighting operations on a fire;

23. The sprinkler system serving the car park fire compartment which accommodates a large number of (more than 40) motor vehicles is not adequately configured and installed to control the development and spread of fire in the event of the outbreak of a fire situation within this area;

24. The smoke alarm system provided to the common areas of the two residential unit buildings is not being serviced and is in need of urgent remedial work;

25. The provision of hard wired smoke alarms to the internal parts of residential sole occupancy units of the two residential unit buildings is unknown;

26. The emergency evacuation lighting system provided to the common areas of the two residential unit buildings is not working and fails to provide a level of illumination for safe evacuation in an emergency;

27. The two residential unit buildings are not provided with exit signage which assists in occupant safety within a building in a fire emergency situation;

28. The exit signs provided to the exits located in the carpark level of the building are not working and fail to provide a level of illumination for safe evacuation in an emergency;

29. The carpark level of the building is not provided with directional exit signage which assists in occupant safety within a building in a fire emergency situation;

30. The carpark level of the building is not provided with adequate emergency evacuation lighting which assists in occupant safety within a building in a fire emergency situation;

31. Fire hose reels in the carpark level of the building are not being maintained to the degree necessary to allow occupants to undertake initial attack of an outbreak of fire;

32. Portable fire extinguishers are not provided to the two residential unit buildings or the carpark level of the building to the degree necessary to allow occupants to undertake initial attack of an outbreak of fire;

33. The building is primarily used as a residential apartment building and does not have appropriate measures in place which would alert occupants of the building of a fire so that they may evacuate with a degree of safety before conditions become untenable or life threatening;

34. The building does not have a current fire safety certification for installed fire safety measures. This may suggest that required fire measures are not being maintained to the degree necessary to ensure their reliable performance in the event of a fire;

35. The mechanical air handling system serving the car park level of the building is not being maintained so as to prevent the spread of fire and smoke throughout the car park, and to ensure that evacuation routes remain tenable for occupant evacuation in the event of a fire emergency;

FIRE SAFETY MANAGEMENT

36. The electrical and gas installation serving the building appears to suffer from a number of defects (age, neglect and substandard installation). Consequently these installations pose a serious threat to occupant safety and acts as a hazard.

PROPOSED

Terms:

The terms of the Order are:

THE SPECIFIED WORKS

1. SAFETY OF PERSONS IN THE EVENT OF FIRE

1.01 Floor lining materials

That floor lining materials used within and leading to the exit of the two residential unit buildings shall be audited by an appropriately qualified company/person to ensure compliance with Clause C1.10 and Specification C1.10 of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Non-compliant floor linings shall be removed or replaced; **(Work to be completed as part of Stage 1)**

1.02 Swing of exit doors

That all required exit doors from the two residential unit buildings shall be caused to swing in the direction of egress complying with the requirements of Clause D2.20 of the BCA; **(Work to be completed as part of Stage 1)**

1.03 Single hand action latches on exit doors

That all exit doors leading from the two residential unit buildings, and exit doors leading from the carpark level of the building, including final doors, shall be openable by a single grip lever handle downward action latch set or pushing action in accordance with the requirements of Clause D2.21 of the BCA; **(Work to be completed as part of Stage 1)**

1.04 Remedial work to stair balustrades

That balustrades complying with the requirements of Clause D2.16 of the BCA shall be installed to all stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.05 Remedial work to stair handrails

That handrails complying with the requirements of Clause D2.17 shall be installed to all stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.06 Steel Bollards to exit doors

That approved steel bollards shall be provided within the carpark level outside of the entrances to exits to prevent vehicles and other obstructions from blocking effective egress from the carpark level of the building. Details shall be submitted to Council for approval prior to construction works being initiated; **(Work to be completed as part of Stage 1)**

1.07 Non-slip finish to stair treads

That all treads and landings of the existing stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site shall be provided with a non-slip finish or an adequate non-skid strip near the edge of the nosings/landing.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.08 Separation of the main electrical switchrooms

That the main electrical switchrooms located in the carpark level of the building shall be fire separated from the remainder of the building by construction having a FRL of 120/120/120 with all openings thereto protected by fire resisting doorsets having an FRL of -/120/30 in accordance with the requirements of C2.13 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

1.09 Inspection and certification of fire dampers

That the fire dampers installed in walls of the main electrical switchrooms located in the carpark level of the building shall be subject to inspection, testing and be certified to comply with the requirements of AS1668.1 – 2015, AS1682.1 – 2015 and AS1682.2 – 2015.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

1.10 Separation of emergency equipment within main electrical switchboards

That emergency equipment switchgear located within the main electrical switchboards shall be separated from non-emergency equipment switchgear in accordance with the requirements of Clause C2.13 (d) of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

1.11 Emergency lighting

That a system of emergency lighting shall be installed throughout the two residential unit buildings and the carpark level to provide sufficient light in an emergency in accordance with the requirements of Clause E4.2 and E4.4 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.12 Exit and directional signs

That exit and directional signs shall be installed to the carpark level of the building. Signs shall be illuminated at all times and generally be of sufficient number that direction of travel to all exits is clearly visible from any part of the major egress routes. Exit signs shall be installed to the standard expressed in Clause E4.5, E4.6 and E4.8 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.13 Exit signs within a Class 2 residential buildings

That exit signs shall be installed throughout the two residential unit buildings in accordance with the requirements of Clause E4.5, E4.6, E4.7 and E4.8 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.14 Fire safety and emergency plans and procedures

That suitable emergency plans and procedures shall be prepared in conjunction with an appropriately qualified person or firm and comply with the relevant requirements of AS3745-2010. Permanent evacuation diagrams shall be located in prominent locations throughout the building.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

1.15 Signs on exit doors

That suitable signage shall be installed to alert persons that the operation of doors from the carpark level of the building must not be impaired in accordance with the requirements of Clause D2.23 of the BCA; **(Work to be completed as part of Stage 1)**

1.16 Artificial lighting in Class 2 residential buildings

That a system of artificial lighting shall be provided throughout the exit stairways, exit corridors and lobbies of the two residential unit buildings.

Artificial lighting shall be installed in accordance with Clause F4.4 of the BCA and AS/NZS1680.0 – 2009.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.17 Fire Safety Audit/Final Fire Safety Certificate

The Owner shall carry out an inspection and audit of all required fire safety measures installed within the building and contained within the Fire Safety Schedule attached to this Order; and

The Owner shall undertake all such remedial works necessary to ensure that those required fire safety measures contained within the attached Fire Safety Schedule are capable of operating/performing to at least the standard for which the measure was originally designed and implemented; and

A Final Fire Safety Certificate shall be submitted to Council, to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates;

(a) has been assessed by an appropriately qualified person, and

(b) was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued; **(Work to be completed as part of Stage 3)**

2. PREVENTION OF FIRE

2.01 Good housekeeping

That good housekeeping shall be maintained at all times; **(Work to be completed as part of Stage 1)**

2.02 Egress paths to be kept clear

That egress paths/exits shall be kept free of obstructions/storage at all times; **(Work to be completed as part of Stage 1)**

2.03 Storage in and around exit stairs

That all items located in and around the fire exit stairways shall be removed and re-located to a more suitable position of safety; **(Work to be completed as part of Stage 1)**

2.04 Certification of electrical installation

That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and be certified in the following manner;

The certificate shall be in the form of a written report providing the following minimum requirements:-

(a) The electrical contractors licence number;

(b) That a visual examination (refer to Clause 8.2 of AS/NZS3000 - 2018) of wiring, fittings and accessories was undertaken and they were found to be in sound condition;

(c) That an insulation resistance and circuit connection test was carried out pursuant to Clause 8.3.6 of AS/NZS3000 - 2018 and was found to be satisfactory; **(Work to be completed as part of Stage 2)**

2.05 Inspection of gas installation

That the gas installation serving the whole of the premises shall be inspected by a suitably qualified gas fitter and shall be certified to comply with the relevant safety requirements of AS/NZS5601.1 - 2013 (Gas Installations – General Installations).

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance; **(Work to be completed as part of Stage 2)**

3. DETECTION OF FIRE

3.01 Certification of existing smoke alarm system

That certification is required to confirm that the existing automatic smoke alarm system installed to the common areas of the two residential unit buildings has been designed, installed and comply in all respects with the requirements of Clause 3 of Specification E2.2a and AS3786 – 1993 (as amended).

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Works to be completed as part of Stage 1)**

3.02 Certification of existing building occupant warning system

That certification is required to confirm that the inbuilt sounders of the existing smoke alarm system installed to the common areas of the two residential unit buildings operate as building occupant warning systems and have been designed, installed and comply in all respects with the requirements of Clause 6 of Specification E2.2a of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Works to be completed as part of Stage 1)**

3.03 Installation of smoke alarms to residential sole occupancy units

That single station photoelectric type smoke alarms shall be installed within every residential sole occupancy unit in the two residential unit buildings.

Smoke alarms shall meet the requirements of Clause 3 of Specification E2.2a of the BCA and AS3786 – 1993 (as amended). The primary power supply of the smoke alarms shall be external to the unit housing being electrically hard wired, and also fitted with a battery backup.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

3.04 Signage for the non-monitored smoke alarm system

That appropriate permanent notices shall be placed in conspicuous locations in the two residential unit buildings alerting building occupants that the smoke alarms installed to residential sole occupancy units and that the smoke alarm system installed in the common areas of the buildings is not monitored by Fire and Rescue NSW and that "In the event of fire ring 000 to ensure fire service response" (together with the location of the premises). Details of this notice is to be submitted to Council for approval prior to installation; **(Work to be completed as part of Stage 1)**

WARNING

The smoke alarms installed in this building are not connected to Fire and Rescue NSW

In the event of **FIRE / FIRE ALARM** you must call **000**

And request Fire Service response at 6 – 10 Minogue Crescent Forest Lodge NSW 2037

(Suggested notice, preferably red writing on white background with minimum lettering size of 8mm)

4. THE PREVENTION OF THE SPREAD OF FIRE

4.01 Fire doorsets to residential sole occupancy units

That the entrance doorsets to the residential sole occupancy units in the two residential unit buildings shall have a fire resistance level of -/60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation.

Fire rated doorsets shall comply in all respects with the requirements of Clause 3.11 of the BCA and AS1905.1 – 2015.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current doorsets; **(Work to be completed as part of Stage 2)**

4.02 Removal of security screens

That all screen/security doors fitted to apartment entry doorways of the two residential unit buildings shall be removed; **(Work to be completed as part of Stage 2)**

4.03 Bounding sole occupancy unit internal walls (fire resisting)

That all residential sole occupancy unit walls bounding public corridors and the like, and all sole occupancy unit walls bounding other sole occupancy units in the two residential unit buildings shall be inspected and certified to attain a minimum FRL of 90/90/90 for loadbearing walls, or -/60/60 for non-loadbearing walls and shall extend to the underside of the fire rated floor or the ceiling above in accordance with Clause 3.1 (c) (i) of Specification C1.1 of the BCA.

Walls to the top most levels of the two residential unit buildings (below the roof) shall extend to the underside of a non-combustible roof covering in accordance with the requirements of Clause 3.1 (c) (iii), or the underside of a ceiling with a resistance to the incipient spread of fire of not less than 60 minutes in accordance with the requirements of Clause 3.1 (c) (iv) of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

4.04 Wall and floor services penetrations audit

That the entire building (the two residential unit buildings and the carpark) shall be subject to a full services penetration and fire stopping audit and shall be assessed for compliance against the requirements of Clause C3.15, C3.16 and Specification C3.15 of the BCA.

A findings report prepared by a suitably qualified person or company shall be submitted to Council for review detailing the service penetrations found in the walls and floors of fire resisting construction and the methods proposed to protect such penetrations; **(Work to be completed as part of Stage 2)**

4.05 Wall and floor services penetration remedial works

That penetrations in walls and floors of fire resisting construction shall be remedied in accordance with the services penetration and fire stopping audit findings report required by Term 4.04 of this Order.

Penetrations in fire resisting walls and floors shall be sealed with a material no less fire resistant than the wall or ceiling itself and shall comply in all respects with the requirements of Clause C3.15, C3.16 and Specification C3.15 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

4.06 Evidence for fire stopping materials and assemblies

That appropriate evidence shall be submitted to Council to demonstrate that the fire stopping materials and assemblies used to protect service penetrations in fire rated elements of construction and service penetrations in fire resisting floors and walls is identical with a prototype assembly of the material which has been tested in accordance with the editions of AS4072.1 and AS1530.4.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

4.07 Openings in external walls

That all window and door and openings of the two residential unit buildings located with 3m of the northern boundary bounding Minogue Crescent Reserve shall be protected in accordance with the requirements of Clause C3.4 of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance.

Alternatively should a fire engineered alternative solution be proposed to comply with the Performance requirements of the BCA, then a Fire Engineering Brief (FEB) and Fire Engineering Report (FER) prepared by a C10 accredited fire safety engineer shall be submitted to Council for review and approval; **(Work to be completed as part of Stage 3)**

4.08 Upgrade of the existing carpark mechanical ventilation system

That the existing carpark level mechanical ventilation system shall be upgraded to comply in all respects with the requirements of Section 5.5 of AS1668.1 – 2015 and AS1668.2 – 2012.

A smoke detection system shall be installed to the carpark level of the building in accordance with the requirements of Clause 5.5.4 of AS1668.1 – 2015 and Section 7 of AS1670.1 – 2015 and shall be interfaced with the carpark mechanical ventilation system.

The activation of the smoke detection system or the automatic fire sprinkler system in the carpark shall cause the carpark level mechanical ventilation system to operate in fire mode in accordance with the requirements of Clause 5.5.5 of AS1668.1 – 2015.

Appropriate documentation and certification to Appendix E of AS1668.1 – 2015 and Appendix F and G of AS1670.1 – 2015 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5. THE SUPPRESSION OF FIRE

5.01 Upgrade of the existing fire hydrant system

That the buildings existing fire hydrant including the combined fire hydrant and sprinkler booster valve assembly shall be upgraded to comply in all respects with the requirements of AS2419.1 – 2017.

Fire hydrant coverage shall be provided to both the carpark level, and to all of the levels of the two residential unit buildings located on the site.

Any partially installed internal hydrant system (yet to be commissioned) shall be clearly identified through the use of signage to avoid misleading a responding Fire and Rescue NSW crew during emergency operations.

The fire hydrant system shall be commissioned in accordance with the requirements of Section 12 of AS2419.1 – 2017 and a copy of the recorded commissioning (verification) tests shall be submitted to Council.

Appropriate documentation and certification to Clause 12.7 of AS2419.1 – 2017 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.02 Upgrade of the existing automatic fire sprinkler system

That the existing sprinkler system serving the carpark level of the building including the combined fire hydrant and sprinkler booster valve assembly shall be upgraded in all respects to comply with the requirements of Clause E1.5 of the BCA and AS2118.1 – 2017.

The fire sprinkler system shall be commissioned in accordance with the requirements of Appendix H of AS2118.1 – 2017 and a copy of the commissioning and acceptance testing documentation shall be submitted to Council.

Appropriate documentation and completion certification in accordance with Clause G3.3 and Appendix I of AS2118.1 – 2017 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.03 Upgrade of the combined fire hydrant and automatic fire sprinkler pump room

That the carpark level combined fire hydrant and automatic fire sprinkler pump room shall be upgraded to comply in all respects with the requirements of Clause 6.11 of AS2419.1 – 2017.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.04 Connection of the automatic fire sprinkler system to a building occupant warning system

That the automatic fire sprinkler system provided to the carpark level of the building shall be connected to a building occupant warning system in accordance with the requirements of Clause 8 of Specification E1.5 and Clause 6 of Specification E2.2a of the BCA.

The building occupant warning system activated by the activation of the carpark level sprinkler system shall sound throughout all occupied areas including the carpark and the common areas of the two residential unit buildings located on the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.05 Certification of the automatic fire sprinkler systems connection to a fire alarm monitoring service

That certification shall be submitted confirming that the automatic fire sprinkler system provided to the carpark level of the building has been equipped and connected to an approved monitoring network provider having a direct data link to Fire and Rescue NSW in accordance with the requirements of Clause 3.3 of AS2118.1 – 2017, AS1670.3 – 2018 and AS4428.6 – 2018.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.06 Certification of existing fire hose reels

That certification shall be submitted confirming that the existing fire hose reels installed in the carpark level of the building have been designed, installed and provide coverage to all areas of the carpark in accordance with the requirements of Clause E1.4 of the BCA and AS2441 – 2005.

Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

5.07 Installation of portable fire extinguishers

That portable fire extinguishers shall be provided throughout the carpark level and the common areas of the two residential unit buildings located on the site in accordance with the requirements of Clause E1.6 of the BCA and AS2444 – 2001.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

PROOF

IMPORTANT NOTES

You are advised that the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations made under the Act are not being complied with.

The requirements of the paragraph above include items which are classified as Essential Fire Safety measures pursuant to Part 9 of the Environmental Planning and Assessment Regulation 2000.

Such items are listed in the attached schedule of this Order together with the minimum standard to which those services are required to be designed, installed and maintained.

APPEAL

THAT THE PERSON TO WHO THE ORDER IS ADDRESSED MAY APPEAL AGAINST THE ORDER.

AN APPEAL MAY BE MADE TO THE LAND AND ENVIRONMENT COURT, LEVEL 4, 225 MACQUARIE STREET, SYDNEY WITHIN 28 DAYS OF THE SERVICE OF THIS ORDER UPON YOU.

BUILDING USE AND CLASSIFICATION

The building the subject of this order has been classified as a Class 2 and 7a building determined in accordance with A3.2 of the BCA.

The building contains two residential unit buildings, one having a rise in storeys of two and the second having a rise in storeys of three that are located above a common carpark.

The building is used primarily as a residential apartment with an associated carparking area having a rise in storeys of four pursuant to C1.2 of the BCA and an effective height of less than 25 metres.

FIRE AND RESCUE NSW NOTIFICATION

A copy of this Order has been sent to the Commissioner of Fire and Rescue NSW pursuant to the requirements of Schedule 5, Section 10 of the Environmental Planning and Assessment Act 1979.

PENALTY

PENALTY (corporation)

Tier 1 offences under the Environmental Planning and Assessment Act 1979 that are intentional and give rise to significant harm to the environment or cause the death or serious injury or illness to a person can give rise to fines of a maximum of $5,000,000 in the case of a corporation and daily fines of $50,000. Tier 2 offences, if applicable, can give rise to fines of $2,000,000 in the case of a corporation and daily fines of $20,000.

It is important to note that Council has given this Order with three (3) separate and distinct compliance periods. Failure to comply with any one constitutes an offence under the Environmental Planning and Assessment Act 1979.

Failing to comply with the terms of a Fire Safety Order can also be the subject of an infringement notice.

Also if the Order is not complied with, Council may give effect to the Order and recover the costs of doing so from you.

COMPLIANCE COST NOTICE

As a result of the issue of this Order, Council may also issue you with a Compliance Cost Notice under Schedule 5, Section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure that the Order is complied with. Where Council issues you with a Compliance Cost Notice you will have a right of appeal to the Land and Environment Court in accordance with Section 8.24 of the Act.

MAINTENANCE OF EXISTING FIRE SAFETY MEASURES

That all existing fire safety measures installed within the building are to be maintained to the degree necessary whilst upgrading works are carried out under the requirements of the fire safety order. Failure to maintain existing fire safety measures to the degree necessary may incur a penalty infringement notice

WORK HOURS AND MISCELLANEOUS APPROVALS

Work associated with this Order must only be carried out between the hours of 7:30am and 5:30pm on Mondays to Fridays, inclusive and 7:30am and 3:30pm on Saturdays and no work must be carried out on Sundays or public holidays.

Any and all works on or over the public way shall require prior temporary approval from the Council under section 68 of the Local Government Act 1993. An application for a temporary permit may be made through Council's Construction Regulation team. They may be contacted by telephone on 9265 9333.

CONTACT DETAILS

For further information regarding this notice please contact Eyman Balta of the Health and Building West Area on telephone number 9246-7275 or by email at ebalta@cityofsydney.nsw.gov.au.

Yours sincerely

Eyman Balta
Senior Building Surveyor - West Area
Health and Building Unit

CC: [redacted]

FIRE SAFETY SCHEDULE
CLAUSE 168 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000
FIRE SAFETY MEASURES CURRENTLY OR
PROPOSED TO BE IMPLEMENTED IN THE BUILDING
MINIMUM STANDARD OF PERFORMANCE

Premises: **6 – 10 Minogue Crescent Forest Lodge NSW 2037**
Date of Order: **To Be Advised**
Order Ref: **FIRE/2019/26**

Fire Safety Measure		Current	Proposed	Standard of Installation
1.	Automatic smoke detection system		✓	Provided to the carpark level of the building and interfaced with the carpark mechanical ventilation system. Clause 5.5.4 of AS1668.1 – 2015 and Section 7 of AS1670.1 – 2015.
2.	Automatic fire sprinkler system		✓	Clause E1.5 and Specification E1.5 of BCA 2016 and AS2118.1 – 2017.
3.	Automatic smoke alarm system	✓		Provided to the common areas of the two residential unit buildings. Located to Clause 3 of Specification E2.2a of BCA 2016 and AS3786 – 1993.
4.	Building occupant warning system (Automatic smoke alarm system and automatic fire sprinkler system)	✓	✓	Provided to the carpark level, and the common areas of the two residential unit buildings. Clause 8 of Specification E1.5 and Clause 6 of Specification E2.2a of the BCA
5.	Emergency lighting	✓	✓	Clause E4.2 and E4.4 of BCA 2016 and AS2293.1 – 2005.
6.	Exit and directional signs	✓	✓	Clause E4.5, E4.6, E4.7 and E4.8 of BCA 2016 and AS2293.1 – 2005.
7.	Fire alarm communication link		✓	Clause 3.3 of AS2118.1 – 2017, AS1670.3 – 2018 and AS4428.6 – 2018.
8.	Fire dampers		✓	Clause C2.13 of the BCA, AS/NZS1668.1 – 2015, AS1682.1 – 2015, AS1682.2 – 2015 and Clause 6.11.2 of AS2419.1 – 2017.
9.	Fire doors	✓	✓	Clause C2.13, C3.11 of BCA 2016, AS1905.1 – 2015 and Clause 6.11.2 of AS2419.1 – 2017.

Fire Safety Measure		Current	Proposed	Standard of Installation
10.	Fire hydrant system		✓	Clause E1.3 of BCA 2016 and AS2419.1 – 2017
11.	Fire resisting incipient spread ceilings of not less than sixty (60) minutes		✓	Clause A2.5 and Clause 3.1 (c) (iv) of Specification C1.1 of BCA 2016.
12.	Fire safety emergency plans and procedures		✓	AS3745 – 2010.
13.	Fire stopping protecting openings in fire resisting components of building		✓	Clause C3.15, C3.16 and Specification C3.15 of BCA 2016, AS1530.4 – 2014 and AS4072.1 – 2005.
14.	Fire hose reels	✓		Provided to the carpark level of the building. Clause E1.4 of BCA 2016 and AS2441 – 2005.
15.	Mechanical air handling		✓	Carpark mechanical ventilation system. Section 5.5 of AS1668.1 – 2015 and AS1668.2 – 2012.
16.	Portable fire extinguishers		✓	Clause E1.6 of BCA 2016 and AS2444 – 2001.
17.	Protection of openings within 3m of the northern boundary		✓	Fire doors Clause C3.4 and Specification C3.4 of BCA 2016 and AS1905.1 – 2015. OR
			✓	Fire shutters Clause C3.4 and Specification C3.4 of BCA 2016, and AS1905.2 – 2005. OR
			✓	Fire windows Clause C3.4 and Specification C3.4 of BCA 2016, and installed in accordance with the manufacturers tested prototype and specification. OR
			✓	Wall wetting sprinkler and drencher systems Clause C3.4 of BCA 2016 and AS2118.2 – 2010. OR
			✓	Fire engineering report Report details TBA

	Fire Safety Measure	Current	Proposed	Standard of Installation
18.	Signage for the non-monitored smoke alarm system		✓	Permanent notices displayed in conspicuous locations in the two residential unit buildings in accordance with Term 3.04 of Councils Fire Safety Order dated (TBA).
19.	Single station photoelectric smoke alarms	✓	✓	Provided internally to all residential sole occupancy units in the two residential unit buildings. Electrically hardwired and fitted with a battery backup. Located to Clause 3 of Specification E2.2a of BCA 2016 and AS3786 – 1993.
20.	Warning and operational signs		✓	Provided to the carpark level exit doors. Clause D2.23 of BCA 2016.

On completion of the work, the owner of the building shall cause the Council to be furnished with a "Final Fire Safety Certificate" in relation to each essential fire or other safety measure included in this schedule. The certificate shall meet with the requirements of Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000.

A copy of the certificate shall be given to the Commissioner of Fire and Rescue NSW and a further copy shall be prominently displayed in the building in a location specified by the Council.

In addition to the above, it will be necessary at least once in each period of 12 months from the date of the above "Final Fire Safety Certificate" for the owner of the building to furnish the Council with respect to each essential fire or other safety measure implemented in the building, an "Annual Fire Safety Statement" pursuant to the requirements of Part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000 the details of which will be available on application.

Glossary

Term	Definition
Appropriately Qualified Person	A professional person/organisation having the specific knowledge and expertise that relates to the field the subject of the submitted report/certification/investigation and that that person or organisation possesses the relevant academic qualifications within that particular discipline and is recognised by the appropriate authority (where accreditation is applicable in that field)
NCC (BCA)	The National Construction Code (NCC) is an initiative of the Council of Australian Governments developed to incorporate all on-site construction requirements into a single code. The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and each State and Territory government. The NCC is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia. It allows for variations in climate and geological or geographic conditions. The edition (year) of the NCC used in compliance with the order will be the edition current at the time of the Order being issued.
Certification	Means a certificate or other approved form of written correspondence issued by an appropriately qualified person stating that the properties and or performance of a material, product or system, method of construction or design meet with the specific requirements of the order.
AS - AS/NZS	Means an Australian Standard, (New Zealand) which sets out specifications (design/installation/maintenance) for certain fire safety protection equipment/services.
FRL	Fire-resistance level (FRL). Means the fire resistance [in minutes] of a building element determined in accordance with Specification A2.3 of the BCA, for the following criteria: - Structural adequacy; - Integrity; and - Insulation, expressed in that order
Details (to be submitted)	Means architectural building plans, drawn to industry standards, having an appropriate scale(s), elevations, sections and accompanied with suitable specification dealing with materials methods of construction and design.
Smoke Resistive Construction	A form of non-combustible construction which has subdividing walls, floors or other smoke barriers in it required to contain/minimise smoke movement throughout a building during a fire.
Penetration	An aperture in a fire separating element of construction, which could, in the event of a fire, allow the passage of fire to another fire compartment or other structurally separated area of a building.
Final Fire Safety Certificate	A final fire safety certificate is a certificate issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates: (a) has been assessed by a properly qualified person, and (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued. **NOTE:** A person to whom a fire safety order is given in relation to any building must, within the time specified in the order, cause copies of a final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the person by whom the order was given (and, if that person was not the council, to the council).

Attachment F

Inspection Report - 20-26
Bayswater Road, Potts Point

20 - 26 Bayswater Road Potts Point

CITY OF SYDNEY
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city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2040007 **Officer: Craig Hann** **Date: 15 March 2019**

Premises: 20 – 26 Bayswater Road, Potts Point – Candy's Nightspot

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety. The correspondence relates to that part of the premises known as Candy's Nightspot.

The premises consist of a four interconnected terrace type buildings comprising of four storeys. The building is primarily used as nightclubs / bars, it also contains a gym and commercial office suites on the upper levels of the building.

The floor levels of the building are configured as follows:

- Basement level – Candy's Nightspot nightclub.
- Ground floor level – Gym, Cali Club and an entrance foyer to the upper level commercial office suites.
- First floor level – Cali Club and commercial office suites.
- Second floor level – Cali Club and commercial office suites.

An inspection of the premises undertaken by a Council investigation officer in the presence of the manager revealed that there were no significant fire safety issues occurring within the premises.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
18/2/2019	FRNSW correspondence received regarding premises Candy's Nightspot, 22 Bayswater Road Potts Point. The premises is part of a building known by council as 20 – 26 Bayswater Road Potts Point.
13/3/2019	An inspection of the subject premises undertaken by a Council officer revealed that there were no significant fire safety issues occurring within the premises. The inspection also revealed the corrective action works to exit signage required by Council's resolution at their meeting held on 11 March 2019 (attachment C-Fire Safety Report) has been complied with.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/464, D19/10081; 2019/082981]

Fire and Rescue NSW conducted an inspection of the subject premises on 19 January 2019 as part of a joint inspection with officers from NSW Police Force.

Issues

The report from FRNSW advises there were no items of concern at the time of their inspection.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	Note the inspection by FRNSW

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/104557
A2.	Locality Plan	2019/002806-01
A3.	Attachment cover sheet	2019/104557-01
A4.	Council Officer Inspection an Recommendation Report dated 24 January 2019	2019/002806

Trim Reference: 2018/104557 **CSM reference No#:** 2040007

File Ref. No: BFS19/464 (6366)
TRIM Ref. No: D19/10081
Contact: [redacted]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"CANDY'S NIGHTSPOT"
22 BAYSWATER ROAD, POTTS POINT ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

There were no items of concern found at the time of the inspection.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/464 (6366) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2003504 **Officer: Craig Hann** **Date: 24 January 2019**

Premises: 20 – 26 Bayswater Road Potts Point – Candy's Nightspot

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety. The correspondence relates to that part of the premises known as Candy's Nightspot.

The premises consist of a four interconnected terrace type buildings comprising of four storeys. The building is primarily used as nightclubs / bars, it also contains a gym and commercial office suites on the upper levels of the building.

The floor levels of the building are configured as follows:

- Basement level – Candy's Nightspot nightclub.
- Ground floor level – Gym, Cali Club (formerly The World Bar) and an entrance foyer to the upper level commercial office suites.
- First floor level – Cali Club (formerly The World Bar) and commercial office suites.
- Second floor level – Cali club (formerly The World Bar) and commercial office suites.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building's managing real estate agent and tenant revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, such as additional exit sign installations, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
18/12/2018	FRNSW correspondence received regarding premises Candy's Nightspot, 22 Bayswater Road Potts Point. The premises is part of a building known by council as 20 – 26 Bayswater Road Potts Point.
17/1/2019	An inspection of the subject premises was undertaken by a Council officer together with the managing real estate agent and tenant.

	The inspection revealed: Some areas of the premises do not have a clear view of the existing exit sign installations. Additional exit signs are required to clearly identify all exit ways. There were no decorative light fittings, disco balls or the like hanging from the sprinkler pipework above the dance floor. Rear exit passageway is a path of travel to an exit that discharges to Mansion Lane at the rear. It is an internal part of the premises available for use by customers, it is located off to the side of the main body of the premises. There are no 'built in' fixtures, such as seating or bars, to cause an obstruction to the exit. Any persons gathered in this area could move freely towards the exit if required. The management office doorway height is localised to a single doorway in a staff area. The doorway is fitted within an archway structure of the heritage listed building and it is not readily altered. The staff occupants are considered to be familiar with the existing doorway height provided. Therefore it's considered the height will not unduly interfere with exit functionality. The stage has access to two (2) alternate exits. Therefore, the exit travel distance are permitted to be 40 metres to one (1) of the exits. The travel distances from the stage area to an exit comply with the building regulations.

FIRE AND RESCUE NSW REPORT:

References: [BFS17/3051, D17/87175; 2018/645968]

Fire and Rescue NSW conducted an inspection of the subject premises on 9 December 2017 as part of a joint inspection with officers from NSW Police Force and City of Sydney Council.

Issues The report from FRNSW detailed a number of issues, in particular noting:

1. Adequacy of the locations of Exit sign installations to identify the exits;
2. Possible obstruction of sprinkler water spray by decorations attached to sprinkler system pipework;
3. Adequacy of exits – obstruction, doorway height and travel distance.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also referred the matter to Council as the appropriate regulatory authority. They await Council's advice of the determination in respect of the recommendations in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	Issue a compliance letter of instruction	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections undertaken by Council investigation officers it was determined that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above written instructions will direct the owners of the premises to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections will be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence is achieved.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/645968
A2.	Locality Plan	2019/002806-01
A3	Attachment cover sheet	2019/002806-02

Trim Reference: 2019/002806 **CSM reference No#: 2003504**

Attachment G

Inspection Report -
9 Wylde Street, Potts Point

9 Wylde Street Potts Point

CITY OF SYDNEY
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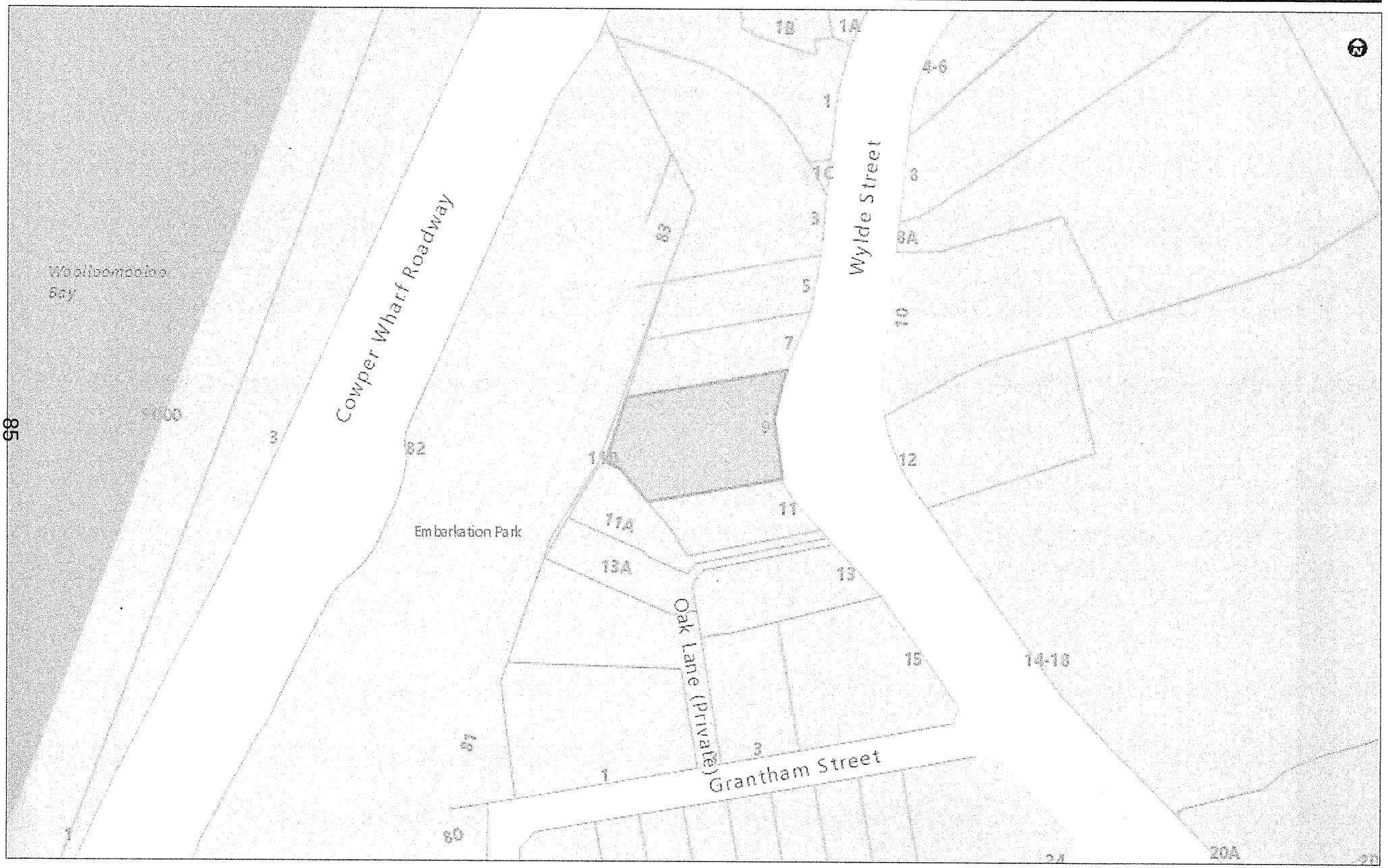

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2041538 **Officer: Craig Hann** **Date: 18 March 2019**

Premises: 9 Wylde Street Potts Point - Wyldesyde

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consists of a 5 storey building used as residential apartments. There are twenty five (25) apartments in the building. The building is located within a Heritage Conservation Area under the Sydney LEP 2012.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Inadequate fire detection and alarm systems; an alarm system zone block plan isn't displayed at the fire indicator panel;

(ii) Suitable fire resisting construction to prevent the spread of fire; external window wetting sprinklers and the automatic closing devices for fire doors aren't listed on the building's fire safety schedule and therefore not subject to annual certification;

(iii) Safe and dignified emergency egress for occupants to safety evacuate the building in the event of a fire; handles to exit doors aren't single hand downward action lever type;

(iv) Poor fire safety management systems (signs/notices/not displayed etc.) in place; operational warning signs aren't displayed on the automatic closing fire doors;

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
21/2/2019	FRNSW correspondence received regarding premises 9 Wylde Street Potts Point. The building is named Wyldesyde. Incorrectly spelt Wydeside in the FRNSW correspondence.
15/3/2019	An inspection of the subject premises was undertaken by a Council officer following arrangements with the building's strata manager and fire services contractor. The inspection revealed: **Locked exit door enquiry** – the door is associated with an external rear circulation stair that doesn't form part of the building's exit system. The locked door is compliant.

	The internal public corridor and associated stairs were clear of obstructions and found to be compliant. **Fire resistant doors** – the double fire doors were to not close fully due to the latches of the two (2) doors leafs not sequencing correctly. Corrective maintenance works are required to the closing and latching operation of the existing fire doors. Also, the fire door's automatic electromagnetic hold open / release devices aren't listed on the building's fire safety schedule and therefore not subject to annual certification. A fire safety order will address all these matters. **Exit door handles** – the handles of the exit doors were found to be round knob style handles. These can be changed to single hand downward action lever type handles in accordance with the building regulations to provide for ease of operation by all occupants. **Fire detection and alarm systems** - an alarm system zone block plan isn't displayed at the fire indicator panel in accordance with building regulations. A plan should be displayed to assist FRNSW operations at the building, if required. A fire safety order will address this matter. **Prevent the spread of fire** – existing external window wetting sprinklers aren't listed on the building's fire safety schedule and therefore they're not subject to annual certification. A fire safety order will provide for an updated fire safety schedule including this fire safety measure; **Fire safety signs** - operational warning signs aren't displayed on the automatic closing fire doors. A fire safety order will require suitable signs be installed and issue a new fire safety schedule including this fire safety measure.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3494, D19/11385; 2019/090658

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about an 'exit' door being locked.

The inspection by FRNSW revealed the locked 'exit' door that was enquired about is not actually part of the building's exit system.

Issues The report from FRNSW detailed a number of issues, in particular noting:

1. a set of automatic double leaf fire doors did not fully close;

2. exit door handles are round knob style rather than single hand downward lever action type.

FRNSW Recommendations

FRNSW have made 1 recommendation within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

FRNSW has referred the matter to Council as the appropriate regulatory authority.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/090658
A2.	Locality Plan	2019/104562-01
A3	Attachment cover sheet	2019/104562-02

Trim Reference: 2019/104562 **CSM reference No#: 2041538**

File Ref. No: BFS18/3494 (5619)
TRIM Ref. No: D19/11385
Contact: [redacted]

19 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
WYLDESIDE
9 WYLDE STREET POTTS POINT ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 26 November 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises.

The correspondence stated that:

- The fire stairs at the top of the building are always locked and occupants are prevented from access to them. In case of a fire, there is no means of escape for occupants of the upper level and that is terrifying. This issue has been brought to Strata's attention and to the attention of the owners committee. Both are more concerned that occupants could possibly use the hallway for storage and completely ignore the real risk the obstruction of access to the fire stairs poses for residents. Please investigate with urgency, as this would undoubtably lead to a loss of life in case of a fire.

- Residents should at least be provided with a key to get access to this fire exit in case a fire ever occurred.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 18 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

FRNSW is of the opinion that the locked exit in the fire safety concern relates to open circulation stairs at the rear of building. These stairs do not appear to form part of the exit strategy at the premises. FRNSW were unable to contact the complainant to confirm this. FRNSW therefore believe that the concern is not valid.

The following items were identified as concerns during the inspection:

1. Generally

1A. Fire Resistance

A. The double leaf fire door set located outside of unit 5 failed to return to a fully closed position contrary to the requirements of Clause C3.7 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC). The auto flush bolt installed on the inactive door leaf was jammed and failed to strike the door set sequencer to allow the active leaf to close fully.

1B. Access and Egress

A. The fire doors on each level are not fitted with lever action handles in accordance with Clause D2.21 of the NCC. In this regard the fire doors are fitted with round/knob style latches.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

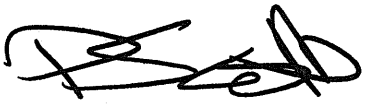
FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Senior Firefighter [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3494 (5619) for any future correspondence in relation to this matter.

Yours faithfully



[redacted]
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

Attachment H

Inspection Report -
231-235 Victoria Street, Darlinghurst

231-235 Victoria Street, Darlinghurst

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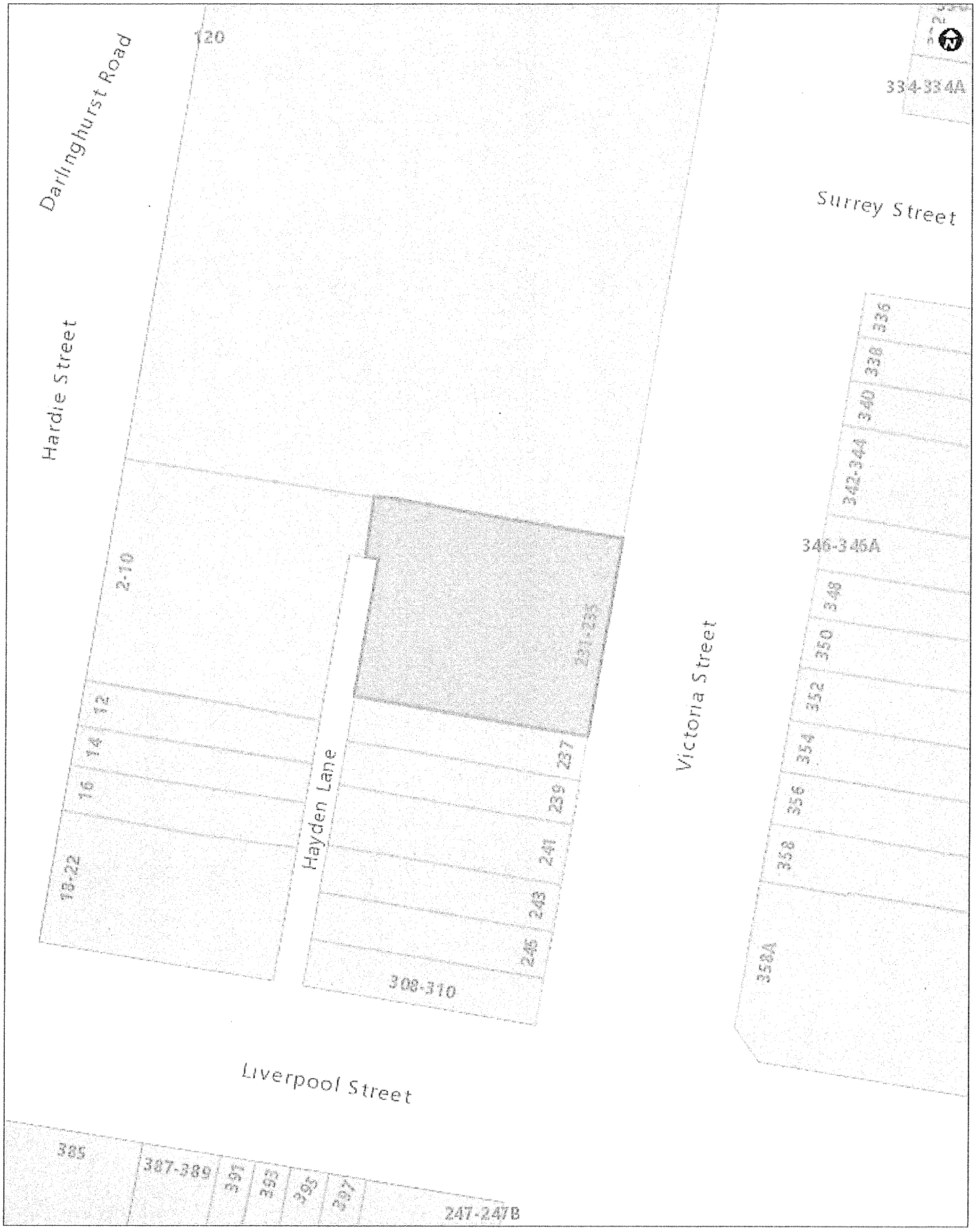

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2040003 **Officer:** Chad Grant **Date:** 27 February 2019

Premises: 231-235 Victoria Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises is located at 231 - 235 Victoria Street Darlinghurst and comprises of a two storey commercial building.

The premises is configured as follows: the ground floor level contains a restaurant known as Lil Darlin, a retail bottle shop known as the Camperdown Cellars and an entrance lobby to the Darlo Country Club. The first floor level of the building contains a restaurant and bar known as the Darlo Country Club which is the subject of this report. The first floor level also contains a small mezzanine approximately 20m^2 in area that is used as an office associated with the operation of the Darlo Country Club.

A recent inspection of the premises was undertaken by a Council investigation officer in the presence of the Darlo Country Club manager revealed that there were no fire safety issues and that the premises are equipped with fire safety systems that would provide adequate provision for fire safety for occupants in the event of a fire.

The building has a current Annual Fire Safety Statement which was on display within the premises at the time of inspection. The building is also listed on Council's essential services electronic register and is currently compliant.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding the Darlo Country Club located at 231 - 235 Victoria Street Darlinghurst.
27/02/2019	An inspection of the subject premises was undertaken by a Council investigation officer in the presence of the manager of the Darlo Country Club. The inspection revealed that there were no fire safety issues and that the item raised by FRNSW regarding a missing fire blanket from the kitchen had been resolved.

FIRE AND RESCUE NSW REPORT:

References: BFS19/466 (6368) and D19/10044

FRNSW in the presence of NSW Police conducted a proactive inspection of the subject premises on 19 January 2019.

Issues

The report from FRNSW detailed one issue, being:

1. A fire blanket in the kitchen was missing despite a signpost signifying that a fire blanket was present.

FRNSW Recommendation

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to inspect and address any other deficiencies identified on the premises.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

An inspection undertaken by a Council investigation officer in company with the manager of the premises revealed that the above issue identified by FRNSW has been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/102611-01
A2.	Locality Plan	2019/102611-02
A3	Attachment cover sheet	2019/102611-03

Trim Reference: 2019/102611 **CSM reference No#:** 2040003

File Ref. No: BFS19/466 (6368)
TRIM Ref. No: D19/10044
Contact: [redacted]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"DARLO COUNTRY CLUB"
231-235 VICTORIA STREET, DARLINGHURST ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

The following items were identified at the time of inspection:

1. Essential Fire Safety Measures

   1A. Fire Blankets – The fire blanket in the kitchen was missing despite a signpost signifying that a fire blanket was present. In this regard the fire blanket had been removed from its cover and could not be located.

   The Manager assured FRNSW at the time of the inspection that the Fire Blanket would be replaced as a matter of priority.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/466 (6368) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment I

Inspection Report - 141 and 141A Victoria Street, Potts Point

141 & 141A Victoria Street, Potts Point

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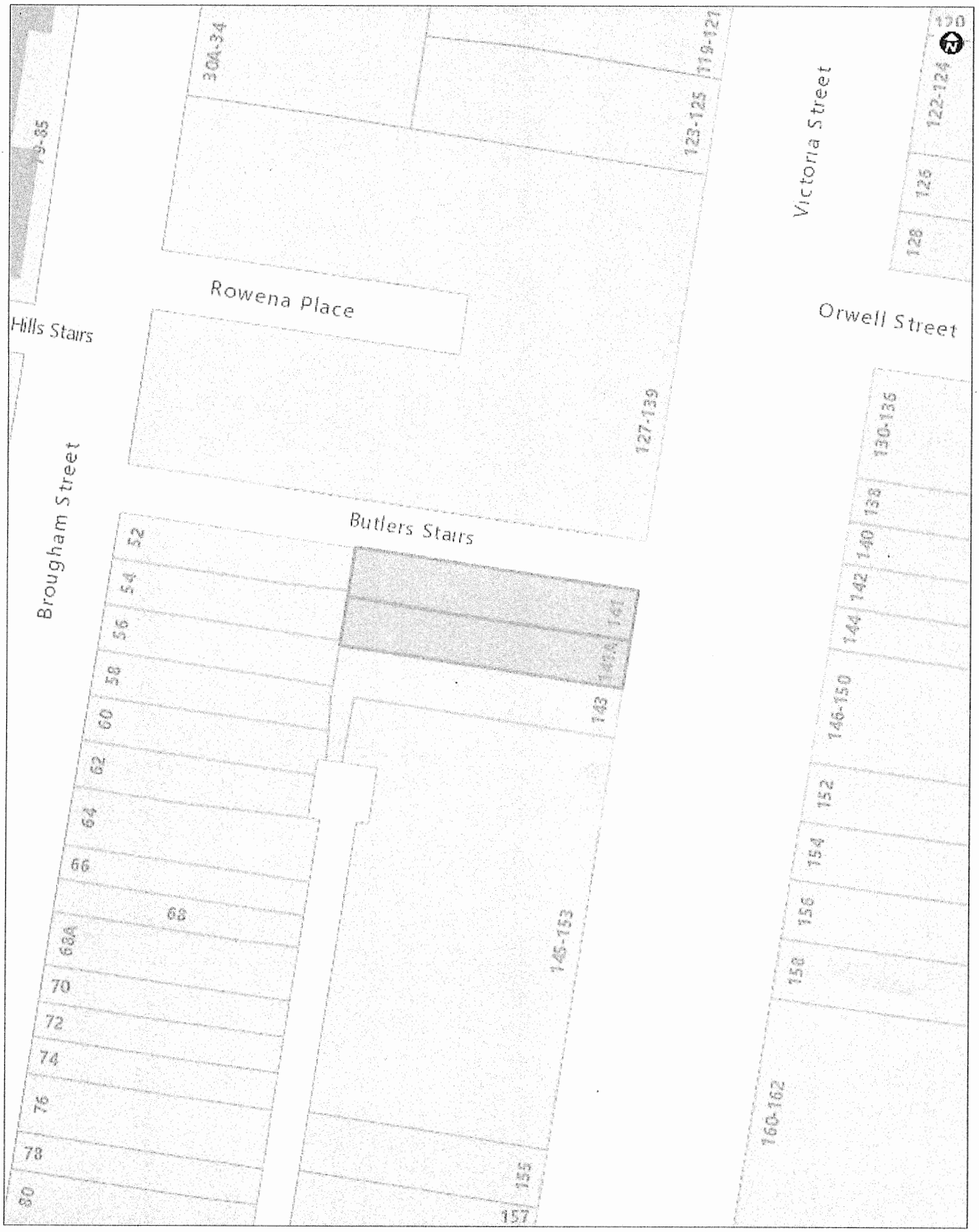

city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM20040033 **Officer:** Chad Grant **Date:** 26 March 2019

Premises: 141 & 141A Victoria Street, Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 February 2019 with respect to matters of fire safety.

The premises consist of a three storey building used as a backpackers known as 'Kanga House Backpackers'.

An inspection of the premises undertaken by a Council investigation officer in the presence of the backpacker's manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding premises 141 & 141A Victoria Street Potts Point.
01/03/2019	An inspection of the subject premises was undertaken by a Council investigation officer which identified certain fire safety issues including: ➢ The fire doors to the fire escape stairway did not latch shut; ➢ The metal tags attached to the fire doors and doorframes had been painted over; ➢ Certain fire doors are openable by round tulip style handles in lieu of a lever handles.
5/03/2019	Council officer issues the owners of the subject premises with an infringement caution notice. The notice provides for a work specification to be complied with. Also included is a written warning of a penalty notice for failing to comply.
26/03/2019	Site inspection undertaken, all matters referenced within Council's infringement caution notice were completed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3087: D19/9867; 2019/083048]
Fire and Rescue NSW conducted an inspection of the subject premises on 5 December 2018 after receiving an enquiry dated 22 October 2018 about various fire safety issues with the building.

Issues

The report from FRNSW detailed a number of issues, in particular noting:

1. A disablement light was displayed on the Fire Indicator Panel. A photograph was later received by FRNSW confirming that the Fire Indicator Panel had been returned to normal.

2. Various fire doors did not latch shut, the metal tags to the fire doors and doorframes had been painted over, and the fire doors contained a round tulip style handle in lieu of a lever handle.

3. Non firefighting equipment was stored within the fire hose reel cabinets.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

Site inspection undertaken, all fire safety matters now rectified.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/110811-02
A2.	Locality Plan	2019/110811-01
A3	Attachment cover sheet	2019/110811-03

Trim Reference: 2019/110811 **CSM reference No#:** 2040033

File Ref. No: BFS18/3087
TRIM Ref. No: D19/9867
Contact: [redacted]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'KANGA HOUSE BACKPACKERS'
141 & 141A VICTORIA STREET, POTTS POINT ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 22 October 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated, in part, that:

> *I could not find one appropriately installed fire door. Max occupancy = 88 and they maintain 70-80% most times. No sprinklers. This place is made from two 3 Lvl terraces joined together through the fire wall and on G and Lvl 1 with what is meant to be a fire door. It is not.*
>
> *No doors have their latch installed. Most strike plates have been removed. Only some doors have a compliance plate that has been painted over. By the feel of the door they do not feel like fire doors. Most areas have appropriate size rebate/door stops sizes showing the intent of having a fire door in that location although they are not.*
>
> *AFSS check 12/3/18. The paint on the compliance plates is much older than this. There are bolts penetrating through these "fire doors" at the hinges due to running repairs. I doubt the electronic keypad on the ground fire doors has been tested on the specimen door during compliance. It looks like it has been an afterthought add on.*

There are hose reels on every floor with CO2 in the same cupboard. No sprinklers or hydrants. There is basically no compartmentation and timber floors throughout.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

   1A. Automatic Fire Detection and Alarm System – A disablement was displayed on the Fire Indicator Panel (FIP), which was associated with the Automatic Fire Detection and Alarm System. The FIP indicated that a detector in a bathroom was disabled.

   At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a Service Technician to reinstate the detector. On 6 December 2018 an email, including photographic evidence, was received from the Manager of the premises confirming that the system had been returned to normal.

1B. Fire Doors –

i. Multiple fire doors throughout the premises, which separate corridors serving bedrooms/bathrooms from the stairs, include self-closing devices but do not have self-latching bolts installed on the doors, therefore failing to hold the door in the closed position, contrary to the requirements of Clause 2.1.3 of AS1905.1-2015.

ii. Multiple fire doors and doorframes throughout the premises contain metal tags to the edge of the doors and doorframes which have been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.

iii. Multiple fire doors throughout the premises contains a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC

1C. Fire Hose Reels – Non-firefighting equipment was stored within a number of fire hose reel cabinets, contrary to Clause 10.4.4 of AS2441–2005.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A, 1B & 1C of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3087 for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Building Surveyor
Fire Safety Compliance Unit

Attachment J

Inspection Report -
9-11 Bayswater Road, Potts Point

9-11 Bayswater Road Potts Point

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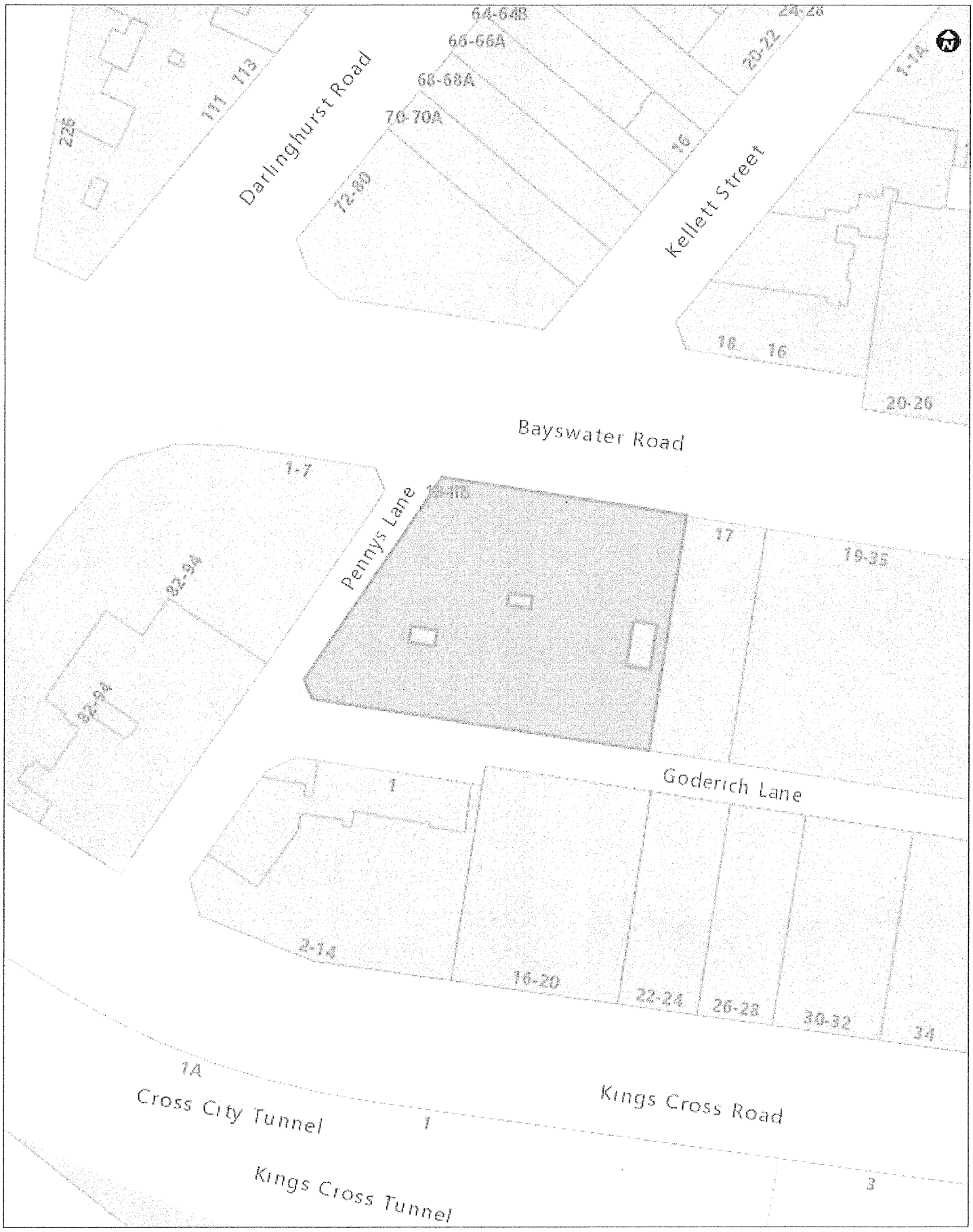

city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2040013 **Officer: Joe Kalgovas** **Date: 2/04/2019**

Premises: 9-11 Bayswater Road, Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) dated 15 February 2019 in relation to the subject premises with respect to matters of fire safety.

The building consists of a nine storey structure used primarily as a residential apartment building containing a hotel, commercial use and basement carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the directors of the hotel revealed that there were no significant fire safety issues occurring within the building.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

The building is also the subject of a fire safety order which was issued by the City on 29 October 2015.The subject fire safety order is currently being compliance managed to the satisfaction of Council.

The matters specified by FRNSW in their correspondence of February 2019 generally lie outside the scope of the issued fire safety order.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding premises 9 Bayswater Road, Potts Point The New Hampton Hotel.
27/02/2019	An inspection of the subject premises was undertaken by a Council officer with the directors of the hotel which found that the issues listed by FRNSW were being addressed. Notwithstanding the above actions, the directors were also advised that Council will issue corrective action correspondence which will provide a compliance specification for works identified by FRNSW.
2/04/2019	Corrective action correspondence issued to building owners.

FIRE AND RESCUE NSW REPORT:

References: D19/10112, 2019/083005

Fire and Rescue NSW conducted a proactive inspection of the subject premises on 19 January 2019.The inspection was carried out in company with officers from the NSW Police Force

Issues:

The report from FRNSW detailed a number of issues, in particular noting:

1. Non-compliant directional exit signage at ground floor level.
2. Materials stored in the fire hose reel cupboard in VIP lounge.
3. Full opening of fire hose reel cupboard door in VIP Lounge restricted by handrail.
4. Exit door from the VIP lounge key locked.
5. Materials found stored in stairway on lower ground floor.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted and other deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	Continue to undertake compliance action in response to issued Council correspondence	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections and conversations undertaken by Council investigation officers and site personnel it is recommended that the owners of the building address and comply with the issued compliance correspondence and rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	*2019/083005*
A2.	Locality Plan	*2019/107225-01*
A3	Attachment cover sheet	*2019/107225-02*

Trim Reference: 2019/107225 **CSM reference No#: 2040013**

File Ref. No: BFS19/465 (6367)
TRIM Ref. No: D19/10112
Contact: [redacted]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"THE NEW HAMPTON HOTEL"
9 BAYSWATER ROAD, POTTS POINT ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures within "The New Hampton Hotel – Ground Floor Level" along with the Fire Control Room and Pump Room only, as identified in this report.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

It is noted that "The New Hampton Hotel" forms part of "The Hampton" building at 9-15 Bayswater Road and the inspection was limited to "The New Hampton Hotel" portion only.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

   1A. Exit signs – Where an exit is not readily apparent to the persons occupying or visiting the building, directional exit signs shall be installed in appropriate positions to indicate the direction to a required exit in accordance with Clause NSW E4.6 and Clause E4.8 of the NCC. In this regard, inadequate directional exit signage was provided throughout the ground floor to direct the occupants to the exits.

   1B. Fire Hose Reels (FHR's):

   a) Non-fire equipment was being stored within the FHR enclosure located in the VIP lounge, contrary to Clause 10.4.4 of AS2441–2005.

   b) The door to the FHR enclosure located in the VIP lounge was obstructed by the adjacent handrail, preventing the door from fully opening and therefore hindering access and use of the FHR, contrary to the requirements of Clause 10.1 of AS2441–2005.

2. Access and Egress

   2A. Operation of latch – The side exit door from the VIP lounge which discharges out to Pennys Lane was locked and required a key to exit, contrary to the requirements of Clause D2.21 of the NCC and Clause 184 and 186 of the EP&A Regulation. The door was unlocked by a staff member prior to departure and the Manager advised that the door would remain unlocked whilst the premises was lawfully occupied.

   2B. Materials were stored/located at the bottom of the fire-isolated stairway on the lower ground floor. The materials included, but was not limited to, fencing and signage. The Manager assured FRNSW at the time of the inspection that the items would be moved as a matter of priority.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/465 (6367) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment K

Inspection Report - 12-18 Forbes Street, Woolloomooloo

12-18 Forbes Street, WOOLLOOMOOLOO

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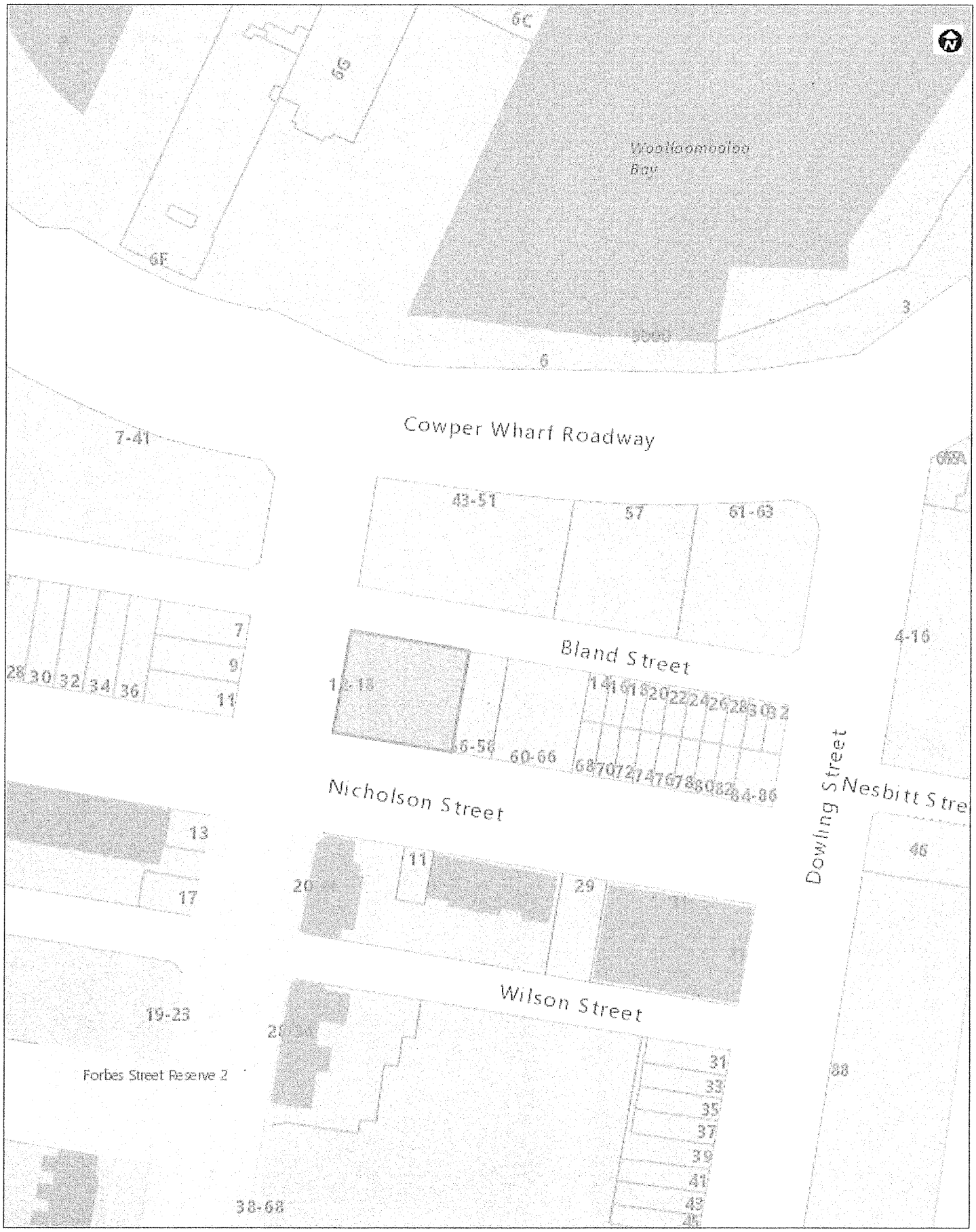

city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2040035 **Officer: Joe Kalgovas** **Date: 27/02/2019**

Premises: 12-18 Forbes Street, WOOLLOOMOOLOO

Executive Summary:

Council received correspondence dated 15 February 2019 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consists of a two storey building configured as follows; the ground floor level contains a restaurant and bar, the first floor level of the building contains a bar area and office associated with the operation and open deck area.

An inspection of the premises undertaken by a Council investigation officer in the presence of the restaurant manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding premises 12-18 Forbes Street, Woolloomooloo.
27/02/2019	An inspection of the subject premises was undertaken by a Council officer which found that those matters identified by FRNSW had been rectified.

FIRE AND RESCUE NSW REPORT:

References: D19/9954, 2019/083057

Fire and Rescue NSW conducted a proactive inspection of the subject premises.

Issues:

The report from FRNSW detailed a number of issues, in particular noting:

1. Emergency lighting located above the outdoor BBQ area on the first floor was not operating and had not been maintained,

2. The fire blanket in the ground floor kitchen was not located in a conspicuous and readily accessible position,

3. The panic/push bar device to the exit door on the first floor, which discharges out to the rear terrace was faulty.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification.

FRNSW have advised that the report has been provided for Council's information in accordance with section 9.32 (4) and clause 17(1) of the Act.

FRNSW reports issued under respective legislation are required to be the subject of a notice of determination in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

An inspection undertaken by a Council investigation officer in company with the manager of the premises revealed that the above FRNSW issues have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	*2019/083057*
A2.	Locality Plan	*2019/103260-01*
A3	Attachment cover sheet	*2019/103260-02*

Trim Reference: 2019/103260 **CSM reference No#:** CSM 2040035

File Ref. No: BFS19/463 (6365)
TRIM Ref. No: D19/9954
Contact: [redacted]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"TILBURY HOTEL"
12-14 FORBES STREET, WOOLLOOMOOLOO ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures

   1A. Emergency Lighting – The emergency light located above the outdoor BBQ area on the first floor was not operating and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

   1B. Fire Blankets – The fire blanket in the ground floor kitchen was not located in a conspicuous and readily accessible position, contrary to the requirements of Clause 6.3 of AS2444-2001. Furthermore, the fire blanket contained a service tag/label indicating it had not received any routine servicing since September 2017, contrary to the requirements of Clause 11.3 of AS 1851-2012 and Clause 182 of the EP&A Regulation.

2. Generally

   2A. Door hardware – The panic/push bar device to the exit door on the first floor, which discharges out to the rear terrace, was faulty. In this regard, the door operated effectively when tested, however the bar was not affixed correctly and could be removed from the side bracket.

The Manager assured FRNSW at the time of the inspection that the items identified above would be addressed as a matter of priority.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/463 (6365) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment L

Inspection Report - 6-8 Orwell Street, Potts Point

6-8 Orwell Street, POTTS POINT

CITY OF SYDNEY
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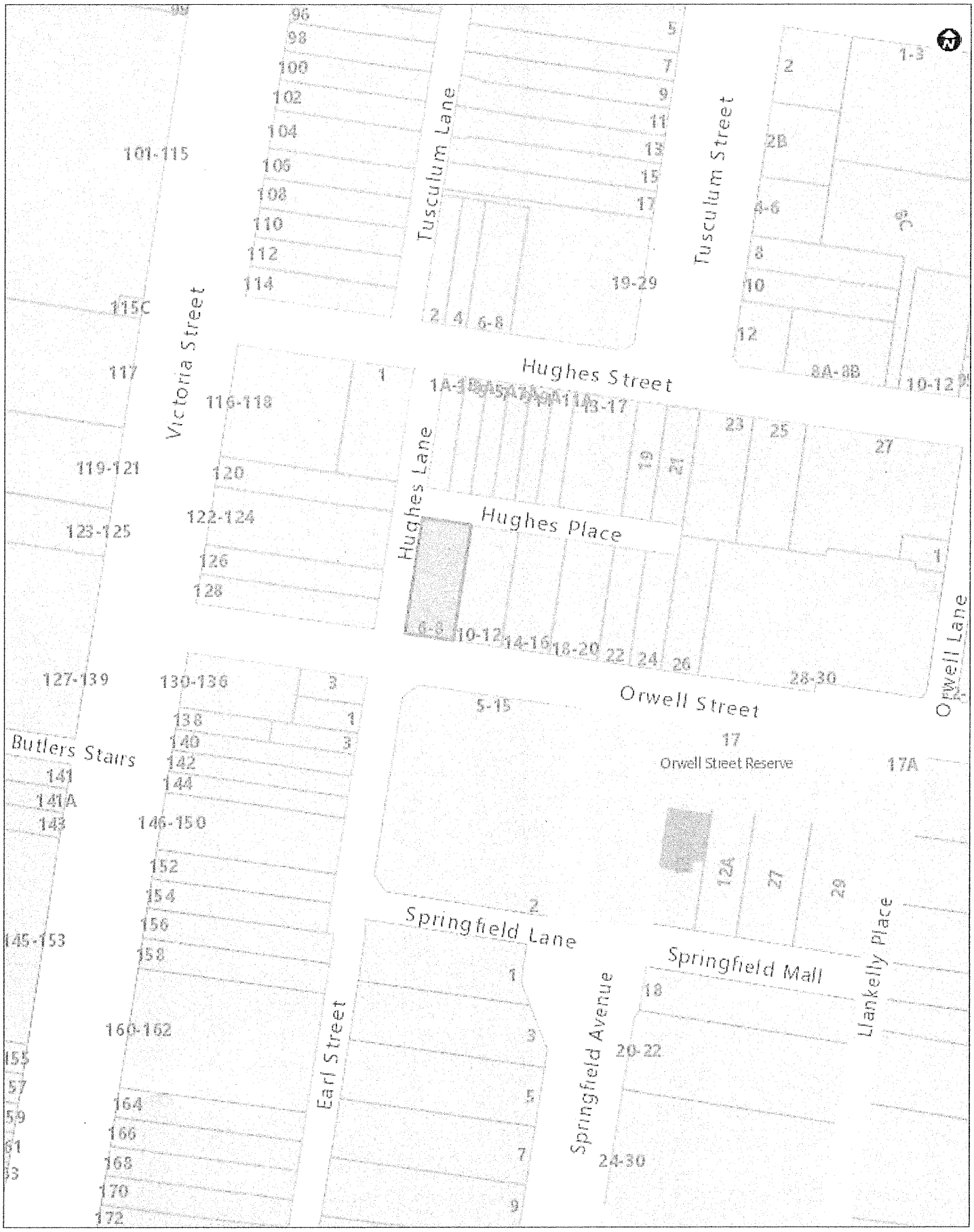

city of villages

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A4 1:1,000 Metres Date:20-Mar-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2049606 **Officer:** Joe Kalgovas **Date:** 22/03/2019

Premises: 6-8 Orwell Street, Potts Point

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 7 March 2019 with respect to matters of fire safety.

The premises consists of a three level Backpackers Hostel, known as the Village Backpackers

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
07/03/2019	FRNSW correspondence received regarding premises 6-8 Orwell Street, Potts Point
14/03/2019	Contacted owner to discuss letter from FRNSW and to arrange an inspection.
22/03/2019	An inspection of the subject premises was undertaken by a Council officer with the owner and found that the non-compliances identified by FRNSW had been rectified except for the following: <u>Booster Connection (Sprinkler):</u> The building was upgraded about 1988 for its current use, with the sprinkler booster assembly installed as part of the approval at this time. The fire brigade booster connection is located just inside the front entrance of the building within approximately 2m of the street alignment and is accessible and can be seen through glass entry doors. Although the location does not strictly comply with the latest Australian Standards being just inside the front doors, the physical constraints of the site do not allow for much improvement to move the installation approximately 1m to the outside space. The fire safety measures installed continue to be maintained as is evident by the recording of proactive annual fire safety inspections by Council Officers. <u>Expandable Gate:</u> The expanding gate serves the operational requirements of the premises to separate the common dining room from the entry foyer and does not significantly obstruct egress from the subject areas in either the closed or open position as an exit is available from each area.

	Balustrade at roof terrace: Pot plants positioned around the parapet have been identified as facilitating climbing. The Building Code does not control the placement of pot plants or furniture with regard to climbing. The terrace parapet measures approximately 1m in height which is in accordance with the Building Code. Stairway width: The stairway width was measures at 800mm. The building predates modern building regulations requiring egress stairways to be at least 1m in width. The City's records show approval for the current use and configuration dating back 30 years.

FIRE AND RESCUE NSW REPORT:

References: D19/11384; 2019/118214

Fire and Rescue NSW conducted a proactive inspection of the subject premises.

Issues

The report from FRNSW detailed an Order and a number of issues, in particular noting;

1. Primary Link Fault shown at the Alarm Signalling Equipment.
2. Portable fire extinguishers at room 14 & 27 were not mounted on a support bracket.
3. A number of portable fire extinguisher were obstructed by stored items and not readily accessible.
4. Fire hose reel in the ground floor sitting area was obstructed by furniture.
5. Annual Fire Safety Statement did not appear to be up to date.
6. A number of exit signs at ground floor were not illuminated.
7. A compliant block plan was not provided adjacent to the sprinkler booster..
8. The fire brigade booster connection is located inside the building.
9. An expanding gate is installed adjacent to the exit door discharging to Orwell Street which could if pulled across impede egress.
10. Table and bench seat obstructed the exit door serving the common area which discharges to Orwell Street.
11. The exit door discharging out to Orwell Street serving the common area contains a snib lock and not a lever action handle.
12. The location and configuration of exit signs within the ground floor area was not appropriate and confusing.
13. The path of travel to the rear exit adjacent to room 7 was obstructed by stored items reducing the path of travel to less than 1m in width.

14. The path of travel to the exit to Orwell Street via the stairway serving the upper levels appears to be less than 1m.

15. The balustrade to the roof top terrace is configured to facilitate climbing.

16. Artificial lighting was not operational in the stairway at the roof top level.

FRNSW Recommendations.

FRNSW have made 16 recommendations within their report. In general FRNSW have requested that Council;

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

An inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the above issues and recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	*2019/118214*
A2.	Locality Plan	*2019/147819-02*
A3	Attachment cover sheet	*2019/147819-01*

Trim Reference: 2019/147819 **CSM reference No#: 2049606**

File Ref. No: BFS19/200
TRIM Ref. No: D19/11384
Contact: [redacted]

7 March 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
THE VILLAGE BACKPACKERS (AKA EVA'S)
6-8 ORWELL STREET POTTS POINT ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Alarm Monitoring - There was a fault shown at the Alarm Signalling Equipment (ASE), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The fault displayed was a *'Primary Link Fail'*. The monitoring service provider, [redacted], was contacted on 21 January 2019 and confirmed that the ASE was not operating.

1B. Portable Fire Extinguishers (PFE) –

i. The PFEs adjacent to room 14 and room 27 were not mounted on a support bracket, contrary to the requirements of Clause 3.5 of AS2444–2001.

ii. A number of PFEs were obstructed by stored items and were not readily accessible at the time of the inspection, contrary to the requirements of Clause 3.2 of AS 2444–2001

1C. Fire Hose Reel (FHR) - Access to the fire hose reel located in the ground floor sitting area was obstructed by furniture, contrary to the requirements of Clause 10.1 of AS2441–2005.

1D. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the Environmental Planning and Assessment Regulation 2000 requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.

1E. Exit Signs – At the time of the inspection, a number of exit signs throughout the ground floor of the building were not illuminated, contrary to the requirements of Clause E4.6 and E4.8 of the NCC, Section 6 of AS 2293.1–2005 and Clause 182 of the EP&A Regulation.

1F. Block Plan - A compliant plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1–1999.

1G. Booster Connection – The fire brigade booster connection is located inside the building, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

2. Access & Egress

2A. Exit Door –

i. Egress - An expanding gate has been installed adjacent to the exit door discharging to Orwell Street, which serves the common area. The gates were in the open position at the time of the inspection however, the gates could be pulled across the exit at any time, which could impede the free passage of persons to the fire exit. Council may need to review its records to confirm whether the gate has been approved in its current location.

ii. Egress - At the time of the inspection a table and bench seat were observed obstructing the exit door serving the common area which discharges to Orwell Street, thereby causing an impediment, contrary to the requirements of Clause 184 and 186 of the Environmental Planning and Assessment Regulation 2000.

iii. Operation of latch - The exit door discharging out to Orwell Street serving the common area, contains a snib lock in lieu of a downward action lever handle, contrary to the requirements of D2.20 of the NCC.

2B. Exit Signs - Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. The location and configuration of the exit signs within the ground floor area was not appropriately sign posted and confusing. A review of the location and configuration of exit signs may be required.

2C. Path of Travel - The path of travel to the rear exit, adjacent to room 7, was obstructed by stored items reducing the unobstructed width of the path of travel to the exit to less than 1m, in contravention with the requirements of Clause D1.6(b) of the NCC. Management was informed of the issue at the time of the inspection.

2D. Path of Travel - The path of travel to the exit to Orwell Street via the stairways serving the upper levels, appears to have an unobstructed width less than 1m, contrary to the requirements of Clause D1.6(a) of the NCC.

3. Generally

3A. Balustrades – The balustrade to the roof top terrace contained multiple elements between 150mm and 760mm above the floor which would facilitate climbing, contrary to the requirements of Clause D2.16 of the NCC.

3B. Lighting - Artificial lighting was not operational in the stairway at the roof top level, which is contrary to the requirements of Clause F4.4 of the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers' of FRNSW issued a Notice No. 1, dated 21 January 2019, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item 1A of this report repaired.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information. In this regard, FRNSW does not consider Council is required to take action in relation to item 1A of this report.

CERTIFICATION

A follow-up call to [redacted] on 31 January 2019 confirmed that the ASE had been upgraded to a dual sim wireless system and was fully operational. FRNSW received written representations in relation to the proposed Order in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act, including certification from [redacted] confirming that the ASE has been upgraded.

RECOMMENDATIONS

FRNSW recommends that Council inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/200 for any future correspondence in relation to this matter.

Yours faithfully

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments [Appendix 1 - 2 pages]

NSW GOVERNMENT | FIRE + RESCUE

Proposed Fire Safety Order
ORDER No. 1

Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, [redacted] (name) **Building Surveyor** (rank) [redacted] (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

AUSTRALIAN VILLAGE NO. 9 - ORWELL ST PTY LTD
(name of person whom Order is served)

Owner
(position i.e. owner, building manager)

with respect to the premise

THE VILLAGE KINGS CROSS
6-8 ORWELL STREET, POINTS POINT ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is being continuously remotely monitored, by repairing the fault displayed on the Alarm Signalling Equipment.

The terms of the Order are to be complied with:

By no later than **7 days** from the date of the order

Fire and Rescue NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au
Community Safety Directorate
Fire Safety Compliance Unit
1 Amarina Ave
Greenacre NSW 2190
T (02) 9742 7434
F (02) 9742 7843
www.fire.nsw.gov.au

Unclassified

The reasons for the issue of this Order are:

a. There was a fault shown at the Alarm Signalling Equipment, in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The displayed fault was:

   - 'Primary Link Fail'.

b. To ensure the Alarm Signalling Equipment is fully operational so 'the premises' is continuously remotely monitored by the Automatic Fire Alarm Service Provider (AFASP), thereby allowing for early fire brigade intervention in the event of an emergency.

c. To ensure that the Alarm Signalling Equipment is capable of operating in accordance with the standard of performance it was designed and installed to.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **28 January 2019**.

[redacted]
Building Surveyor
Fire Safety Compliance Unit

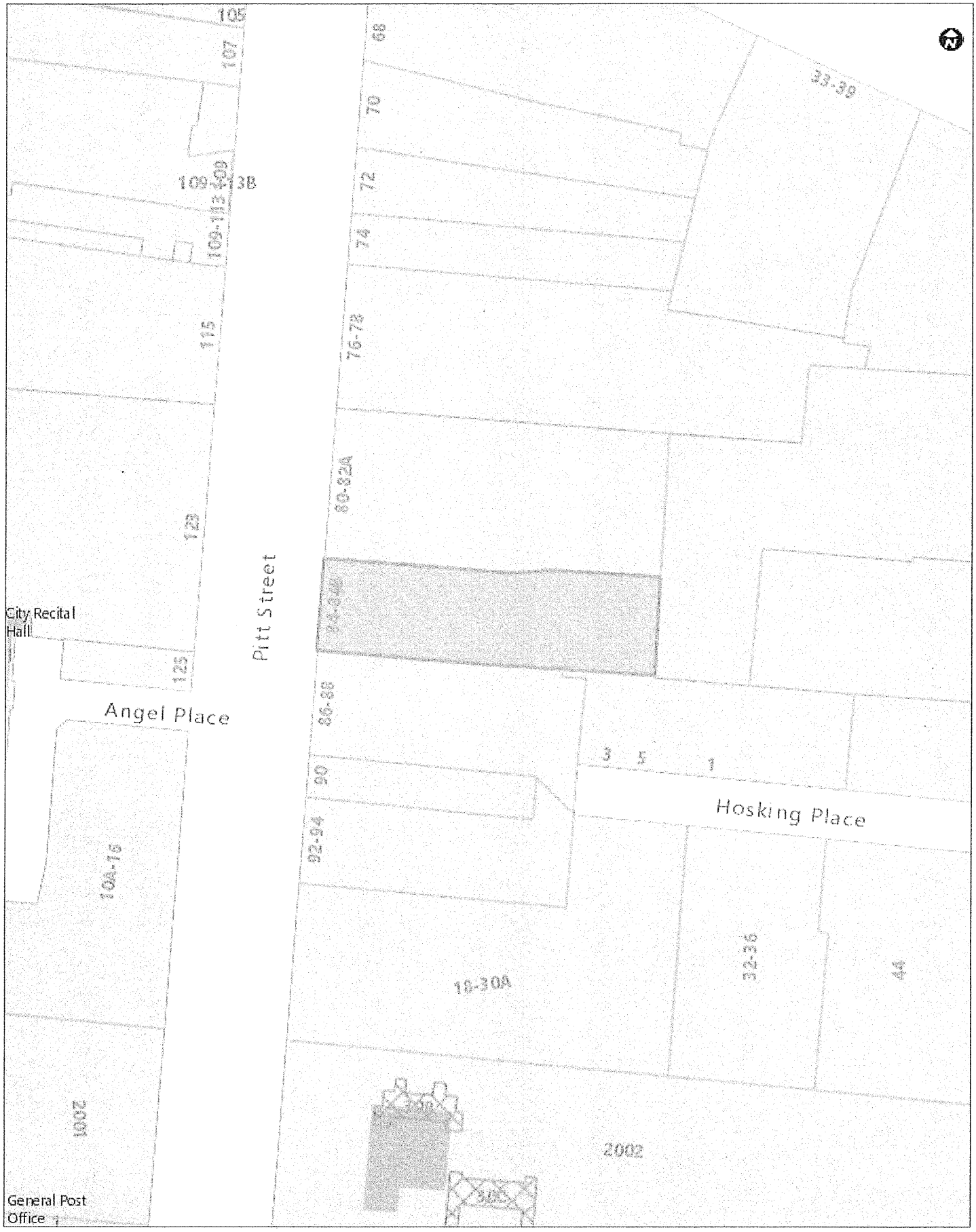
This **Proposed** Fire Safety Order No. 1 was sent by mail on **21 January 2019**.

Attachment M

Inspection Report -
84-84B Pitt Street, Sydney

84-84b Pitt Street, Sydney

CITY OF SYDNEY
Sydney 2030 Green Global Connected



city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM2060190 **Officer: Michael Merlino** **Date: 2 April 2019**

Premises: 84-84B Pitt Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 26 March 2019 with respect to matters of fire safety.

The premises is known as the "Australian Business & Conference Travel House" and consists of a 16 storey commercial building used as retail spaces and offices.

Council investigations have revealed that the premises are deficient in the provisions for fire safety with regards to adequate facilities for FRNSW operations.

It is considered that the scope of the above fire safety rectification works are of a degree which will require a fire safety order to be issued so as to ensure and promote adequate facilities for fire safety.

The Order will be issued in accordance with Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building

Chronology:

Date	Event
26/3/2019	FRNSW correspondence received regarding premises 84 Pitt Street, Sydney. It is noted that the correct address is 84-84B Pitt Street, Sydney
2/4/2019	An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager and fire contractor. The following items were identified as requiring upgrading to suit FRNSW operations: 1. Relocation of the fire hydrant and sprinkler booster to facilitate the needs of FRNSW; 2. Insufficient signage to sprinkler and hydrant boosters including no block plan or boost test pressure signage; 3. Upgrade to internal landing valves of the fire hydrants to suit FRNSW operations; 4. Clear stored items located in some fire hose and hydrant cupboards; 5. Remove some items stored in egress paths.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/225 (6125), D19/19739; 2019/149858]
Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about fire alarms not working.

Issues:
The report from FRNSW detailed a number of issues, in particular noting:

1. Faults to the fire indicator panel and emergency warning and intercom system panel which were confirmed by FRNSW as being rectified on 5 February 2019.
2. Issues relating to the fire hydrant system in regards to the orientation/position of the booster assembly, no block plan or boost test pressure signage.
3. Issues relating to the location and orientation of the sprinkler booster assembly, no block plan or boost test pressure signage.
4. Stored items in the rear fire isolated passageway which were confirmed by FRNSW as being rectified on 5 February 2019.
5. Doors being chocked open in basement fire isolated passageway.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	*2019/161632-01*
A2.	Locality Plan (cadastre please)	*2019/161632-02*
A3	Attachment cover sheet	*2019/161632-03*

Trim Reference: 2019/161632 **CSM reference No#: 2060190**

File Ref. No: BFS19/225 (6125)
TRIM Ref. No: D19/19739
Contact: [redacted]

26 March 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
84 PITT STREET, SYDNEY ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 23 January 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

> *Please keep my name anonymous* [redacted]
>
> [redacted] *there have been many safety concerns, those relating to fire are listed below:*
>
> *Fire alarms do not work* [redacted] *and have not been fixed*
>
> *Intercom speaker system from the control room to all floors does not work and didn't on the last 2 evacuation exercises.*
>
> *Telephones in the fire hose cupboards do not work.*
>
> *There is no annual fire report displayed in the building.*

Due to building works the smoke spill system is disabled and has been since 10th December 2018 - my understanding is that this lessens/ removes smoke - my concern is that with no alarms working and only the western stairs in use for evacuations, this is a disaster waiting to happen.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 31 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

    1A. Smoke Detection and Alarm System

        A. Fire Indicator Panel (FIP) – The automatic smoke detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

i. Two (2) isolations, one (1) alarm and one (1) fault were displayed on the FIP.

The building manager advised that he would arrange the fire service contractor to attend the site to rectify the faults.

A re-inspection was conducted by FRNSW officers on 5 February 2019 which found, at the time of the inspection, the FIP was cleared from all isolations, alarms and faults.

B. Emergency Warning and Intercommunication System (EWIS) – There was a fault displayed at the EWIS Panel, contrary to the requirements of Clause 182 of the EP&A Regulation.

The building manager advised that he would arrange the fire service contractor to attend the site to rectify the fault.

A re-inspection was conducted by FRNSW officers on 5 February 2019 which found, at the time of the inspection, the EWIS panel was clear from all faults.

1B. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

A. The location and orientation of the fire hydrant booster assembly is positioned in such a way that does not facilitate the needs of the attending fire brigades to connect up to the equipment to undertake firefighting operations, contrary to the requirements of AS 2419.1–2005. The booster is located within an enclosure, incorporated in an external column of the building, facing away from the roadway.

B. A block plan was not provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1–2005.

C. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.

1C. Sprinkler System: The sprinkler system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2118.1-1999:

A. The location and orientation of the sprinkler booster assembly is positioned in such a way that does not facilitate the needs of the attending fire brigades to connect up to the equipment to undertake firefighting operations, contrary to the requirements of AS 2118.1–1999. The booster is located within an enclosure, incorporated in

an external wall of the building, adjacent to the fire-isolated exit doorways.

B. A plan of risk (block plan) was not provided at the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1–1999.

C. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

D. The pressure gauge located at the booster was damaged and could not be read, requiring replacement, contrary to the requirements of Clause 8.12 of AS2118.1–1999.

2. Access and Egress

2A. Miscellaneous items were stored within the fire-isolated passageway in the basement back of house area which had the possibility to cause an obstruction, contrary to Clause 184 and 186 of the EP&A Regulation.

The building manager advised that he would arrange for the items to be cleared.

A re-inspection of the premises conducted by FRNSW on 5 February 2019 revealed that the fire-isolated passageway was free from obstructions.

3. Compartmentation

3A. Fire doors – Multiple fire doors relating to the fire-isolated passageway and stairway in the basement back of house area were held in the open position (by door chocks) or had the self-closing device disabled, preventing the fire doors from self-closing, contrary to the requirements of Clause C3.8 of the NCC.

4. Generally

4A. Non-firefighting equipment was stored within some of the cabinets containing the fire hydrant, hose reels and portable fire extinguishers.

4B. Fire Hydrant System

It appears that the fire hydrant system may have been installed in accordance with the provisions of Ordinance 70.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/225 (6125) for any future correspondence in relation to this matter.

Yours faithfully

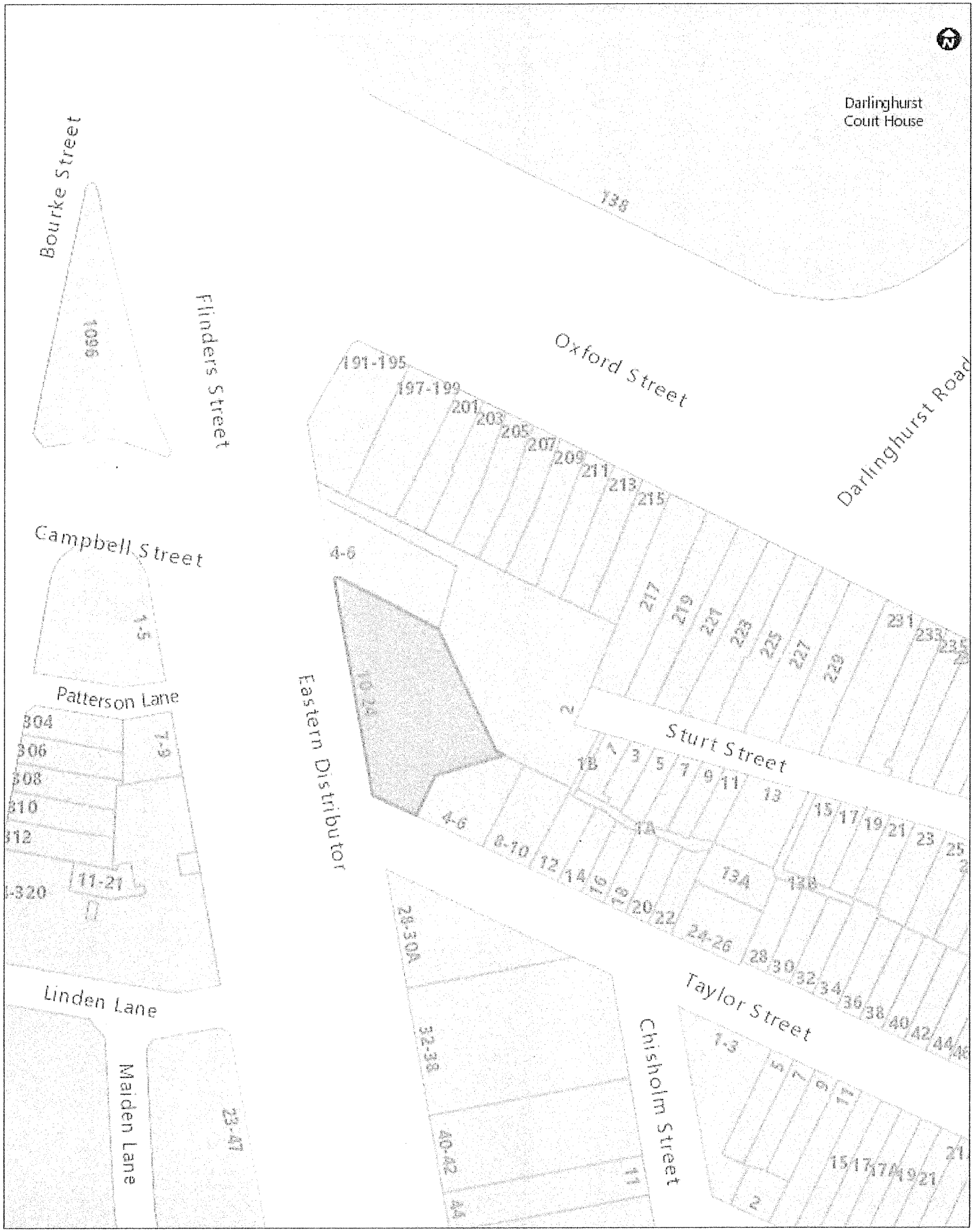
[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment N

Inspection Report -
10-24 Flinders Street, Darlinghurst

10-24 Flinders Street, Darlinghurst

CITY OF SYDNEY
Sydney2030 Green Global Connected



city of villages

0 9 19 38
A4 1:750 Metres Date:12-Feb-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2034338 **Officer:** Joe Kalgovas **Date:** 21/02/2019

Premises: 10-24 Flinders Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises and more specifically the Boarding House at 10 Flinders Street Darlinghurst with respect to matters of fire safety.

The premises consists of a three storey building known as 'Albion House' which in use for as retail, night club and residential (boarding house) accommodation.

The ground floor use comprises a retail shops and nightclub with the second and third floor levels used for boarding type residential accommodation.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner of the premises revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that will provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current, compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

It should be noted that the building was subject of a fire safety order issued by Council on 29 August 2013 which required among other things certification of and remedial works to be carried out to installed essential fire safety measures and to furnish the Council with a final fire safety certificate on completion of the order.

The order was subsequently completed and a final fire safety certificate given to the satisfaction of Council on 26 April 2016.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 10 Flinders Street Darlinghurst known to the City as 10-24 Flinders Street Darlinghurst
21/02/2019	An inspection of the subject premises was undertaken by a Council officer with the building manager which found the matters identified by FRNSW had been rectified.

FIRE AND RESCUE NSW REPORT:

References: [D19/362, 2019/066696]

Fire and Rescue NSW conducted an inspection of the subject premises on 12 December 2018 after receiving an enquiry about a set of stairs at the rear on level 1 being blocked by the storage of bags and boxes.

Issues;

The report from FRNSW detailed a number of issues,

1. Essential Fire Safety Measures

    (I) Automatic Fire Detection and Alarm System – Alarms, isolations and fault were displayed on the Fire Indicator Panel (FIP).

    (II) Smoke Detector - the smoke detector in the common area between Rooms 10 and 13 was observed with duct tape covering the vents.

2. Access & Egress

    Items were stored in the first floor corridor adjacent to room 8 that caused an impediment to the free passage of persons.

3. Compartmentation

    The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard.

FRNSW issued an Order with regard to item 1 (I) above, have conducted further inspections; found the measure to be complaint and do not require the City to take action in relation to this item.

FRNSW Recommendations;

FRNSW have made one recommendation within their report. In general FRNSW have requested that Council;

1. ***Inspect the subject premises for deficiencies and take action to have the identified fire safety issues appropriately addressed;***

2. ***FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with Section 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.***

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	***Cited Matters rectified***	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

An inspection undertaken by a Council investigation officer in company with the manager of the premises revealed that the above recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	*2019/070668-01*
A2.	Locality Plan	*2019/070668-02*
A3	Attachment cover sheet	*2019/070668-03*

Trim Reference: 2019/070668 **CSM reference No#:** 2034338

File Ref. No: BFS18/2223 (4408)
TRIM Ref. No: D19/362
Contact: [redacted]

1 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
ALBION HOUSE
10 FLINDERS STREET DARLINGHURST ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 7 August 2018, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

> *Upon attending an AFA call to the above premises, it was noticed that a set of stairs at the rear on level 1 was blocked by the storage of bags and boxes, making safe egress impossible.*

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

    1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

        i. Automatic Fire Detection and Alarm System – Alarms, isolations and a fault were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System. The FIP displayed the following:

            - First Floor South – Alarm & Isolate
            - Roof Space – Alarm & Isolate
            - Second Floor South - Fault

        ii. Smoke Detector – At the time of the inspection the smoke detector, in the common area between Rooms 10 and 13, was observed with duct tape covering the vents. The manager advised that the detector was covered due to current maintenance works and would be removed.

2. Access & Egress

    2A. Items were stored in the first-floor corridor, adjacent to Room 8, that caused an impediment to the free passage of persons, in contravention of Clause 184 and 186 of the EP&A Regulation. The manager advised that the items were located in the corridor due to current maintenance works and would be removed.

3. Compartmentation

   3A. Stair Storage – The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard. A visual inspection could not confirm that the enclosure complies with the National Construction Code, Volume 1 (NCC), Clause D2.8 'Enclosure of space under stairs and ramps'.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. **1**, dated 6 December 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1Ai of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1Ai of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 14 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address item no. 1 through to item no. 3 of this report and any other deficiencies identified on 'the premises'.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2223 (4408) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – 2 pages]

Appendix 1

NSW GOVERNMENT | FIRE + RESCUE

Emergency Fire Safety Order
ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

'ALBION HOUSE'
10-24 FLINDERS STREET, DARLINGHURST ("the premises")
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

At approximately 12:05 pm on Wednesday 5 December 2018, the following was observed at 'the premises':

1. Alarms, faults and isolations were displayed on the Fire Indicator Panel, which were associated with the Automatic Fire Detection and Alarm System.

Authorised Fire Officer:

I, [redacted] (name) **Building Surveyor** (rank) [redacted] (number)

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby order:

[redacted] (name of person whom Order is served) **Owner** (position i.e. owner, building manager)

To do, or refrain from doing, the following things:

1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational, by repairing the alarms, faults and isolations displayed on the Fire Indicator Panel.

The reasons for the issue of this Order are:

a. To ensure that the Automatic Fire Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to.

b. To ensure the Automatic Fire Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire

The terms of the Order are to be complied with:

By no later than **close of business** on the **13 December 2018.**

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.

Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:

[redacted]
Building Surveyor
Fire Safety Compliance Unit

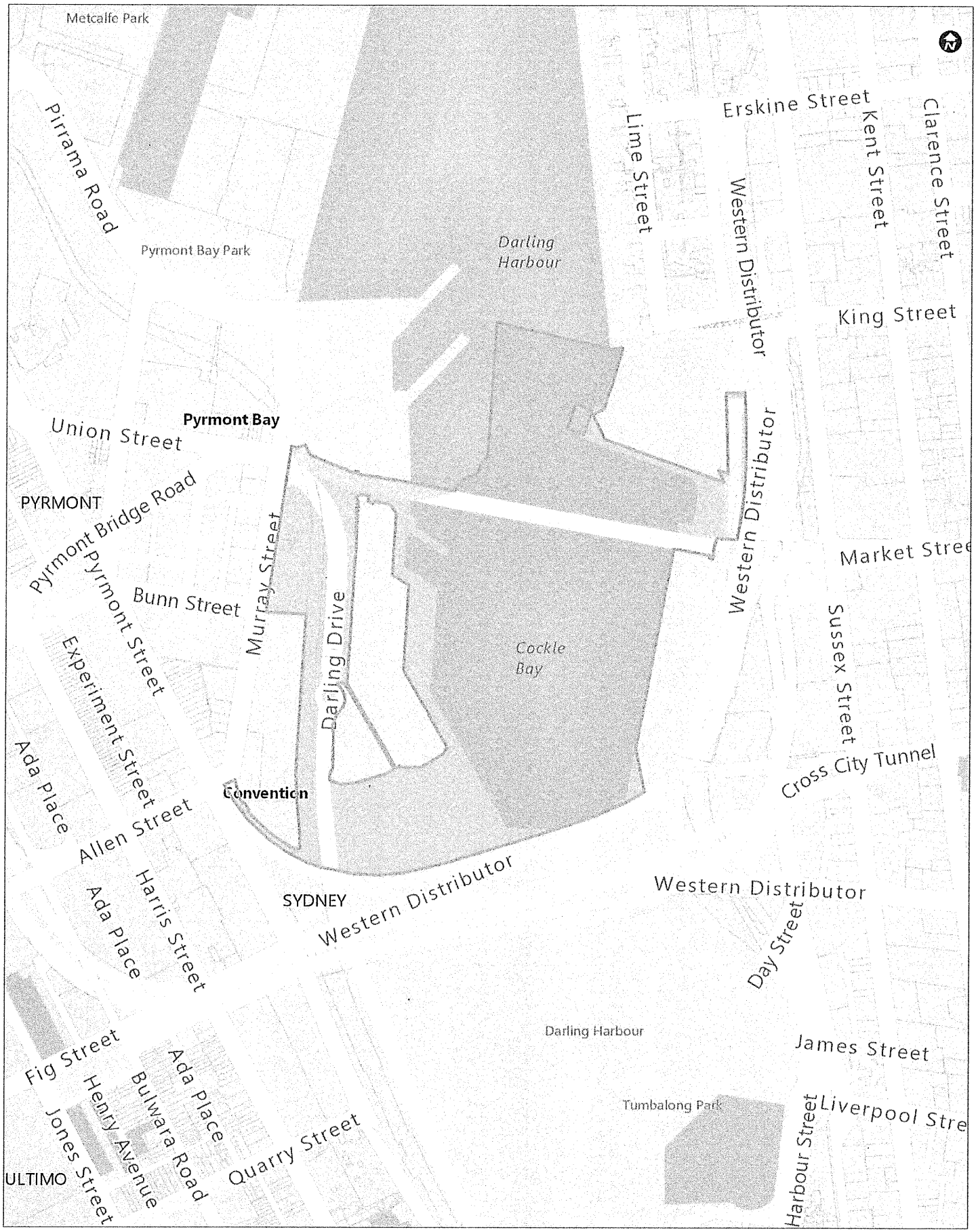
This Emergency Fire Safety Order No. 1 was hand delivered on **6 December 2018.**

Attachment O

Inspection Report -
14 Darling Drive, Sydney

14 Darling Drive Sydney

CITY OF SYDNEY
Sydney2030 Green Global Connected



city of villages

0 63 125 250
A4 1:5,000 Metres Date: 3-Apr-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: 2019/138376 **Officer:** Andrew Porter **Date:** 19 March 2019

Premises: 14 Darling Drive Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises the 'International Convention Centre' (ICC) consists of a mixed use building which ranges in the number of storey's across the site up to eight storeys at the highest point.

Specifically the correspondence from FRNSW related to an inspection they had undertaken after receiving a complaint related to concerns the correspondent had with egress provisions from the ICC while attending an event held at the premises.

The premises is located within the Darling Harbour Precinct and is accessible by road from Darling Drive Sydney. The building contains a mixture of uses namely offices, retail premises, public assembly, car parking and storage.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire, the premises is subject to a number of alternative solutions which form part of the overall fire safety strategy.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were no fire safety issues to be resolved. The egress provisions within the premises are adequate and comply with all relevant statutory requirements.

The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building identified metallic sheet cladding. The Department of Planning and Environment have advised that they are the consent authority for the subject premises and have commenced investigations to assess the fire risk posed by the external wall cladding.

Chronology:

Date	Event
25/02/2019	FRNSW correspondence received regarding premises 'International Convention Centre' at 14 Darling Drive, Sydney.
19/03/2019	An inspection of the subject premises was undertaken by a Council officer who found no fire safety issues within the premises. The exit doors referred to in the FRNSW correspondence are compliant with the statutory requirements for exit doors.

FIRE AND RESCUE NSW REPORT:

References: BFS17/1500 (0864); TRIM D19/12277

Fire and Rescue NSW conducted an inspection of the subject premises (date not specified within correspondence).

Issues:
The report from FRNSW advised that at the time of their inspection the doors in question were openable and egress was available.

FRNSW also advised that they had discussions with the manager of the Centre who confirmed that during "event mode" doors are closed and are not able to be opened manually. Doors are provided with break glass alarms and a door release push button adjacent to each door and the doors also release on the activation of the fire systems in the event of an emergency (fire situation).

FRNSW Recommendations:

FRNSW have made no direct recommendation within their report other than legislative notification

FRNSW have advised that the report has been provided for Council's information in accordance with section 9.32 (4) and clause 17(1) of the Act.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

An inspection undertaken by a Council Officer has revealed no fire safety issues to be apparent within the building.

It is recommended that Council not exercise its powers to give an order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/138376-01
A2.	Locality Plan	2019/138376-02
A3	Attachment cover sheet	2019/138376-03

Trim Reference: 2019/138376 **CSM reference No#:** 2034314

File Ref. No: BFS17/1500 (0864)
TRIM Ref. No: D19/12277
Contact: [redacted]

22 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"INTERNATIONAL CONVENTION CENTRE"
14 DARLING DRIVE, SYDNEY ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

My elderly wife and friends attended a concert, they had tickets for seats 36 and 37 at Level Four via Gate 6.

As the concert was concluding, they and many others decided to try and leave to beat the rush. They went down the stairs to a small foyer where they found themselves against glass doors, which were closed, and which they could not open. Announcements were made but they could not hear what was being said in that area.

As they waited, crowd began to build up behind them, creating a crush against the doors. My wife and her friends were worried that they would be crushed. People at the back began to shout out to open the doors, but no one could. Another man began shouting that he needed to use the toilet and was becoming desperate. After a few minutes a young usher arrived and stood in front of the doors but could not open them. After about five minutes the doors opened electronically, allowing everyone to leave.

Our concerns are:-

- *It would have been quite easy for people at the front to be crushed against the doors by others coming down the stairs from the auditorium*
- *If announcements were made about how to exit the venue, my wife and her party did not hear them*
- *The people were predominantly old meaning they lacked the ability to move quickly, and were probably more fearful of being crushed than if they were younger*

We presume through all this that in the event of an emergency eg fire or other incident the doors are automatically opened. Because had such an emergency occur on this occasion and the doors not immediately open there would have been injuries or fatalities from those at the front being crushed by those at the back. (Three are enough lessons already from stadium disasters in other places overseas to allow any risk to occur at your venue).

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

An inspection of the doors in question, being the vomitory doors and the doors out to the bridge were openable and egress was available.

Discussion with the manager of the ICC at the time of the inspection revealed that during 'event mode' the doors are closed and are not able to be opened manually, however ushers are typically monitoring the areas. Furthermore, the doors are provided with break glass alarms and a door release push button adjacent to each door and the doors also release on activation of the smoke detection and sprinkler systems in an emergency.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/1500 (0864) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

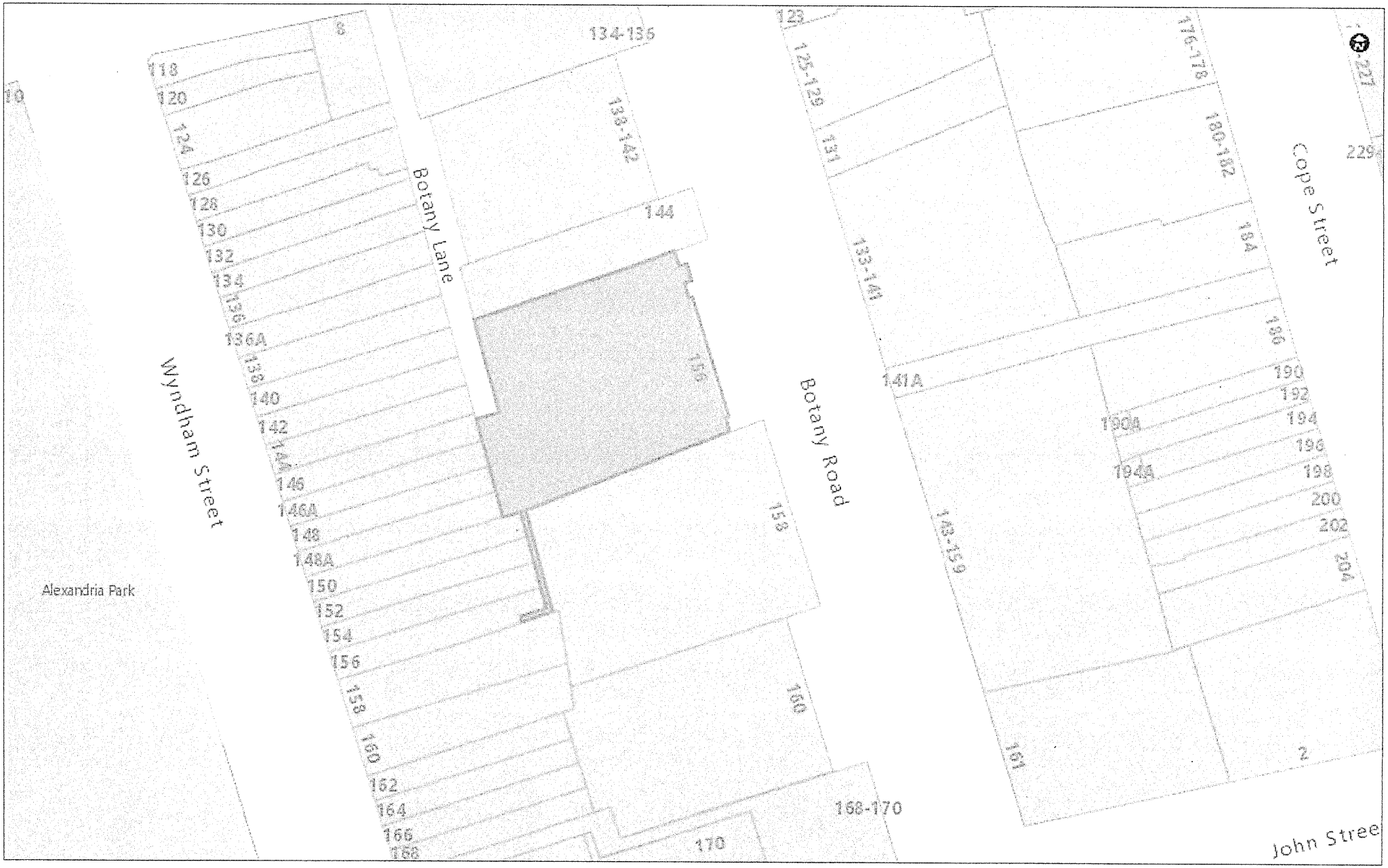
[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment P

Inspection Report -
156 Botany Road, Alexandria

156 Botany Road, Alexandria

CITY OF SYDNEY
Sydney2030/Green Global Connected



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city of villages

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2045038 **Officer:** Ashley Host **Date:** 19 March 2019

Premises: 156 Botany Road, Alexandria

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consists of a four storey residential apartment building with basement car parking

The ground floor comprises a commercial use. The first, second and third floors are residential. Basement level is a car park.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) A lack of adequate facilities for firefighting;

(ii) Suitable fire resisting construction to prevent the spread of fire;

(iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Chronology:

Date	Event
26/02/2019	FRNSW correspondence received regarding premises located at 156 Botany Road, Alexandria
19/03/2019	An inspection of the subject premises was undertaken by a Council Investigation Officer in attendance with the strata managing agent. The subject premises is a newly constructed residential apartment building (occupation certificate issued February 2018). The inspection revealed that the premises suffered from a number of fire safety deficiencies, particularly form a fire services perspective (fire hydrant system/component defects). It is considered that the structural issues raised in the correspondence from FRNSW do not appear to cause an immediate risk to occupants or attending emergency personnel, however further assessment is to be undertaken by City officers in conjunction with building owners to determine appropriate compliance action in this regard.

FIRE AND RESCUE NSW REPORT:

References: BFS183225, D19/10987, 2019/099651

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry in relation to the adequacy of the provision for fire safety in connection with "the premises".

The correspondence stated in that:

- *Internal Hydrants are blocked due to storage of boxes of floor tiles in cabinet on ground floor.*
- *Diesel pumps tagged as not operational. These pumps have power, but no water supply connected. No schematics available to indicate what fire suppression system they are responsible for.*
- *No Fire compliance certificate could be located within premises.*

Issues

The report from FRNSW details the following issues with reference to the building located at 156 Botany Road, Alexandria;

1. Essential Fire Safety Measure

   1A. Fire Hydrant Installation

   FRNSW is of the opinion that the fire hydrant system is non-functional. The following non-compliances were observed contrary to the requirements of Australian Standard (AS) 2419.1-2005:

i. Both diesel pumpsets were not capable of functioning contrary to the requirements of Clause 6.1. In this regard the pump control panel indicated that the engine failed to start or the isolation switch was found to be in the OFF position;

ii. Yellow warning labels attached to the pumpsets indicated that the pumpsets may not have been commissioned;

iii. The large bore suction connection installed at the face of the building is not accessible to FRNSW using semi-rigid suction hose, contrary to the requirements of Clause 5.4.2. In this regard, the suction connection is approximately six metres from the kerb and obstructed by vegetation. FRNSW were unable to determine the property boundary to ascertain if the suction connection could be relocated closer to the carriageway;

iv. Two small bore suction connections are installed at the fire hydrant booster assembly. The small-bore suction connections do not comply with the requirements of Clause 5.4.3. As a rural fire service is extremely unlikely to attend the site, FRNSW consider the connections superfluous;

v. FRNSW were unable to determine if water is present within the system;

vi. Identification signage is not installed at each fire hydrant cupboard contrary to the requirements of Clause 3.6.2;

vii. The fire hydrant cupboards contain building material not associated with the control or extinguishment of fire contrary to the requirements of Clause 3.6.1 (d);

viii. A clearance of 150mm around the wheel valve of the attack fire hydrant, located within a cupboard, is not provided contrary to the requirements of Clause 3.5. In this regard the lockable fire extinguisher case creates and impediment to the operation of the attack hydrant;

ix. FRNSW is of the opinion that fire hydrant coverage is not achievable, contrary to the requirements of Clause 3.2. In this regard, an external or internal fire hydrant is not provided for the car parking area;

x. The above ground isolation valves associated with the double check valve, located at the front of the property, were not secured or locked in the open position contrary to the requirements of Clause 8.5.8. In this regard FRNSW is of the opinion that that the automatic in-fill associated with the water storage tanks is not automatic in operation;

xi. Components of the fire hydrant pumproom are installed at a height of approximately 1700mm, contrary to the requirements of clause 6.4.1. In this regard the ventilation systems is suspended from the ceiling and create a safety issue for working in the enclosure;

xii. The internal fire hydrant pumproom does not have a door opening to a road or open space, or a door opening to fire-isolated passage or stair which leads to a road or open space contrary to the requirements of Clause 6.4.2;

xiii. Metal reinforcement bars are sticking up from the floor, creating trip hazards within the pumproom.

1B. Smoke Detection and Alarm Systems

A. Two faults were found to be present on the Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

2. Generally

2A. Access and Egress

A. The final exit doors located in the carpark incorporates a knob style handle contrary to the requirements of Clause D2.21 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC);

2B. The exhaust outlets for the two diesel pumpsets are directed into the path of travel to the open road from the building, which may create an impediment to safe egress. In this regard the glass egress door, located on the ground floor, directs occupants to the rear lane past the exhaust stacks.

2C. Atrium Construction A. The building contains an atrium which connects more than 3 levels. The fire engineering report does not address these non-compliances, contrary to the requirements of Clause G3 of the NCC.

2D. Fire Resistance A. Multiple penetrations are present between the carpark and residential levels, contrary to the requirements of Clause C3.12 of the NCC.

2E. Structural Provisions

A. Multiple areas within the premises have building elements which do not appear to meet the minimum requirements for a building with Type A construction, contrary to the requirements of Section B of the NCC. FRNSW has concerns relating to the structural adequacy of the concrete construction throughout the building, which may not comply with the requirements of Clause B1.4 of the NCC and AS 3600-2009. In this regard:

i. Reinforcement bars and multiple cracking was observed in the concrete column located behind the fire hydrant pumpsets

ii. The footings located outside the final exit door located on the northern side of the carpark appears to be sitting on non-structural sandstone and has reinforcement bars protruding.

iii. The lintel above the final exit door located on the northern side of the carpark

FRNSW Recommendations

FRNSW have made 1 recommendation within their report. In general FRNSW have requested that Council

a. Inspect and address any other deficiencies identified on 'the premises' and require item no.1 through to item no.2 of this report be addressed appropriately.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS

Issue Order (NOI)	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

It is further recommended that the owners of the building be issued with correspondence to bring to their attention the site structural issues raised by FRNSW and require assessment/verification to ensure that structural adequacy of the building is suitable for its intended use in accordance with the relevant requirements of section B of the National Construction Code 2016, Volume One, Building Code of Australia, (NCC).

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/160192-01
A2.	Locality Plan	2019/160192-02
A3	Attachment cover sheet	2019/160192-03

Trim Reference: 2019/160192 **CSM reference No#:** 2045038

File Ref. No: BFS18/3225 (5359)
TRIM Ref. No: D19/10987
Contact: Station Officer [redacted]

21 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

Re: INSPECTION REPORT
ALEXANDRIA PARK APARTMENTS
156 BOTANY ROAD ALEXANDRIA ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- Internal Hydrants are blocked due to storage of boxes of floor tiles in cabinet on ground floor.

  Diesel pumps tagged as not operational. These pumps have power, but no water supply connected. No schematics available to indicate what fire suppression system they are responsible for.

  No Fire compliance certificate could be located within premises.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 30 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW. A second inspection was conducted with Luke Jeffree of Sydney City Council on 12 February 2019

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measure

   1A. Fire Hydrant Installation

      A. FRNSW is of the opinion that the fire hydrant system is non-functional. The following non-compliances were observed contrary to the requirements of Australian Standard (AS) 2419.1-2005:

         i. Both diesel pumpsets were not capable of functioning contrary to the requirements of Clause 6.1. In this regard the pump control panel indicated that the engine failed to start or the isolation switch was found to be in the OFF position;

         ii. Yellow warning labels attached to the pumpsets indicated that the pumpsets may not have been commissioned;

         iii. The large bore suction connection installed at the face of the building is not accessible to FRNSW using semi-rigid suction hose, contrary to the requirements of Clause 5.4.2. In this regard, the suction connection is approximately six metres from the kerb and obstructed by vegetation. FRNSW were unable to determine the property boundary to ascertain if the suction connection could be relocated closer to the carriageway;

         iv. Two small bore suction connections are installed at the fire hydrant booster assembly. The small-bore suction connections do not comply with the requirements of Clause 5.4.3. As a rural fire service is extremely unlikely to attend the site, FRNSW consider the connections superfluous;

         v. FRNSW were unable to determine if water is present within the system;

         vi. Identification signage is not installed at each fire hydrant cupboard contrary to the requirements of Clause 3.6.2;

vii. The fire hydrant cupboards contain building material not associated with the control or extinguishment of fire contrary to the requirements of Clause 3.6.1 (d);

viii. A clearance of 150mm around the wheel valve of the attack fire hydrant, located within a cupboard, is not provided contrary to the requirements of Clause 3.5. In this regard the lockable fire extinguisher case creates and impediment to the operation of the attack hydrant;

ix. FRNSW is of the opinion that fire hydrant coverage is not achievable, contrary to the requirements of Clause 3.2. In this regard, an external or internal fire hydrant is not provided for the carparking area;

x. The above ground isolation valves associated with the double check valve, located at the front of the property, were not secured or locked in the open position contrary to the requirements of Clause 8.5.8. In this regard FRNSW is of the opinion that that the automatic in-fill associated with the water storage tanks is not automatic in operation;

xi. Components of the fire hydrant pumproom are installed at a height of approximately 1700mm, contrary to the requirements of clause 6.4.1. In this regard the ventilation systems is suspended from the ceiling and create a safety issue for working in the enclosure;

xii. The internal fire hydrant pumproom does not have a door opening to a road or open space, or a door opening to fire-isolated passage or stair which leads to a road or open space contrary to the requirements of Clause 6.4.2;

xiii. Metal reinforcement bars are sticking up from the floor, creating trip hazards within the pumproom.

1B. Smoke Detection and Alarm Systems

A. Two faults were found to be present on the Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

2. Generally

2A. Access and Egress

A. The final exit doors located in the carpark incorporates a knob style handle contrary to the requirements of Clause D2.21 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC);

2B. The exhaust outlets for the two diesel pumpsets are directed into the path of travel to the open road from the building, which may create an impediment to safe egress. In this regard the glass egress door, located on the ground floor, directs occupants to the rear lane past the exhaust stacks.

2C. Atrium Construction

A. The building contains an atrium which connects more than 3 levels. The fire engineering report does not address these non-compliances, contrary to the requirements of Clause G3 of the NCC.

2D. Fire Resistance

A. Multiple penetrations are present between the carpark and residential levels, contrary to the requirements of Clause C3.12 of the NCC.

2E. Structural Provisions

A. Multiple areas within the premises have building elements which do not appear to meet the minimum requirements for a building with Type A construction, contrary to the requirements of Section B of the NCC. FRNSW has concerns relating to the structural adequacy of the concrete construction throughout the building, which may not comply with the requirements of Clause B1.4 of the NCC and AS 3600-2009. In this regard:

i. Reinforcement bars and multiple cracking was observed in the concrete column located behind the fire hydrant pumpsets

ii. The footings located outside the final exit door located on the northern side of the carpark appears to be sitting on non-structural sandstone and has reinforcement bars protruding.

iii. The lintel above the final exit door located on the northern side of the carpark is cracked where it abuts the neighbouring building.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

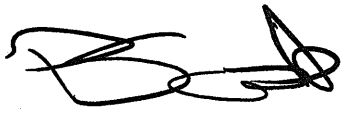
FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3225 (5359) for any future correspondence in relation to this matter.

Yours faithfully



[redacted]
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

Attachment Q

Inspection Report -
43-127 Morehead Street, Redfern

43-127 Morehead Street, Redfern

CITY OF SYDNEY
Sydney2030/Green/Global/Connected



172

city of villages

0 Control Script Distance Control Script

Metres

Date: 27-Mar-19

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Council investigation officer Inspection and Recommendation Report Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)

File: CSM 2034451 **Officer:** Ashley Host **Date:** 3 April 2019

Premises: 43-127 Morehead Street, Redfern

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises known as "Poets Corner" consists of three residential apartment buildings each 17-storeys in height and known as 'Kendall' (43 Morehead Street) 'Gilmore' (55 Morehead Street) and 'Lawson' (57 Morehead Street).

The ground floor level of the building comprises open car-parking for occupant vehicles and lobby whilst the remaining floors consist of residential sole occupancy units.

An inspection of the premises was undertaken by a Council Investigation Officer on 20 March 2019 in the presence of a representative from the Department of Family and Community Services (FACS) revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there are some minor fire safety "maintenance and management" works to attend to the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

The existing fire hydrant systems are the subject of an upgrade schedule proposed by FACS however, due to limited resources and funds this system cannot be upgraded immediately.

Chronology:

Date	Event
21/02/2019	FRNSW correspondence received regarding premises located at 43-127 Morehead Street, Redfern.
20/03/2019	An inspection of the subject premises was undertaken by a Council Investigation Officer with a representative of NSW Land and Housing Corporation (NSWL&HC). The inspection revealed that the fire alarm panel was operational. There were several minor fire safety maintenance and management issues that required attention including rectifying non-illuminated exit signage. NSWL&HC also advised that upgrades to existing fire hydrant system were proposed, but the availability of funding may be restricted. A request for further information was made in this regard.

3/04/2019	Council officer issues a compliance letter of Instruction to building owners regarding the legal requirements of ensuing that required fire systems remain operational at all times.

FIRE AND RESCUE NSW REPORT:

References: BFS18/2586 (5020), D19/11322, 2019/090673

Fire and Rescue NSW received correspondence in relation to the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated in that *"AFA (automatic fire alarm) not activated at a unit fire - food alight - extinguished & ventilated - AFA operated 13mins after initial 000 call."*

Issues

The report from FRNSW details the following issues with reference to the building located at 43-127 Morehead Street, Redfern:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

a) Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

i) The FIP was displaying eighteen (18) faults on the system.
ii) The FIP was displaying three (3) isolations on the system.
iii) The FIP was displaying four (4) non-alarm events on the system.

1B. The Emergency Warning and Intercommunication System (EWIS):

a) The EWIS did not appear to be capable of operating to the standard of performance from when it was first designed and installed. The following issues were identified as concerns at the time of inspection:

i) The Evacuation System Control Panel (ESCP) was displaying a "System Fault"
ii) The ESCP was displaying one (1) audio line fault and one (1) WIP line fault on the system.

1C. Exit signs – Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Generally

2A. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10 (irrespective of the performance standard listed on the AFSS).

FRNSW Recommendations

FRNSW have made 1 recommendation within their report. In general FRNSW have requested that Council;

a. Inspect and address any other deficiencies identified on 'the premises' and require item no.1C through to item no.2 of this report be addressed appropriately.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order(NOI)~~	~~Issue emergency Order~~	Issue a compliance letter of instruction	~~Cited Matters rectified~~	~~Continue to undertake compliance action in response to issued Council correspondence~~	~~Continue with compliance actions under the current Council Order~~	~~Other (to specify)~~

As a result of site inspections undertaken by Council investigation officers the owner of the building has been be issued with a written instruction (and accompanied caution) to ensure that required fire systems remain operational at all times and are subject to appropriate maintenance strategies to support performance

It is recommended that Council not exercise its powers to give a fire safety order at this time

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/160085-01
A2.	Locality Plan	2019/160085-02
A3	Attachment cover sheet	2019/160085-03

Trim Reference: 2019/160085 **CSM reference No#:** 2034451

File Ref. No: BFS18/2586 (5020)
TRIM Ref. No: D19/11322
Contact: [redacted]

21 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
"POETS CORNER" – 'KENDAL 43', 'GILMORE 55' AND 'LAWSON 57'
43-127 MOREHEAD STREET, REDFERN ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 6 October 2018, in relation to a fire incident at 'the premises', as a result a fire safety concern was lodged.

The correspondence stated in part that:

- AFA not activated at a unit fire - food alight - extinguished & ventilated - AFA operated 13mins after initial 000 call.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 6 October 2018, 10 October 2018 and 23 October 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns at the time of inspection on 23 October 2018:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

a) Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

i. The FIP was displaying eighteen (18) faults on the system.

ii. The FIP was displaying three (3) isolations on the system.

iii. The FIP was displaying four (4) non-alarm events on the system.

1B. The Emergency Warning and Intercommunication System (EWIS):

a) The EWIS did not appear to be capable of operating to the standard of performance from when it was first designed and installed. The following issues were identified as concerns at the time of inspection:

i. The Evacuation System Control Panel (ESCP) was displaying a "System Fault".

ii. The ESCP was displaying was displaying one (1) audio line fault and one (1) WIP line fault on the system.

1C. Exit signs – Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Generally

2A. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10 (irrespective of the performance standard listed on the AFSS).

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

NOTICE OF INTENTION TO SERVE AN ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice of Intention to Serve an Order (1) dated 24 October 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A and item no. 1B of this report rectified.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A and item no. 1B of this report.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information.

FRNSW received written representations in relation to the proposed Order 1 in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act. Upon receipt of the representation, an inspection was conducted on 13 November 2018 in accordance with Section 9.32 of the EP&A Act.

Please be advised that following the inspections, hearing and considering the representation, FRNSW has determined not to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1C through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2586 (5020) for any future correspondence in relation to this matter.

Yours faithfully

[redacted]

[redacted]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments: [Appendix 1 – Notice of Intention – Proposed Fire Safety Order]

Appendix 1 – Notice of Intention – Proposed Fire Safety Order

Proposed Fire Safety Order
ORDER No. 1

Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(a)

I, [redacted] (name) Building Surveyor (rank) [redacted] (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

New South Wales Land and Housing Corporation
(name of person whom Order is served)

Owner
(position i.e. owner, building manager)

with respect to the premise

"POETS CORNER" – 'KENDALL 43', 'GILMORE 55' AND 'LAWSON 67'
43-127 MOREHEAD STREET, REDFERN ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is fully operational, by:

    a. Repairing all faults, isolations and non-alarm events, displayed on the Fire Indicator Panel (FIP) located in the Fire Control Room.

2. Ensure the Sound System and Intercom System for Emergency Purposes (SSISEP) installed in 'the premises' is fully operational, by:

    a. Repairing all faults, displayed on the Evacuation System Control Panel.

FIRE AND RESCUE NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au
Community Safety Directorate, Fire Safety Compliance Unit | 1 Amarina Ave, Greenacre NSW 2190 | T (02) 9742 7434, F (02) 9742 7483
firesafety@fire.nsw.gov.au

The terms of the Order are to be complied with:

By no later than 7 days from the date of the Order.

The reasons for the issue of this Order are:

a. At the time of the inspection the FIP was displaying eighteen (18) faults on the system.

b. At the time of the inspection the FIP was displaying three (3) isolations on the system.

c. At the time of the inspection the FIP was displaying four (4) non-alarm events on the system.

d. To ensure that the Automatic Smoke Detection and Alarm System is capable to operating in accordance with the standard of performance it was designed and installed to.

e. At the time of the inspection the Evacuation System Control Panel was displaying a "System Fault"

f. At the time of the inspection the Evacuation System Control Panel was displaying one (1) Audio output line fault and one (1) WIP phone fault.

g. To ensure that the Sound System and Intercom System for Emergency Purposes (SSISEP) is capable to operating in accordance with the standard of performance it was designed and installed to.

h. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.

i. To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

Appeals

Pursuant to Section 8.16 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

FIRE AND RESCUE NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au
Community Safety Directorate | 1 Amarina Ave, | T (02) 9742 7434
Fire Safety Compliance Unit | Greenacre NSW 2190 | F (02) 9742 7483
firesafety@fire.nsw.gov.au

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **29 October 2018**.

[redacted]
Building Surveyor
Fire Safety Compliance Unit

This **Proposed** Fire Safety Order No. 1 was sent by mail on **24 October 2018**.

FIRE AND RESCUE NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au
Community Safety Directorate | 1 Amarina Ave, | T (02) 8742 7434
Fire Safety Compliance Unit | Greenacre NSW 2190 | F (02) 8742 7483
firesafety@fire.nsw.gov.au

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