

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 Lankelly 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 Lankelly 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 competitiveness 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 State 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 trading 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.

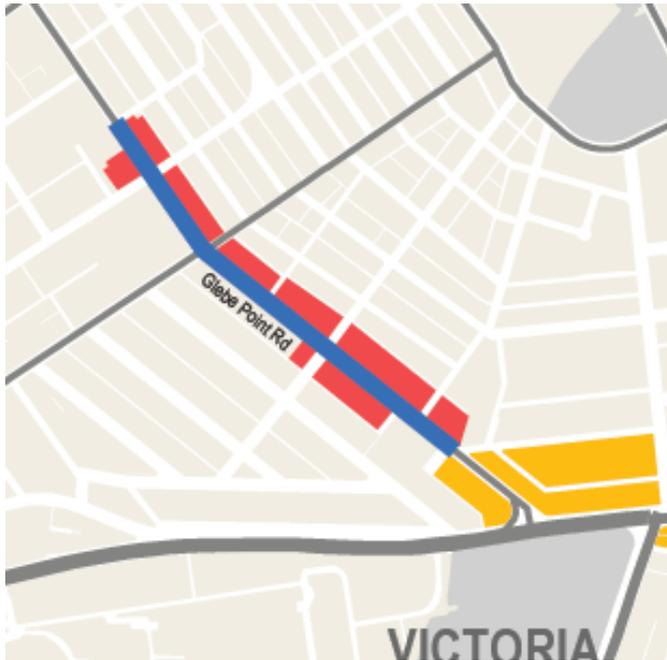


Figure 1 Location of Local Centre and the main street (shown in blue) on Glebe Point Road

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 Llinkelly 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 Llinkelly Place

134. A small number of submissions support increased trading in Potts Point and Llinkelly 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 Llinkelly 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 Llinkelly 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.

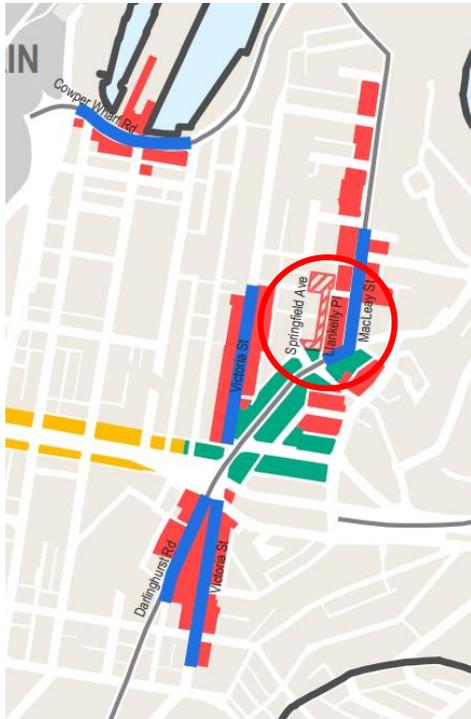


Figure 3 Amended Local Centre area on Lankelly Place and main streets (shown in blue) in Kings Cross and Potts Point

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. Lankelly 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:

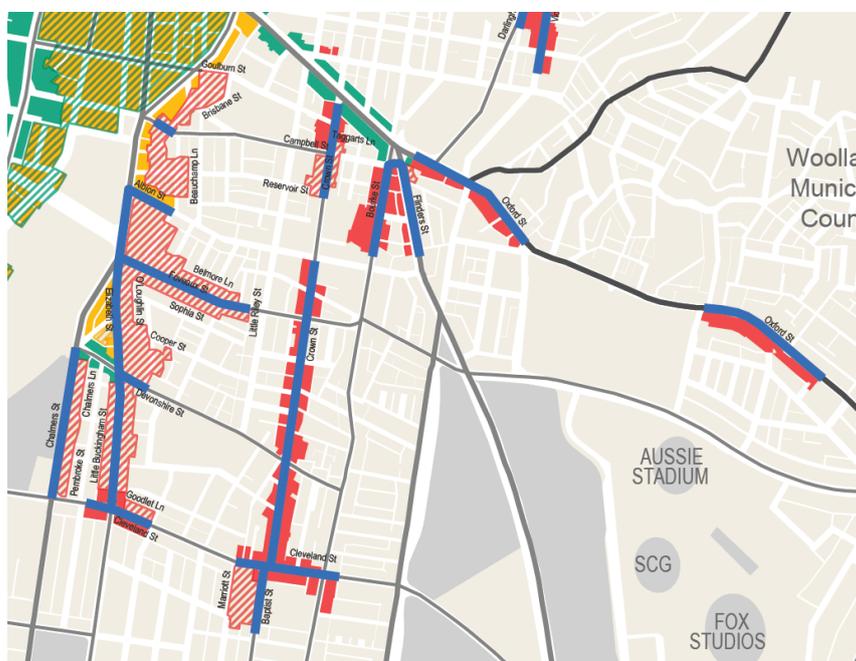


Figure 4 Location of Local Centres and main streets (shown in blue) in Surry Hills and Darlinghurst.

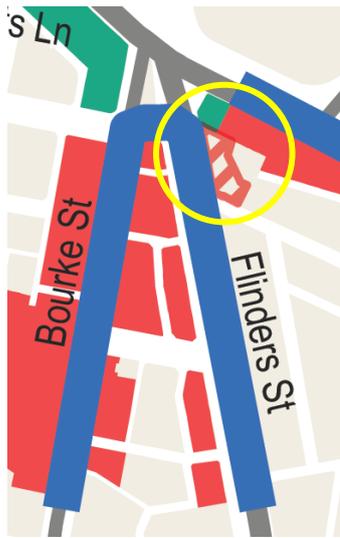


Figure 4a Location of extended Local Centre area on Flinders Street between Taylor Street and Oxford Street

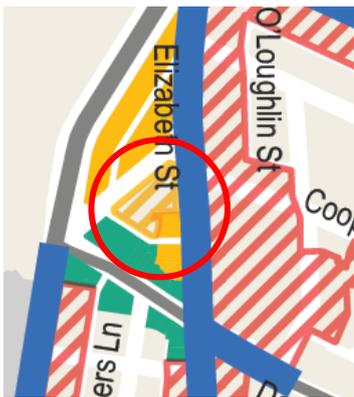


Figure 4b Location of extended City Living area at 407-419 Randle Street, Surry Hills.

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.

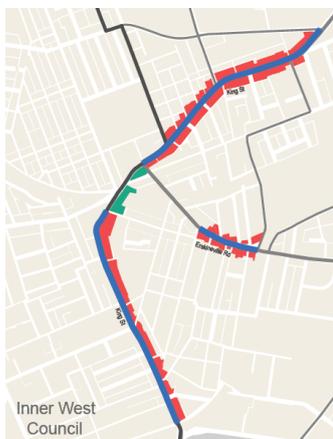


Figure 5 Location of Local Centres and main streets (shown in blue) in Newtown and Erskineville

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.

Pymont

178. A small number of submitters oppose further late night trading in Pymont due to noise impacts on residents. Pymont Action considers the area around Pymont Street and Union Street attracts antisocial and criminal behaviour and opposes later trading for local hotels, which are located near residential development. Pymont 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.

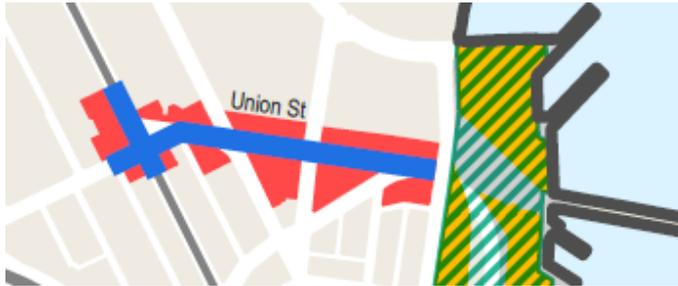


Figure 7 Location of the Local Centre and main street (shown in blue) in Pyrmont

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 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 and 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