

## Relevant Information for Council

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**FILE:** X011942 **DATE:** 13 May 2019

**TO:** Lord Mayor and Councillors

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

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

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### Alternative 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, **subject to:**
  - (i) ***the amendment of the Late Night Trading Areas map sheets 009 and 016 in Appendix A3 to show the boundary of the new Local Centre in Chippendale as shown in Attachment A of the Information Relevant to Item 8.2 at Council on 13 May 2019; and***
  - (ii) ***the addition of the following to the note at the end of section 3.15.1: 'Existing consents, and past operation under those consents, will be taken into account in assessing new applications'.***
- (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.

Additions shown in ***bold italics***.

## **Background**

At the meeting of the Transport, Heritage and Planning Committee on 6 May 2019, further information was sought by Councillors about the current trading hours of venues in Chippendale as a basis for comparison to the proposed trading hours in the area. Councillors also requested that staff consider alternatives for the boundaries of the proposed Local Centre precinct south of O'Connor Street.

### **Approved trading hours for licensed premises in east Chippendale.**

The proposed Chippendale Local Centre is shown red hatch in Figure 1. Under the current controls the area is not within a late night trading area and Category A (high impact) premises, such as a pub or nightclub, may trade until midnight and trading hours for Category B (low impact) premises, such as a restaurant or small bar, are assessed on merit.

In the proposed Local Centre there are 41 licensed premises. 33 are located in the Central Park area with most on Kensington Street trading until midnight. Eight licensed premises are located in the precinct south of O'Connor, including restaurants, hotels, small bars, tourist accommodation, an art gallery and a theatre school. In addition, one premises is located south of Cleveland Street in the proposed Local Centre in Darlington.

In the area south of O'Connor Street, Ester and LP Quality Meats restaurants trade until 11pm and midnight respectively. The White Rabbit Gallery and the Sydney Theatre School have approval to operate until 10pm. Brickfields café has consent to trade until 10pm. The Lord Gladstone pub operates on an older consent and trades until 3am. The trading hours for Fredas, a small bar and performance venue on Regent Street, were recently approved to 4am. Cake Wines Cellar Door south of Cleveland Street trades until midnight. The Waldorf serviced apartments are also licensed. These venues are shown on Figure 1 below.

### **Effect of the proposed Local Centre**

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

In the proposed Chippendale Local Centre:

- High impact premises such, as pubs and clubs, could apply for 10pm base hours with extended hours until midnight. This is the same as the current controls.
- Low impact premises, such as small bars and restaurants, could apply for 11pm base hours with extended hours until midnight. Further extended hours to 2am may be approved if the premises has entry and egress onto a main street such as Broadway, Kensington Street, Regent Street and part of Abercrombie Street and Cleveland Street. This is different to the current controls which requires the proposed hours to be assessed on merit and so may be earlier or later.
- Performance venues, such as theatres, with up to 250 patrons could apply for a further additional trading hour.
- Premises hosting performance could apply for a further additional trading hour which can be used on the night they host performance.

- Unlicensed shops and businesses, such as bookstores or drycleaners, could apply to trade until 2am.



Figure 1

- |                            |   |                        |
|----------------------------|---|------------------------|
| 1 Brickfields (cafe)       | 5 LP's Quality Meats (bar & restaurant) | 8 White Rabbit Gallery |
| 2 Ester (restaurant)       | 6 Sydney Theatre School                 | 9 Cake Wines           |
| 3 Freda's (bar)            | 7 Waldorf Apartments                    |                        |
| 4 The Lord Gladstone (pub) |   |                        |

Figure 1 Proposed Local Centre in Chippendale and with licensed premises south of O'Connor Street.

For areas outside late night trading areas, the current DCP allows for Category A (high impact) premises, such as a pub or nightclub, to trade until midnight with trading hours for Category B (low impact) premises, such as a restaurant or small bar, assessed on merit.

The proposed trading hours in the Draft DCP for areas outside a late night trading area are as follows:

- high impact venues could apply for base trading hours up to 10pm with extended hours to midnight, which is the same as the current controls;
- low impact venues could apply for base trading hours of 10pm with extended hours to midnight;

- unlicensed shops and businesses could apply to trade until 12am; and
- no incentives would be available for venues hosting performance and cultural activities.

### **O'Connor Street and Balfour Street area**

The boundary of the Local Centre south of O'Connor Street and Balfour Street has been reviewed to further respond to issues raised by residents of Chippendale at Committee.

Residents raised the impact of noise from an increase in late night trading in Chippendale. They requested the removal of the proposed Local Centre south of O'Connor Street as there are residential buildings within the area which could be affected by late night trading. Residents were particularly concerned about noise from patrons and clustering of premises on Abercrombie, Balfour and Meagher Streets. They do not support late night trading in Chippendale after 10pm.

Figure 1 above shows the boundary of the Local Centre as proposed in the Committee report. The Local Centre includes existing or potential late night trading premises, including ground floor offices, shops, cafes, galleries, creative and performance spaces and other commercial premises. The boundary takes account of the potential for the growth of further late night trading activities in the area given the:

- mixed use character of the area, which is estimated to have in the order of 280 residents and 108 businesses and 1,293 jobs;
- cluster of licensed premises that have established since 2007 around the Central Park site and Kensington Street, as well as an area of creative and co-working spaces and cafes and a small bar south of Cleveland Street;
- nature of Regent Street, which is a noisy road environment with existing venues and well suited to live music and later trading;
- warehouse and commercial buildings in the area which provide ground floor retail and spaces ideal for late night trading uses; and
- population change and growth in the 18-35 year old demographic in the area since the controls were adopted in 2007.

**Attachment A** includes an alternative boundary for the Local Centre south of O'Connor Street which focuses late night trading on the Central Park site and Regent Street. This alternative boundary:

- excludes the western residential block on the Central Park redevelopment site between O'Connor and Wellington Streets, and retains the eastern mixed-use block containing potential non-residential uses, including the former Castle Connell pub with a frontage to Regent Street;
- excludes residential terraces on Wellington and Queen Streets and a number of non-residential buildings, including the White Rabbit Gallery, Wellington Street Projects Gallery, the Sydney Theatre School, the Harrington Street Gallery, Pisco Sour café, and other warehouse and commercial premises along Balfour Street;

- includes existing late night trading premises located on or in the block immediately behind Regent Street, such as Fredas bar, Ester restaurant, LP Quality Meats restaurant and Brickfields café on Cleveland Street;
- retains the area of creative and co-working spaces and cafes south of Cleveland Street, including Henry Lees café, Cake Wines and the shopping façade on Abercrombie between Hudson and Vine Streets; and
- reflects the form of other late night trading areas such as Surry Hills west, with boundaries drawn along main streets.

The areas of Chippendale excluded from the Local Centre would be subject to the hours for 'All other areas' as outlined in the section above, which would allow extended hours up to midnight for high and low impact venues and unlicensed premises.

### **Existing approved hours**

A further change is recommended to the Draft DCP to make clear that consideration will be given to existing approved trading hours, which could be later than the maximum trading hours permitted under the DCP, and the operation of the premises. Since its introduction in 2007, the DCP has noted "These provisions are not retrospective and do not derogate from existing consents". The addition to the note is consistent with the intent of the DCP and provides more certainty for business.

Prepared by: Julie Prentice, Specialist Planner, Strategic Planning and Urban Design

### **Attachments:**

**Attachment A.** Alternative boundary for the Chippendale Local Centre

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Approved



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