

Local Planning Panel

15 April 2020

2 - 4 Oxford Street, Darlinghurst

D/2019/1091

Burdekin Hotel Group

Hotville Pty Ltd

Century Projects Pty Ltd

proposal

alterations to the Burdekin Hotel including a new rooftop restaurant and bar accommodating 85 patrons.

Proposed hours are 8.00am – 10.00pm Monday to Thursday, 8.00am – 12.00 midnight Friday and Saturday and 10.0am – 10.00pm Sunday.

zone: B2 Local Centre – proposal is permissible with consent

recommendation

approve subject to conditions

notification information

- exhibition period 10 October 2019 to 1 November 2019
- 763 owners and occupiers notified
- 83 submissions received (33 objection, a proforma objection signed by 42 individuals and 8 in support)

submissions

Objections

- noise impact on neighboring residents due to loud music and patron behavior
- adequacy of acoustic assessment and acoustic barriers
- excessive hours of operation
- increase in patron capacity will exacerbate amenity impacts
- visual privacy impact to 144-150 Liverpool Street
- light Pollution
- use of rooftop area for smoking

submissions

- odour emission from cooking
- public nuisance and security concerns
- impact of extra deliveries and waste collection
- inconsistent with the predominant residential character of area
- weakening of the 'lock out' law
- listed as a High Risk venue in the Liquor Regulation 2018
- not in keeping with Council's active frontage goals
- use of the rooftop area as a bar instead of a restaurant
- refusal of previous applications



submissions

Support

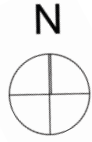
- noise impact can be regulated by conditions of consent
- positive contribution to the city's night time economy and Oxford Street as an entertainment precinct
- the proposed hours of operation are reasonable

submissions



-  subject site
-  objectors

site





site viewed from Oxford Street



site viewed from Liverpool Street

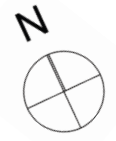
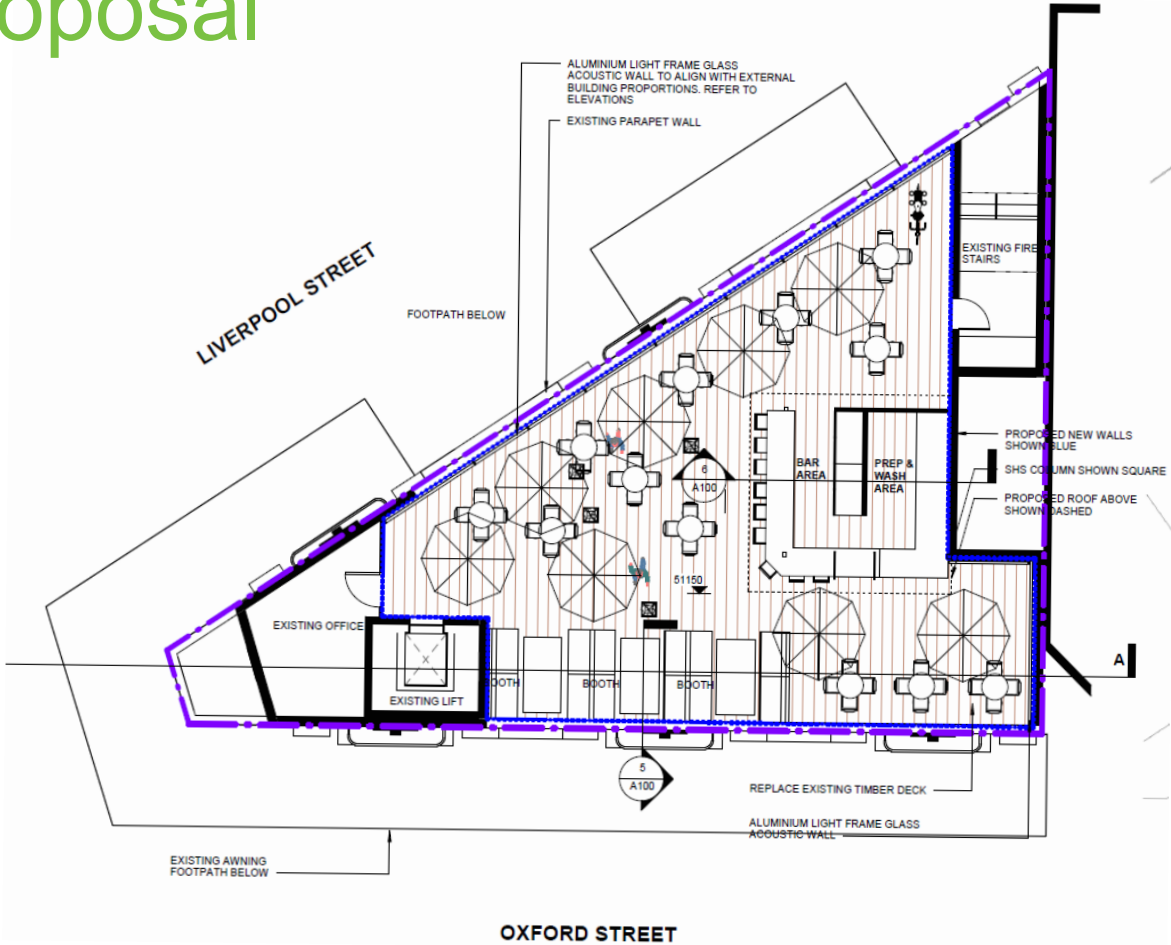


view from rooftop looking north



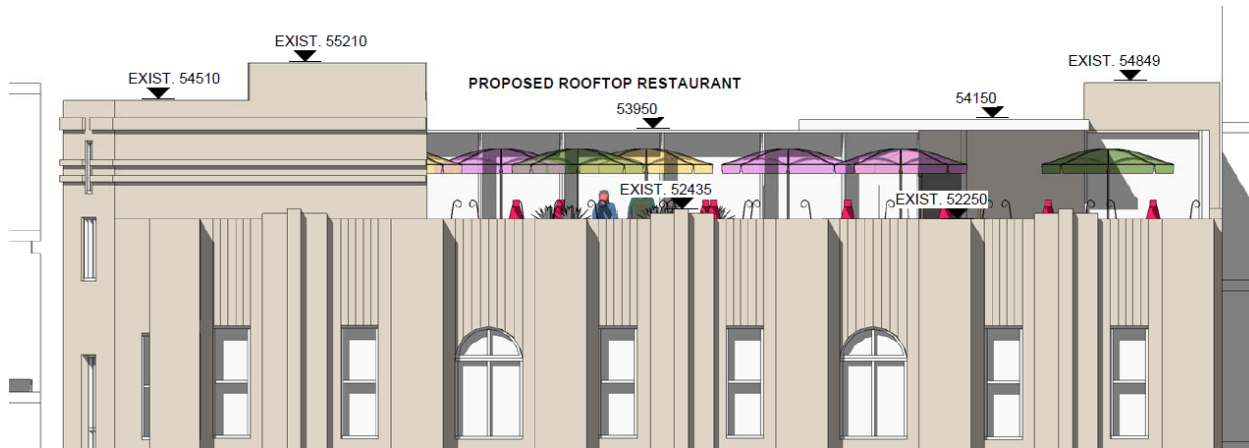
view from rooftop looking south east

proposal

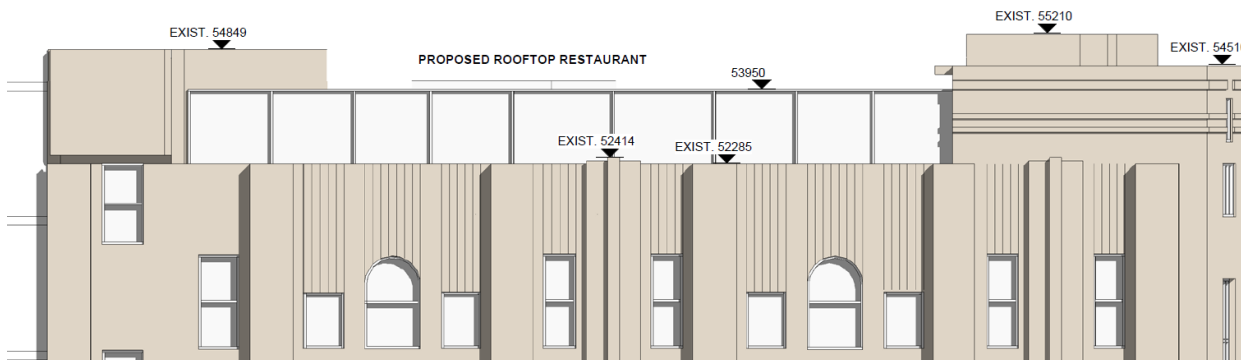


floor plan

OXFORD STREET



Oxford Street elevation



Liverpool Street elevation

compliance with key LEP standards

	control	proposed	compliance
height	22m	21.7m	yes
floor space ratio	2.5:1	no new floor space proposed	yes

hours of operation

	controls	proposed hours	hours recommended
Monday to Thursday	base: 10.00am – 10.00pm	8.00am – 10.00pm	8.00am – 10.00pm
Friday & Saturday	extended: 9.00am – 1.00am (the following day)	8.00am – 12.00 midnight	8.00am – 12.00 midnight
Sunday		10.00am – 10.00pm	10.00am – 10.00pm

issues

- compliance with liquor freeze
- acoustic assessment
- hours of operation

Liquor Act 2007 – liquor freeze

- located within the Sydney CBD entertainment Precinct Liquor Freeze area
- existing liquor license boundary needs to be adjusted to include the rooftop area
- OLGR can only approve the boundary adjustment if no increase to overall capacity
- applicant proposes to maintain existing patron capacity of 735
- reinforced by condition and Plan of Management

acoustic impact

- assessment is based on 85 patrons and provision of glass acoustic walls
- assessment does not include the use of speakers and additional mechanical plant
- Council's Environmental Health Unit raised concerns that the actual impact of the proposal may be greater than anticipated
- recommended conditions to require compliance with acoustic report, council's acoustic criteria, and to prohibit the use of equipment not included as part of the acoustic report

hours of operation

- located within the Late Night Management area
- identified as a Category A premises
- proposed hours generally accord with the permissible hours recommended by Sydney DCP 2012, except 8.00am – 9.00am Monday to Saturday
- no records of noise complaints regarding the existing operation since April 2017
- premises considered well managed by the City's Licensed Premises Unit
- no objection from NSW Police

hours of operation

- large number of submissions
- following factors will determine the actual impact of the proposal:
 - compliance with the acoustic report
 - compliance with council's noise criteria
 - good management - including patron behaviour

hours of operation

- rooftop bar/restaurant is a new use
- recommend to restrict base hours to 8.00pm (not 10.00pm - which is the recommended base hours for lower intensity classifications of late night trading)
- but allow the proposed hours on a trial basis to allow:
 - the operator to demonstrate good management performance
 - neighbouring residents to observe and report any nuisances
 - council to assess and monitor the actual impact

Recommended hours of operation

	hours recommended	base hours	trial period hours
Monday to Thursday	8.00am – 10.00pm	10.00am – 8.00pm	8.00am – 10.00am 8.00pm – 10.00pm
Friday & Saturday	8.00am – 12.00 midnight	10.00am – 8.00pm	8.00am – 10.00am 8.00pm – 12.00 midnight
Sunday	10.00am – 10.00pm	10.00am – 8.00pm	8.00pm – 10.00pm

recommendation

- approve subject to conditions:
 - patron capacity
 - hours of operation
 - no use of speakers
 - no new mechanical plant/equipment
 - compliance with council's noise criteria