

Item 4.**Development Application: 50 Bridge Street, Sydney - D/2022/1005**

File No.: D/2022/1005

Summary

Date of Submission:	27 September 2022
Applicant:	QQT INVESTMENT 1 PTY LIMITED
Designer:	Studio Etic
Owner:	QQT INVESTMENT 2 PTY LIMITED and QQT INVESTMENT 1 PTY LIMITED
Planning Consultant:	Urbis
Cost of Works:	\$2,061,842.00
Zoning:	B8 Metropolitan Centre. The proposal is defined as a 'food and drink premises', and is permitted with consent.
Proposal Summary:	<p>Use and fit-out of part of Level 00 and outdoor terrace of the Quay Quarter Tower as a restaurant and bar under a Hotel Liquor license. Proposed trading hours are 7.00am to 12 Midnight, Mondays to Saturdays (inclusive), and 10.00am to 10.00pm on Sundays. A maximum capacity of 359 is proposed, including patrons and staff.</p> <p>This application has been referred to the Local Planning Panel for determination as the proposal is identified as being a form of sensitive development, being development for the purposes of a new licensed premises proposing to operate under a hotel (general bar) liquor licence.</p> <p>This application was exhibited between 12 October 2022 and 3 November 2022. 10 submissions in objection to the proposal were received, raising the following issues:</p> <ul style="list-style-type: none">• Noise impacts from general operation, both from indoor and outdoor areas;• Operating hours; and

- Incorrect information provided by the applicant regarding assumptions about surrounding development.

The application has been amended during the assessment of the application to provide additional information relating to missing details within the submitted plans, landscaping elements, updates to the submitted Plan of Management and Waste Management Plan, and responses to the submissions received on the proposal.

The submitted acoustic assessment identifies that subject to management measures, the use of certain materials internally and changes to the proposed outdoor speaker system, the proposal will largely comply with the site-specific acoustic masterplan.

Conditions surrounding acoustic management, premises management, and restricted outdoor trading hours are recommended by Council.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) SEPP (Biodiversity and Conservation) 2021 (Gazetted 2 December 2021, as amended)
- (iii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (iv) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (v) Central Sydney Development Contributions Plan 2020

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

Recommendation

It is resolved that consent be granted to Development Application No. D/2022/1005 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B8 Metropolitan Centre zone.
- (B) The development is compatible with the character of the Bridge Street, Macquarie Place and Bulletin Place and the Circular Quay locality.
- (C) The development, subject to conditions, will promote the orderly operation of the premises and achieve an acceptable level of amenity for the existing and future occupants of adjoining sites.
- (D) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 2 of DP 1073376, and is known as 50 Bridge Street Sydney. It is irregular in shape with an area of approximately 5,838sqm. It is bound by Young Street to the west, Bridge Street to the south and Phillip Street to the east.
2. The site contains the recently constructed multi storey AMP tower, containing a combination of commercial uses.
3. The surrounding area is characterised by a mixture of land uses, primarily being commercial, retail and residential.
4. Development surrounding the site is as follows:
 - (a) To the immediate north of the site is the State heritage listed AMP building at 33 Alfred Street, containing commercial uses.
 - (b) To the north-west of the site on the opposite side of Young Street is the heritage listed Customs House at 31 Alfred Street containing a Council library and food and beverage uses.
 - (c) To the west of the site is 5-7 Young Street that contains a 3-storey heritage listed building, that accommodates food and drink and commercial uses, and
 - (d) To the south-west on the opposite side of Young Street is 9-13 and 15-17 Young Street which contains a multi-storey mixed use building with commercial uses up to level 4 and residential uses occupying levels 5-13. A multi storey residential building occupies the remaining site further to the south-west, and that development addresses Bridge Street.
5. The site is also part of the broader Quay Quarter redevelopment site and is adjacent to the Young and Loftus Streets Precinct.
6. The site is not a heritage item nor is it located within a heritage conservation area. As outlined above, the site is however adjacent to several heritage listed sites, including the State heritage listed AMP Building to the immediate north, 5-7 Young Street to the immediate west across Young Street, and 44 Bridge Street to the south-west.
7. The site falls approximately 11m from the southern Bridge Street frontage towards its northern boundary.
8. Site visits were carried out on 10 October 2022 and 1 February 2023. Photos of the site and surrounds are provided below.

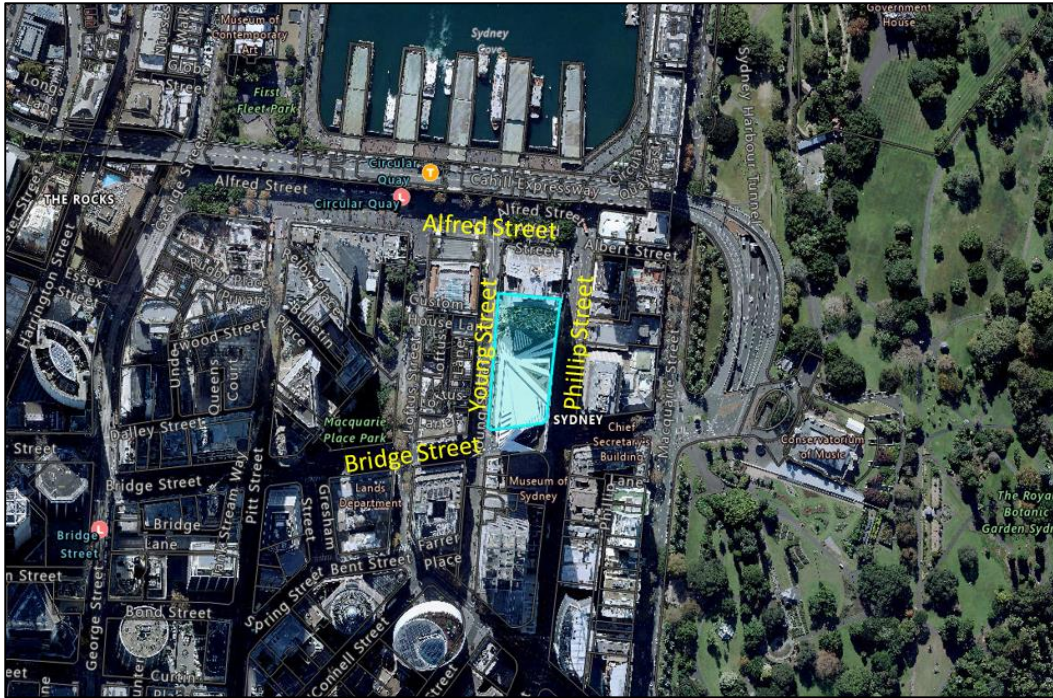


Figure 1: Aerial view of the subject site and surrounds



Figure 2: Site viewed from the Young Street frontage, including the location of the proposed outdoor seating area

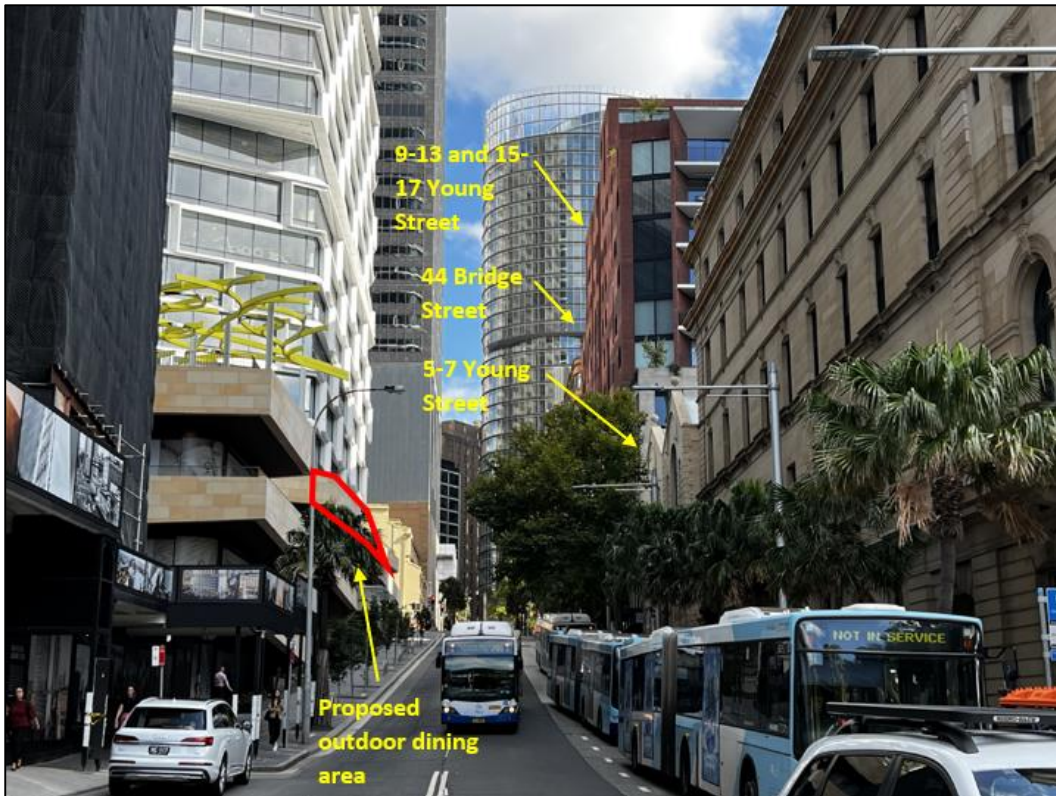


Figure 3: View looking south along Young Street, with view of the proposed outdoor dining area and its relationship to adjacent buildings



Figure 4: View of the proposed outdoor terrace, including areas under the existing white pergola and along the western side of the terrace level

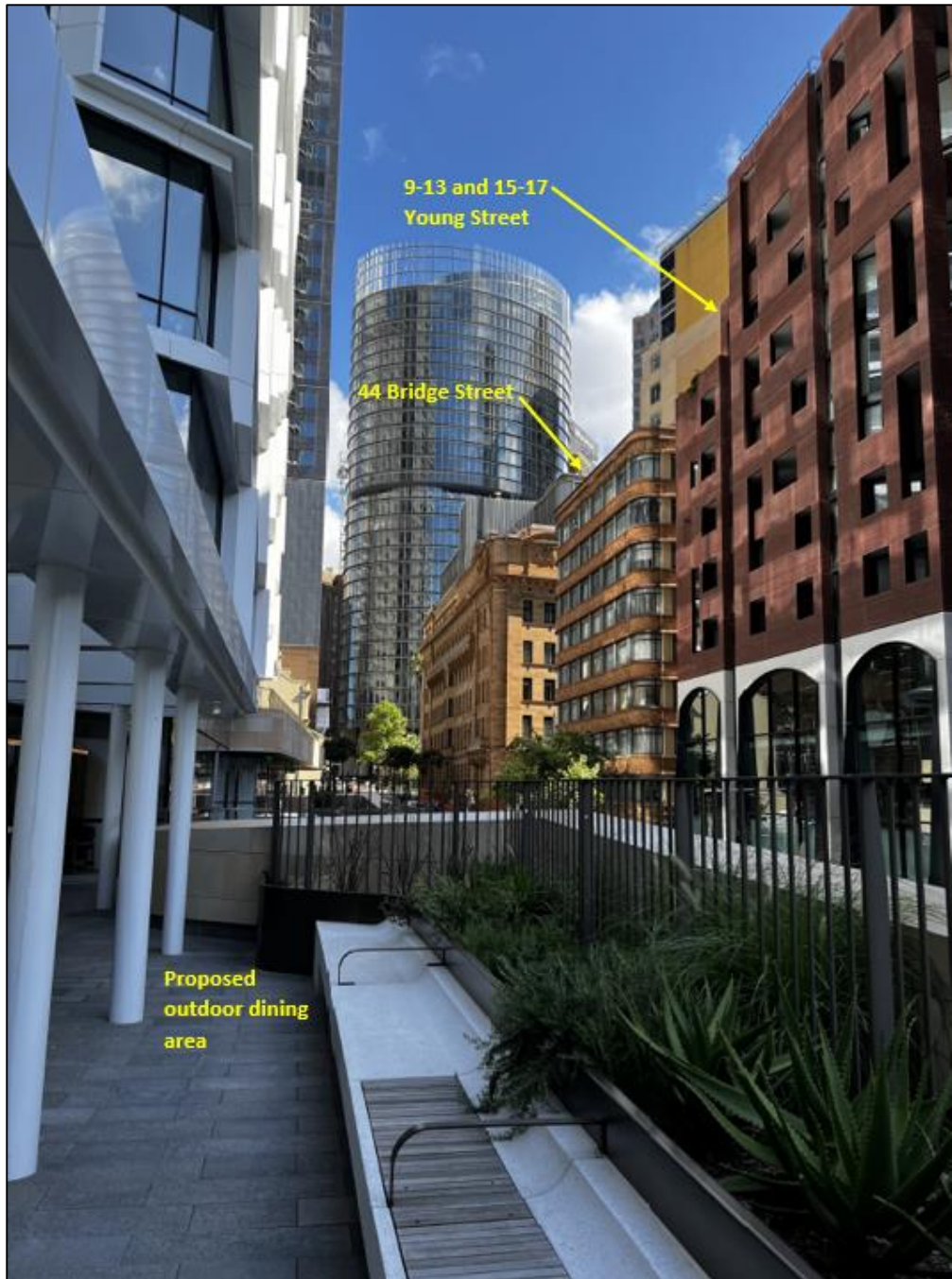


Figure 5: Part of the proposed outdoor dining area (identified as Balcony 1 on the plans), including the existing white pergola over the outdoor terrace, and its relationship to the adjoining buildings on Young Street



Figure 6: Southern-most section of outdoor seating (identified as Balcony 1 and 3 on the plans)



Figure 7: Proposed internal seating area (identified as 'dining' on the plans), adjoining the outdoor seating area to the north. The space is currently used as a general seating area with a small café behind the central column.

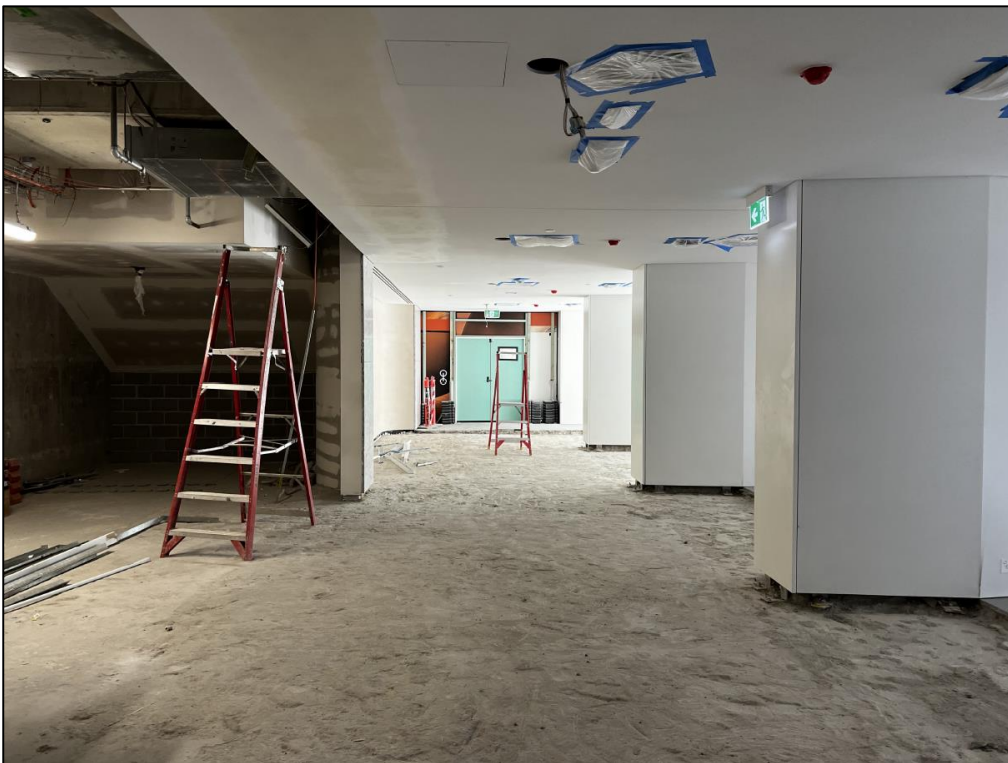


Figure 8: Space proposed to accommodate a kitchen area with bench seating

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:

- **D/2013/1942** – Development consent was granted by the Central Sydney Planning Committee on 19 June 2014 for the Stage 1 DA for the redevelopment of the site known as Quay Quarter Tower Sydney (QQS). The QQS precinct incorporates eight sites bounded by Alfred Street, Phillip Street, Bridge Street and Loftus Street.
- **D/2015/929** – Development consent was granted on 19 November 2015 for a Stage 2 development application for the partial demolition of the existing commercial tower and podium, and alterations and extensions to the tower to create 102,133sqm of commercial office and retail GFA above a new podium, with a 5 level basement car park. The areas proposed to be used for the indoor seating area and kitchen were marked as "F & B" on the approved plans, being annotations for Food and Beverage areas.

Modifications "A" to "P" approved various internal and external design changes as well as changes to consent conditions.

It is noted that Condition 12, Hours of Operation - Retail and Business Premises limited the hours of operation of the retail and business premises within the building to 7:00am to 10:00pm Mondays to Sundays inclusive and public holidays. Further applications could then be made to vary these hours once defined uses had been established.

It should be noted that a public artwork was approved on the podium of the Quay Quarter Tower as part of Condition 19 -Public Art on the base building consent. Condition 19(d) states the following:

"Following the issue of an Occupation Certificate for the podium, a documentary Right of Public Access to the public artwork is to be created and registered on the title of the development site. Access to the podium level is illustrated in the Plan "Proposed Public Access Area to Public Art", Drawing No. LA_LGR-RPT-XX-030 Rev 2, Dated 10 December 2018. The easement is to allow access between 6.00am to 12.00am (midnight), 7 days a week."

The approved "Right of Public Access" Plan from the public domain (from Phillip and Bridge Streets) to the location of the public art work on the podium is illustrated in orange on the approved plan below.

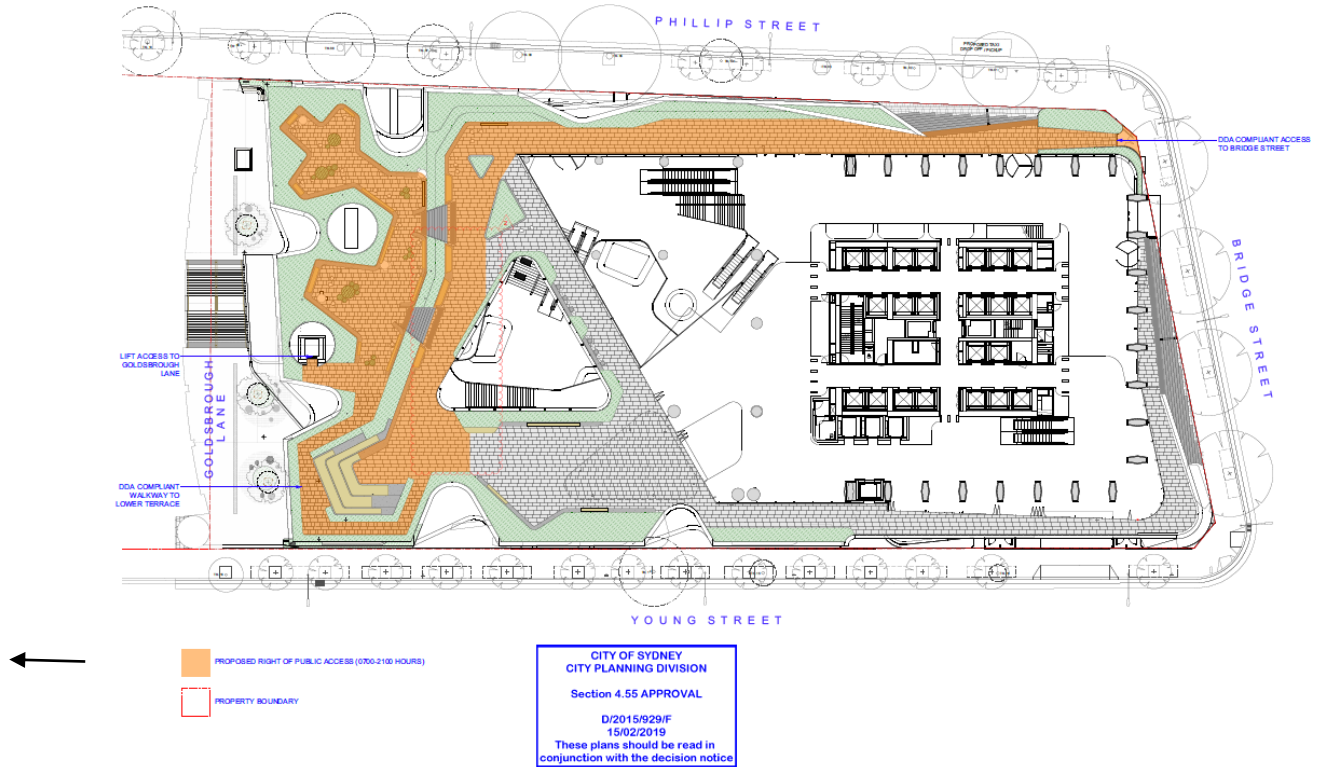


Figure 9: Approved Stamped Plan with the designated "Right Public Access Area to Public Art", Drawing No. LA_LGR-RPT-XX-030 (Rev 2) illustrated in orange

A copy of the 'Plan of Easement Over Lot 22 in DP 1277526' is provided below and illustrates the easement for public access (to the public artwork) in blue. This easement is registered on title in accordance with requirements of Condition 19 of D/2015/929 (as amended).

It should be noted that the subject tenancy and areas of the outdoor terrace proposed to be used in the subject application do not encroach onto the easement and do not restrict public access to the art work.

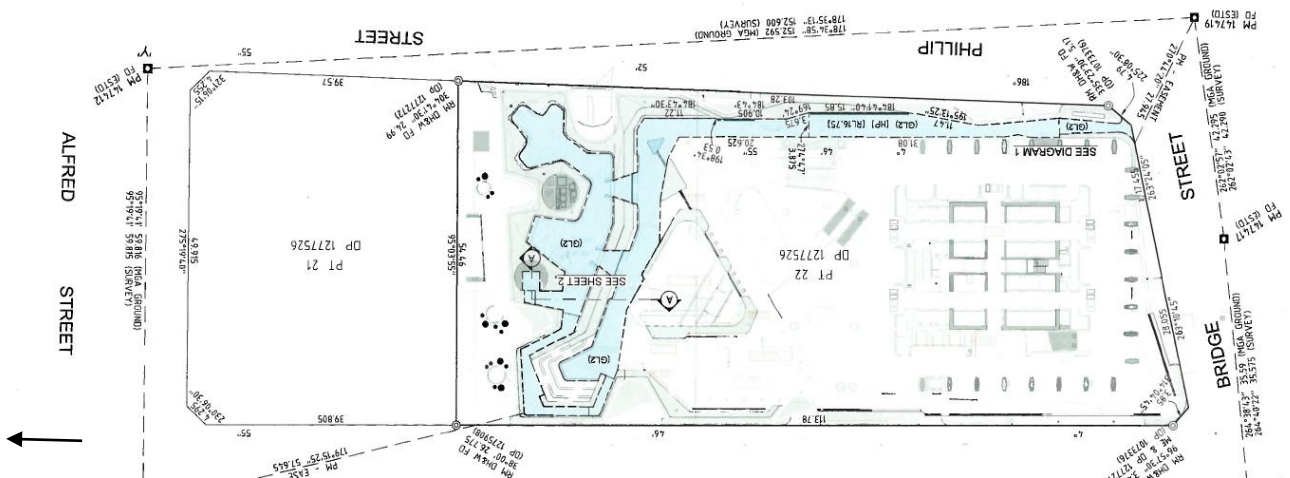


Figure 10: Easement for Public Access shown in blue, as registered on the title of the site

- **PDA/2021/21** – Pre-DA comments were provided concerning the formation of the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan which set site-specific acoustic controls for food and drink tenancies with outdoor areas. It was stated that the owners of the site wished to adopt an acoustic masterplan in order to clearly communicate acoustic requirements to prospective tenants of the relevant food and drink spaces under the Masterplan.

Following internal review a final Masterplan was endorsed on 15 March 2021.

Compliance Action

10. The site is not subject to a current compliance action.

Amendments

11. Following a preliminary assessment of the proposed development, a request for additional information was sent to the applicant on 25 November 2022. The requested information included the following:
 - a response to the submissions, including responses to noise and trading hour concerns;
 - an amended floor plan including sanitary facilities, scaled elevations, sections, demolition plan, materiality and specifications including those of the loose furniture and outdoor bar;
 - information regarding internal and external landscape elements;
 - updated Waste Management Plan;
 - updated Plan of Management including clarification on the number of sitting and standing patrons throughout the indoor and outdoor areas, noise minimisation practices, details on signage and security; and
 - a photomontage of the proposal.
12. The applicant responded to the request on 13 January 2023, and submitted the requested information.

Proposed Development

13. The application seeks consent for the change of use and fit-out of part of the internal lobby area on level 00 of the Quay Quarter Tower, and use of existing outdoor areas as a licensed restaurant and bar. The premises is proposed to operate under a hotel (general bar) liquor licence.
14. The proposed hours applying to the indoor and outdoor areas, including balcony and terrace areas, are 7:00am to 12 midnight Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.
15. The proposed maximum capacity includes 341 patrons and 18 staff making a total of 359 persons. The proposal includes the following patron capacity:

Patron Type	Capacity
External patrons (siting)	188
Internal patrons (siting)	103
<i>Total Siting Patrons</i>	<i>291</i>
Standing patrons	50
Total	341

16. Patron distribution includes 160 patrons within the outdoor terrace, 32 patrons within two "balcony" areas along the western side, 74 patrons within the indoor area adjoining the outdoor terrace, and seating for 30 patrons surrounding the internal kitchen area. A further 50 standing patrons are proposed, being distributed between the indoor and outdoor areas.
17. The proposal includes the following physical works:
 - minor internal and external alterations, including removal of floor tiles within the outdoor terrace, and the removal of cladding tiling and an internal wall within the proposed kitchen area;
 - construction of bench seating, bar area, fixed outdoor tables and planters within part of the existing outdoor roof terrace;
 - construction of internal dividing walls within internal seating area, delineating the space from the surrounding lobby area;
 - internal fitout of kitchen area; and
 - minor landscaping works.
18. Plans and elevations of the proposed development are provided below.
19. No signage is proposed as part of the subject application.
20. This application has been referred to the Local Planning Panel for determination as the proposal is identified as a form of sensitive development, being development for the purposes of a new licensed premises proposing to operate under a hotel (general bar) liquor licence.

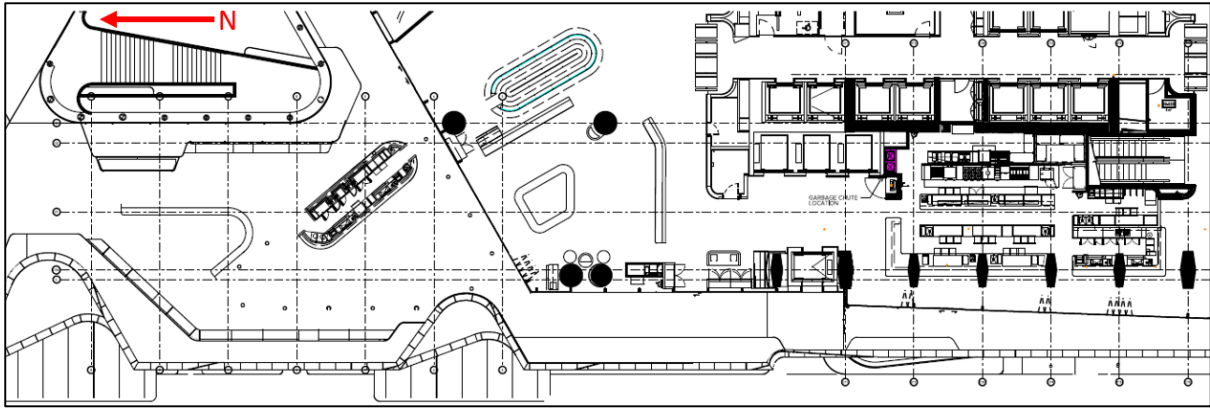


Figure 11: Proposed floorplans, including new southern kitchen, internal seating and fixtures, and bar area on northern terrace

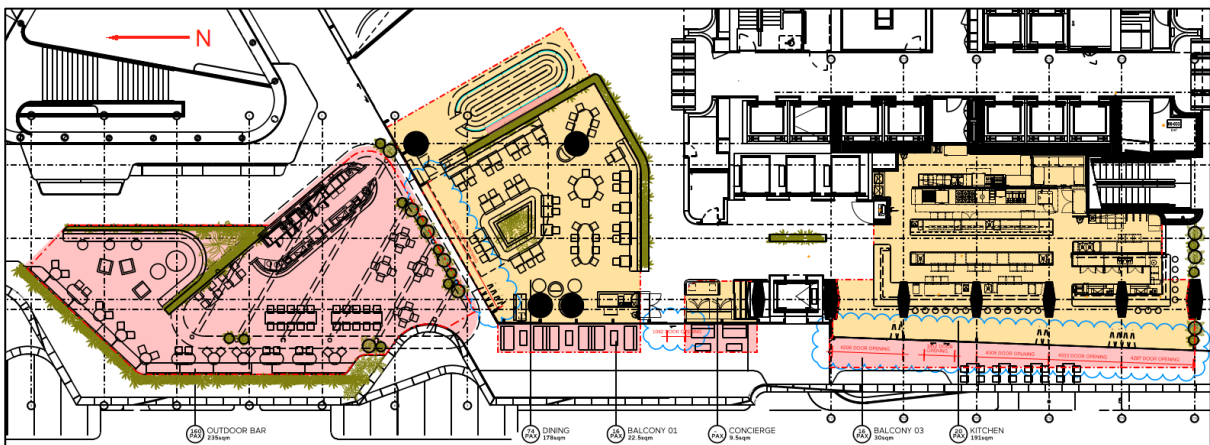


Figure 12: Proposed indoor and outdoor areas for the food and drink premises use, with outdoor areas in pink shading and indoor areas in yellow shading. 160 patrons are proposed within the northern outdoor terrace and 32 patrons are proposed within both balcony areas along the western corridor. Areas shown in white are common circulation space, which will be used as trafficable area for the proposed use.



Figure 13: Photomontage of the proposed outdoor seating area



Figure 14: Photomontage of the proposed indoor seating area (identified as 'dining' on the plans)

Assessment

21. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water catchments

22. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.
23. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the control of improved water quality and quantity, the controls set out in Divisions 2 and 3 of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

24. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as a 'Food and Drink Premises' and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	N/A	The proposal does not affect the existing building height.
4.4 Floor space ratio	N/A	The proposal does not affect the existing Floor Space Ratio of the site.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is considered to meet the objectives of Cl.6.21C, in that the proposal is suitable within the context of existing and proposed uses and use mix, the outdoor bar and planters exhibit a high standard of design materials and detailing which is considered appropriate to the building and its location, and that the proposal addresses environmental impacts subject to conditions.
Division 5 Site specific provisions		
6.26 AMP Circular Quay Precinct	N/A	The proposal is located within the site known as Block A under this site specific clause. This clause related to the redevelopment of the subject site and the precinct. The scope of works under the subject application do not utilise this clause.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises	N/A	The proposal does not include additional parking nor additional GFA. Though the premises does not have specifically allocated parking, the premises will utilise existing parking facilities approved under the original building consent noting that the volume of retail commercial and food and drink premises uses were known and accounted for within the original consent.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	N/A	The proposal does not include the creation of GFA, the demolition and creation of GFA, nor does the proposal

Provision	Compliance	Comment
		change the use of floor area to residential accommodation or tourist and visitor accommodation. No contributions are applicable under this clause.

Development Control Plans

Sydney Development Control Plan 2012

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

26. The site is partially within both the Bridge Street, Macquarie Place and Bulletin Place locality to the south and the Circular Quay locality to the north. The proposal is generally in keeping with the unique character and the design principles of the localities as an emerging development which contributes to the day and night-time economies, subject to the imposition of conditions (as detailed elsewhere in this report).

Section 3 – General Provisions

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	The site is served by multiple public transport options to the north, in addition to the basement car parking approved under the original consent for the building. Commercial servicing for the premises will be carried out via the basement loading dock approved under the original consent for the building.
3.12 Accessible Design	Yes	The premises provides universal access via a common lift located to the south of the indoor dining area that can be accessed from the Young Street frontage. A condition is recommended to comply with the provisions of the BCA which includes provisions for accessible design.
3.14 Waste	Yes	Waste will be transported from the proposed kitchen to existing communal waste facilities on level B1 approved

Provision	Compliance	Comment
		<p>under the original consent for the building.</p> <p>Conditions are recommended to ensure that the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development and Australian Standards. A commercial waste contract will also be required via condition.</p>
3.15 Late Night Trading Management	Supported, subject to trial period .	<p>The premises is located in a Late Night Management Area. The use is defined as a category A (High Impact) premises, as it is proposed to be a hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence.</p> <p>Under the provisions of Section 3.15.4 of the DCP, the base indoor hours for a Category A premises are 6.00am to 12 midnight, with consideration to extended 24 trading for internal areas on a trial period basis. For outdoor areas, the DCP stipulates base outdoor hours of 10.00am to 10.00pm and consideration of extended hours between 9.00am and 1.00am (the following day) on a trial period basis.</p> <p>The proposal seeks consent for the trading hours for both its internal and external areas of between 7:00am to 12 midnight Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.</p> <p>The proposed indoor trading hours are within the base hours permitted by the DCP.</p> <p>The proposed outdoor evening hours are within the permitted extended hours of DCP, subject to a trial period after 10.00pm. It is noted that the proposed early morning outdoor trading hours of between 7.00am and 9.00am are outside</p>

Provision	Compliance	Comment
		<p>both the recommended base and extended hours of the DCP.</p> <p>In this instance, as the premises has yet to commence operation, is located close to sensitive residential uses and has not had an opportunity to demonstrate good management, it is recommended that any hours outside the base and extended hours permitted by the DCP not be supported at this time.</p> <p>As such, it is recommended that the proposed indoor hours be supported on a permanent basis and that the hours of 10.00am to 10.00pm, for the outdoor area be supported on a permanent basis and that the outdoor trading hours between 9.00am and 10.00am and between 10.00pm and 12 midnight (Monday to Saturday) be subject to a 1 year trial period.</p> <p>Refer to further discussion below on acoustic assessment.</p>
3.15.5 Plan of Management requirements		Refer to further discussion below on content of Plan of Management.
3.16 Signs and Advertisements	N/A	No business identification signage is proposed as part of the subject application. Conditions are recommended for imposition requiring any signage to be subject to separate approval.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	N/A	The proposal does not include the construction of additional storeys within the site.

Provision	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development does not alter the existing internal head height, which is considered acceptable for the use.
4.2.3 Amenity		
4.2.3.11 Acoustic privacy	Yes	See further information under the Discussion section below.
4.2.6 Waste and recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development and Australian Standards.

Section 5 – Specific Areas

Provision	Compliance	Comment
Central Sydney	Yes	The proposal does not include works to which this part of the DCP relates.

Section 6 – Specific Sites

Provision	Compliance	Comment
6.1.9 AMP Circular Quay Precinct	Yes	<p>The site specific provisions of Section 6.1.9.6 of the DCP envisaged a mixture of uses within the precinct, including food and beverage, outdoor dining and premises with extended hours.</p> <p>As detailed in the relevant history section and further in the discussion section below, the base building development for the site included an Acoustic Masterplan. The application has also been accompanied by an acoustic report that has identified the nearest sensitive receivers and mitigation measures required to adhere to the acoustic criteria established by the precinct Acoustic Master Plan.</p> <p>Refer to further discussion below.</p>

Discussion

Noise and Amenity

27. The proposal seeks consent for the use of internal areas, and the existing outdoor terrace and balcony areas as a food and drink premises with a maximum occupancy of 341 patrons. The submitted Plan of Management states a maximum combined outdoor seated capacity of 188 patrons, a maximum indoor seated capacity of 103 patrons, and a capacity of 50 standing patrons distributed between the internal areas and outdoor terrace. The premises will be operated under a general bar (Hotel) licence.
28. The acoustic report submitted with the application has assessed the acoustic performance of the premises against the acoustic criteria of the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan that was endorsed by Council on 15 March 2021. This Master Plan was proposed by the owners of the site to set and communicate clear acoustic requirements to future tenants of several food and drink tenancies, many of which have outdoor areas facing Young Street and Phillip Street.
29. The acoustic report has identified that the subject site is in proximity to a number of sensitive receivers, as outlined on Figure 13 below, including the Intercontinental Hotel and residential dwellings at 9-13 Young Street, 15 -17 Young Street, and 44 Bridge Street.

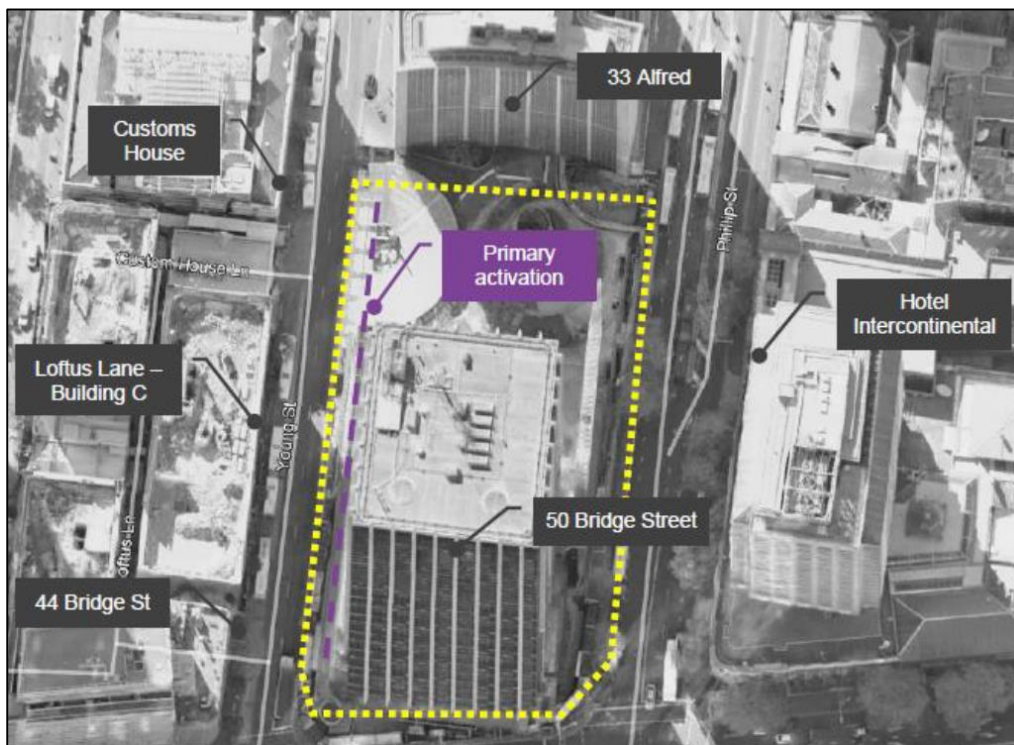


Figure 15: Sites identified as sensitive receivers within the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan

30. The acoustic assessment is based on the worst case scenario by assuming operation of the premises at full capacity. The analysis within the acoustic report states that the proposal will generally comply with the Acoustic Master Plan. A minor marginal exceedance of 1 dB is identified report at two locations, being a 44 Bridge Street and at Customs House after 10.00pm and 1 dB at Custom House prior to 10.00pm. The assessment concludes that the acoustic criteria can be met at all other sensitive receivers and recommendations that the minor exceedances identified above can be managed through on-going compliance testing of the sound system.
31. The acoustic report makes mitigation recommendations, including:
- (a) the installation of noise absorbing finishes and materials internally for ceiling and floor coverings;
 - (b) use of noise limiters for all speaker systems, with the siting of speakers at a low level (approximately 1m above floor level below the parapet) and directed inwards away from any residential receivers, and the use of distributed low power speakers requiring less volume to serve the outdoor area;
 - (c) installation of a sound system that are vibration isolated;
 - (d) the acoustic assessment was based on the operable facade / concertina doors between the bar area and internal areas being closed after 10.00pm, and that any access to the outdoor terrace after 10.00pm will be via auto-sliding doors on the northern and western facades; and
 - (e) the tables and chairs located on the western facing terrace will be required to be vacated after 10:00pm (i.e. this area is not to be utilised by patrons after 10.00pm).
32. The application has also been accompanied by a Plan of Management that details the following management and operational practices (in addition to those already detailed above in the acoustic report that are replicated in this plan) to minimise disturbance to neighbouring developments:
- (a) Live entertainment will only utilise the in-house audio system.
 - (b) Movement and disposal of empty bottles and glasses will be done at appropriate times so as to ensure no noise nuisance to adjoining residents is created.
 - (c) Music is to be played at an appropriate level in accordance with the acoustic report and endorsed Acoustic Master Plan, and shall include the use of noise limiters.
 - (d) Staff and security will be responsible for managing patrons responsible for excessive noise, and will advise patrons to keep noise at a minimum when entering and leaving the premises.
 - (e) The premises will have a complaints and incidents reporting register.
 - (f) Security will be employed in accordance with the Plan of Management (which proposes after 5.00pm on Thursday, Friday and Saturdays) and as required by any condition of consent.

33. The subject application was referred to the City's Environmental Health and Licensed Premises units, who have both supported the application subject to conditions. These include conditions requiring compliance with the recommendations of the submitted Acoustic Report, the endorsed Acoustic Masterplan and Council's standard operational and mechanical noise conditions. It was further required that the submitted Plan of Management be followed, which also mirrors the operational-based noise mitigation measures discussed in the Acoustic Report.
34. As detailed in the compliance table above, the proposed hours of operation outside of the DCP base hours of operation (between 9.00am and 10.00am and between 10.00pm and 12 midnight, Monday to Saturday) are to be subject to a 12-month trial period in order to allow the operator to demonstrate on-going good management of the premises. The outdoor early morning hours of 7.00am and 9.00am outside of either the base or extended DCP provisions are not supported at this time.
35. It is noted that there are multiple commercial and food and drink premises in the vicinity and the Circular Quay precinct in general, and that the proposal is within the permitted evening trading hours on a trial period as discussed below.

Consultation

Internal Referrals

36. The application was discussed with Council's:
 - (a) Building Services Unit;
 - (b) Environmental Health Unit;
 - (c) Licensed Premises Unit;
 - (d) Urban Design Unit;
 - (e) Landscaping Unit; and
 - (f) Waste Management Unit.
37. Following the receipt of the requested additional information, the above units advised that the amended proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

38. As the proposal includes a new licensed premises, the application was referred to NSW Police for comment on 12 October 2022. At the time of writing this report, no response has been received from the NSW Police and is taken to be no objection to the proposal.

Advertising and Notification

39. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 12 October 2022 and 3 November 2022. A total of 587 properties were notified and ten submissions were received.

40. The submissions raised the following issues:

- (a) **Issue:** Noise impacts from general operation, both from indoor and outdoor areas

Response: Refer to detailed discussion above in report. The acoustic assessment submitted with the application has been peer reviewed by the City's Environmental Health Unit and concur with the findings and mitigation measures detailed in both the report and Plan of Management. Subject to all measures detailed elsewhere in this report and as required by conditions, the proposed use can operate in accordance with the City's acoustic criteria and those specifically identified for this site/precinct as part of the redevelopment of the area in the Acoustic Master Plan. As detailed in the report, the supported hours of operation have been modified from those sought by the applicant for the outdoor areas and the extended morning and evening outdoor trading hours before 10.00am and after 10.00pm are recommended to be subject to a 12-month trial period.

- (b) **Issue:** Operating hours

Response: The proposed indoor and outdoor hours comply with those prescribed for High Impact Premises within the Late Night Management area under Sydney DCP 2012. The proposed outdoor trading hours during morning periods do not comply with either the base or extended hours envisaged by the DCP. At this time given this is a new premises that is yet to operate and demonstrate good management, hours of operation outside of the planning controls is not supported.

The proposed internal hours of operation are wholly within the base hours envisaged by the DCP and are supported. The outdoor hours of 10.00am to 10.00pm are supported and consistent with the base hours of the DCP. Outdoor trading before 10.00am and after 10.00pm, Monday to Saturday, is supported on a trial period basis of 12 months, this is in order for Council to establish the quality of management of the premises. This also gives Council the ability to modify the trading hours during in the case that the premises has displayed poor management with adverse environmental impacts. We encourage residents to contact Council if it is felt that the premises is not complying with the conditions of consent or if it is felt that the premises is displaying poor management.

- (c) **Issue:** Incorrect information provided by the applicant regarding assumptions about surrounding development

Response: The submitted acoustic report correctly identifies the surrounding properties as including residential uses along Young Street, in addition to the retail and commercial uses predominantly located at ground floor.

Sites facing Bridge Road were also acknowledged as potentially being affected. The applicant's Acoustic Engineer has provided a further response to submissions, noting that the levels of acoustic impact to residential properties facing Bridge Street are rated externally, without requiring internal readings, and meet acoustic criteria which was endorsed by Council under the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

44. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
41. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a Construction Certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

42. As the development includes development for purposes other than residential accommodation that will result in the creation of less than 100 square metres of gross floor area, and does not change of use of existing non-residential floor area to residential accommodation or tourist and visitor accommodation, the development is excluded and is not subject to a Section 7.13 Affordable Housing contribution.

Relevant Legislation

43. Environmental Planning and Assessment Act 1979.
44. Sydney Local Environmental Plan 2012.
45. SEPP (Biodiversity and Conservation) 2021.

Conclusion

46. The proposal includes the fitout and use of internal and external areas on level 00 for a restaurant and bar, with trading hours of 7.00am to 12 Midnight Mondays to Saturdays inclusive and 10.00am to 10.00pm on Sundays.
47. The proposal is generally consistent with the applicable planning provisions including Sydney LEP 2012 and Sydney DCP 2012 and the site specific acoustic criteria established by the QQT Acoustic Master Plan.

48. Additional information was submitted during the assessment, including a further response to submissions from the applicant's Acoustic Engineer. Based on the recommendations for acoustic mitigation in both the acoustic report and Plan of Management for the premises (detailed within the body of this report), it is considered that the premises can operate without adverse impacts to surrounding sites subject to conditions.
49. Objections were raised concerning potential acoustic impacts, trading hours and information contained within the submitted documentation being misleading. These issues have been addressed within the above report, noting that the extended outdoor trading hours are supported subject to a 12-month trial period and the early morning trading hours outside of the DCP (i.e. prior to 9.00am) are not supported at this time.
50. Subject to the recommendations of this report, and the imposition of the conditions in Attachment A, the proposed development is supported.

ANDREW THOMAS

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