

Item 6.**Development Application: 644 George Street, Sydney - D/2023/55**

File No.: D/2023/55

Summary

Date of Submission:	31 January 2023
Amended Plans & Additional Information	26 April 2023, 20 June 2023, 7 July 2023 and 25 July 2023
Applicant:	Planning Lab
Designer:	Luton Design Space Design Studio
Owner:	ISPT Pty Ltd & AWPf Management No. 2 Pty Ltd
Planning Consultant:	Planning Lab
Cost of Works:	\$893,200.00
Zoning:	SP5 Metropolitan Centre. The proposed uses, which include a nightclub, karaoke bar and licensed food and drink premises, are defined as an 'entertainment facility' and 'food and drink premises' in the Sydney LEP 2012 and are permissible with consent in the SP5 zone.
Proposal Summary:	The application seeks consent for alterations to use tenancies 10.41 and 11.05 of World Square as a nightclub, karaoke bar and licensed food and drink premises. Proposed indoor trading hours of the nightclub and karaoke bar are 8pm to 2am (the following day) Monday to Sunday, and the licensed food and drink premises are 11am to 8pm Monday to Sunday. The proposed outdoor trading hours are 11am to 12 midnight Monday to Sunday.

Notification

The application was notified for 21 days, between 9 February 2023 and 3 March 2023. A total of 2 objections were received, which raised the following concerns:

- Noise pollution
- Lack of noise management procedures

- Antisocial behaviour

Assessment

Additional information has been submitted over the course of the assessment to address issues raised by Council officers, NSW Police and in objections received. These include:

- Originally proposed hours of operation not in accordance the Sydney DCP 2012 requirements
- Safety issues regarding karaoke room private toilet facilities
- Additional information required for the design and fit out of the food and drink premises
- Required amendments to the Acoustic Report
- Required amendments to the Plan of Management

Suitable amendments and information has been provided to demonstrate that the potential amenity impacts associated with the proposed development can be appropriately managed.

A 1-year trial period for the extended hours is recommended to allow the operator to demonstrate good management and compliance with conditions concerning the management of patron behaviour and noise impacts.

The application is 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 an on-premises licence with an additional use for public entertainment venue under the Liquor Act 2007.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulations 2021
- (iii) Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021
- (iv) State Environmental Planning Policy (Employment and Industry) 2021

- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012
- (vii) Central Sydney Development Contribution Plan 2020
- (viii) City of Sydney Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application Number D/2023/55 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 proposal is consistent with the objectives of the SP5 Metropolitan Centre zone as it provides a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community, and promotes the efficient and orderly development of land in a compact urban centre.
- (B) The development satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal, subject to conditions, is consistent with the relevant late night trading provisions in Section 3.15 of the Sydney Development Control Plan 2012.
- (D) The development, subject to conditions, will ensure that the on-going operation of the development does not create unreasonable disturbance or nuisance to surrounding properties.

Background

The Site and Surrounding Development

1. The wider site has a legal description of Lot 104 DP 1122122, known as 644 George Street, Sydney. It is irregular in shape with area of approximately 15,180sqm. It has frontages to Liverpool Street to the north, Goulburn Street to the south, Pitt Street to the east and George Street to the west.
2. The site is known as the World Square, which comprises a shopping precinct and a number of towers containing commercial, residential and tourist and visitor accommodation uses. The subject application relates to tenancies 10.41 and 11.05, which are located on Levels 10 and 11, that are just above ground level in the podium building, at the south-west corner of the site near the intersection of Goulburn and George Streets (marked by the star in Figure 1).
3. The surrounding area is characterised by a mixture of land uses, primarily being residential, retail and commercial.
4. The site is not a heritage item, nor is located within a heritage conservation area. The site is in proximity to several heritage items.
5. The site is identified as being subject to flooding.
6. A site visit was carried out on 4 March 2023.
7. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds

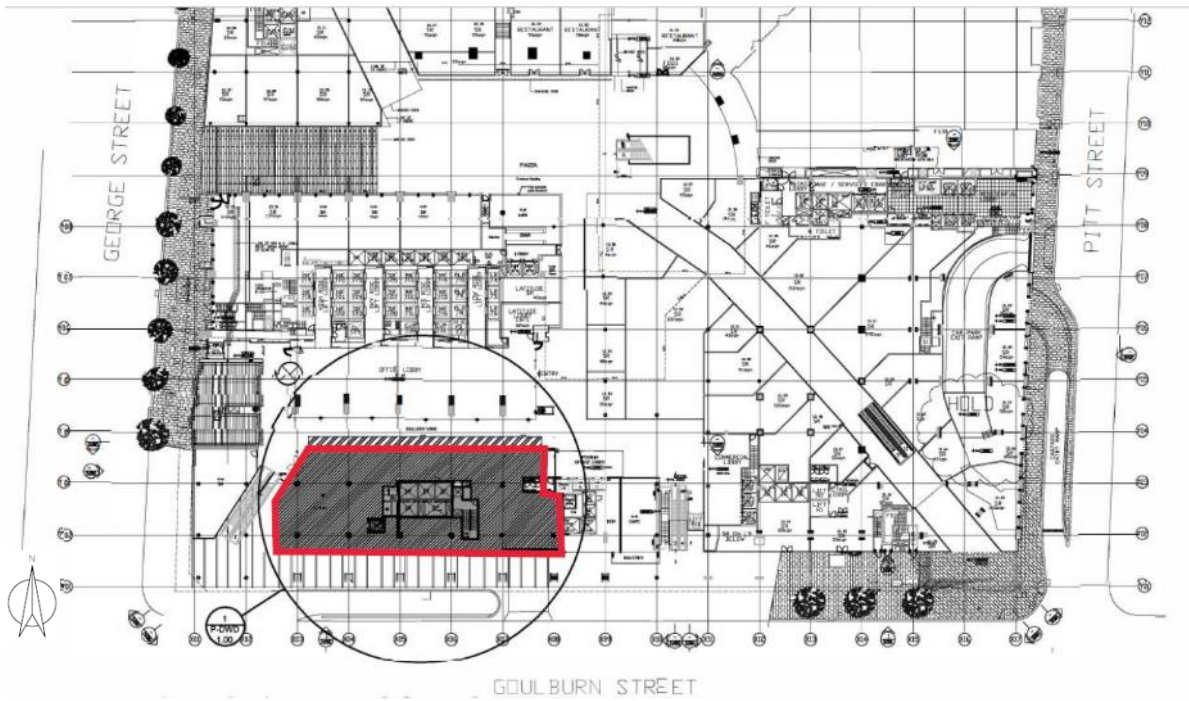


Figure 2: Location Plan - Level 10 (one floor above ground), tenancy 10.41 outlined in red.

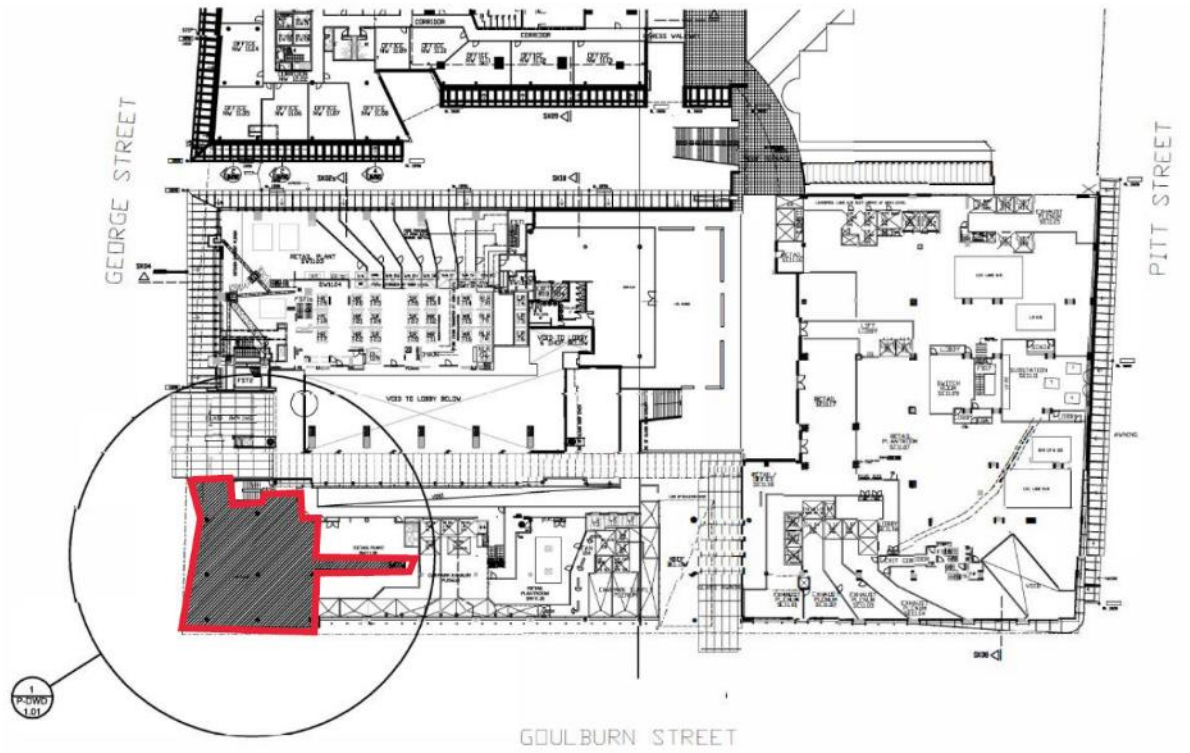


Figure 3: Location Plan - Level 11, tenancy 11.05 outlined in red.

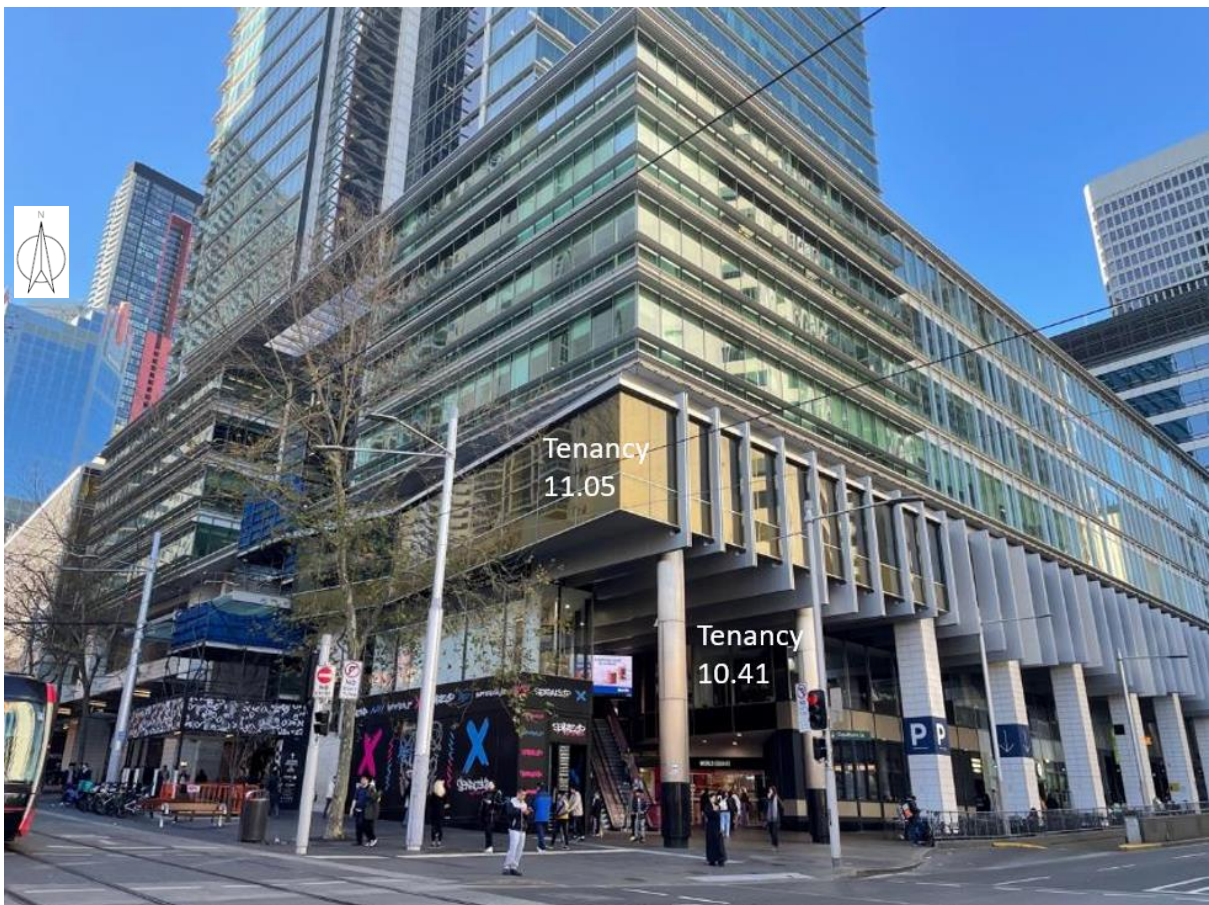


Figure 4: Site viewed from the junction of George Street and Goulburn Street



Figure 5: Site viewed from Goulburn Street



Figure 6: Tenancy entrance on Level 10, accessed via escalators off George Street



Figure 7: Proposed area for outdoor dining



Figure 8: Internal view of tenancy 10.41



Figure 9: Internal view of tenancy 10.41



Figure 10: Internal view of tenancy 11.05

History Relevant to the Development Application

Development Applications

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

- **D/2004/832** – Development consent was granted on 8 October 2004 for the use of part of Levels 8, 9, 10 and 11 as a pub with entertainment, as well as alterations to the building and the fit out of the tenancy areas. The approved base hours were restricted to between 8am and 12 midnight, 7 days a week.

This consent has subsequently been modified several times. On 6 June 2011 Modification 'D' was approved to allow for the premises to operate on a 5-year trial basis for between 12 midnight and 1am the following day, Monday to Wednesday; between 12 midnight and 3am the following day, Thursday to Saturday; and between 12am to 2am the following day on Sunday.

- **D/2007/1322** – Development consent was granted on 25 September 2007 for the renewal of Place of Public Entertainment (POPE) licence for 'Equilibrium' hotel and nightclub for 450 persons on Level 10 and 350 persons on Level 11, under the trial trading hours approved under D/2004/832 (as modified).

- **D/2011/1577** – Development consent was granted on 21 November 2011 for the reconfiguration of four existing retail tenancies, to allow for the separation into 2 x two-level retail tenancies over Levels 8 and 9, and Levels 10 and 11.
- **D/2011/1613** – Development consent was granted on 13 December 2011 for the fit out of a new licensed restaurant on Levels 10 and 11. A maximum capacity of 274 patrons was permitted, with indoor base trading hours of 9am to 1am (the following day), Monday to Sunday and extended hours of 1am to 3am Friday and Saturday, as well as outdoor base trading hours of 9am to 8pm Monday to Sunday and extended hours from 8pm to 10pm Monday to Sunday.

The above application was modified on 28 June 2022 to allow for indoor base hours of 9am to 2am (the following day), Monday to Sunday, and extended hours between 2am and 3am. Outdoor hours were granted from 9am to 10pm, Monday to Sunday.

Compliance Action

9. The site has previously been subject to compliance actions, which are not relevant to the subject application.

Amendments

10. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 3 April 2023. The following was requested:
 - Amendments to the submitted Acoustic Report to adequately evaluate the acoustic environmental impacts of the proposal on nearby sensitive receivers and make an assessment against the relevant noise criteria.
 - Address safety concerns through the removal of private toilet facilities in each karaoke room.
 - Further detail on the plans of the kitchen areas to demonstrate compliance with the relevant standards.
11. The applicant responded to the request on 26 April 2023, with amended plans and updated documentation including:
 - Amended plans showing the relocation of private toilets from inside the karaoke rooms to outside, accessed from the common corridor.
 - Updated BCA and Acoustic Reports.
 - Clarification that the kitchen exhaust system and grease trap will both be connected to the existing base building service.
12. On 29 May 2023, a further request for information was made which required the following:
 - Updated Plan of Management (POM) including changes to the proposed extended operating hours to those permitted under the Sydney DCP 2012 for a

Category A – High Impact Premises, being 12.00am midnight for outdoor areas and 2.00am for indoor hours for a one-year trial.

- Further amendments to the Acoustic Report.
 - Removal of any private toilets and internal storage rooms in karaoke rooms and increase in visibility of karaoke rooms to address safety concerns.
 - Plans to be updated to show cooking equipment.
13. On 20 June 2023, 7 July 2023 and 25 July 2023 the applicant addressed the above outstanding matters with additional information and updated documentation submitted including amended plans, a revised POM and further details within the acoustic assessment.

Proposed Development

14. The application seeks consent for alterations to use tenancies 10.41 and 11.05 of World Square as a nightclub, karaoke bar and licensed food and drink premises (to operate simultaneously as a single premises). Details on the proposed use and works are provided below.

(a) Use:

- Karaoke rooms, a kitchen/bar and cafe area are proposed on Level 10 in tenancy 10.41. An "outdoor" seating area within/adjacent the covered publicly accessible through site link is also proposed.
- The café will primarily offer the sale of takeaway food and non-alcoholic beverages and will operate in conjunction with the "outdoor" seating area. Once the café use ceases, the "outdoor" seating area will continue to operate with the sale of alcoholic beverages offered from the kitchen/bar.
- A nightclub with a dance floor, seating and DJ stage area is proposed on Level 11 within tenancy 11.05.
- A maximum capacity of 640 persons (including staff) is sought, with a capacity of 320 persons per level.
- The hours of operation are as detailed in the table below.

Area	Base Hours	Extended hours
Indoor nightclub and karaoke bar	8pm to 12am midnight	12am midnight to 2am
Indoor café	11am to 8pm	N/A
"Outdoor" seating area	11am to 10pm	10pm to 12am midnight

(b) Works:

- Demolish existing partitions, kitchen, toilets, outdoor seating screening and other lightweight elements.
- Construct new doors, bi-fold windows, internal partitions, bathrooms, kitchen, bar areas, storage areas.
- Install new floor and wall finishes, ceiling lighting and LED screens.
- Place loose seating and furniture throughout.
- New signage zones.

15. Plans and elevations of the proposed development are provided below.

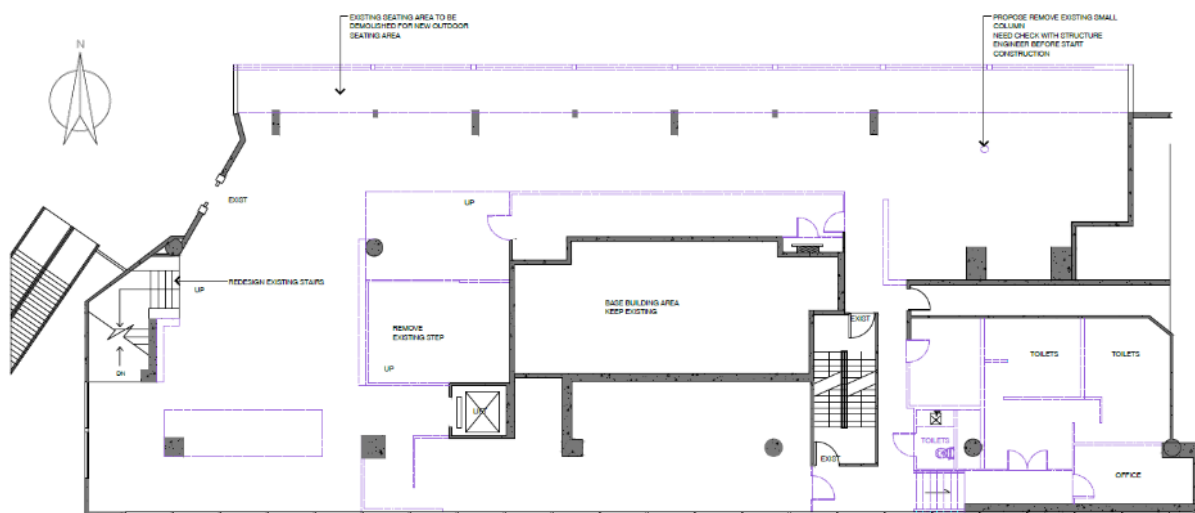


Figure 11: Demolition plan - tenancy 10.41

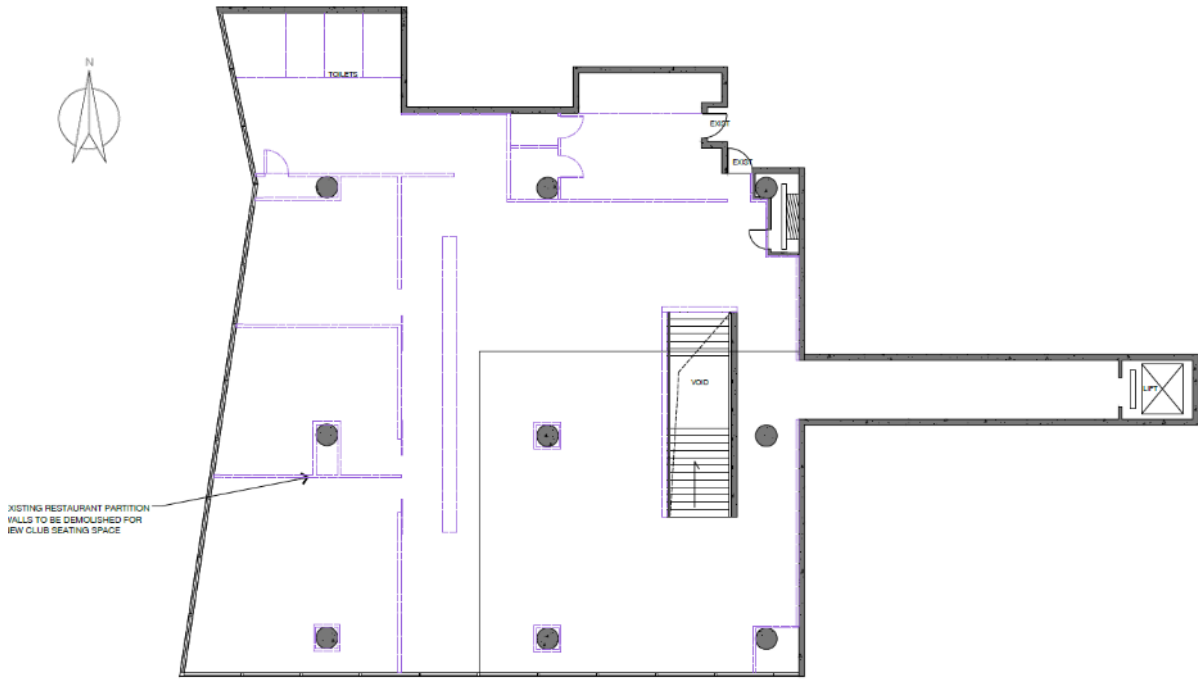


Figure 12: Demolition plan - tenancy 11.05

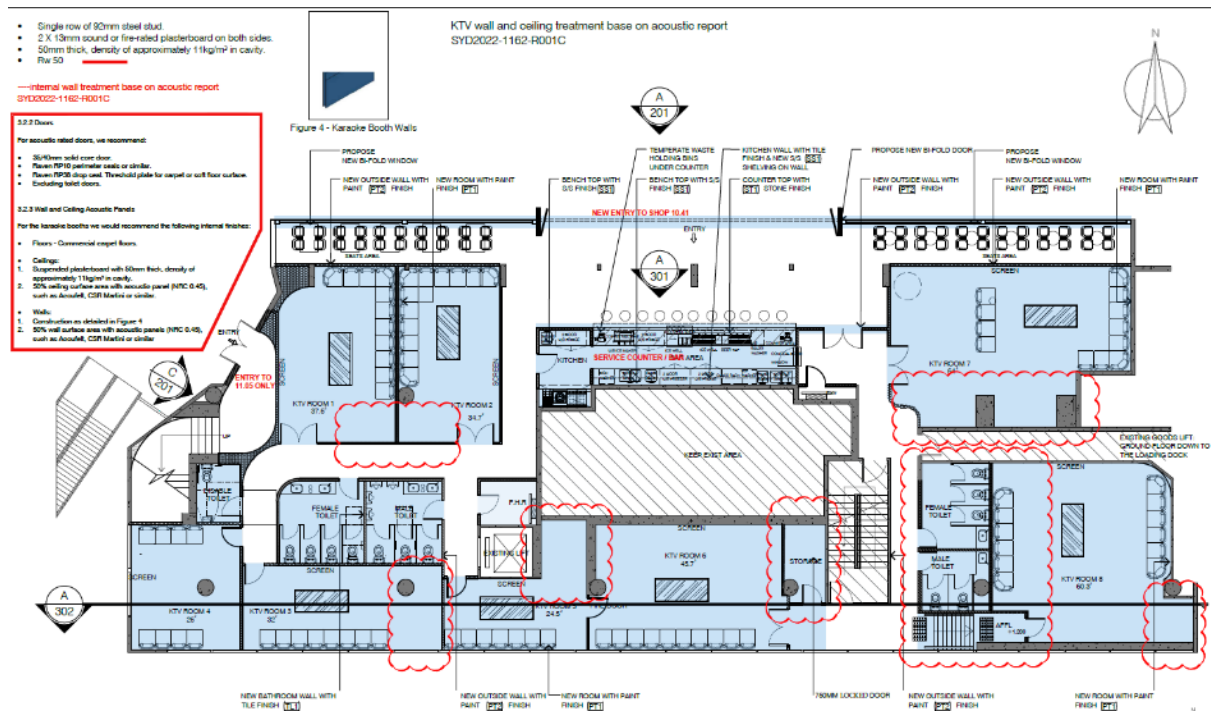


Figure 13: Proposed Level 10 floor plan

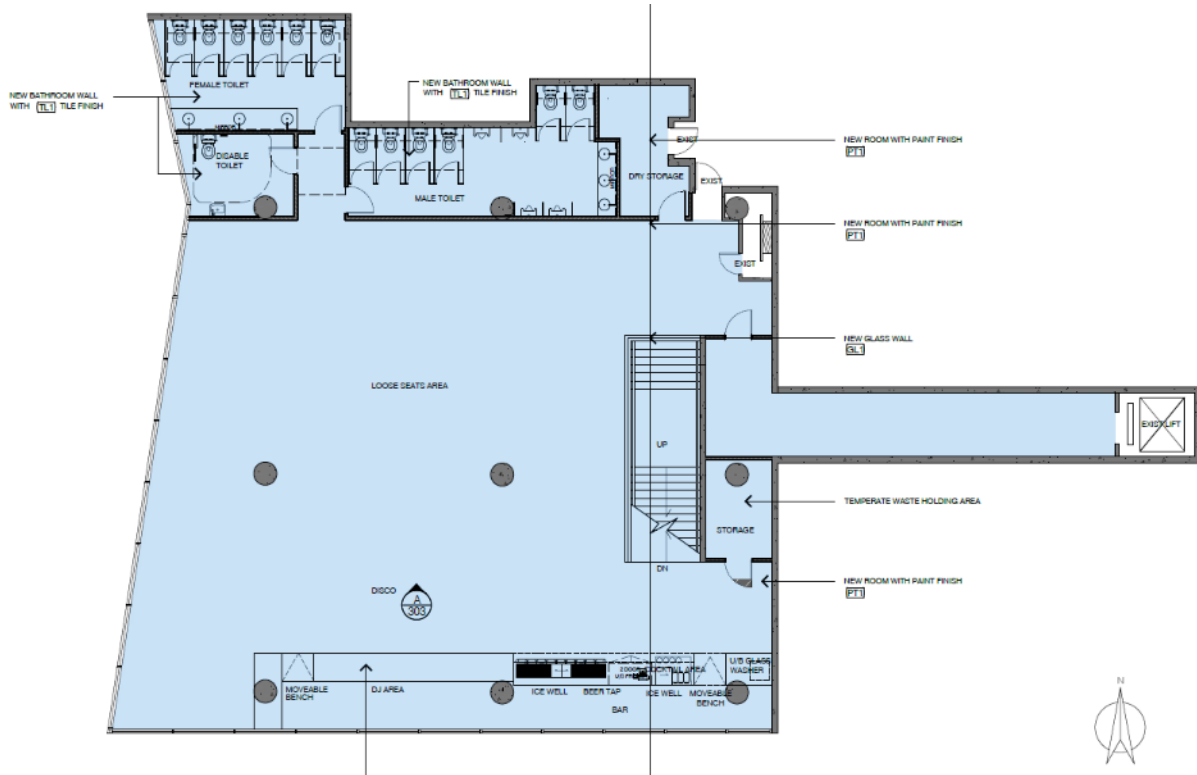


Figure 14: Proposed Level 11 floor plan

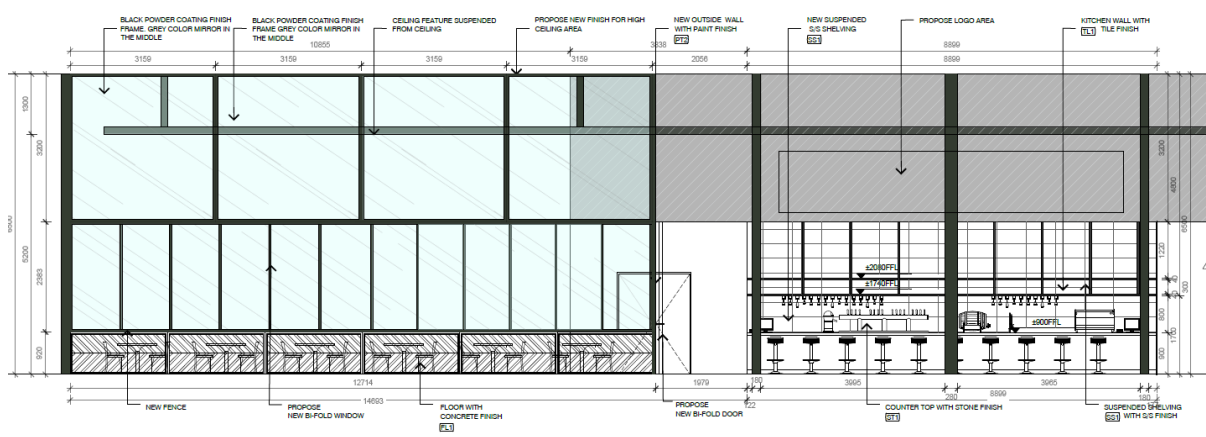


Figure 15: Proposed Level 10 shopfront elevation

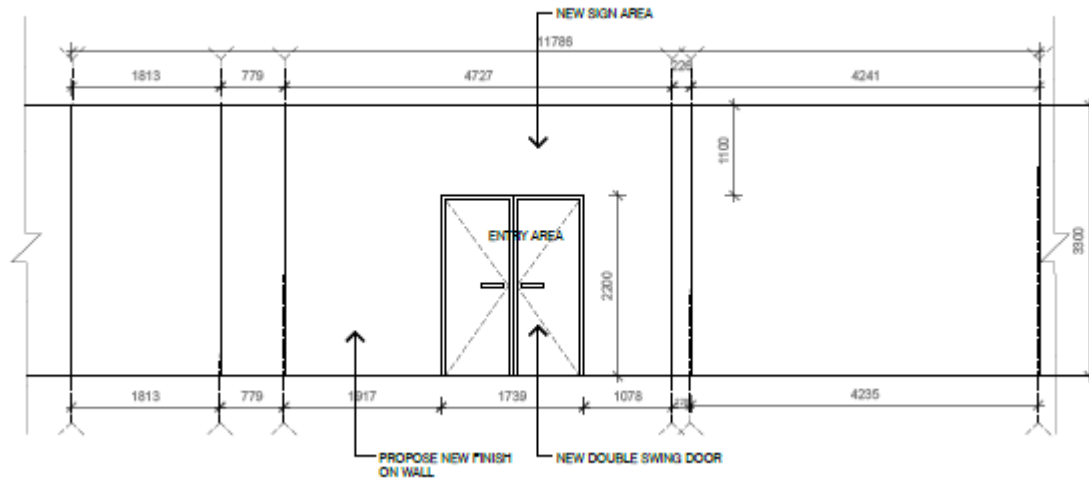


Figure 16: Proposed Level 11 shopfront elevation



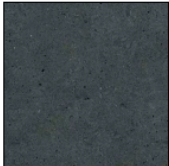


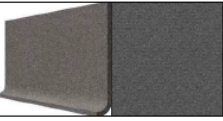

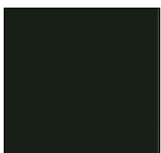


<p>PT1</p>  <p>WHITE PAINT FINISH NAME :WHITE ON WHITE CODE:SW1G1 FINISH:STAIN STE PLASTERBOARD CEILING WITH PAINT FINISH PROFESSIONAL ENVIRO2 INTERIOR CEILING FLAT SUPPLIER :DULUX T: 13 23 77</p>	<p>FL1</p>  <p>CONCRETE TILE FINISH SLIP RATE: P5 ARTESIA ARGENT NATURAL TILES SIZE: 800MM X800MM LOCATION: ALDERSBURGH FLOOR SUPPLIER : SKHEME T: 8755 2300</p>	<p>SL1</p>  <p>BLACK STONE FINISH CODE : 220 MAGNATE LOCATION : COUNTER TOP AREA SUPPLIER : CAESARSTONE TEL:1300 119 119</p>	<p>GL1</p>  <p>DOUBLE COLOR GLASS FINISH NEED APPLY AUS STANDARDS LOCATION: LEVEL 2 AREA SUPPLIER: SYDNEY GLASS PTY LTD T:9790 2830</p>
<p>PT2</p>  <p>BLACK PAINT FINISH CODE:SG8G9 FINISH:STAIN LOCATION REFER TO DRAWING SUPPLIER :DULUX T: 13 23 77</p>	<p>FL2</p>  <p>KITCHEN AREA FLOOR TILE FINISH TECNICA CHARCOAL DIAMOND SIZE:200X200MM NAME:TECNICA CHARCOAL COVE WITH COVE SKIRTING SIZE:100X200MM SLIP RATE: P5 SUPPLIER : SKHEME T:8755 2300</p>	<p>SS1</p>  <p>S/STEEL FINISH KITCHEN EQUIPMENT BACKING WALL ALL KITCHEN AREA WORKING BENCH WALL SHELIVING</p>	
<p>PC1</p>  <p>BLACK POWDER COATING FINISH CODE:9E19190F DURATEC ELEMENTS; BLACK (NIGHT SKY®) FINISH:FLAT LOCATION REFER TO DRAWING SUPPLIER :DULUX T: 13 24 99</p>	<p>TL1</p>  <p>WHITE WALL TILE FINISH SIZE:300X600MM LOCATION:KITCHEN AREA & BATHROOM</p>	<p>PL3</p>  <p>COMERCIAL CARPET FOR ALL KTV ROOMS</p>	

Figure 17: Proposed Finishes

Assessment

16. 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

State Environmental Planning Policy (Employment and Industry) 2021 – Chapter 3 Advertising and Signage

17. The aim of State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3, Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
18. The proposal includes two signage zones at the shopfronts of Levels 10 and 11 as notated in Figures 15 and 16 above. However, no detail regarding the content or design of the signs have been provided, with the submitted Statement of Environmental Effects outlining that the signage will be subject to a future development application. It is also noted that no dimensions are nominated for the proposed signage zone at the Level 11 shopfront.
19. As such, the signage zones are only acceptable subject to recommended conditions of consent which require that a subsequent development application be submitted for the detailed design, which is to be consistent with the relevant provisions in the Sydney DCP 2012 and does not comprise the full extent of the signage zones sought.
20. The proposed signage zones have been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes, subject to conditions	There is insufficient information provided to determine if the detailed design of the signage is consistent with the character of the area. Conditions of consent are recommended to ensure that any future application for the detailed design ensures this.
2. Special areas	N/A	The site is not located within a Special Character Area or heritage conservation area.
3. Views and vistas	Yes, subject to conditions	The proposed signage zones are contained to the existing shopfronts.
4. Streetscape, setting or landscape	Yes, subject to conditions	There is insufficient information provided to determine if the proposed signs are of

Provision	Compliance	Comment
		an appropriate scale, proportion and form, and provide for a positive contribution to the streetscape and setting of the area. Conditions of consent are recommended to ensure that any future application for the detailed design ensures this, including that the future signage does not utilise the full extent of the signage zones.
5. Site and building	Yes, subject to conditions	Conditions of consent are recommended to ensure that any future application for the detailed design is appropriate in scale, proportion and form.
6. Associated devices and logos	Yes, subject to conditions	Any future application for the detailed design of the signage is to include any associated devices as integral parts of the signage and the structure on which it is to be displayed.
7. Illumination	Yes, subject to conditions	Any future application for the detailed design of the signage is to include conditions of consent to ensure that the illumination does not result in unacceptable glare or affect safety or detract from the amenity of any residential accommodation.
8. Safety	Yes, subject to conditions	The proposed signage zones are located on the existing shopfronts. These locations are not expected to reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

21. Subject to conditions including the requirement for a subsequent development application, the proposed signage zones will be consistent with the objectives of the SEPP as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

22. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

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 objective of improved water quality, the objectives 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 SP5 Metropolitan Centre zone. The proposed uses are best defined as an 'entertainment facility' and 'food and drink premises', are permissible with consent in the SP5 zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The proposal will not alter the existing building height.
4.4 Floor space ratio	Yes	No change to FSR is proposed under the subject application.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
6.21C Design excellence	Yes	The proposed external alterations which include a new "outdoor" seating area are considered to provide for a high standard of design and materials appropriate to the site and will achieve an appropriate interface to publicly accessible areas within the World Square site. As such, the proposed development achieves design excellence in accordance with Clause 6.21C.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development 7.7 Retail premises 7.9 Car parking - other land uses	Yes	It is understood that no car parking spaces are sought to be allocated to the proposed use within the site. This is considered appropriate given the Clause sets out the maximum numbers permitted, not a minimum, and that the site is situated in a highly accessible location, in close proximity to Town Hall train station, the light rail service and several bus stops.
7.13 Contribution for purpose of affordable housing	Yes	See detailed under the Financial Contributions section below.

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 3 – General Provisions

Provision	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	The amended proposal provides adequate passive surveillance and is generally designed in accordance with the CPTED principles, subject to conditions. Importantly, the private bathrooms and internal storage rooms have been removed from the karaoke rooms.
3.14 Waste	Yes	A Waste Management Plan has been submitted with the application, which Council's Cleansing and Waste Unit considers to be satisfactory. The premises will utilise an existing common retail waste room which is located on Level 8 and is operated by building management in accordance with the World Square Waste Management Plan (March 2022). Staff from the subject premises will be

Provision	Compliance	Comment
		<p>responsible for the transfer of waste to the waste room, as necessary, and will place the waste in the correct bins or compactor within the waste room.</p> <p>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, as well as that a private waste contract be entered into prior to an Occupation Certificate being issued.</p>
3.15 Late Night Trading Management	Yes	<p>The amended POM adequately addresses the requirements of Schedule 3.2 of the Sydney LEP 2012 and is considered acceptable. Appropriate conditions have been recommended to require the implementation of, and compliance with, the POM.</p> <p>The proposed hours of operation are acceptable, as detailed in the Discussion section below.</p>
3.16 Signage and Advertising	Yes, subject to conditions	<p>The proposed signage zones are supported, subject to conditions of consent recommending a subsequent development application be submitted for the detailed design of the signs, which is to be strictly consistent with the relevant provisions in the Sydney DCP 2012 and does not comprise the full extent of the signage zones sought.</p>

Discussion

Acoustic Assessment

26. The site is located in an area which characterised by a mixture of land uses, primarily being residential, retail and commercial. The nearest residential receivers to the site are listed below and are identified in Figure 18 below:

- R1: 91-95 Liverpool Street, Level 4 located within a separate building at World Square.
- R2: 591 George Street, Level 3 above retail space.
- R3: 569 George Street, Level 4 above retail space and RSL Club. .

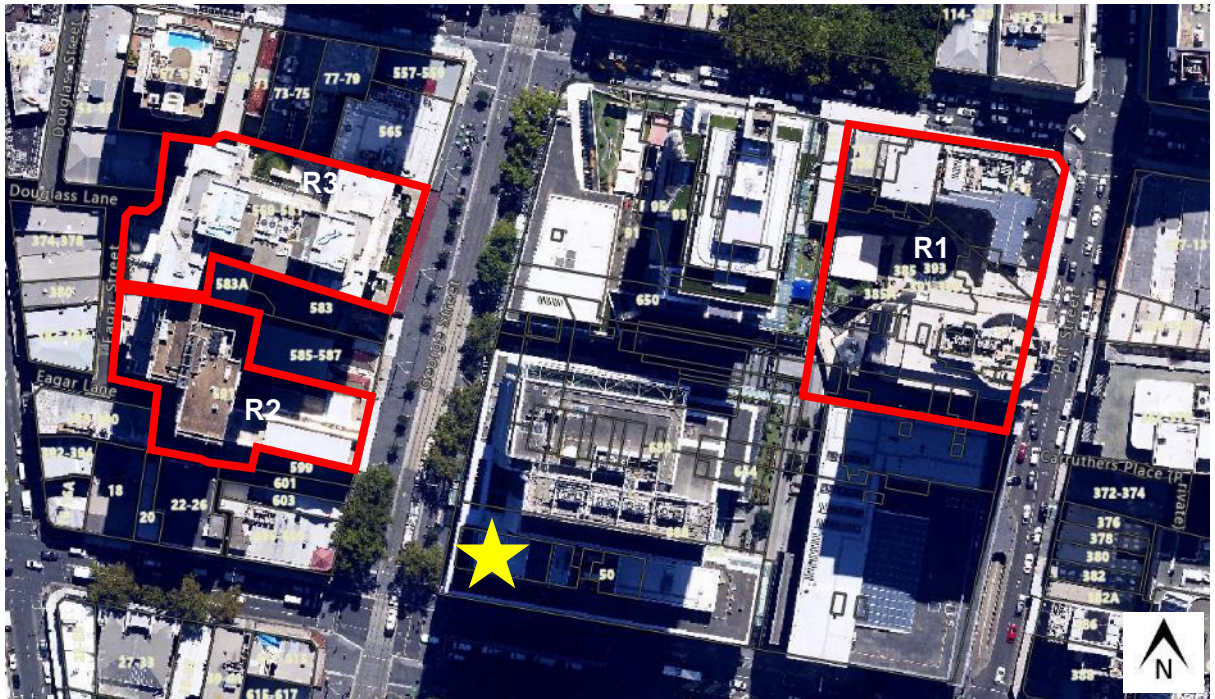


Figure 18: Aerial view of site (marked by the star) and the nearest residential buildings.

27. The preliminary assessment of the submitted Acoustic Report required further assessment and amendments to be included within the report.
28. The updated Acoustic Report was submitted on 7 July 2023 and supplementary letter received on 25 July 2023 addressed the concerns raised by Council staff.
29. The updated Acoustic Report and supplementary letter include the following assessment and conclusions:
 - (a) The predicted noise levels outside the residential apartments above the premises would be inaudible.
 - (b) The predicted noise levels after 8pm for the retail/commercial spaces directly above the premises would be inaudible.
 - (c) The karaoke and nightclub uses only operate after 8pm when the above retail/commercial spaces are vacant.
 - (d) It was confirmed that surrounding retail and commercial tenancies do not operate past 5pm.
 - (e) If in the future any adjoining or nearby retail and commercial tenancies are to operate past 8pm, acceptable noise levels will be maintained for these tenancies via recommended noise conditions.
30. The updated Acoustic Report and supplementary letter have been peer reviewed by the City's Environmental Health Unit and the conclusions that the premises can operate within City's acoustic criteria subject to the following recommendations, particularly after 8pm, being:

- (a) To reduce the incidence of floor impact noise from the dance area, below the floor finish is to be installed 5mm thick acoustic underlay.
 - (b) The speakers are to be vibration isolated and not to be directly mounted to the wall.
 - (c) All pre-recorded music used in the premises is to be limited to an internal noise level of between Leq - 85-90dBA.
 - (d) Acoustic rated doors are to be provided with a 35/40mm solid core, and specified perimeter seals and drop seals.
 - (e) Internal finishes in karaoke rooms are to include commercial carpet floors, ceiling with suspended 50mm thick plasterboard and 50% surface area of acoustic panels, and walls fit with 50% surface area of acoustic panels.
31. All conditions recommended by Council's Environmental Health Unit are included in the recommended conditions of consent (Attachment A). These include compliance with the requirements and recommendations of the updated Acoustic Report as well as specific noise level conditions, to protect the amenity of surrounding properties.

Plan of Management

32. The preliminary assessment of the submitted Plan of Management (POM) required further details to be included for the Category A premises as defined in Section 3.15 of the Sydney DCP 2012.
33. The updated POM has been reviewed by the City's Licensed Premises Unit and is considered to be acceptable. The POM outlines the nature and location of each use within the premises, their operating hours, and the maximum capacity per level. The POM details the number of staff and information on deliveries, waste and cleaning. Importantly, the POM includes procedures on the management of noise, end of trade procedures, requirements for security and RSA marshals, as well as details regarding the complaints and incidents register.
34. Conditions of consent are recommended at Attachment A to ensure compliance with the approved POM as well as that copies of the POM are to be available within the venue at all times.

Hours of Operation

35. The site is located in a Late Night Management Area. The proposed uses, with a maximum capacity of 640 persons, is classified as a Category A premises in Section 3.15 of the Sydney DCP 2012.
36. The hours of operation recommended by Section 3.15.4 of the Sydney DCP 2012 for a Category A premises in a Late Night Management Area are detailed in the table below.

Area	Base Hours	Extended hours (on a trial period basis)
Indoor	6am to 12am midnight	24 hours

Area	Base Hours	Extended hours (on a trial period basis)
Outdoor	10am to 10pm	9am to 1am

37. The proposed hours of operation, detailed in the table below, are consistent with the recommended base and extended hours in Section 3.15.4 of the Sydney DCP 2012 and are acceptable.

Area	Base Hours	Extended hours (on a trial period basis)
Indoor nightclub and karaoke bar	8pm to 12am midnight	12am midnight to 2am
Indoor café	11am to 8pm	N/A
"Outdoor" seating area (nb: is within/adjacent to a covered publicly accessible through site link)	11am to 10pm	10pm to 12am midnight

38. In accordance with Section 3.15.4(3) of the Sydney DCP 2012, any hours that are beyond the base hours can be considered on a trial period basis. The consideration of extended hours is subject to an assessment that the premises can operate without adverse amenity impacts and within the City's acoustic criteria. As has been established above, the assessment has concluded that the premises (in terms of use and capacity) can operate to the proposed extended hours without adverse impact to nearby sensitive receivers. As such, the provisions of SDCP 2012 would permit consideration of the extended hours on a one year trial period basis.
39. In this instance, a one year trial period is recommended for the extended indoor hours of 12 midnight to 2.00am and for the "outdoor" seating area between the hours of 10.00pm to 12 midnight.
40. Approval of these extended late night trading hours on a trial period basis will allow the operator to demonstrate compliance with their Plan of Management and the endorsed Acoustic Report (including all recommended acoustic treatments and management procedures discussed below). It will also allow Council to observe the management performance of the operator, particularly how the potential amenity impacts to nearby residential uses are managed. The applicant will then be required to apply for a continuation of these extended hours after this trial period.

Consultation

Internal Referrals

41. The application was discussed with Council's Building Services Unit; Environmental Health Unit; Licenced Premises Unit; Safe City Unit; and Waste Management Unit, who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

42. The application was referred to NSW Police for comment on 8 February 2023.
43. A final response was received from NSW Police on 21 June 2023 raising no objections to the proposed development and amended POM, subject to conditions. These conditions are included in the recommended conditions of consent at Attachment A.

Advertising and Notification

44. In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2023, the proposed development was notified for a period of 21 days between 9 February 2023 and 3 March 2023. A total of 3,615 properties were notified and 2 submissions were received.
45. The submissions raised the following issues:
 - (a) **Issue:** Noise pollution associated with the use.
Response: Refer to discussion above. The amended Acoustic Report demonstrates the proposed development is able to comply with the relevant noise criteria so as to prevent any unacceptable adverse impacts to nearby apartments and adjoining commercial premises. Conditions are recommended requiring all the noise mitigation measures recommended in the Acoustic Report are installed prior to the commencement of the use.
 - (b) **Issue:** Lack of noise management procedures.
Response: An updated Plan of Management was submitted with the application and details processes to manage patrons' behaviour when leaving the premises, to avoid potential disturbance. Conditions of consent are also recommended to ensure that signs are erected within the premises requesting patrons upon leaving the premises to do so quickly and quietly, as well as that the management/licensee ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
 - (c) **Issue:** Risk of anti-social behaviour.
Response: Several conditions are recommended to prevent any anti-social behaviour including (but not limited to) specific requirements for security guards,

managing patrons entering and leaving the premises, preventing bottles and glass from the premises, and the use of surveillance cameras.

Financial Contributions

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

46. 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.
47. A condition relating to this levy is included in the recommended conditions of consent. 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

48. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

49. Environmental Planning and Assessment Act 1979.

Conclusion

50. The proposed development, subject to recommended conditions, is consistent with the objectives of the SP5 Metropolitan Centre zone.
51. The development is located within the Late Night Management area. The hours of operation are consistent with the objectives and in accordance with the permitted hours for a Category A premises in a Late Night Management Area as identified in the Sydney LEP 2012.
52. The development, subject to recommended conditions in Attachment A, is able to operate without unreasonable disturbance or nuisance to surrounding properties.

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