

**DECISION OF 3733rd COUNCIL MEETING
HELD ON MONDAY 22 JUNE 2020**

9.6 Planning Proposal 8/19 - Small Bars in Kirribilli Village and Draft NSDCP 2013 Amendment - Trading Hours in Kirribilli Village

Report of Liam Rogers, Student Strategic Planner

To provide Councillors with a summary of the submissions received to the public exhibition of Planning Proposal 8/19 - Small Bars in Kirribilli Village and draft amendment to NSDCP 2013 – Trading Hours in Kirribilli Village and to endorse the making of these planning instruments.

On 28 March 2018, Council resolved to undertake public consultation to gauge community expectation in relation to extending café and restaurant hours, as well as permitting small bars in Kirribilli Village and Milsons Point.

After considering the community consultation, Council resolved on 25 November 2019 to adopt Planning Proposal 8/19 and forward it to the Department of Planning, Industry and Environment (DPIE) in order to obtain a Gateway Determination. The Planning Proposal sought to permit small bars with consent under North Sydney Local Environmental Plan (NSLEP) 2013 on sites within the Kirribilli Village that do not share a boundary with residential development. On 7 February 2020, the Minister for Planning and Public Spaces issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition. The Minister also granted Council authority to finalise the making of the plan giving effect to the planning proposal.

In addition, at its meeting on 24 February 2020 Council resolved to adopt an associated draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to extend trading hours in the Kirribilli Village. Council also resolved to place these draft DCP amendments on public exhibition concurrently with Planning Proposal 8/19.

In accordance with the Gateway Determination and legislative requirements, both the Planning Proposal and draft amendment to NSDCP 2013 were placed on public exhibition concurrently for 28 days, from Thursday 12 March 2020 to Wednesday 8 April 2020.

A total of twenty-six (26) submissions were received during the public exhibition of the Planning Proposal and draft amendment to NSDCP 2013 of which:

- Eighteen (18) supported the proposals;
- Seven (7) objected to the proposals; and
- One (1) neither supported nor objected to the proposals.

Issues raised in the submissions focused on the potential impacts of noise, intoxication, public safety, concentration of late-night venues and parking and traffic. Many of the objections received did not account for the existing provisions in NSDCP 2013 for late-night trading and licensed venues. These provisions detail the requirements for Plans of Management for licensed venues and outline the ways in which Council manages potential noise and amenity impacts from late-night trading activities. It is considered that these requirements provide sufficient means to mitigate and manage the potential impacts from small bars and extended trading hours within Kirribilli Village. There were no matters raised in submissions which would warrant amendment to the proposals prior to their adoption.

It is recommended that the Planning Proposal and draft amendment to NSDCP 2013 be adopted without amendment.

Recommending:

1. THAT Council note the submissions made to the public exhibition of the Planning Proposal and draft amendment to North Sydney Development Control Plan 2013.

2. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 3) to the Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

3. THAT Council adopt the draft amendment to North Sydney Development Control Plan 2013 as exhibited (Attachment 4) and that public notice of the amendment be published on Council’s website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Barbour.

A Question Without Notice was asked by Councillor Carr, as follows:

Of the 18 submissions of support for PP8/19, how many can be identified as being from businesses?

The General Manager advised that the question would be taken on notice and a response provided to all Councillors.

The Motion was put and **carried**.

Voting was as follows:

For/Against 7/3

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

1. THAT Council note the submissions made to the public exhibition of the Planning Proposal and draft amendment to North Sydney Development Control Plan 2013.

2. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 3) to the Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

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9.6. Planning Proposal 8/19 - Small Bars in Kirribilli Village and Draft NSDCP 2013 Amendment - Trading Hours in Kirribilli Village

AUTHOR: Liam Rogers, Student Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Submissions Table - Public [9.6.1 - 7 pages]
2. Planning Proposal - As Exhibited [9.6.2 - 75 pages]
3. Draft Amendment to NSDCP 2013 - As Exhibited [9.6.3 - 15 pages]
4. Gateway Determination [9.6.4 - 4 pages]

PURPOSE:

To provide Councillors with a summary of the submissions received to the public exhibition of Planning Proposal 8/19 - Small Bars in Kirribilli Village and draft amendment to NSDCP 2013 – Trading Hours in Kirribilli Village and to endorse the making of these planning instruments.

EXECUTIVE SUMMARY:

On 28 March 2018, Council resolved to undertake public consultation to gauge community expectation in relation to extending café and restaurant hours, as well as permitting small bars in Kirribilli Village and Milsons Point.

After considering the community consultation, Council resolved on 25 November 2019 to adopt Planning Proposal 8/19 and forward it to the Department of Planning, Industry and Environment (DPIE) in order to obtain a Gateway Determination. The Planning Proposal sought to permit small bars with consent under North Sydney Local Environmental Plan (NSLEP) 2013 on sites within the Kirribilli Village that do not share a boundary with residential development. On 7 February 2020, the Minister for Planning and Public Spaces issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition. The Minister also granted Council authority to finalise the making of the plan giving effect to the planning proposal.

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It is recommended that the Planning Proposal and draft amendment to NSDCP 2013 be adopted without amendment.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the public exhibition of the Planning Proposal and draft amendment to North Sydney Development Control Plan 2013.
- 2. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 3) to the Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
- 3. THAT** Council adopt the draft amendment to North Sydney Development Control Plan 2013 as exhibited (Attachment 4) and that public notice of the amendment be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

3. Our Future Planning

3.1 Prosperous and vibrant economy

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.2 North Sydney is creative and home to popular events

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

The following outlines the chronology and milestones of the Planning Proposal and draft NSDCP 2013 amendment process to date:

28 March 2018: In response to a Mayoral Minute, Council resolved to undertake public consultation to gauge community expectation in relation to potentially extending the trading hours of cafés and restaurants as well as permitting small bars in Kirribilli Village and Milsons Point.

19 July to 17 August 2018: Extensive public consultation was undertaken to ascertain community views on trading hours and small bars in Kirribilli Village. This consultation primarily required residents to complete a survey. Residents were advised by direct letters, notification on Council's website, Mosman Daily advertisements, social media posts, a pop-up engagement stall at local markets and direct correspondence to government and industry stakeholders.

A total of 918 survey responses and 9 individual submissions were received during this consultation period. The key outcomes of the survey were:

- A total of 69% of respondents said they would like to see later trading hours in Kirribilli.
- The majority of respondents (62%) supported trading hours until 12 midnight Thursday – Saturday (weekends), with a further 18% of respondents supporting trading beyond 12am midnight.
- A total of 75% of respondents said that small bars should be permitted in Kirribilli Village.
- A total of 47% considered trading hours for small bars should be the same as other businesses and an additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.

24 September 2018: Council considers a report summarising the outcomes of the community engagement stage and resolves to prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli Village.

23 September 2019: Council considers a report outlining options available to implement small bars and later trading hours in Kirribilli Village. Council resolves to prepare a Planning Proposal to permit small bars in Kirribilli and associated DCP amendments to address the expansion of trading hours.

23 October 2019: The North Sydney Local Planning Panel considers and endorses the Planning Proposal to proceed.

25 November 2019: Council resolves to endorse the Planning Proposal and forward it to the Minister for Planning and Public Spaces in order to obtain a Gateway Determination to enable public exhibition.

7 February 2020: A Gateway Determination was issued enabling the Planning Proposal to be placed on public exhibition.

24 February 2020: Council resolves to endorse draft amendments to NSDCP 2013 and to publicly exhibit these amendments concurrently with the Planning Proposal.

CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol when preparing the public exhibition of the Planning Proposal and draft DCP amendment.

DETAIL

1. Assessment against Gateway Determination Conditions (Planning Proposal)

Six (6) conditions were imposed on the Gateway Determination (refer to Attachment 5) and have been addressed in the following subsections.

1.1. Prior to Public Exhibition

Condition 1 of the Gateway Determination required that:

Prior to public exhibition the planning proposal is to be updated to:

- (a) demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement (LSPS). This must include removing references to actions from the Draft LSPS that are not applicable to land subject to the planning proposal;
- (b) ensure that directions from the North Sydney Community Strategic Plan (CSP) that are referenced in the planning proposal are consistent with directions contained in the CSP;

- (c) ensure that the project timeline is accurate and updated to reflect the anticipated twelve month timeframe for completion; and
- (d) ensure that the draft amendment to clause 14 of schedule 1 in the explanation of provisions does not include conflicting or duplicated property descriptions.

Prior to being placed on public exhibition the Planning Proposal was updated in accordance with Condition 1 of the Gateway Determination to demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement and the directions of the North Sydney Community Strategic Plan. The Proposal was also updated to ensure the project timeline was more accurate and that the draft amendment to clause 14 of schedule 1 did not include conflicting or duplicated property descriptions.

1.2. Public Exhibition

Condition 2 of the Gateway Determination required that the Planning Proposal be placed on public exhibition for a minimum of 28 days. In accordance with Condition 2 of the Gateway Determination and Environmental Planning and Assessment Regulations the Planning Proposal and draft amendment to NSDCP 2013 were placed on public exhibition for 28 days, from Thursday 12 March 2020 to Wednesday 8 April 2020.

1.3. Consultation with Public Bodies

Condition 3 of the Gateway Determination required that the Planning Proposal be referred to NSW Police (North Sydney Local Area Command) and that they be given 21 days within which to comment.

In accordance with Condition 3 of the Gateway Determination, NSW Police (North Sydney Local Area Command) were provided with a copy of the Planning Proposal and supporting materials and given 28 days within which to comment on the proposal.

Council received a response from NSW Police (North Sydney Local Area Command) (refer to Attachment 2) on 5 May 2020. Their response raised no objection to the Planning Proposal and draft amendment to NSDCP 2013 “in principle”, provided Council carefully considered appropriate trading hours and potential amenity impacts. The concerns raised in their submission related to increased noise and disruption, appropriate trading hours, and the potential effects of a concentration of premises supplying alcohol on vulnerable communities (residents of Greenway Flats). These concerns are discussed in more detail in section three of this report.

1.4. Public Hearing

Condition 4 of the Gateway Determination did not require the undertaking of a public hearing in accordance with section 3.34(2)(e) of the EP&A Act. However, the Condition stated that this did not remove the need to undertake a public hearing in relation to section 3.34(2)(e) of the EP&A Act (e.g. in response to a request from a submitter, where Council considers it warranted, or when reclassifying land).

The submissions did not raise any request for, or concerns that would warrant the holding of a public hearing under section 3.34(2)(e) of the EP&A Act.

1.5. Authority to Make Plan

Condition 5 authorises Council to be the local plan-making authority to exercise the functions under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

In accordance with this Condition:

- Section 1 of this report demonstrates that Council has satisfied all of the conditions of the Gateway Determination;
- Section 5.3.2 to the Planning Proposal clearly demonstrates that the Planning Proposal is consistent with the relevant s.9.1 Directions; and
- Sections 1.3 and Attachment 1 to this report demonstrate that Council has considered the issues raised by NSW Police (North Sydney Local Area Command) and that there are no objections to the proposal raised by any public authorities.

1.6. Timeframes

Condition 6 required that an LEP, implementing the intent of the Planning Proposal, be made within 12 months of the issuing of the Gateway Determination (or 7 February 2021). Should Council resolve to recommend the making of the LEP, it will leave almost 7 months to make the LEP. A review of previous LEP making processes, indicate that on average, an LEP of similar complexity can be made within 2-3 months after the consideration of the post exhibition report. Therefore, the timeframe should be easily met.

2. Public Exhibition

As indicated in section 1.2 of this report, the Planning Proposal and draft amendment to NSDCP 2013 were placed on public exhibition for 28 days, from Thursday 12 March 2020 to Wednesday 8 April 2020.

All residents and occupiers originally notified of the initial community engagement stage in 2018, and all submitters to that engagement stage were notified by letter of the public exhibition of the Planning Proposal and draft amendment to NSDCP 2013. In addition, notices were placed on Council's website and within the Mosman Daily (12 March 2020).

Hard copies of the exhibition documents were made available at Council's Customer service Centre and Stanton Library and electronic copies made available on Council's Website

3. Consideration of Submissions

A total of twenty-six (26) submissions were received during the public exhibition of the Planning Proposal and draft amendment to NSDCP 2013, of which:

- Eighteen (18) supported the proposals;
- Seven (7) objected to the proposals; and

- One (1) neither supported nor objected to the proposals.

The issues raised in the submissions are addressed in a table forming Attachment 1 to this report. Copies of all submissions have been made available to Councillors via the Hub.

A summary of the key issues is addressed in the following subsections.

3.1 Zoning of 2-44 Ennis Road, Kirribilli

Whilst the owner of 2-44 Ennis Road made no objection to the proposed addition of small bars as a permissible use on their land, they requested that the underlying *SP2 Infrastructure* zoning not be amended in order to maintain the integrity of TfNSW infrastructure above.

Comment:

The principal aim of the Planning Proposal is to allow smalls bars as an additional permitted use within Kirribilli Village. It is proposed to achieve this by including new provisions within Schedule 1 to NSLEP 2013 only. Accordingly, the underlying zoning of the land will remain unaffected.

3.2 Increased Noise

Several submissions raised concerns that introducing small bars as a permissible use within Kirribilli Village would result in increased levels of noise at later hours, particularly as patrons left venues. This was the primary concern of the submission from NSW Police (North Sydney Local Area Command). Whilst some submissions supported the introduction of small bars, they objected to the proposed extension of trading hours in Kirribilli Village for this reason. Other submissions suggested a more modest extension to trading hours, proposing trading hours until 11pm Mon-Thurs nights to avoid disturbances during the week for workers living near the Village.

Comment:

The proposal is limited in scope to sites within Kirribilli Village which do not share a boundary with residential development. This reduces the potential for increased noise and disturbances for nearby residents. Entry and egress from potential small bars will be located on the commercial sections of Broughton Street, Fitzroy Street and Ennis Road, which also mitigates potential effects from noise as patrons enter and leave venues. Furthermore, the particular sites chosen would be unlikely to accommodate large courtyards, beer gardens or outdoor dining areas. The potential for severe noise impacts on nearby residents during the operation of small bars and other licensed venues is therefore fairly limited.

It should be noted that NSDCP 2013 currently contains requirements for maintaining acoustic amenity, with noise emission limits to which all businesses must comply. Small bars and other potential applications for later trading hours are required to submit an acoustic report from an accredited professional, to ensure compliance with Council's noise emission limits. These reports may also make recommendations for the design and operation of the premises, and Council requires that any such recommendations are incorporated into a venue's Plan of Management and adhered to at all times. Additional noise criteria may also be required by Liquor and Gaming NSW for licensed premises.

NSDCP 2013 also contains ancillary measures to mitigate potential noise impacts in local centres. These measures include ceasing outdoor trading at an earlier time and requiring that all doors and windows within a venue be closed once outdoor trading has ceased. Council also requires entry and egress to occur along primary roads after 10pm, where a site has two frontages. The draft amendment to NSDCP 2013 extends these measures to reflect the proposed trading hours in Kirribilli Village.

In general, the amenity impacts of small bars tend to be relatively minor, especially in comparison with premises operating with a “hotel license” or large premises operating with an on-premises license such as a function centre. This is because the small size and low capacity of small bars enable staff and management to more effectively monitor patrons and carry out RSA duties.

The current planning controls therefore provide an adequate framework for protecting residential amenity and mitigating and managing noise impacts.

3.3 Intoxication and Safety

Several submissions raised concerns over the proposal’s potential impacts on the safety of Kirribilli Village and surrounding areas. Submitters were concerned that allowing additional licensed premises would lead to an increased presence of intoxicated people around the area, detracting from the amenity of Kirribilli Village and the perception of safety for residents of the area. Some submissions were particularly concerned that Council would not be able to pursue compliance action against alcohol-related offences.

Comment:

Council has a role to play in the management of issues arising from the operation of licensed premises, alongside NSW Police and Liquor and Gaming NSW. Council is responsible for issuing licensed premises with development consent and ensuring compliance with the conditions of that consent. These conditions include specific acoustic and noise criteria for licensed premises, as outlined in the previous section, and also include conditions related to patron behaviour. If managers or licensees fail to comply with these conditions, Council may issue orders to ensure compliance with the conditions. Council also has the ability to issue trial periods for late-night trading venues, should it be concerned that the level of impact requires further assessment in the future.

NSW Police and Liquor and Gaming NSW also have a role in monitoring the impacts of licensed premises. Small bar liquor licences, issued by Liquor and Gaming NSW, have a range of conditions related to noise, capacity and patron behaviour. These conditions and RSA compliance are enforced by NSW Police, who have direct powers in dealing with intoxication and disorderly behaviour. Should it be required, Liquor and Gaming NSW may choose to suspend or revoke any license issued if their conditions are not adequately met.

However, intoxication and disorderly behaviour is firstly an issue which should be effectively managed by licensed venues themselves. This is usually achieved by adhering to a comprehensive plan of management for the venue. NSDCP 2013 outlines the requirements for plans of management, and applicants for licensed venues or late-night trading are required to

submit these plans to Council for review as part of the development assessment process. These plans of management must include a house policy for minimising harm from alcohol consumption and ensuring responsible service of alcohol (RSA). These plans must also outline measures to protect public safety, provide details of on-site security arrangements and electronic surveillance systems, as well as procedures for staff to manage patron behaviour when entering and exiting the venue.

In addition, the small size and low capacity of small bars enable staff and management to effectively monitor patrons and carry out their RSA duties. Therefore, provided such establishments are well managed, the proposal should not result in any serious impacts on public safety due to intoxication.

3.4 Concentration of Late-Night Venues

Multiple submissions claimed that the Kirribilli Hotel was sufficient as a late-night licensed venue in Kirribilli Village. These submissions were concerned that allowing small bars within Kirribilli Village would lead to a concentration of late-night venues in the area and intensify potential impacts on safety and residential amenity. Some submissions expressed views that there were sufficient licensed venues in or close to the area already, and so there was no need to allow more. The availability, access to and potential saturation of premises supplying alcohol, was also raised in the submission from NSW Police, particularly in relation to vulnerable persons living within the Greenway Flats on Ennis Road. In their submission NSW Police stated that there were currently fifty-two (52) licensed premises in Kirribilli and Milsons Point, though the vast majority of these premises are cafes and restaurants with 'on premises' licences.

Comment:

Although there are already many licensed premises within and around Kirribilli Village, the majority of these are restaurants and cafes. These premises, despite being allowed to sell alcohol without meals, are primarily food establishments. The type of service these venues provide is different to that which is provided by small bars. The Kirribilli Hotel is an exception to this and operates under a hotel licence and whilst not permitted in the B1 Neighbourhood Centre zone, is permitted with development consent via clause 2.6 and Schedule 1 – additional permitted uses under NSLEP 2013. Accordingly, the proposal does not allow venues of this size and type to be permitted elsewhere within the Kirribilli Village. 'Small bars' are defined as a bar which operates without gaming machines and takeaway alcohol sales, with a maximum of 120 patrons. These types of venues are much smaller in scale than other types of licensed premises, and as such present fewer potential impacts on neighbourhood amenity.

Part B Section 7 of NSDCP 2013 Late Night Trading Hours outlines the matters which Council considers when assessing development applications involving late night trading. Among these matters are "the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality". Council is therefore able to consider the impacts of each individual venue and the cumulative impacts of multiple venues when assessing development applications. If at any point in the future the concentration of late-night venues within Kirribilli Village presented unacceptable impacts on residential amenity and public safety, Council would be able to refuse further development applications for late night trading or licensed premises.

Small bars not permitted to sell takeaway alcohol and have relatively small capacities. As such, provided venues undertake responsible service of alcohol and put in place measures to protect neighbourhood amenity (see sections 3.2 and 3.3 of this report), the introduction of small bars as a permissible use within Kirribilli Village would not have a detrimental impact on vulnerable residents within the local community.

The provisions of NSDCP 2013 are sufficient to address this issue, and therefore no amendment to the proposal is warranted.

3.5 Parking and Transport

Several submissions claimed that there was insufficient parking within Kirribilli Village and surrounding streets to support small bars. These submitters raised concerns over increased traffic generation by potential venues and questioned the ability of local roads to accommodate such an increase.

Comment:

The proposal allows small bars as an additional permitted use on specific sites in Kirribilli Village. The intent of this approach is to increase the diversity of offerings within the centre, without changing any other planning controls affecting Kirribilli Village. The proposal should not increase the intensity of commercial activity in the Village and therefore significant increases in the demand for parking are not anticipated.

There is some doubt as to whether patrons of potential small bars would choose to drive to and from a venue. Given that the primary service of small bars is the sale and consumption of alcohol, it is likely that most patrons will decline to drive, due to the stiff penalties that apply if caught. Walking, catching public transport (buses trains and ferries), taxis and rideshare are likely to be the primary method of transport favoured by small bar patrons.

Kirribilli Village is very well serviced by public transport, with all sites affected by the Planning Proposal being within 200m walk of Milsons Point Railway Station, which has services running past midnight on weeknights and Sundays, and to around 1 am on Friday and Saturday nights. Frequent bus services also pass along Broughton Street with stops adjacent to the Railway Station. The proximity of the affected sites to public transport, and the availability of late-night services would to a large extent, mitigate additional traffic generation and demand for parking.

4. Conclusion

A number of issues were raised in submissions with regard to the proposed amendments to NSLEP 2013 and NSDCP 2013. In particular, issues were raised with regard to impacts on amenity through increased noise and intoxication and reductions in personal safety and parking. However, most of these issues can be addressed through the existing provisions in NSDCP 2013 for late-night trading and licensed venues. These provisions detail the requirements for Plans of Management licensed venues and outline the ways in which Council manages potential noise and amenity impacts from late-night trading. The smaller size and scale of small bars as a proposed additional use and the restriction of the proposal to sites that

do not share a border with residential development, also lessen many of the potential impacts raised in submissions. The current planning controls provide sufficient means to mitigate and manage the potential impacts from small bars and extended trading hours within Kirribilli Village.

The Planning Proposal as publicly exhibited seeks to amend Schedule 1 of NSLEP 2013 and allow small bars as a permissible use on sites within Kirribilli Village that are not located on a residential interface. In response to the submissions made, it is recommended that the Planning Proposal be adopted without amendment and that Council forward the Planning Proposal (Attachment 3) to Parliamentary Counsel requesting that an amendment to NSLEP 2013 be made giving effect to the Planning Proposal.

The draft amendment to NSDCP 2013 seeks to extend trading hours within Kirribilli Village to 7am – 11pm (Mon-Wed), 7am to midnight (Thurs-Sat) and 7am to 10pm (Sun) for the sites within Kirribilli Village where small bars are permitted. All other sites within Kirribilli Village are proposed to trade from 7 am – 10 pm (Sun-Wed) and 7 am to 11 pm (Thurs-Sat).

It is recommended that Council adopt the proposed amendment to NSDCP 2013 as exhibited (Attachment 4).

ATTACHMENT 3

Planning Proposal 8/19 to amend North Sydney Local Environmental Plan 2013 Summary of public submissions received during public exhibition period (12 March 2020 – 8 April 2020)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Planning Proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the Planning Proposal.
 - b was already in the Planning Proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the Planning Proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the Planning Proposal was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

No.	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	General Support	Supported the proposal, viewed small bars as a positive for the local community.	Noted.	N/A	2D
2	General Support	Supported the DCP amendment for trading hours in Kirribilli.	Noted.	N/A	2D
3.	General Support	Strongly supported the proposal and DCP amendment. Viewed small bars as a positive for the local community.	Noted.	N/A	2D
	Noise	Claimed that the noise impacts of the proposal would be minimal.	See Section 3.2 of Council Report Noted.	N/A	2D
	Transport Access	Noted that the area has good public transport access which would support small bars as a use in the Village.	See section 3.5 of Council Report Noted.	N/A	2D
4.	General Support	Supported the proposal.	Noted.	N/A	2D
	Trading Hours	Only supported trading hours until 11 pm.	Noted.	N/A	2E
5.	Noise	The proposal will generate noise impacts for nearby residents.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E
	Parking and Traffic	Concerned that there was insufficient parking in Kirribilli to support small bars as an additional use.	See section 3.5 of Council Report Kirribilli Village is very well-serviced by public transport, with services running beyond proposed trading hours.	N/A	2E
	Local character	Concerned that small bars would not suit Village character and detrimentally impact retail mix. Other areas in the city and north shore already serve this use.	Noted. The proposal permits small bars as a use within Kirribilli Village without changing other planning controls. This allows a greater diversity of businesses in the Village whilst retaining its current scale and local centre.	N/A	2E
6.	General Support	Supported the proposal and DCP amendment.	Noted.	N/A	2D
7.	General Support	Supported the proposal, viewed small bars as a positive for the local community.	Noted.	N/A	2D
	Younger demographics	The proposal would particularly benefit younger demographics in the area. Raised concerns that these demographics are not often heard from or represented.	Noted.	N/A	2D

No.	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
8.	General Support	Supported the proposal and DCP amendment, viewed small bars as a positive for the local community.	Noted.	N/A	2D
	Local character	Viewed small bars as a positive addition which would be a benefit for the vibrancy and character of Kirribilli Village.	Noted.	N/A	2D
9.	General Support	Supported the proposal, viewed small bars as a positive for the local community.	Noted.	N/A	2D
	Local character	Viewed small bars as a positive addition which would be a benefit for the vibrancy and character of Kirribilli Village.	Noted.	N/A	2D
	Younger demographics	The proposal would particularly benefit younger demographics in the area.	Noted.	N/A	2D
10.	General Support	Generic support of the proposal.	Noted.	N/A	2D
11.	Extent of Planning Proposal	Sought clarity over the areas affected by the proposal.	Clarification was given.	N/A	2C
	Noise	Objected to proposal due to the noise impacts on surrounding businesses and residents.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E
12.	DCP Amendment	Supported later trading hours, viewed extended trading as a positive for business and the local community.	Noted.	N/A	2D
13.	Noise	Raised concerns that small bars and later trading would create more noise and disrupt nearby residents.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E
	Intoxication	Raised concerns that small bar would lead to an increase of intoxicated persons in the area and make local residents feel unsafe.	See section 3.3 of Council Report Council requires licenced venues to incorporate measures to protect public safety such as security into their plans of management. Small bars tend to have a lower incidence of intoxication and anti-social behaviour than other types of licenced venues.	N/A	2E

No.	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
	Existing venues	Claimed that the Kirribilli Hotel is sufficient as a later trading licenced premises, and that other venues would cause a detrimental impact on the Village.	See section 3.4 of Council Report The concentration of late night venues is something which Council takes into consideration during the development assessment process. Small bars have a more restrictive type of licence and as such their potential impacts are smaller than other types of venues.	N/A	2B
14.	General Support	Supported later trading hours, viewed extended trading as a positive for business and the local community.	Noted.	N/A	2D
	Trading Hours	Supported longer opening hours, beyond 10 pm on Sundays.	Noted. 10pm closure on Sunday aligns with the trading hours for other neighbourhood centres in the North Sydney LGA.	N/A	2E
15.	Noise	Raised concerns that small bars and later trading would create more noise and disrupt nearby residents.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E
	Intoxication	Concerned that small bars would generate anti-social and obnoxious behaviour in the neighbourhood.	See section 3.3 of Council Report Council requires licenced venues to incorporate measures to protect public safety such as security into their plans of management. Small bars tend to have a lower incidence of intoxication and anti-social behaviour than other types of licenced venues.	N/A	2E
	Parking and Traffic	Concerned that introducing small bars as a use in Kirribilli Village would generate additional traffic and put further strain on current parking.	See section 3.5 of Council Report Kirribilli Village is very well-serviced by public transport, with services running beyond proposed trading hours.	N/A	2E
16.	Local character	Objected to the proposal as it would compromise the character and amenity of Kirribilli Village.	The Planning Proposal adds 'small bars' as a permissible use on certain sites in Kirribilli Village, and leaves the rest of Kirribilli Village unchanged. This approach therefore seeks to maintain the character of the Village by maintain the current zoning controls.	N/A	2E

No.	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
	Safety	Concerned that introducing small bars within Kirribilli Village would detract from the safety of the area and surrounds, especially late at night.	See section 3.3 of Council Report Council requires licenced venues to incorporate measures to protect public safety such as security into their plans of management. Small bars tend to have a lower incidence of intoxication and anti-social behaviour than other types of licenced venues.	N/A	2E
	Existing Venues	Claimed that there were sufficient licenced venues in Kirribilli to serve the local community.	See section 3.4 of Council Report The concentration of late night venues is something which Council takes into consideration during the development assessment process.	N/A	2B
17.	General Support	Supported the introduction of small bars as a permissible use in Kirribilli Village.	Noted.	N/A	2D
	Noise	Raised concerns that extended trading would create additional noise impacts on local residents.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E
	Parking and Traffic	Expressed concerned over the impact of extended trading hours on parking for residents given the already limited nature of parking in the area.	See section 3.5 of Council Report Kirribilli Village is very well-served by public transport, with services running beyond proposed trading hours.	N/A	2E
18.	General Support	Supported the introduction of small bars as a permissible use in Kirribilli Village and the extension of trading hours. Saw the proposal as beneficial for the amenity and vibrancy of the Village and a positive for the local community.	Noted.	N/A	2D
19.	Trading Hours	Requested that the proposed trading hours be amended to 7am to 11pm on Thursdays, in order to protect amenity for workers living nearby.	See section 3.2 of Council Report Noted. Existing planning controls should be sufficient to avoid potential amenity impacts on nearby workers.	N/A	2E
20.	Neighbourhood Amenity	Objected to the proposal due to the potential amenity impacts for nearby residents, particularly the noise from patrons entering and exiting venues.	See section 3.2 of Council Report NSDCP 2013 contains provisions for mitigating adverse noise impacts from licenced venues. Limiting the extent of the Planning Proposal to sites that do not share a boundary with residential development mitigates potential noise impacts.	N/A	2E

No.	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
	Council's ability to enforce conditions	Raised concerns that Council has a limited ability to enforce DA approval conditions, especially in regard to dealing with alcohol and licencing issues.	See section 3.3 of Council Report Council has the ability to pursue compliance action when businesses fail to adhere to conditions. Other alcohol and licence related issues are managed by NSW Police and Liquor and Gaming NSW.	N/A	2F
21.	General Support	Strongly supported the proposal, saw small bars as a positive for the vibrancy of Kirribilli Village.	Noted.	N/A	2D
	Diversity of Kirribilli Village	Supported the proposal as it would allow a greater diversity of options in the Village.	Noted.	N/A	2D
22.	General Support	Identical submission to previous, supported the proposal.	Noted.	N/A	2D
23.	Parking and Traffic	Objected to the proposal due to concerns that the introduction of small bars to Kirribilli Village would put strain on the already limited parking capacity in the area, especially during the evening.	See section 3.5 of Council Report Kirribilli Village is very well-served by public transport, with services running beyond proposed trading hours.	N/A	2E
24.	General Support	Supported the proposal, view small bars as a positive for the vibrancy of Kirribilli Village.	Noted.	N/A	2D
25.	General Support	Made no objection to the proposal as it did not affect the current use of the site and their operations at 22-44 Ennis Road. They highlighted that there should be no change to the SP2 Infrastructure zone above 2-44 Ennis Road.	See section 3.1 of Council Report Noted.	N/A	2D
26.	General Support	Raised no objection to the proposal, provided trading hours and amenity impacts were carefully considered.	Noted.	N/A	2D
	Noise	Controls and conditions to reduce and mitigate noise impacts should be strongly considered for all potential premises and particularly for any premises located at 11-33 Broughton Street or 32 Burton Street.	See section 3.2 of Council Report Noted. Appropriate planning controls are in place to manage noise impacts, the draft DCP Amendment proposes to extend these to reflect proposed trading hours.	N/A	2B
	Trading Hours	Recommended any new premises be subjected to a trial period of 12pm to 2am (standard small bar trading hours).	See section 3.2 of Council Report Noted.	N/A	2B
	Vulnerable Communities	Council should consider potential impacts on vulnerable residents located in the Greenway Flats, especially in relation to the availability and saturation of premises supplying alcohol.	See section 3.4 of Council report Noted. Planning Proposal presents minimal risk to vulnerable residents provided premises adhere to comprehensive plan of management.	N/A	2B

IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.



PLANNING PROPOSAL

Small Bars in Kirribilli Village

V_4 March 2020

1 INTRODUCTION

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

The intent of the Planning Proposal is to include small bars as an additional permissible use on nominated sites within Kirribilli Village where these sites are not located adjacent to a residential interface.

The Planning Proposal responds to recent community consultation, wherein support was expressed for small bars and later trading hours within Kirribilli Village, whilst ensuring its local character and village atmosphere is retained. This planning proposal is consistent with the resolution of the Council meeting held on 23 September 2019.

The intent of the Planning Proposal can be achieved by amending Schedule 1 – Additional permitted uses as follows:

- Include a new clause to permit small bars with development consent on the following sites:
 - 11-33 Broughton Street, Kirribilli (inclusive)
 - 32 Burton Street, Kirribilli
- Amend Clause 14 – 2-28 Ennis Road, Kirribilli, to incorporate a new subclause to permit small bars with development consent on the subject lands and to correct the street address to 2-44 Ennis Road.

The Planning Proposal has been prepared in accordance with 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning, Industry and Environment's (DPIE) document "*A guide to preparing planning proposals*" (December 2018).

A subsequent amendment to North Sydney Development Control Plan 2013 is being concurrently exhibited with this planning proposal, seeking to amend the trading hours of licensed premises, including small bars, within the Kirribilli Village.

2 BACKGROUND

2.1 Council Reports

Council resolved at its meeting held on 28 March 2018:

1. *That public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point.*
2. *That a draft consultation strategy be reported to the Legal and Planning Committee in May 2018 and include a financial and resourcing implications and the strategy have particular regard to accessing the views of residents and small business owners in both Milsons Point and Kirribilli*
3. *That following the consultation period, a further report be submitted to Council.*

A report including the draft Community Engagement Strategy was considered at the Legal and Planning Committee held on 7 May 2018. The minutes of this meeting were endorsed at the Council Meeting on 25 May 2018, where it was resolved;

1. *That the Small Bars and Extended Trading Hours for Kirribilli Village – Draft Community Engagement Strategy report be noted.*
2. *That the community consultation be undertaken in accordance with the draft Community Engagement Strategy.*
3. *That the outcome of the consultation be reported back to Council.*

Community engagement was undertaken between 19 July and 17 August 2018 wherein Council undertook a comprehensive engagement process to ascertain community views on trading hours and small bars in Kirribilli Village. This included direct letters to residents and business across the Kirribilli Peninsular (over 7,000 letters); notification on Council's website, Mosman Daily Advertisements together with social media posts and direct correspondence to government and industry stakeholders. A total of 918 survey responses and 9 individual submissions were received. Key outcomes of the survey included:

- A total of 69% of respondents said they would like to see later trading hours in Kirribilli.
- The majority of respondents (62%) supported trading hours until 12 midnight Thursday – Saturday (weekends), with a further 18% of respondents supporting trading beyond 12pm midnight.
- A total of 75% of respondents said that small bars should be permitted in Kirribilli Village.
- A total of 47% considered trading hours for small bars should be the same as other businesses and an additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.

North Sydney Local Area Command were consulted and verbally advised they raised no objection in principle to considering expanded trading hours and small bars in Kirribilli Village subject to careful amenity impacts, particularly at the zone interface. Premises located on the interface with residential zones are likely to result in a greater level of amenity impacts from small bars.

Concerns that were raised by those who did not support the introduction small bars and later trading hours in Kirribilli Village included:

 Planning Proposal – Small Bars in Kirribilli Village

- Loss of amenity for residents
- Increased noise and disturbance
- Decreased level of safety
- Increased level of crime
- Loss of the Village atmosphere and character
- Loss of diversity of offerings in Kirribilli if small bars proliferate the locality
- Lack of car parking and greater traffic impacts

The outcomes of the consultation were reported to Council on 24 September 2018 wherein Council resolved:

1. *That Council note the outcomes of the community consultation.*
2. *That Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.*

A further report was considered by Council on 23 September 2019 which outlined options available for implement of small bars and later trading hours in Kirribilli Village and recommended as follows:

1. *That Council prepare a planning proposal to amend North Sydney Local Environmental Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.*
2. *That the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.*
3. *That Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late night trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.*
4. *That once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.*
5. *That the planning proposal and draft DCP amendment be exhibited concurrently.*

This planning proposal has been prepared to respond to this resolution of Council.

In response to Resolution No.3 above, Council resolved on 24 February 2020 to adopt draft amendments to NSDCP 2013 and place those draft amendments on public exhibition concurrently with this planning proposal.

2.2 Gateway Determination

On 7 February 2020, a Gateway Determination was issued by the DPIE allowing the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions. In particular, Condition No. 1 of the Gateway Determination required that:

Prior to public exhibition the planning proposal is to be updated to:

- (a) *demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement (LSPS). This must include removing references to actions from the Draft LSPS that are not applicable to land subject to the planning proposal;*

Planning Proposal – Small Bars in Kirribilli Village

- (b) *ensure that directions from the North Sydney Community Strategic Plan (CSP) that are referenced in the planning proposal are consistent with directions contained in the CSP;*
- (c) *ensure that the project timeline is accurate and updated to reflect the anticipated twelve month timeframe for completion; and*
- (d) *ensure that the draft amendment to clause 14 of schedule 1 in the explanation of provisions does not include conflicting or duplicated property descriptions.*

This version of the Planning Proposal has been amended to comply with this Condition.

3 SITE LOCALITY

The Planning Proposal applies to certain land, illustrated by a solid red line within FIGURE 1, located within the Kirribilli Village, illustrated by a dotted yellow line in FIGURE 1.

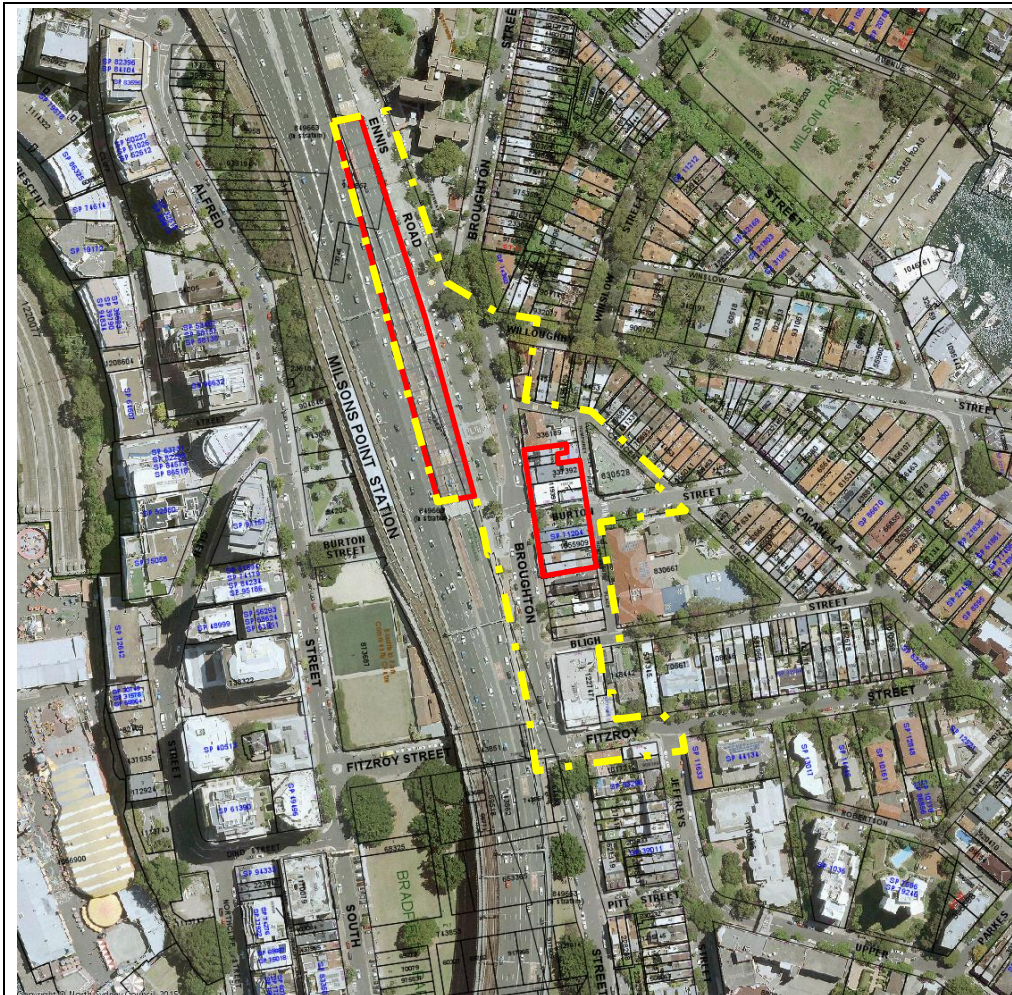


FIGURE 1:
Aerial Photograph (2018)

The specific allotments affected by the planning proposal are identified in TABLE 1.

TABLE 1: Site Identification		
Street Address	Suburb	Legal Description
11-17 Broughton Street	Kirribilli	Lot 3 and 4, Sec B, DP 1537
19 Broughton Street	Kirribilli	Lot 2, DP1055909
21 Broughton Street	Kirribilli	SP71204
23-25 Broughton Street	Kirribilli	Lot 1, DP119391
32 Burton Street	Kirribilli	Lot 1, DP103130
27-29 Broughton Street	Kirribilli	Lot 1, DP 337392

TABLE 1: Site Identification		
Street Address	Suburb	Legal Description
31 Broughton Street	Kirribilli	Lot 1, DP1031721
33 Broughton Street	Kirribilli	Lot 2, DP1031721
RMS Bays 24-44, 2-44 Ennis Road	Kirribilli	N/A

3.1 Kirribilli Village

Kirribilli Village is a vibrant local centre with a harbourside location and served by Milsons Point Railway Station. Ennis Road, as part of Kirribilli Village, comprises a series of bays located below the approaches to the Sydney Harbour Bridge. Kirribilli Village provides a variety of small-scale retail, business and community uses that serve the needs of the people who live and work in the surrounding neighbourhood.

3.2 Local Context

Kirribilli Village is generally surrounded by residential zones to the northern, eastern and southern periphery, which incorporates a mix of *R2 Low Density Residential*, *R3 Medium Density Residential* and *R4 High Density Residential* development.

The Railway line provides the western boundary to Kirribilli Village. To the west of the Railway line is Milsons Point, comprising B4 Mixed Use development. It is noted that the *B4 Mixed Use* zone permits small bars.

Bradfield Park and Sydney Harbour are located to the south and southwest of Kirribilli Village.

4 STATUTORY CONTEXT

NSLEP 2013 is the principal planning instrument that applies to the land subject to the planning proposal. The relevant provisions of NSLEP 2013 are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods:*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
 - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
 - (c) *in relation to residential development:*
 - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
 - (d) *in relation to non-residential development:*
 - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
 - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
 - (e) *in relation to environmental quality:*
 - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
 - (ii) *to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
 - (g) *to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

4.2 Land Use Table

The Planning Proposal applies to land in the following zones:

- *B1 Neighbourhood Centre; and*
- *SP2 Infrastructure.*

The relevant objectives and provisions of these zones, other than those zones that only apply to road reserves, state:

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage active street life while maintaining high levels of residential amenity.
- To encourage development for the purpose of shop top housing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Tank-based aquaculture; Take away food and drink premises

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

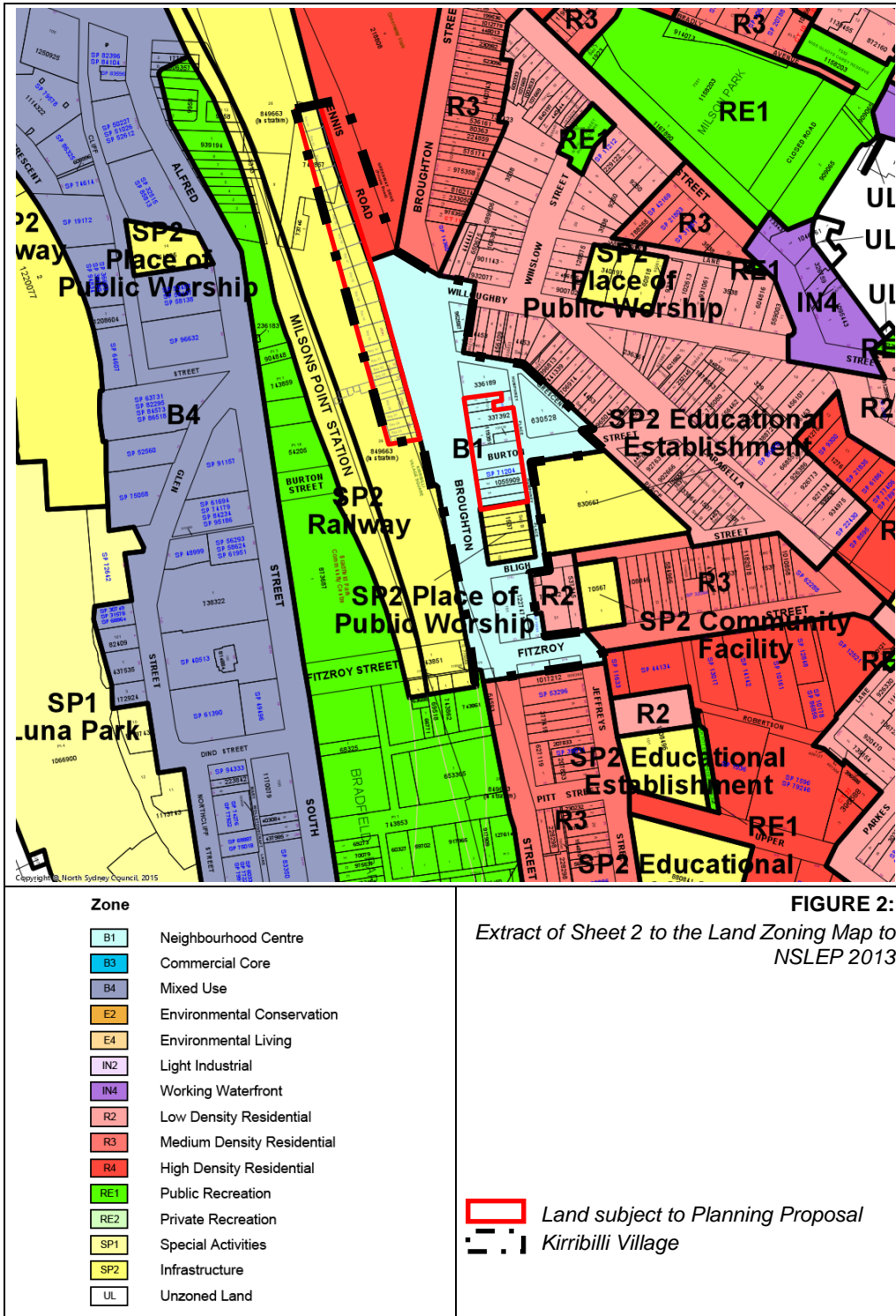
Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

The zoning of land is identified on the Land Zoning Map, which comprises 5 separate sheets. Land to which the Planning Proposal principally relates is identified on Sheet LNZ_002, an extract of which is illustrated in FIGURE 2.

Planning Proposal – Small Bars in Kirribilli Village



4.3 Additional Permitted Uses

Clause 2.5 of NSLEP relates to additional permitted uses for particular land. This clause states:

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

The following clauses within Schedule 1 to NSLEP 2013 are relevant to the Planning Proposal:

14 Use of certain land at 2–28 Ennis Road, Kirribilli

- (1) *This clause applies to land at Bays 24–44, 2–28 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.*
- (2) *Development for the purposes of any permissible use in Zone B1 Neighbourhood Centre is permitted with development consent.*

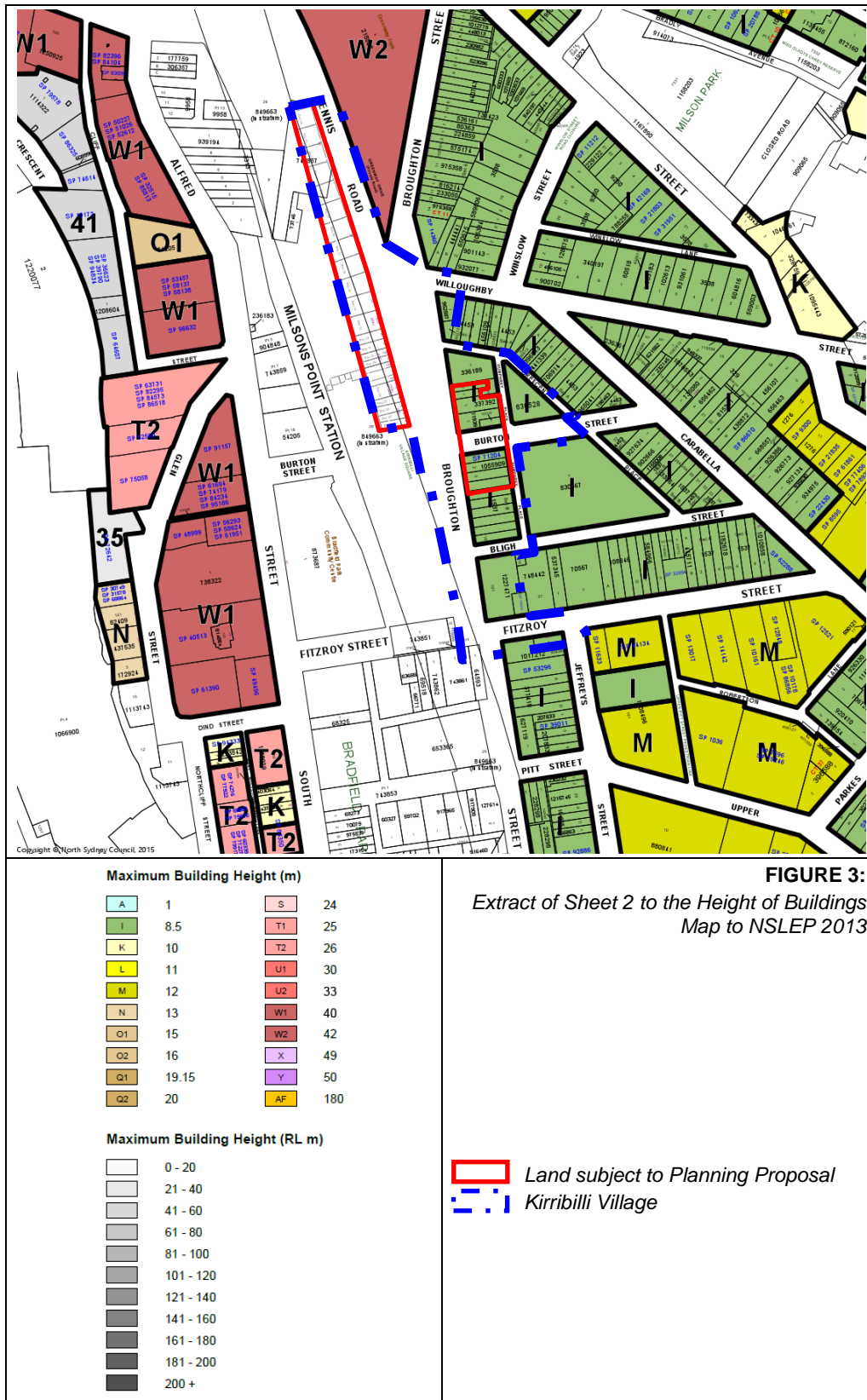
4.4 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the Height of Buildings Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
 - (b) *to promote the retention and, if appropriate, sharing of existing views,*
 - (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
 - (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
 - (e) *to ensure compatibility between development, particularly at zone boundaries,*
 - (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) - (2C) *(Repealed)*

Land to which the Planning Proposal relates is identified on Sheet HOB_002 of the Height of Buildings Map, an extract of which is illustrated in FIGURE 3.

Planning Proposal – Small Bars in Kirribilli Village



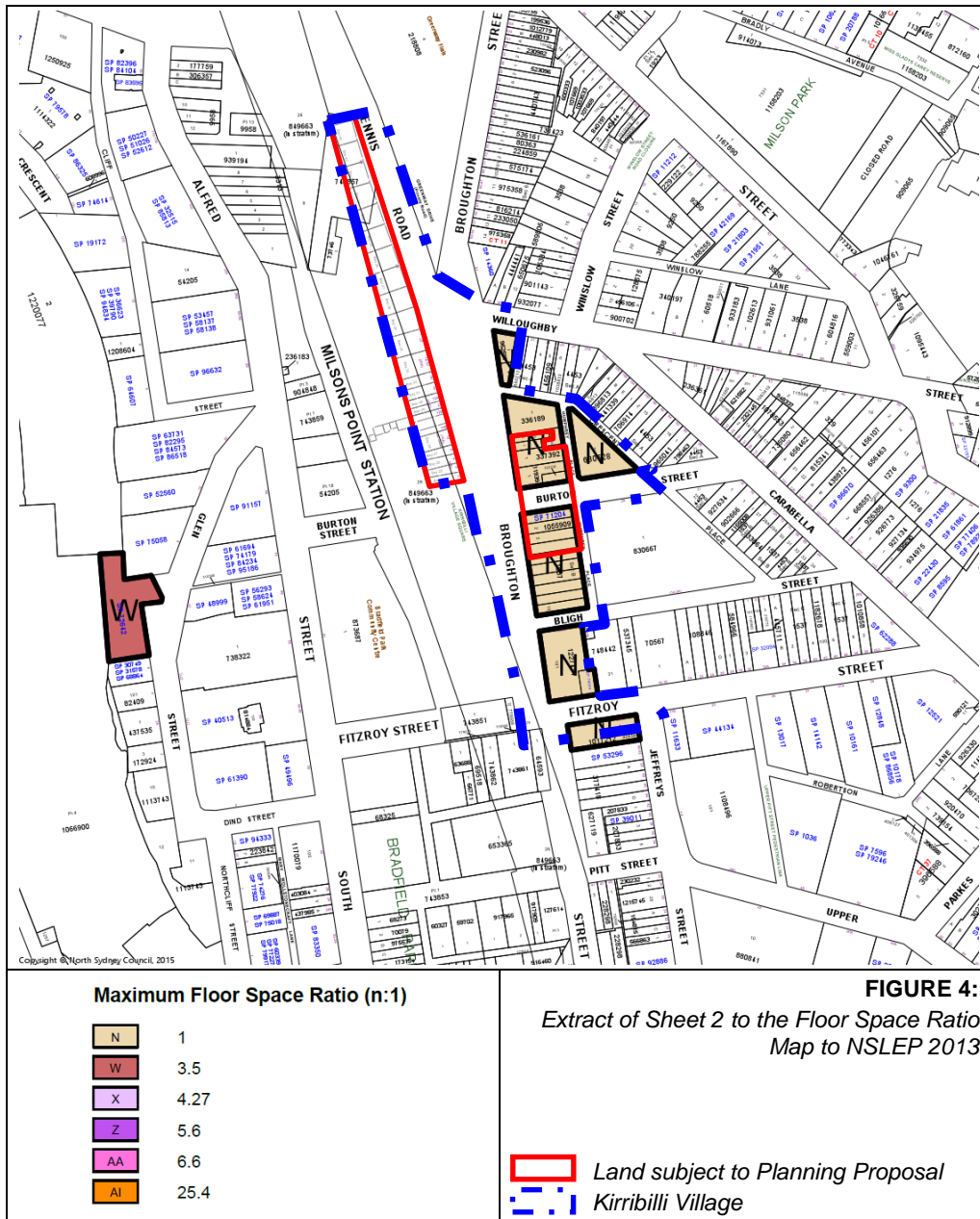
4.5 Floor space ratios

Clause 4.4 of NSLEP 2013 sets maximum floor space ratios for all land identified on the Floor Space Ratio Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,*
 - (b) *to limit the bulk and scale of development.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

Land to which the Planning Proposal relates is identified on Sheet FSR_002 of the Floor Space Ratio Map, an extract of which is illustrated in FIGURE 4.

Planning Proposal – Small Bars in Kirribilli Village



4.6 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

- (1) Objectives
The objectives of this clause are as follows:
 - (a) to conserve the environmental heritage of North Sydney,
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - (c) to conserve archaeological sites,
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Planning Proposal – Small Bars in Kirribilli Village

- (2) *Requirement for consent*
Development consent is required for any of the following:
- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
 - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required*
However, development consent under this clause is not required if:
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) *the development is exempt development.*
- (4) *Effect of proposed development on heritage significance*
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment*
The consent authority may, before granting consent to any development:
- (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

Planning Proposal – Small Bars in Kirribilli Village

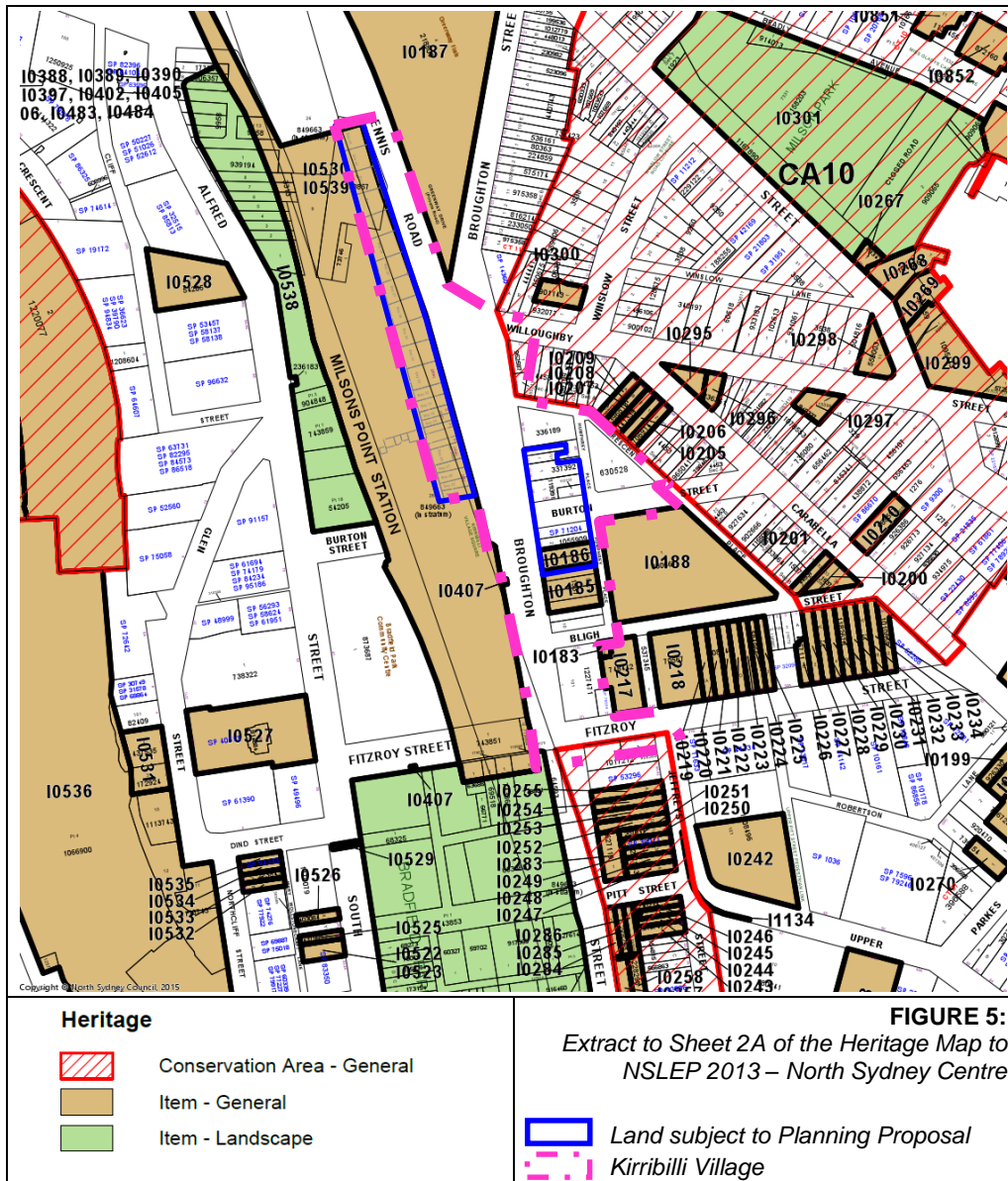
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) *Heritage conservation management plans*
 The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites*
 The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) *Aboriginal places of heritage significance*
 The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) *Demolition of nominated State heritage items*
 The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) *Conservation incentives*
 The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

A note is also attached to this clause which states:

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

Land to which the Planning Proposal relates is identified on Sheet HER_002 of the Heritage Map, an extract of which is illustrated in FIGURE 5.

Planning Proposal – Small Bars in Kirribilli Village



 Planning Proposal – Small Bars in Kirribilli Village

The following clauses within Schedule 5 to NSLEP 2013 are relevant to the Planning Proposal:

Locality	Item Name	Address	Property description	Significance	Item No.
Kirribilli	The Fantasia Preschool	11–17 Broughton Street	Lots 3 and 4, Section B, DP 1537	Local	I0186
Milsons Point	Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway	Sydney Harbour Bridge and approach viaducts, including 2–4 Ennis Road and 2–74 Middlemiss Street		State	I0530

A small portion of Kirribilli Village (45 Broughton Street and 17 Willoughby Street) is located within the Careening Cove Conservation Area (CA10).

A small portion of Kirribilli Village (31 and 31a Fitzroy Street) is located within the Jeffreys Street Conservation Area (CA26).

4.7 Definitions

Clause 1.4 of NSLEP 2013 makes reference to the Dictionary which provides definitions of terms used within the LEP. In particular, the relevant terms to the Planning Proposal are defined as follows:

North Sydney Centre means the land identified as “North Sydney Centre” on the North Sydney Centre Map.

North Sydney Centre Map means the North Sydney Local Environmental Plan 2013 North Sydney Centre Map.

Small bars means a small bar within the meaning of the Liquor Act 2007.

Note. Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to enable the use of ‘small bars’ as an additional permitted use, pursuant to Schedule 1, on specific sites within Kirribilli Village which do not have a residential interface.

It is also proposed to correct the address to the Ennis Road Bays located at 2-44 Ennis Road, Kirribilli which Schedule 1 incorrectly describes as 2-28 Ennis Road.

5.2 PART 2: EXPLANATION OF PROVISIONS

The intent of the Planning Proposal can be achieved by amending Schedule 1 – Additional permitted uses NSLEP 2013 as follows:

1. Including a new clause to permit small bars with development consent on land at:
 - 11-33 Broughton Street, Kirribilli; and
 - 32 Burton Street, Kirribilli
2. Amending clause 14 (use of certain land at 2-28 Ennis Road, Kirribilli) to:
 - correct the street number from “2-28” to “2-44”; and
 - permit small bars with development consent on land to which this clause applies.

The specific amendments sought to the written instrument are identified in the following subsection.

5.2.1 Schedule 1 – Additional permitted uses

The intent of the Planning Proposal is proposed to be achieved by Schedule 1 – Additional permitted uses being amended as follows (blue underline represents an insertion and ~~red strikethrough~~ represents a deletion):

14 Use of certain land at 2-~~28~~44 Ennis Road, Kirribilli

- (1) *This clause applies to land at Bays 24–44, 2-~~28~~44 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.*
- (2) *Development for the following purposes ~~of is permissible with development consent:~~*
 - (a) *any permissible use in Zone B1 Neighbourhood Centre ~~is permitted with development consent.~~*
 - (b) *small bars.*

Use of certain land at 11-33 Broughton Street and 32 Burton Street, Kirribilli

- (1) *This clause applies to land at 11-33 Broughton Street, Kirribilli, being Lots 3 and 4, Sec B, DP 1537; Lot 2 DP 1055909; SP 71204; Lot 1, DP 119391; Lot 1, DP 337392; Lots 1 and 2, DP 1031721 and 32 Burton Street being Lot 1, DP 103130.*
- (2) *Development for the purposes of small bars is permitted with development consent.*

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

YES.

The Planning Proposal is informed by the following reports:

- Report to Legal and Planning Committee on 7 May 2018 (minutes endorsed by Council on 25 May 2018)
- Report to Council on 24 September 2018 (Post consultation outcomes)
- Report to Council Meeting on 23 September 2019. (See **Attachment A**)

North Sydney Local Strategic Planning Statement (LSPS)

On 25 November 2019, Council resolved to adopt an LSPS for the LGA and to forward the LSPS to the GSC for assurance purposes. Council has yet to receive assurance from the GSC. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by *A Metropolis of Three Cities* (Metropolitan Plan) and North District Plan (NDP).

The relevant actions of the LSPS that apply to the Planning Proposal are as follows:

Action P1.4

Review/amend planning controls to allow for the contemporary requirements of late night trading and small bars to activate North Sydney CBD's streets and public spaces and support the night-time economy's diversity and ability to grow. (short term)

Action P4.1

Implement the North Sydney Visitor Economy Strategy and Action Plan to support the growth of a sustainable local visitor economy, maximising the economic benefits while managing the environmental and social impacts on the North Sydney LGA. (short - medium term)

The planning proposal is consistent with the relevant actions by permitting small bars on nominated sites within the Kirribilli Village to improve flexibility as to where these types of uses can occur and to further enhance the night-time economy within Kirribilli Village.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

YES

The consultation outcomes outline community support for the introduction of small bars within Kirribilli Village. Various options have been explored with regards to implementation, as outlined below:

Option 1: Allowing small bars as a permitted use in the B1 Neighbourhood Centre zone

This option involves Council including small bars as a permitted use within the B1 Neighbourhood Centre zone. This zone is Council's lowest order business

zone, comprising the smaller Villages of Kirribilli and Cammeray, as well as numerous isolated pockets and sites that are immediately surrounded by residential zones.

Allowing small bars as a permissible use across all B1 Neighbourhood Centre zone sites is considered likely to result in adverse amenity impacts at the residential interface, particularly within smaller centres and isolated sites. The impacts of these uses would generally be provided with no buffer to the small bars.

These centres and sites that are zoned B1 Neighbourhood Centre were reviewed as part of adoption of the North Sydney Local Environmental Plan 2013 and are considered to generally co-exist appropriately in their surroundings and context. Allowing small bars across all of these sites would be contrary to the objectives of the B1 Neighbourhood Centre zone and contrary to the desired character in some localities. This option is not considered to be appropriate.

Option 2: Rezoning Kirribilli Village to an alternative business zoning

This option involves rezoning land within Kirribilli Village to a higher order business zone which permits small bars as a permitted use. Available options are the B4 Mixed Use or B3 Commercial core zones that are currently used by Council, or the B2 Local Centre zone that is zone that is not utilised with the NSLEP 2013. A detailed comparison of the objectives and permitted uses within the B1 Neighbourhood Centre zone and the differences with the B4 Mixed Use, B3 Commercial Core, and the B2 Local Centre have been undertaken are attached to the Council Report 23 September 2019 (**See Attachment 1**). In summary:

- B3 Commercial core zone reflects the highest order commercial centre. The B3 Commercial core objectives and permitted uses provide employment opportunities and prohibit residential development. North Sydney CBD as well as small part of Crows Nest and St Leonards are zoned Commercial Core. The objectives of this zone do not include retaining a residential character. Kirribilli Village comprises shop to housing as well as commercial development. The objectives and permitted uses within the B3 Commercial Core zone are inconsistent with the existing and desired character of the Kirribilli Village.
- B4 Mixed Use zone is a higher order zone to B1 Neighbourhood Centre zone, illustrated through the additional types of commercial activities that are permitted. This zone typically provides for larger scale retail and business uses, intended to serve the needs of a sub-regional catchment. The objectives and permitted uses within the B4 Mixed Use zone are inconsistent with the existing and desired character of the Kirribilli Village, which is a local centre.
- B2 Local Centre zone is a zone that is within the standard instrument however is not currently utilised in the NSLEP 2013. It is also a higher order zone providing a focus on employment and does not include objectives on maintaining a high level of residential amenity. Whilst this zoning is the least intensive option of the rezoning options available to Council, it remains a higher order zone that is considered to be

inconsistent with the existing and desired character of the Kirribilli Village.

Options 1 and 2 were considered to be inappropriate, likely to change the local character of Kirribilli Village. The community consultation outcomes overwhelmingly supported retaining the existing character of Kirribilli Village, which is a vibrant local centre. Future planning for this local centre should ensure the existing character is maintained, with additional uses complementing the existing uses, rather than changing its character. This option is not considered to be appropriate.

Option 3 (Recommended) - Small bars as an additional permitted use on certain sites within the Kirribilli Village – The Planning Proposal aims to implement this option.

In order to retain the existing local character and built form of Kirribilli Village, this planning proposal recommends the existing B1 Neighbourhood Centre zoning be retained. This zoning is considered to best reflect the character of Kirribilli Village, with its zone objectives reflecting its unique local character as a neighbourhood centre.

To facilitate small bars, it is considered most appropriate to nominate sites where small bars could be permitted within Kirribilli Village in locations where their operation would be unlikely to result in amenity impacts to properties within the residential zones located on the zone interface. This approach seeks to facilitate to outcomes of the community consultation, whilst minimising the amenity impacts and ensuring the retention of the local character of Kirribilli Village.

Each site within Kirribilli Village has been examined with a view to allowing small bars. Proposed locations where small bars are proposed to be permitted with development consent have been selected where they can demonstrate:

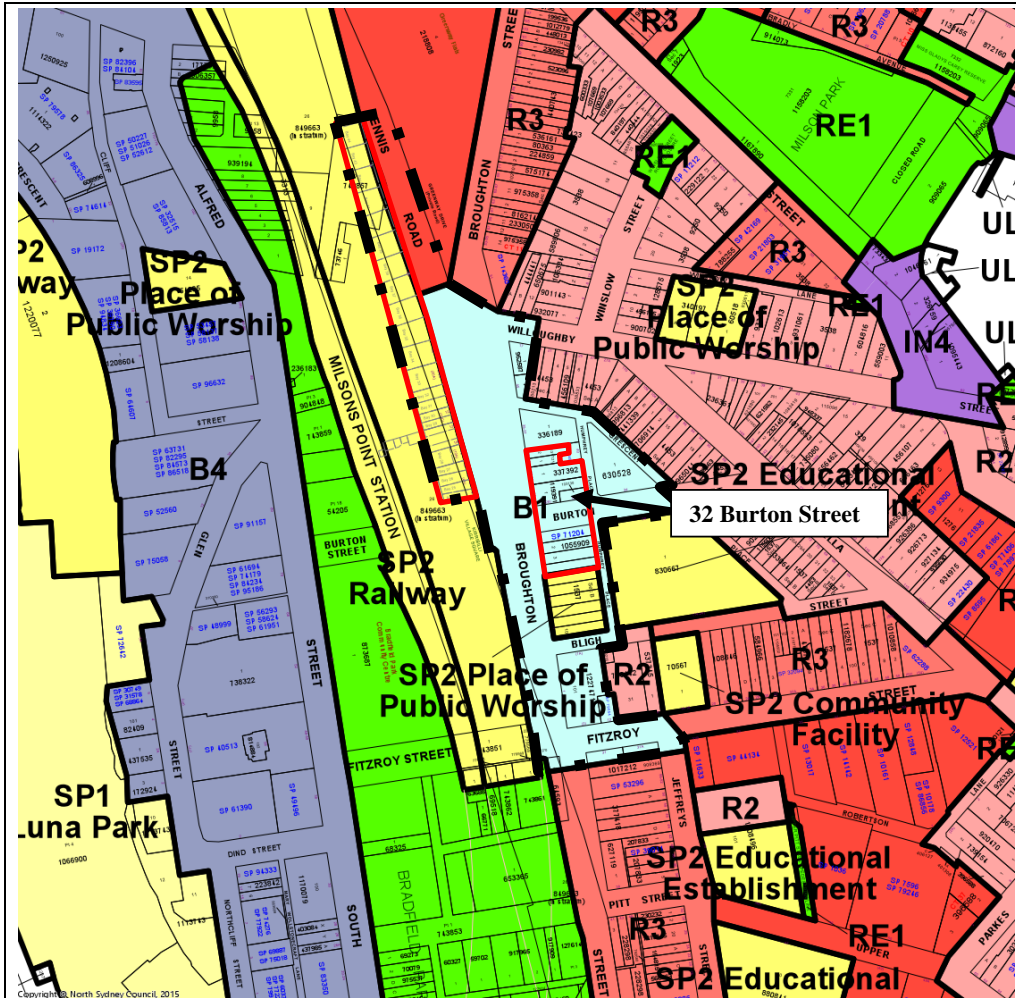
- There is no interface with a residential zone;
- The site benefits from access to, or in proximity to, the primary roads of Broughton Street or Ennis Road.

The sites which were consistent with this criteria form the basis of this planning proposal. They include:

- **11-33 Broughton Street, Kirribilli** – These sites each have a frontage to Broughton Street and do not have an interface with a residential zone. It is noted that to the north of this row of premises at No.35-37 Broughton Street is the Kirribilli Hotel which benefits from an additional permitted use of a pub. To the south of this row of premises at No. 7-9 Broughton Street is a Church zoned ‘Special Use – church’.
- **32 Burton Street, Kirribilli** – This site is located at the of rear (south) of 25 Broughton Street and its frontage does not have an interface with a residential zone.
- **Bays 2-44 Ennis Road** – These sites are located within a series of bays below the approach to the Sydney Harbour Bridge and have a frontage to Ennis Road. The closest residential development is located at least 30m away, within the Greenway Development.

Planning Proposal – Small Bars in Kirribilli Village

These sites are illustrated by a solid red line within FIGURE 6, located within the Kirribilli Village (illustrated by a dotted black line in Figure 6).



Zone	
B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

FIGURE 6:
Extract of Sheet 2 to the Land Zoning Map to NSLEP 2013

5.3.2 Section B – Relationship to strategic planning framework

3. ***Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***

A Metropolis of Three Cities

Released by the GSC in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

Objectives, Strategies and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal are as follows:

- *Objective 12: Great places that bring people together*
 - *Strategy 12.1: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
 - *prioritising a people-friendly public realm and open spaces as a central organising design principle*
 - *recognising and balancing the dual function of streets as places for people and movement*
 - *providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres*
 - *integrating social infrastructure to support social connections and provide a community hub*
 - *recognising and celebrating the character of a place and its people.*
- *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*
 - *Strategy 14.1: Integrate land use and transport plans to deliver the 30-minute city.*
 - *Strategy 14.2: Investigate, plan and protect future transport and infrastructure corridors*
 - *Strategy 14.3: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*
- *Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive*
- *Objective 22: Investment and business activity in centres*
 - *Strategy 22.1: Provide access to jobs, goods and services in centres by:*
 - *attracting significant investment and business activity in strategic centres to provide jobs growth*
 - *diversifying the range of activities in all centres*
 - *creating vibrant, safe places and a quality public realm*
 - *focusing on a human-scale public realm and locally accessible open space*
 - *balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
 - *improving the walkability within and to centres*
 - *completing and improving a safe and connected cycling network to and within centres*

- *improving public transport services to all strategic centres*
- *conserving and interpreting heritage significance*
- *designing parking that can be adapted to future uses*
- *providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts*
- *creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.*
- **Objective 24:** Economic sectors are targeted for success
 - **Strategy 24.1:** Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers
 - **Strategy 24.2:** Consider the following issues when preparing plans for tourism and visitation:
 - *encouraging the development of a range of well-designed and located facilities*
 - *enhancing the amenity, vibrancy and safety of centres and township precincts*
 - *supporting the development of places for artistic and cultural activities*
 - *improving public facilities and access*
 - *protecting heritage and biodiversity to enhance cultural and eco-tourism*
 - *supporting appropriate growth of the night-time economy*
 - *developing industry skills critical to growing the visitor economy*
 - *incorporating transport planning to serve the transport access needs of tourists*

The Planning Proposal is considered to be generally consistent with the relevant goals, directions and actions of the Metropolitan Plan, as it will enhance the vibrancy of Kirribilli Village as an important local centre within the North Sydney LGA, whilst protecting the amenity of surrounding residential development.

North District Plan

Also in March 2018, the GSC released North District Plan (NDP). The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai, Hornsby and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney Strategic Centre; and an additional 6,900-16,400 jobs by 2036 in the St Leonards (some of which is to be accommodated in the LGAs of Lane Cove and Willoughby)
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; and an additional 97,000 dwellings by 2036 for the North District.

 Planning Proposal – Small Bars in Kirribilli Village

Priorities identified in the NDP which are relevant to the Planning Proposal are as follows:

- *Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage.*
 - Objective 12: Great places that bring people together.
 - Objective 13: Environmental heritage is identified, conserved and enhanced.
 - *Action 19: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
 - a. *prioritising a people-friendly public realm and open spaces as a central organising design principle*
 - b. *recognising and balancing the dual function of streets as places for people and movement*
 - c. *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
 - d. *integrating social infrastructure to support social connections and provide a community hub*
 - e. *recognising and celebrating the character of a place and its people*
- *Planning Priority N8: Eastern Economic Corridor is better connected and more competitive.*
 - Objective 15: The Eastern, GOP and Western economic corridor are better connected and more competitive
- *Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city*
 - Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.
 - *Action 50: Integrate land use and transport plans to deliver the 30-minute city.*
- *Planning Priority N13: Supporting growth of targeted industry sectors.*
 - Objective 24: Economic sectors are targeted for success.
 - *Action 54: Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers.*
 - *Action 55: When preparing plans for tourism and visitation, consider:*
 - a. *encouraging the development of a range of well-designed and located facilities.*
 - b. *enhancing the amenity, vibrancy and safety of centres and township precincts*
 - c. *supporting the development of places for artistic and cultural activities.*
 - d. *improving public facilities and access*
 - e. *protecting heritage and biodiversity to enhance cultural and eco-tourism*
 - f. *supporting appropriate growth of the night-time economy*
 - g. *developing industry skills critical to growing the visitor economy.*
 - h. *incorporating transport planning to serve the transport access needs of tourists.*

- *Action 58: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.*
- *Action 59: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.*

The Planning Proposal is considered to be consistent with the above priorities, objectives and actions of the NDP. The inclusion of the additional permitted use of small bars will ensure the unique and valued local character of Kirribilli Village is retained, whilst including an additional contemporary use of small bars will complement the existing uses on appropriate sites.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

YES.

North Sydney Local Strategic Planning Statement

Consistency with this document is addressed above.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes, and Strategies of the CSP are as follows:

Direction: 2 Our Built Environment

Outcome: 2.2 *Vibrant centres, public domain, villages and streetscapes*

Strategies: 2.2.1 *Enhance public domains and village streetscapes through planning and activation, celebrating their unique character*

Direction: 3 Our Economic Vitality

Outcome: 3.1 *Prosperous and vibrant economy*

Strategy: 3.1.1 *Encourage a diverse mix of business size and type*

Strategy: 3.1.2 *Support existing business and attract and foster new businesses*

Strategy: 3.1.4 *Promote and enhance the night time/after hours and weekend offer*

Strategy: 3.1.5 *Foster and support tourism activity in North Sydney*

Strategy: 3.1.6 *Balance visitor impacts with residents' lifestyles and economic development*

The Planning Proposal will allow these Directions, Outcomes and Strategies to be pursued in a robust and strategic manner. In particular, it will:

- Contribute to the vitality of the Kirribilli Village
- Allow for an appropriate mix of uses centrally within the Village
- Balance the amenity impacts of additional use of small bars through providing a buffer to the residential zone
- Retain and complement the local character of the Kirribilli Village

North Sydney Council Delivery Program 2018/19-2020/21

The North Sydney Council Delivery Program 2018/19-2020/21 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 3.

Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	N/A	This SEPP does not apply as the lands affected by the Planning Proposal do not contain bushland or are located adjacent to land containing bushland.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP by maintaining a prohibition on canal estate development.
SEPP No. 55 - Remediation of land	N/A	The Planning Proposal does not seek to amend the permissibility of land use within any zone, nor introduce a site specific use which may be sensitive to contamination issues.
SEPP No. 64 - Advertising and signage	N/A	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Coastal Management) 2018	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Educational Establishments and Child Care Facilities) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The Planning Proposal does not seek to introduce any additional exempt or complying development types.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (State Significant Precincts) 2005 - <i>formerly SEPP Major Development, SEPP Major Projects & SEPP State Significant Development</i>	N/A	The Planning Proposal does not relate to any state significant sites identified under this SEPP and therefore does not apply.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	N/A	This SEPP does not apply as the Planning Proposal does not relate to development for the purposes of temporary structures.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
SEPP (Vegetation in Non-Rural Areas) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 4.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	N/A	This Direction does not apply as the Planning Proposal does not affect land in an environmental protection zone.
2.2 Coastal Protection	YES	The Planning Proposal is consistent with the Direction as it will not impede the attainment of the objectives of the Coastal Management Act, NSW Coastal Management Manual, or NSW Coastal Design Guidelines. The Planning Proposal does not seek to rezone land that would enable increased development or more intensive land use on land: <ul style="list-style-type: none"> • within a coastal vulnerability area • land affected by an identified coastal hazard; and • coastal wetlands and littoral rainforest area.
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction. Nor is it proposed to remove any heritage items from Schedule 5.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal is consistent with the requirements of the Direction as it will not reduce the ability to use land zoned B1 Neighbourhood Centres for residential accommodation.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	YES	The Planning Proposal seeks to allow an additional commercial use within close proximity to an existing railway station thereby maximising public transportation use for a wider variety of uses.
3.5 Development Near Licensed Aerodromes	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. Whilst the Planning Proposal seeks to introduce new maximum building heights on some sites within the LGA, none of these new controls will result in OLS being exceeded.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.10 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
5.11 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal seeks to remove the Director General's certification requirements for the satisfactory provision of railway infrastructure.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	YES	The Planning Proposal seeks to incorporate an additional specific use on certain land within Kirribilli Village. This is the preferred solution as described in section 5.3 to this report.
7 Metropolitan Planning		
7.1 Implementation of the A Plan for Growing Sydney	N/A	This Regional Plan has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities, which was released in March 2018.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Planning Proposal relates to land in densely urbanised areas and it is unlikely that the Planning Proposal will adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The exclusion of sites which have a residential interface is considered to adequately address the likely impacts of the proposed additional use of small bars within Kirribilli Village.

Section 7 NSDCP 2013 provides additional amenity controls for managing the impacts of late night trading. It is intended that, as resolved by Council, a further amendment to the NSDCP will be made in the context of this planning proposal. Specific impacts of each future use will be considered in the assessment of any future development application.

There are considered to be no environmental effects anticipated by the implementation of the planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The additional use of small bars is considered unlikely to result in any adverse social or economic effects. No change is proposed to any other permissible use within the zone. Despite the additional use of small bars, it is considered that this is unlikely to change to character of the locality with regards to its retail or business offering. In addition, no change is proposed to the permissible uses within the 'buffer' areas. The planning proposal is considered to ensure that a range of retail, business, food and drink premises will continue to be provided within the Kirribilli Village.

There is no reduction in permissible uses within Kirribilli Village. There are considered to be no social or economic impacts anticipated by the implementation of the planning proposal.

5.3.4 Section D – State and Commonwealth interests**10. Is there adequate public infrastructure for the planning proposal?**

The planning proposal provides no additional floor space. Kirribilli Village is well served with public transport with Milsons Point Railway Station. Implementation of the Planning Proposal is unlikely to adversely impact upon the provision of other public infrastructure services within the locality.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Condition 3 of the Gateway Determination required that consultation be undertaken with the NSW police Force (North Sydney Police Area Command).

In accordance with this Condition, each of the above public authorities was provided with a copy of the Planning Proposal, associated DCP amendment and all relevant supporting material and given a minimum of 21 days within which to comment. This consultation was undertaken concurrently with the public exhibition of the Planning Proposal.

5.4 PART 4 : MAPPING

No maps to the LEP are proposed to be amended to give effect to the planning proposal.

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines and it is noted that significant preliminary public consultation has been undertaken to arrive at this point of the plan making process.

5.6 PART 6: PROJECT TIMELINE

TABLE 5 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the proposal to the DPIE to the amending LEP being made. The Gateway Determination states that the amending LEP is to be made within 12 months (6 February 2021) of the issue of the Gateway Determination.

TABLE 5 – Project Timeline											
Milestone	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020	Jul 2020	Jul 2020		Feb 2021
1. Request for Gateway Determination sent to DPIE											
2. DPIE considers request											
3. Gateway Determination issued to Council											
4. Amendment of Planning Proposal to align with Gateway Determination											
5. Public exhibition undertaken											
6. Council considers submissions											
7. Council considers post exhibition report											
8. Submission to DPIE requesting making of LEP											
9. Drafting of LEP and making											
10. Gateway Determination expires											

ANNEXURE A

- Report to Council 23/9/2019

**DECISION OF 3723rd COUNCIL MEETING
HELD ON MONDAY 23 SEPTEMBER 2019**

267. Item 10: Small Bars and Trading Hours in Kirribilli Village

Report of Lara Huckstepp, Executive Planner

On 24 September 2018 Council resolved to prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli, in response to the outcomes of community consultation. This report explores options for implementation.

It is recommended that a planning proposal be prepared to amend the North Sydney Local Environmental Plan 2013 to allow small bars as an additional permitted use on certain sites located in the Kirribilli Village which do not have an interface with a residential zone. It is considered that by limiting the location of small bars to properties fronting Broughton Street and Ennis Road, impacts to the surrounding residential properties will be minimised.

It is also recommended that the North Sydney Development Control Plan (NSDCP) 2013 be amended to extend the maximum allowable trading hours for these sites considered suitable for small bars (i.e. without a residential interface) until 12midnight (Thursday to Saturday); 11pm (Monday to Wednesday) with no changes to Sunday (10pm).

Trading within all other areas within Kirribilli Village is proposed to 11pm (Thursday – Saturday) and 10pm Sunday – Wednesday. This represents an extension of trading hours for a number of properties and in light of support for longer trading hours, is considered appropriate given their proximity to the residential zone interface.

Existing DCP controls are already in place to mitigate impacts of late night uses within all localities across the Council area which will continue to apply to the Kirribilli Village, such as requirements for acoustic reports and testing, closing of doors and windows at appropriate times and plans of management for small bars. A further DCP requirement is recommended to ensure that new small bars in Kirribilli have their patron entries to either Broughton Street or Ennis Road. Patron noise is often exacerbated when leaving premises. This control seeks to minimise impacts to surrounding residential properties.

The proposed amendments to Council's LEP and DCP controls are considered to respond to the community consultation outcomes supporting later trading hours and small bars in Kirribilli Village, while balancing the need to appropriately protect the unique local character.

No funding has been allocated. Funds previously spent for the consultation were within existing budget lines in 2018-2019.

Recommending:

1. THAT Council prepare a planning proposal to amend North Sydney Local Environment Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.

2. THAT the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.

3. THAT Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late Night Trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.

4. THAT once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.

5. THAT the Planning Proposal and draft DCP amendment be exhibited concurrently.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Brodie.

The Motion was put and **carried**.

Voting was as follows:

For/Against 7/2

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker		N

RESOLVED:

1. **THAT** Council prepare a planning proposal to amend North Sydney Local Environment Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.
2. **THAT** the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.
3. **THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late Night Trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.
4. **THAT** once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.
5. **THAT** the Planning Proposal and draft DCP amendment be exhibited concurrently.



Report to General Manager

Attachments:

1. Post Consultation Report to Council 24/9/2018
2. Detailed Comparison of the Objectives, Permitted Uses and Differences in Business Zones
3. Analysis of Likely Impacts of Small Bars on all Sites within Kirribilli Village

SUBJECT: Small Bars and Trading Hours in Kirribilli Village

AUTHOR: Lara Huckstepp, Executive Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 24 September 2018 Council resolved to prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli, in response to the outcomes of community consultation. This report explores options for implementation.

It is recommended that a planning proposal be prepared to amend the North Sydney Local Environmental Plan 2013 to allow small bars as an additional permitted use on certain sites located in the Kirribilli Village which do not have an interface with a residential zone. It is considered that by limiting the location of small bars to properties fronting Broughton Street and Ennis Road, impacts to the surrounding residential properties will be minimised.

It is also recommended that the North Sydney Development Control Plan (NSDCP) 2013 be amended to extend the maximum allowable trading hours for these sites considered suitable for small bars (i.e. without a residential interface) until 12midnight (Thursday to Saturday); 11pm (Monday to Wednesday) with no changes to Sunday (10pm).

Trading within all other areas within Kirribilli Village is proposed to 11pm (Thursday – Saturday) and 10pm Sunday – Wednesday. This represents an extension of trading hours for a number of properties and in light of support for longer trading hours, is considered appropriate given their proximity to the residential zone interface.

Existing DCP controls are already in place to mitigate impacts of late night uses within all localities across the Council area which will continue to apply to the Kirribilli Village, such as requirements for acoustic reports and testing, closing of doors and windows at appropriate times and plans of management for small bars. A further DCP requirement is recommended to ensure that new small bars in Kirribilli have their patron entries to either Broughton Street or Ennis Road. Patron noise is often exacerbated when leaving premises. This control seeks to minimise impacts to surrounding residential properties.

The proposed amendments to Council's LEP and DCP controls are considered to respond to the community consultation outcomes supporting later trading hours and small bars in Kirribilli Village, while balancing the need to appropriately protect the unique local character.

Report of Lara Huckstepp, Executive Planner
Re: Small Bars and Trading Hours in Kirribilli Village

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FINANCIAL IMPLICATIONS:

No funding has been allocated. Funds previously spent for the consultation were within existing budget lines in 2018-2019.

RECOMMENDATION:

- 1. THAT** Council prepare a planning proposal to amend North Sydney Local Environment Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.
- 2. THAT** the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.
- 3. THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late Night Trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.
- 4. THAT** once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.
- 5. THAT** the Planning Proposal and draft DCP amendment be exhibited concurrently.

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- | | |
|------------|--|
| Direction: | 2. Our Built Infrastructure |
| Outcome: | 2.2 Vibrant centres, public domain, villages and streetscapes |
| Direction: | 3. Our Future Planning |
| Outcome: | 3.4 North Sydney is distinctive with a sense of place and quality design |
| Direction: | 5. Our Civic Leadership |
| Outcome: | 5.1 Council leads the strategic direction of North Sydney |

BACKGROUND

Council at its meeting held on 28 March 2018 resolved:

1. *THAT public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point*
2. *THAT a draft consultation strategy be reported to the Legal and Planning Committee in May 2018 and include financial and resourcing implications and the strategy have particular regard to accessing the views of residents and small business owners in both Milsons Point and Kirribilli*
3. *THAT following the consultation period, a further report be submitted to Council.*

A further report including a draft Community Engagement Strategy was considered at the Legal and Planning Committee held on 7 May 2018. The minutes of this meeting were presented to the Council of meeting 25 May 2018, whereby Council resolved;

1. *THAT the small bars and Extended trading hours for Kirribilli Village – Draft Community Engagement Strategy report be noted.*
2. *THAT community consultation be undertaken in accordance with the draft Community Engagement Strategy*
3. *That the outcome of the consultation be reported back to Council.*

Consultation was subsequently undertaken between 19 July and 17 August 2018 in accordance with the adopted Community Engagement Strategy. The outcomes of the consultation were reported to Council on 24 September 2018 wherein Council resolved to prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli, in response to the outcomes of the community consultation. (Refer to Attachment 1). This report responds to this resolution.

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

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CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the relevant requirements under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. Definitions

The term *small bar* is defined under the Liquor Act 2007 as '*the premises to which a small bar licence relates*'.

A *small bar* licence is a type of license which was introduced as part of the Liquor Amendment (Small Bars) Act 2013. The new small bar licence authorises the licensee to sell liquor by retail on the licensed premises in accordance with strict conditions. These conditions include items such as:

- That liquor must be consumed on the licensed premises;
- That maximum capacity of patrons is 100 people;
- That the small bar must be open to the general public (minors will not be permitted during liquor trading hours); and
- That food must be available at the *small bar*.
- Gaming machines are not permitted on the premises of a licensed small bar.

A *small bar* license permits the sale of liquor between 12pm (midday) and 2.00am. However, when considering a development application for a *small bar*, Councils are able to specify hours of operation that are more, or less prescriptive than this.

2. Permissibility in the North Sydney Local Environmental Plan 2013

Small bars are defined under the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as follows: *small bar means a small bar within the meaning of the Liquor Act 2007. Note: Small bars are a type of food and drink premises.*

Food and drink premises form a subsection of retail premises which are a substandard of commercial premises. Small bars are currently only permissible within the B4 Mixed Use and the B3 Commercial Core zones within the LGA under the group term 'commercial premises'.

Development within the B1 Neighbourhood Centre zone allows uses including restaurants, cafes, shops and take away food and drink premises however small bars or general bars are not permitted. Development permitted with consent in the B1 Neighbourhood Centre zone under the North Sydney Local Environmental Plan 2013 is:

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education

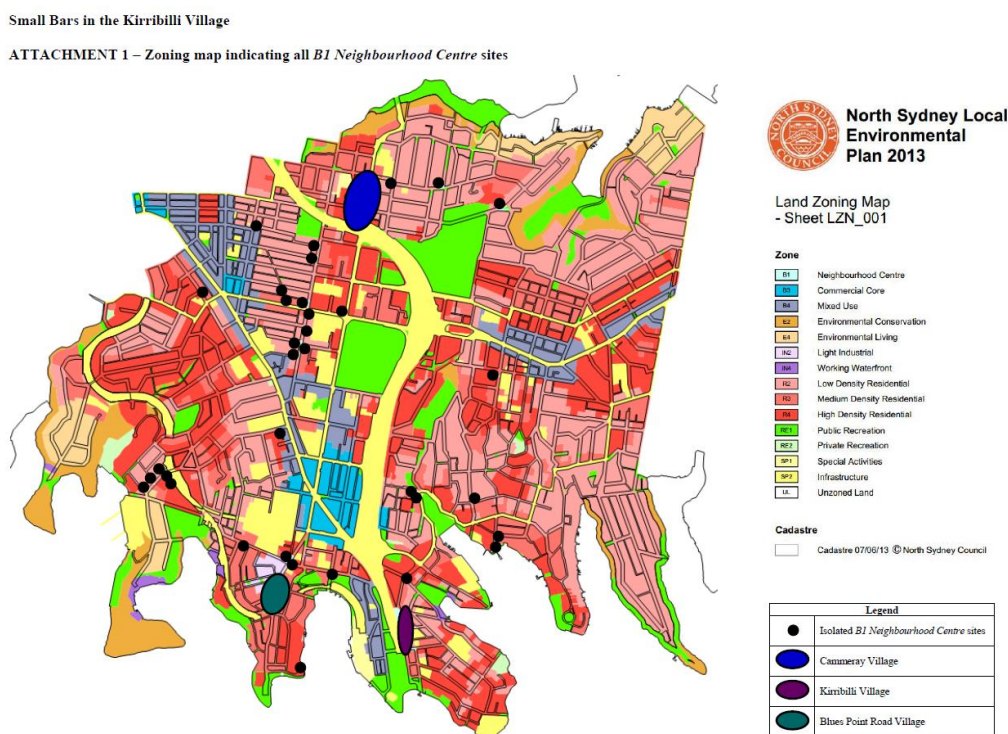
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facilities; Kiosks; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Tank-based aquaculture; Take away food and drink premises

Localities that are zoned B1 Neighbourhood Centre include Kirribilli Village, Cammeray, Blues Point Road in McMahons Point, Bay Road in Waverton and various other small groups of sites and isolated sites distributed throughout the LGA. The locations are generally illustrated below.

Figure 1: B1 zones across the North Sydney LGA



3. Consultation Findings

As set out in Attachment 1, Council undertook a comprehensive engagement strategy to ascertain community views on trading hours and small bars in Kirribilli Village. This included direct letters to residents and businesses across the Kirribilli Peninsular (over 7,000 letters); notification on Council's website, Mosman Daily Advertisements together with social media posts and direct correspondence to government and industry stakeholders. A total of 918 survey responses and 9 individual submissions were received. Consultation outcomes are presented in the post consultation report to Council on 24/9/2018 (refer to Attachment 1). Key outcomes of the survey include:

- A total of 69% of respondents said yes they would like to see later trading hours in Kirribilli Village.
- The majority of respondents (62%) supported trading hours until 12 midnight Thursday – Saturday (weekends), with a further 18% of respondents supporting trading beyond 12pm

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

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midnight.

- A total of 75% respondents said yes, that small bars should be permitted in Kirribilli Village.
- The majority of respondents 47% considered trading hours for small bars should be the same as other businesses and an additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.

North Sydney Local Area Command were consulted and verbally advised they raised no objection in principle to considering extended trading hours and small bars in Kirribilli Village, subject to careful amenity impacts, particularly at the zone interface. Premises located on the interface with residential zones are likely to result in a greater level of amenity impact.

4. Options

The consultation outcomes outline community support for the introduction of small bars within the Kirribilli Village. Three options are available to implement these consultation outcomes, and are explored in the following subsections:

4.1 Option 1: Allowing small bars as a permitted use in the B1 Neighbourhood Centre zone

This option involves Council including small bars as a permitted use within the B1 Neighbourhood Centre zone. This zone is Council's lowest order business zone, comprising the smaller Villages of Kirribilli and Cammeray, as well as many isolated pockets and sites that are immediately surrounded by residential zones.

Allowing small bars as a permissible use across all B1 Neighbourhood Centre zone sites is considered likely to result in adverse amenity impacts at the residential interface, particularly within smaller centres and isolated sites. The impacts of these uses would generally be provided with no buffer to the small bars.

These centres and sites were reviewed as part of adoption of the North Sydney Local Environmental Plan 2013 and are considered to generally coexist appropriately in their surroundings and context. Allowing small bars across all of these sites would be contrary to the objectives of the B1 Neighbourhood Centre zone and contrary to the desired character in some localities. **It is not recommended this option be pursued.**

4.2 Option 2: Rezoning Kirribilli Village to an alternative business zoning

This option involves rezoning land within Kirribilli Village to a higher order business zone which permits small bars as a permitted use. Available options are the B4 Mixed Use or B3 Commercial core zones that are currently used by Council, or the B2 Local Centre zone that is currently not utilised with the NSLEP 2013. A detailed comparison of the objectives and permitted uses within the B1 Neighbourhood Centre zone and the differences with the B4 Mixed Use, B3 Commercial Core, and the B2 Local Centre, are found in Attachment 2 to this report. In summary:

- **B3 Commercial core zone** reflects the highest order commercial centre. The B3 Commercial core objectives and permitted uses provide employment opportunities and prohibit residential development. North Sydney CBD as well as small part of Crows Nest and St Leonards are zoned Commercial Core. The objectives of this zone do not include

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 Re: Small Bars and Trading Hours in Kirribilli Village

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retaining a residential character. The objectives and permitted uses within the B3 Commercial Core zone are inconsistent with the existing and desired character of the Kirribilli Village.

- **B4 Mixed Use zone** is a higher order zone to B1 Neighbourhood Centre zone, illustrated through the additional types of commercial activities that are permitted. This zone typically provides for larger scale retail and business uses, intended to serve the needs of a sub-regional catchment. The objectives and permitted uses within the B4 Mixed Use zone are inconsistent with the existing and desired character of the Kirribilli Village.
- **B2 Local Centre zone** is a new zone that is within the standard instrument however is not currently utilised in the NSLEP 2013. It is also higher order zone providing a focus on employment and does not include objectives on residential amenity. Whilst this zoning is the least intensive option of the rezoning options available to Council, it remains a higher order zone that is considered to be inconsistent with the existing and desired character of the Kirribilli Village.

It is not recommended that any of these options are pursued because each would likely change the character of the Kirribilli Village. The consultation outcomes overwhelmingly supported the existing character of Kirribilli Village. Future planning for this area should retain the existing character whilst complementing these use, rather than changing the character.

4.3 Option 3 – Small bars as an additional permitted use on certain sites within the Kirribilli Village (Preferred Option)

The community consultation reinforced support for the existing character of Kirribilli Village. Kirribilli has a unique local character, providing a successful and vibrant local centre, with a popular restaurant economy during the evening. Its high accessibility to Milsons Point Railway Station provides opportunity for visitors. Its current zoning of B1 Neighbourhood Centre best reflects its existing and desired future character.

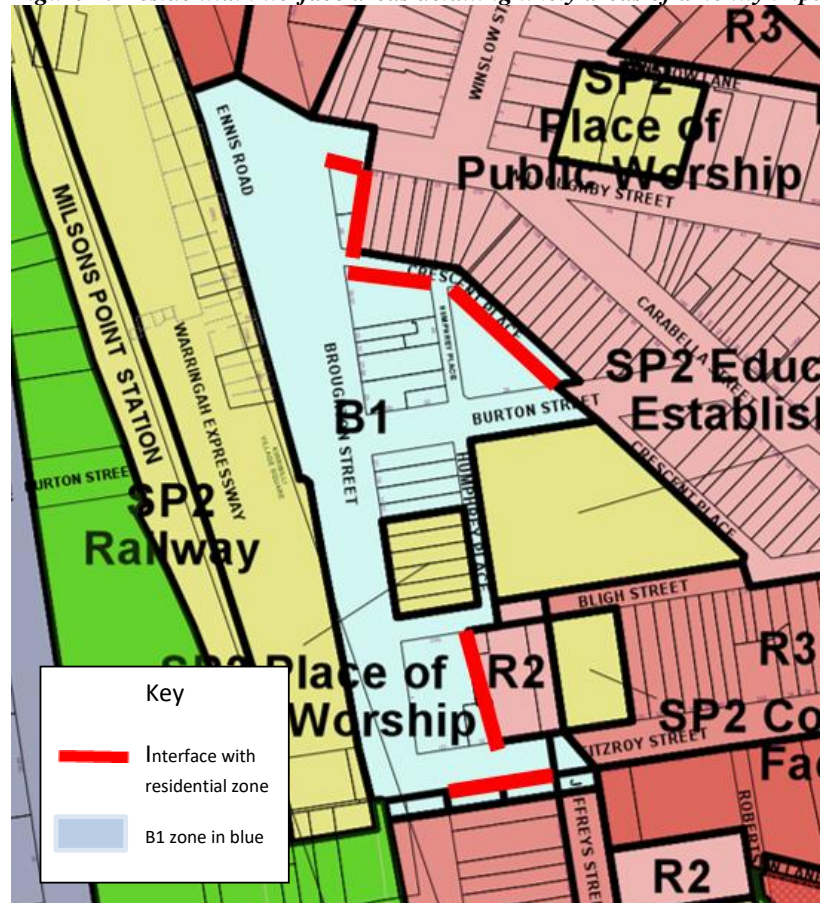
Impacts from uses such as small bars include noise from the use of the premises as well as patron dispersal at the end of the evening. This report seeks to minimise these impacts by allowing small bars in localities without a residential interface. Each site within Kirribilli Village has been examined in respect to its proximity to a residential interface. Attachment 3 provides a site assessment of each land parcel. The areas of greatest potential impact are presented in Figure 2.

This option involves maintaining the existing B1 Neighbourhood Centre zone and seeking to enable small bars to be included as an additional permitted use under Schedule 1 NSLEP 2013 to a number of sites within the Kirribilli Village which do not have an interface with adjoining residential zones. This option is recommended as it is considered to implement the outcomes of the community consultation.

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

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Figure 2: Residential interface areas detailing likely areas of amenity impacts



The analysis of sites within Kirribilli Village revealed that the use of properties located south of Bligh Street and north of Crescent Place for small bars, would be more likely to result in adverse impacts to surrounding properties given their proximity to the residential interface.

Further, it is considered patron dispersal to a laneway or secondary street frontage other than Broughton Street would also be likely to result in increased amenity impacts, with the exception of Burton Street (west of Humphrey Place) given its adequate setback distance from a residential zone.

The Kirribilli Hotel at 35-37 Broughton Street is recommended for exclusion as Clause 13 to Schedule 1 permits a pub as an additional permitted use with development consent. As this is a similar but more intense type of use to a small bar, there is no need to include it.

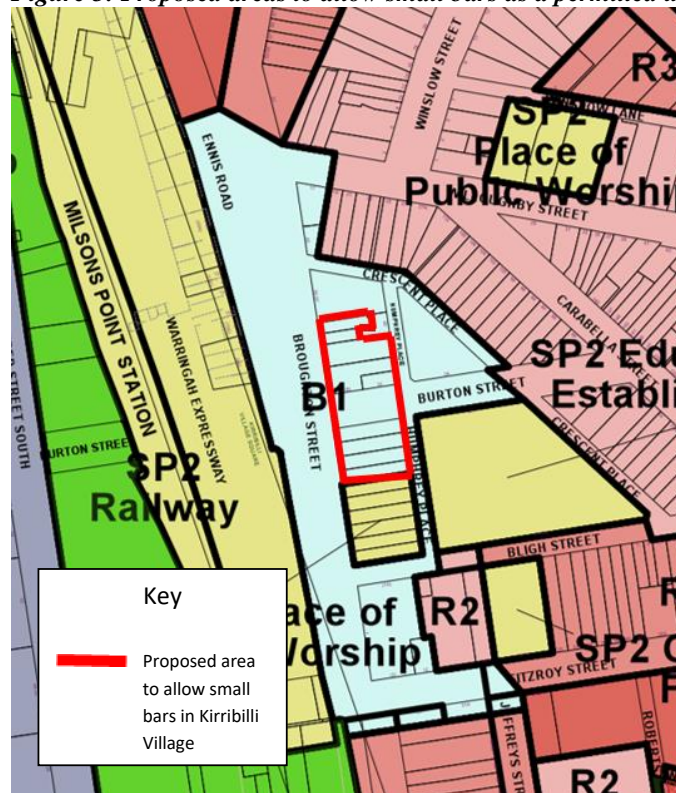
Report of Lara Huckstepp, Executive Planner
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The localities in Kirribilli Village considered to be suitable for small bars are listed as follows and detailed below (Figure 3):

- 11-17 Broughton Street
- 19 Broughton Street
- 21 Broughton Street
- 23-25 Broughton Street
- 32 Burton Street
- 27-29 Broughton Street
- 31 Broughton Street
- 33 Broughton Street

Figure 3: Proposed areas to allow small bars as a permitted use under Schedule 1 NSLEP 2013



Those areas where the introduction of small bars are not recommended will operate as buffer areas for adjoining residential zones. These sites will continue to provide important retail, restaurant, café and a variety of other opportunities, ensuring that a mix of uses will continue to be offered throughout the Village. Notwithstanding this, on sites where small bars are considered suitable, the uptake of small bars will be a market decision.

Report of Lara Huckstepp, Executive Planner
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4.3.1 Ennis Road, Milsons Point

The Ennis Road bays are located on the eastern side of Milsons Point Railway Station, within the arches of the Sydney Harbour Bridge. These bays are zoned SP2 Infrastructure (Classified Road). However, Clause 14 Schedule 1 NSLEP 2013 sets out:

Use of certain land at 2-28 Ennis Road, Kirribilli

(1) This clause applies to land at bays 24 – 44, 2-28 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.

(2) Development for the purposes of any permissible use in Zone B1 Neighbourhood Centre is permitted with development consent.

Accordingly, small bars are similarly not currently permitted within the Ennis Road Bays. It is considered that if these Bays are to be used as a small bar, then they should provide an adequate separation (at least) to the nearest residential property. These bays are accessible to Milsons Point train station and are also considered suitable to be used as small bars given the separation to residential properties. It is therefore recommended that Clause 14 Schedule 1 be amended to include ‘small bars’ as a permissible use within the Ennis Road Bays.

5. NSW Department of Planning, Industry and Environment (DPIE) resistance to subzones

The DPIE have issued guidance on the creation of “subzones”. A subzone is an area within a zone where different land uses are permissible or prohibited compared to the rest of the zone. DPIE advises subzones are not permitted as they are considered to diminish the clarity and certainty of zoning controls.

The proposal to permit small bars in some localities mostly with a frontage to Broughton Street and Ennis Road, technically could be a subzone. However, it represents a relatively small number of properties and is not considered to be inconsistent with the intent of the LEP standard zoning.

Council has written to DPIE requesting preliminary advice on the approach discussed within this report. No written response was received to Council’s query regarding consideration of subzones. The issue was however discussed informally with DPIE staff who were of the view that an additional permitted use as proposed could be considered as not comprising a subzone, on the basis that:

- The number of properties was limited;
- The inflexibility of the standard instrument LEP to include subzones was acknowledged and there was no other existing zones capable of achieving the outcomes of the issue;
- The unique interfaces of the subject land in comparison to other B1 zoned land within the LGA (isolated sites, and those which had direct interface with residentially zoned land) was also acknowledged.

The DPIE recommended that any planning proposal would have to be sufficiently justified addressing at least the identified matters above, however could not provide any guarantee that a planning proposal could be supported past Gateway Determination.

Report of Lara Huckstepp, Executive Planner
Re: Small Bars and Trading Hours in Kirribilli Village

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6. Trading Hours

Community consultation outcomes supported later trading hours within Kirribilli Village. The options for extended trading hours, whilst ensuring a reasonable level of residential amenity is maintained to residential properties in close proximity, is explored below.

6.1 North Sydney Development Control Plan (NSDCP) 2013

Section 7 (Late night trading) sets maximum trading hours for all properties throughout the LGA as follows:

Figure 4: DCP Exert Section 7 Late Night Trading and Trading Hours (Existing)

Table B-7.1 Maximum trading hours			
Zone	Trading hours		
	Indoor	Outdoor	
B3 Commercial Core *Refer to P2 and P3	6am to Midnight	7am to 11pm	
B4 Mixed Use	7am to 11pm (Mon-Wed) 7am to midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm	
B1 Neighbourhood Centre	1) Properties with a frontage to Broughton Street, 2-28 Ennis Road, Milsons Point 2) Properties with a frontage to Miller Street, Cammeray 3) Blues Point Road, McMahons Point	7am – 10pm (Sun – Wed) 7am – 11pm (Thurs – Sat)	7am to 9pm
	All other locations	7am – 10pm	8am to 8pm
All other zones	7am to 10pm	8am to 8pm	

As can be seen above, properties with a frontage to Broughton Street and Ennis Road are permitted to trade until 11pm (Thursday – Saturday) and 10pm on other days. In accordance with the outcome of the community consultation, it is recommended that those properties identified with this report as being suitable for small bars (i.e. with no direct residential zone interface) be afforded later maximum trading hours of 12 midnight (Thursday – Saturday); 11pm (Monday-Wednesday) and 10pm (Sundays). Outdoor trading is recommended until 10pm. These trading hours are consistent with those in the mixed-use zone.

It is recommended that all other properties within Kirribilli Village be permitted to trade until 11pm (Thursday – Saturday) and 10pm (Sunday), with outdoor trading is recommended until 9pm. Whilst properties with a frontage to Broughton Street are already permitted to trade up until these hours, this will represent an extension in trading hours for other properties.

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

(12)

It is further recommended that given the detailed nature of the properties identified in tables B-7.1 and B-.2, that this be further illustrated with a map to clarify the extent of this application.

This report recommends draft DCP amendments be prepared for exhibition to extend trading hours as follows:

Figure 5: Proposed draft DCP Amendments

Table B-7.1 Maximum trading hours			
Zone	Trading hours		
	Indoor	Outdoor	
B3 Commercial Core *Refer to P2 and P3	6am to Midnight	7am to 11pm	
B4 Mixed Use	7am to 11pm (Mon-Wed) 7am to midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm	
B1 Neighbourhood Centre	Properties in Kirribilli Village detailed in Figure 6 below (including 2-28 Ennis Road)	7am to 11pm (Mon-Wed) 7am to midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
	1) Properties in Kirribilli Village (other than those detailed above) 2) Properties with a frontage to Miller Street, Cammeray 3) Blues Point Road, McMahons Point	7am – 10pm (Sun – Wed) 7am – 11pm (Thurs – Sat)	7am to 9pm
	All other locations	7am – 10pm	8am to 8pm
All other zones	7am – 10pm	8am to 8pm	

Report of Lara Huckstepp, Executive Planner
 Re: Small Bars and Trading Hours in Kirribilli Village

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Figure 6: Proposed locations to allow small bars and extend trading hours



DCP provisions will continue to apply to late night trading premises and likely impacts will be carefully managed through the development assessment process. Council's amenity controls currently set out in Section 7 Late Night Trading continue to apply, where any premises would need to satisfy the relevant provisions to obtain development consent including acoustic testing, requirements for door and window closures and various other controls. Trial periods can be imposed where an impact is likely to have an adverse impact.

The impacts arising from patron dispersal from a small bar premises can be minimised where the primary entry/exit is onto Broughton Street, Ennis Road or Burton Street (west of Humphrey Place). A DCP amendment is also recommended to address this, to require patron egress from these primary frontages.

**DECISION OF 3709th COUNCIL MEETING
HELD ON MONDAY 24 SEPTEMBER 2018**

338. CiS03: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

Report of Lara Huckstepp, Executive Planner

The purpose of this report is to provide Council with an overview of the outcomes of the community consultation undertaken regarding the extension of trading hours and allowing small bars within the Kirribilli Village.

In response to Council's resolution on 28 March 2018, between 19 July and 17 August 2018, consultation was undertaken to ascertain community views on whether there is support for extended trading hours and for small bars to be permissible in the Kirribilli Village. The consultation included the distribution of a brochure containing a survey to over 7,000 residents and businesses (owners and occupiers) within 800m of Kirribilli Village. Council's Engagement platform (Engagement HQ) enabled people the opportunity to provide feedback was promoted through various methods including social media (Facebook, Instagram, Twitter), advertisements in the Mosman Daily and an information stall at the Kirribilli Markets.

Council received 918 survey responses and 9 individual submissions, representing a highly engaged consultation process. The number, and quality of responses has enabled Council to better understand attitudes towards the existing approach to trading hours and small bars in Kirribilli Village.

Over 69% support an extension to existing trading hours and over 75% support small bars being permitted in Kirribilli Village.

Concerns raised by those who did not support later trading hours and small bars in Kirribilli include loss of amenity for residents, increased noise and disturbance, decreased level of safety, increased level of crime, loss of the Village atmosphere and character, loss of diversity of offerings in Kirribilli if small bars proliferate the locality, and lack of car parking and greater traffic impacts.

A further report outlining options for implementation will be prepared and reported to Council, informed by the detailed findings of the community consultation.

No funding has been allocated. Funds spent for the consultation were within existing budget lines.

Recommending:

- 1. THAT** Council note the outcomes of the community consultation.
- 2. THAT** Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Barbour.

The Motion was put and carried.

Voting was as follows:

For/Against 6/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

RESOLVED:

1. **THAT** Council note the outcomes of the community consultation.
2. **THAT** Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.



Report to General Manager

Attachments:

1. Copy of Brochure/Survey

SUBJECT: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

AUTHOR: Lara Huckstepp, Executive Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with an overview of the outcomes of the community consultation undertaken regarding the extension of trading hours and allowing small bars within the Kirribilli Village.

In response to Council's resolution on 28 March 2018, between 19 July and 17 August 2018, consultation was undertaken to ascertain community views on whether there is support for extended trading hours and for small bars to be permissible in the Kirribilli Village. The consultation included the distribution of a brochure containing a survey to over 7,000 residents and businesses (owners and occupiers) within 800m of Kirribilli Village. Council's Engagement platform (Engagement HQ) enabled people the opportunity to provide feedback was promoted through various methods including social media (Facebook, Instagram, Twitter), advertisements in the Mosman Daily and an information stall at the Kirribilli Markets.

Council received 918 survey responses and 9 individual submissions, representing a highly engaged consultation process. The number, and quality of responses has enabled Council to better understand attitudes towards the existing approach to trading hours and small bars in Kirribilli Village.

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Concerns raised by those who did not support later trading hours and small bars in Kirribilli include loss of amenity for residents, increased noise and disturbance, decreased level of safety, increased level of crime, loss of the Village atmosphere and character, loss of diversity of offerings in Kirribilli if small bars proliferate the locality, and lack of car parking and greater traffic impacts.

A further report outlining options for implementation will be prepared and reported to Council, informed by the detailed findings of the community consultation.

FINANCIAL IMPLICATIONS:

No funding has been allocated. Funds spent for the consultation were within existing budget lines.

Report of Lara Huckstepp, Executive Planer
Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(2)

RECOMMENDATION:

1. **THAT** Council note the outcomes of the community consultation.
2. **THAT** Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.

Report of Lara Huckstepp, Executive Planer
 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(3)

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- Direction: 2. Our Built Infrastructure
- Outcome: 2.2 Vibrant centres, public domain, villages and streetscapes
- Direction: 3. Our Future Planning
- Outcome: 3.1 Prosperous and vibrant economy
- Direction: 5. Our Civic Leadership
- Outcome: 5.3 Community is informed and consulted

BACKGROUND

Council at its meeting held on 28 March 2018 resolved (Min No. 50):

- 1. THAT public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point.*
- 2. THAT a draft consultation strategy be reported to the Legal and Planning Committee in May 2018 and include financial and resourcing implications and the strategy have particular regard to accessing the views of residents and small business owners in both Milsons Point and Kirribilli*
- 3. THAT following the consultation period, a further report be submitted to Council.*

A further report including the draft Community Engagement Strategy was considered at the Legal and Planning Committee held on 7 May 2018. The minutes of this meeting were presented to the Council of meeting 25 May 2018, whereby Council resolved (Min No.156);

- 1. THAT the Small Bars and Extended Trading Hours for Kirribilli Village – Draft Community Engagement Strategy report be noted.*
- 2. THAT community consultation be undertaken in accordance with the draft Community Engagement Strategy.*
- 3. THAT the outcome of the consultation be reported back to Council.*

CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol.

Consultation was undertaken between 19 July and 17 August 2018 in accordance with the adopted Community Engagement Strategy.

Report of Lara Huckstepp, Executive Planer
 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(4)

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. Inform Level of Engagement – Promoting the Opportunity to Provide Feedback

A comprehensive engagement strategy was developed and implemented to ensure a high level of engagement. A brochure/survey was prepared (refer attachment 1) to ascertain community views on trading hours and small bars in Kirribilli Village. The opportunity to provide feedback was promoted via the following methods:

Method	Target Stakeholders	Quantity
Direct letters - Brochure/survey	Residents and business (owners and occupiers)	7,048 letters
Webpage – Yoursay (Engagement HQ)	All	-
Advertisements (Mosman Daily)	All	2 adverts
Social Media – Facebook	All	1 post
Social Media – Twitter	All	1 tweet
Social Media – Instagram	All	1 post
Social Media – LinkedIn	All	1 post
Precinct Committees	Active Committees	18 committees
Direct emails	Harbourside Liquor Accord, North Sydney Police, NSW Office of Liquor and Gaming	80 members
Information stall – Kirribilli Markets	All	-

1.1 Engagement HQ

Council's engagement platform (Engagement HQ) was used to manage the online consultation elements. This platform enabled respondents to fill in the survey on-line and also provide comments, including additional information and references.

During the engagement period there were 1,050 page views, 849 visitors (i.e. they visited the project's main page); 701 visitors were 'informed' (i.e. they accessed information eg downloaded a document or visited the FAQ page) and 598 visitors were 'engaged' (i.e. they provided a submission online). The average maximum number of visitors per day to this page was 93.

1.2 Social Media

Council's social media accounts were used to promote the consultation opportunities. The table below details the Facebook posts and the number of people reached and/or who responded.

Post	Reach	Likes	Shares	Reactions/Comments
27 July 2018	2,294	31	1	5

Report of Lara Huckstepp, Executive Planer
 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

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The following table details the Twitter post and the number of people reached and/or who responded:

Post	Impressions	Engagements
27 July 2018	1,859	23

The following table details the Instagram post and the number of people reached and/or who responded:

Post	Likes	Comments
27 July 2018	78	10

The following table details the LinkedIn post and the number of people reached and/or who responded:

Post	Impressions	Likes	Clicks	Follows	Comments
27 July 2018	653	5	17	5	0

2. Consult Level of Engagement – Summary of Feedback Received

2.1 Survey

The survey asked 10 questions to gauge community views on whether trading hours in Kirribilli Village should be extended and on whether the community would support small bars being permitted. A total of 918 surveys were completed and 9 individual submissions received. The outcomes of responses to the survey questions are summarised below.

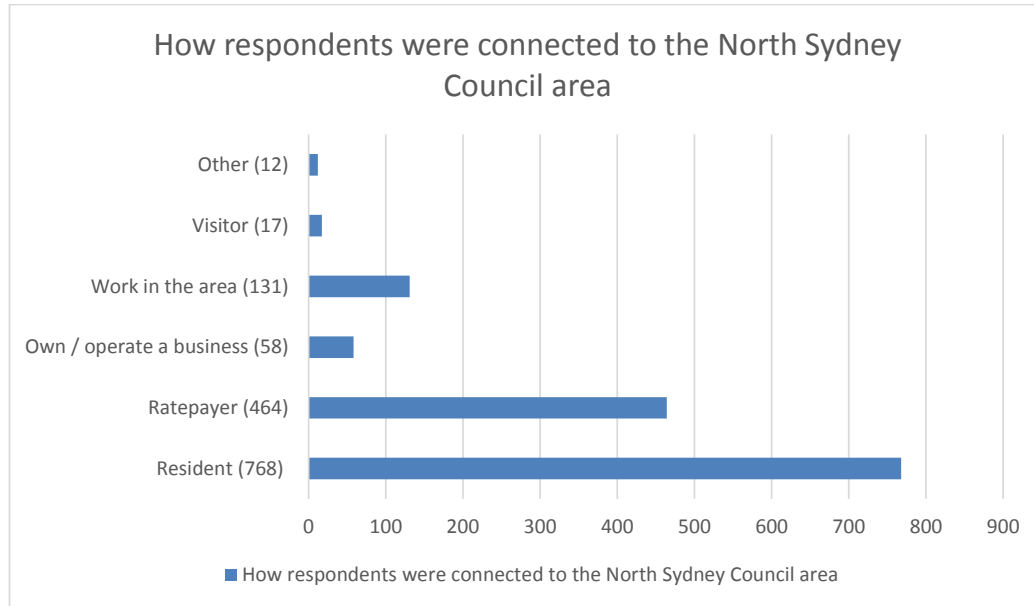
Report of Lara Huckstepp, Executive Planer
 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(6)

2.1.1 How respondents were connected to the North Sydney Council Area

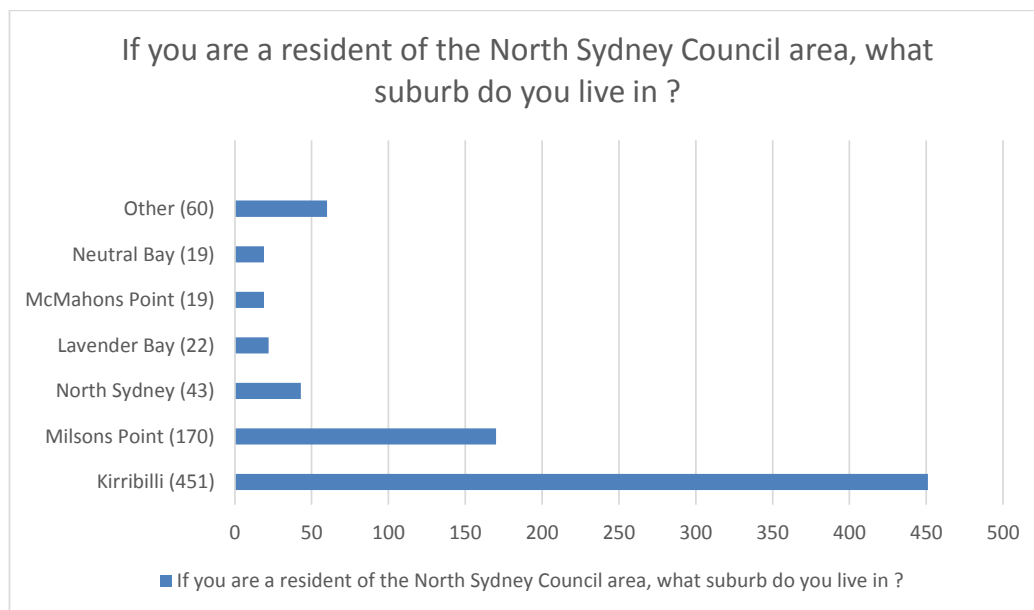
The majority of respondents identified as residents (768) and ratepayers (464). It is noted that the survey allowed more than one option to be selected.

Responses to ‘other’ included students, former residents and part-time residents.



2.1.2 Location of Residents

The majority of residents who responded to the survey were from Kirribilli (451) and Milsons Point (170), comprising 68% of total resident responses.

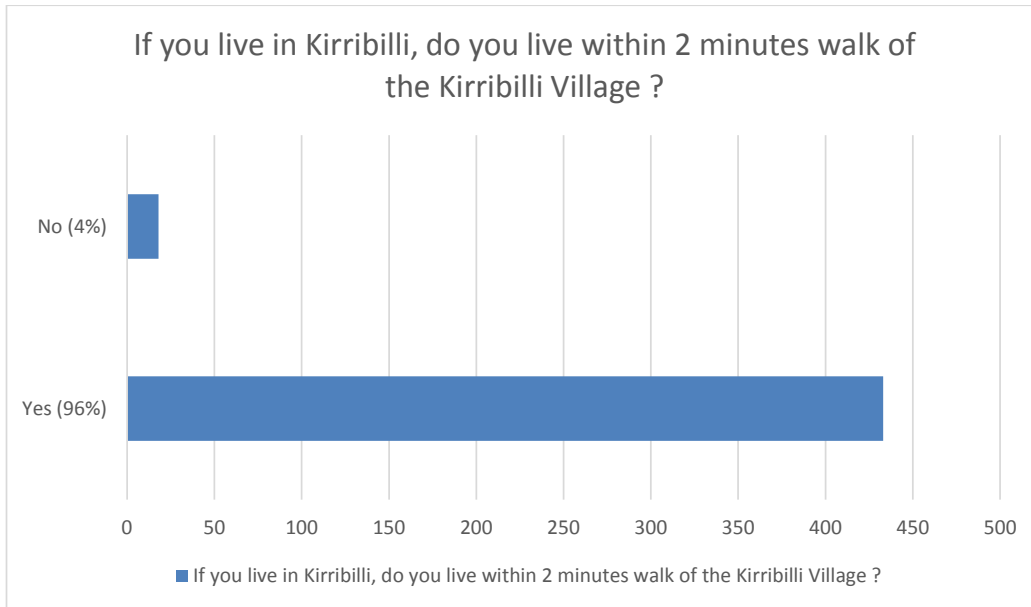


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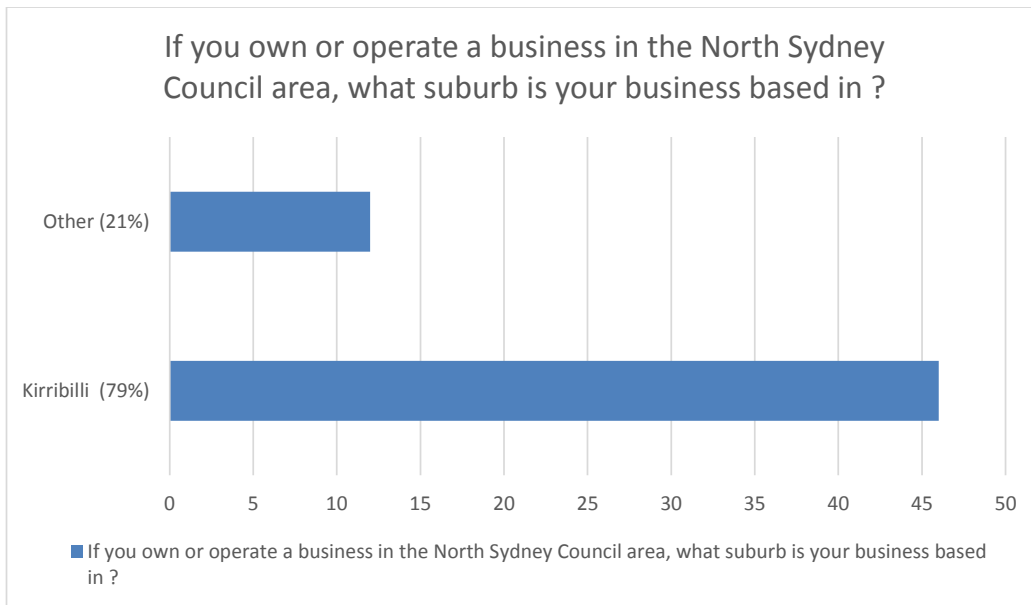
2.1.3 Residents within walking distance of Kirribilli Village

Overall, 47% of total respondents identified as living within a 2 minute walk of Kirribilli Village.



2.1.4 Location of respondents who own a business

Of the 58 respondents who identified as owning or operating a business within the North Sydney Council LGA, 46 (79%) of these businesses are located in Kirribilli.

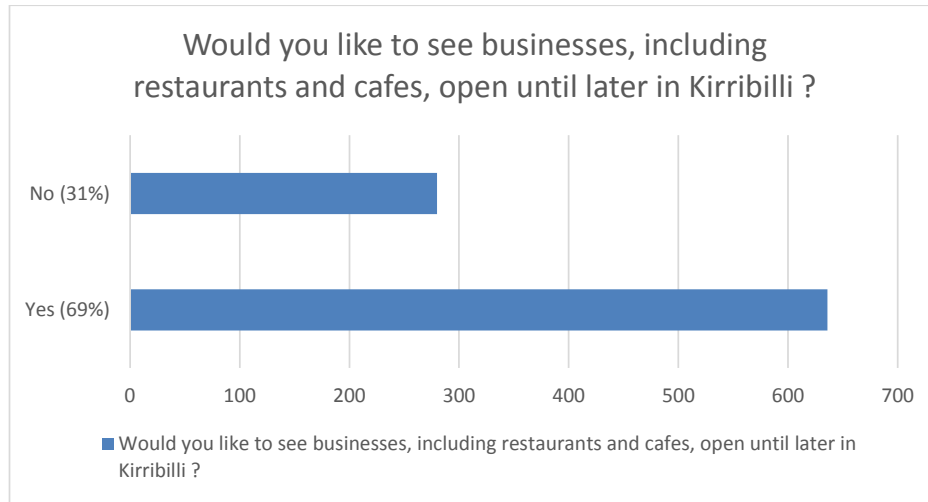


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 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(8)

2.1.5 Support for later trading hours in Kirribilli Village

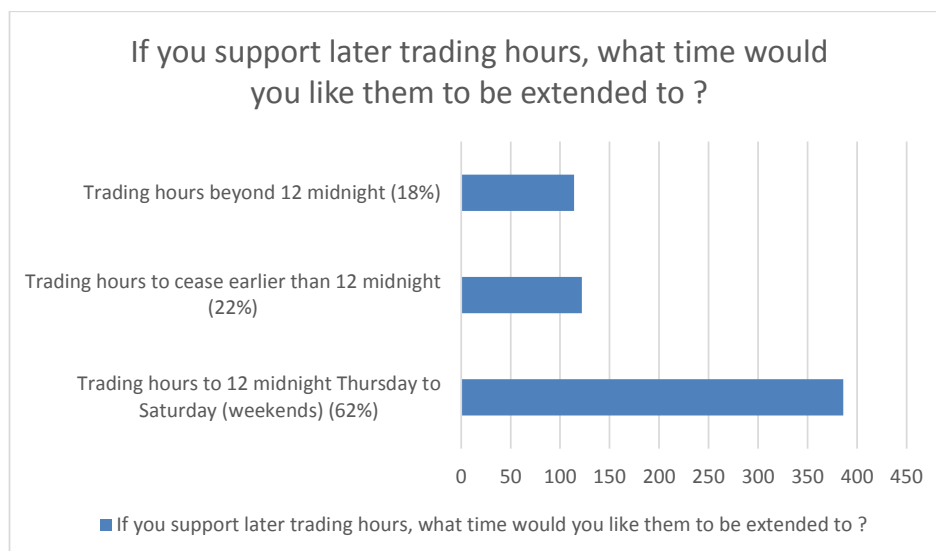
A total 636 (69%) of respondents said yes they would like to see later trading hours in Kirribilli Village.



2.1.6 Suggested extended trading hours

The survey advised that trading in Broughton Street and Ennis Road closes at 10pm (Sunday to Wednesday) and 11pm (Thursday to Saturday). Trading closes at 10pm in other Kirribilli streets. Those who supported later trading hours were asked what time they would like them to be extended to.

The majority of respondents supported trading hours until 12 midnight Thursday – Saturday (weekends). It is noted that this was an open-ended question and further detailed analysis will be undertaken with regards to suggested trading hours.



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2.1.7 Reasons for not supporting extended trading hours

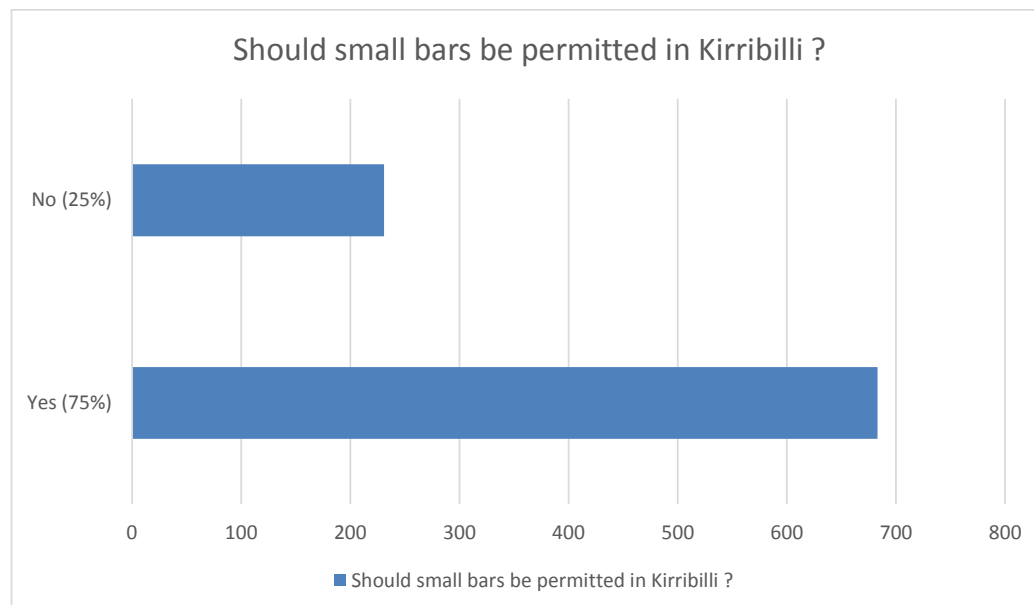
Of the 280 respondents who did not support extending trading hours beyond existing hours, the reasons given are summarised below:

Reasons for not supporting extended trading hours

- Loss of amenity
- Increased noise and disturbance, including from patrons leaving a premises
- Loss of the Village atmosphere of Kirribilli
- Uses such as medical centres, butchers, newsagents or banks are needed in the Village over more bars and bottle shops.
- Concerns with more litter in the area.
- More pressure on car parking
- Drunk and disorderly behavior
- Concerns with personal safety
- Increased violence
- Kirribilli is a family area and should not be turned into a late night venue.

2.1.8 Support for Small Bars in Kirribilli Village

A total of 683 (75%) responded yes, that small bars should be permitted in Kirribilli Village.

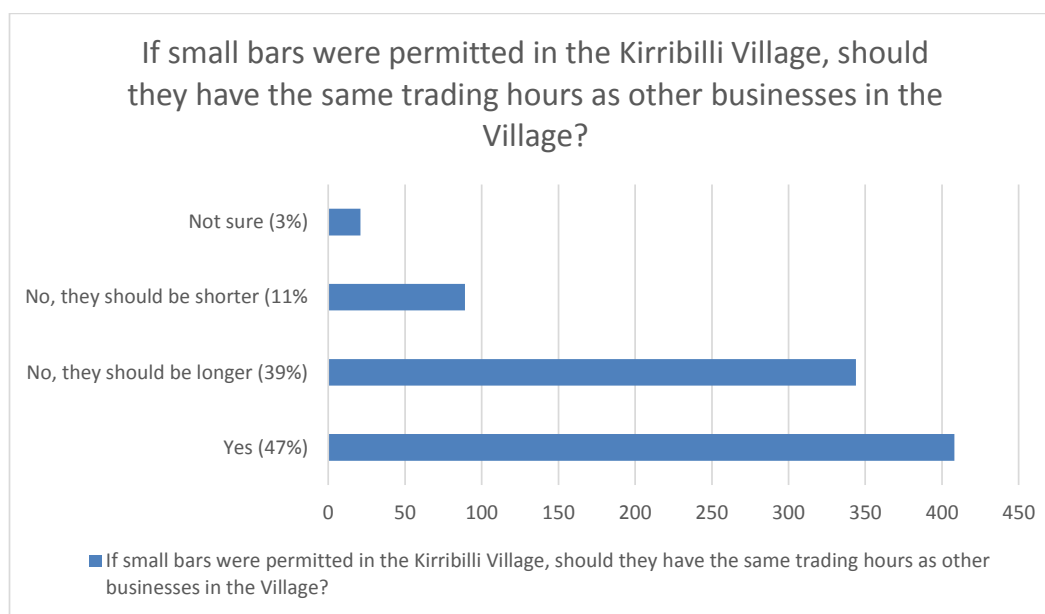


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 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

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2.1.9 Trading Hours for Small Bars

The majority of respondents (47%) considered that trading hours for small bars should be the same as other businesses. An additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.



2.1.10 Other comments on trading hours or small bars in the Kirribilli Village provided by respondents

A significant amount of ‘other’ feedback has been received. The predominant issues are summarised below and include responses provided as part of the survey together with the 9 individual submissions:

Comment
<p>Small bars and extended trading hours will enhance Kirribilli Village</p> <ul style="list-style-type: none"> • Kirribilli is a fabulous village and progress with eclectic bars and shops can only enhance this area. • It would be great to get some more trendy restaurants and bars in Kirribilli. • Kirribilli is dead after 10pm and should be vibrant. • Places like the Botanist and Small Bar in Fitzroy Street have already brought some much needed diversity and vibrancy to the dining and drinking culture in the area. • Kirribilli is becoming popular with a younger, professional market so it would be great. to be able to meet their needs to ensure the area and local economy continues to grow. • Small bars create a buzzy neighbourhood instead of being forced to go to the city or the East. • Bringing more people to the area can only benefit. • It would be great to have a quiet drink after enjoying dinner in the neighbourhood. • Current trading hours are antiquated. • More cosmopolitan and more tourists. • Council should support local businesses.
<p>Adverse amenity impacts from small bars and extended trading hours</p> <ul style="list-style-type: none"> • Residents should be afforded some peace at night.

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 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

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<ul style="list-style-type: none"> • Small bars will encourage rowdy and violent behaviour in a currently peaceful area. • Bars invariably increase noise. • Kirribilli is a safe neighbourhood and should be kept this way. • Existing establishments are sufficient. • Late drinkers could wander into residential areas and cause trouble. • The aged population should not fear venturing out at night. • Small bars should integrate into the ambience of the neighbourhood, not change it. • The residents do not need or want for any business that compromises the safety and well-being of the residents. • Increased litter left behind by visitors, presumably walking back to their cars. • Increased crime. • Increased alcohol related violence and drugs. • Kirribilli may become a new Kings Cross.
<p>Loss of village atmosphere</p> <ul style="list-style-type: none"> • It is important that there is a balance maintained within the village between restaurants, bars, takeaways, retail. It feels like we are losing this balance and being turned into an entertainment precinct. • Small bars and longer trading would change the culture of Kirribilli Village from one that services day-time residents to one that is commercialised and associated with alcohol. • Additional small bars and extended hours will ruin the area. • The village is perfect the way it is. • The village is supposed to provide for the neighbourhood. • Let's keep Kirribilli as it is, it has everything we want and need. • Keep it quaint. • This is a neighbourhood not a commercial district or nightclub area. • Small bars would change the family friendly nature of Kirribilli. • It would be sad to see such a quiet community destroyed.
<p>Parking and traffic impacts</p> <ul style="list-style-type: none"> • Exacerbate existing parking and traffic issues. • Does Council have plans to increase parking areas in Kirribilli ?
<p>Diversity of offerings is needed</p> <ul style="list-style-type: none"> • Kirribilli already supports small bars, a large pub, bottle shops and many restaurants serving alcohol. Kirribilli Village needs to support the neighbourhood with desperately needed facilities such as a medical centre. • We already have too many restaurants and cafes. We have lost our facilities over the years and I especially miss the banks and doctors. We will soon be down to 1 chemist shop. • Essential services should be returned to our working village like a butcher, a newsagent / gift shop, another ATM. • Kirribilli should not become a collection of bars. • Kirribilli residents are losing access to local services in favour of bars for tourists. • A newsagent and good doctors are needed, like the Village used to have. • More variety of restaurants is needed and not small bars. • Small bars may drive out the few remaining shops and facilities, the number of which has already diminished significantly in recent years.
<p>Small bars should go in the North Sydney CBD</p> <ul style="list-style-type: none"> • Consider establishing a small bar culture in the North Sydney CBD which is lacking in vibrancy. North Sydney is 5 minutes away.

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 Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

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<p>Cap on the number of small bars</p> <ul style="list-style-type: none"> • There should be limit on the number of small bars so as to maintain diversity of businesses serving the residents. • As long as small bars don't pop up everywhere. • If as a consequence of longer hours, Kirribilli becomes only bars, cafes and restaurants, that would be regrettable.
<p>Small bars should not be large venues</p> <ul style="list-style-type: none"> • Up to 100 people is too large.
<p>Other</p> <ul style="list-style-type: none"> • No poker machines should be permitted. • Consider trial hours for later trading hours. • Opportunities for more small bars Milsons Point should be considered. • Night clubs are not welcome.

Note: A number of respondents have referred to existing small bars in Kirribilli. These small bars are in fact Licensed restaurants with primary service provision. This means the business must earn most of its income from food, but may serve alcohol without a meal. There is no such requisite placed upon small bars which must have food available but can earn all of its income from the sale of alcohol.

2.2 North Sydney Local Area Command – Licensing

Council notified the North Sydney Local Area Command (Licensing) on the consultation being undertaken. The North Sydney Police verbally advised they raise no objection in principle to considering extending trading hours and small bars within Kirribilli Village, subject to careful consideration of the appropriate trading hours for the locality and amenity impacts. Concern was raised with allowing small bars and later trading hours for businesses located in close proximity of a residential zone interface. Premises located on the interface with residential zones are likely to result in a greater level of amenity impact.

2.3 Milson Precinct

Milsons Precinct agreed the following motions at its meeting held on 2 August 2018:

- Milson Precinct requests that North Sydney Council not change the zoning for Kirribilli from B1 Neighbourhood Centre, to not permit small bars to operate within the Village
- Milson Precinct feels that it would be ok to increase the hours of operation by an hour for the indoor trading hours of operation for Thursday to Saturday, of the existing entities operating in the Village, properties like the Botanist and Small Bar.

3. Conclusion

The community consultation has indicated a general majority support for extended trading hours and permitting small bars within Kirribilli. Of the responses received, over 69% supported an extension to existing trading hours and over 75% supported small bars being permitted in Kirribilli Village.

Concerns raised in responses from those who did not support later trading hours and small bars in Kirribilli included loss of amenity for residents, increased noise and disturbance, decreased level of safety, increased level of crime, loss of the Village atmosphere and character, loss of diversity of offerings in the Kirribilli if small bars proliferate the locality, and lack of car

Report of Lara Huckstepp, Executive Planer
Re: Kirribilli Village Trading Hours and Small Bars – Consultation Outcomes

(13)

parking resulting in greater traffic impacts.

A further report outlining options for implementation will be prepared and reported to Council, informed by the detailed findings of the community consultation.

7. If you do not support later trading hours, what are your reasons?

8. Should small bars be permitted in Kirribilli Village?

Yes No

9. If small bars were permitted in the Kirribilli Village, should they have the same trading hours as other businesses in the Village?

Yes
 No, they should be longer
 No, they should be shorter
 Not sure

10. Do you have any other comments on trading hours or small bars in the Kirribilli Village?

Thank you for completing this form. Return to Council by 17 August 2018 by post PO Box 12, North Sydney NSW 2059 or email yoursay@northsydney.nsw.gov.au

The survey can also be completed online at yoursay.northsydney.nsw.gov.au/kirribilli-village

If you would like Council to keep you informed about the project, please provide your contact details below:

Name _____

Postal address _____

Email address _____

ATTACHMENT TO ITEM 10 - 23/09/19

SUBMISSIONS

To have your say:

Complete the attached survey

Scan the QR code and complete the survey online



Visit yoursay.northsydney.nsw.gov.au/kirribilli-village and complete the survey online

Email yoursay@northsydney.nsw.gov.au

Write to General Manager, North Sydney Council, PO Box 12, North Sydney NSW 2059

For more information contact Lara Huckstepp on 9936 8100



PRIVACY STATEMENT

Supply of your contact details is optional. Please note that all comments received will be considered, however it is not intended to reply to individual respondents.

Privacy Statement: Any personal data captured in this submission will be stored by Council in accordance with its Privacy Statement, Privacy Management Plan, Government Information (Public Access) Act 2009 and the Privacy and Personal Information and Protection Act 1998. Personal information captured will be used only for participation in this project and will not be disclosed to any third party without your written consent.

Details of individual submissions may be made public in accordance with Part 3, Division 1, Clause 18(g) of the Government Information (Public Access) Act 2009. Personal information will only be made available by application in accordance with Part 2, Division 2 - Public interest considerations - of the Government Information (Public Access) Act 2009.



HAVE YOUR SAY



Kirribilli Village Trading hours and small bars

Council is seeking the views of businesses, residents, industry and government

HAVE YOUR SAY

KIRRIBILLI VILLAGE - TRADING HOURS AND SMALL BARS

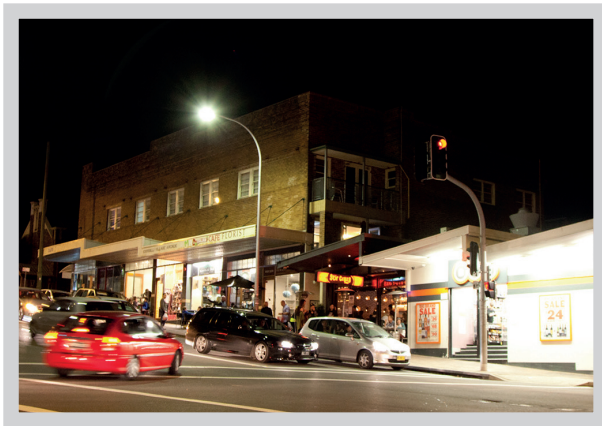
- Please tell us how you are connected to the North Sydney Council area. Tick all that apply:
 - I am a resident of the North Sydney Council area
 - I am a ratepayer of the North Sydney Council area
 - I own/operate a business within the North Sydney Council area
 - I work in the North Sydney Council area
 - I am a visitor
 - Other _____
- If you are a resident of the North Sydney Council area, what suburb do you live in?

Name of suburb _____

 - Not applicable
- If you live in Kirribilli, do you live within 2 minutes walk of the Kirribilli Village?
 - Yes
 - No
 - Not applicable
- If you own or operate a business in the North Sydney Council area, what suburb is your business based in?

Name of suburb _____

 - Not applicable
- Would you like to see businesses, including restaurants and cafes, open until later in Kirribilli?
 - Yes, go to Q6
 - No, go to Q7
- Trading in Broughton Street and Ennis Road closes at 10pm (Sunday to Wednesday) and 11pm (Thursday to Saturday). Trading closes at 10pm in other Kirribilli streets. If you support later trading hours, what time would you like them to be extended to?



KIRRIBILLI VILLAGE

The focal point of the Kirribilli Peninsula and beyond is the Kirribilli Village Centre, a compact and lively area with local shops and outdoor cafes that serve the needs of the local community.

TRADING HOURS

Feedback is sought on whether planning controls should be amended to allow later trading hours within Kirribilli Village

Under current planning controls, restaurants, cafés and businesses within Kirribilli Village can trade between the following hours:

Locality	Indoor trading hours	Outdoor trading hours
Broughton Street and Ennis Road	7am – 10pm (Sun-Wed) 7am-11pm (Thurs-Sat)	7am – 9pm
All other locations in Kirribilli	7am-10pm	8am-8pm

SMALL BARS

Feedback is sought on whether small bars should be permitted in Kirribilli Village

Kirribilli Village is zoned B1 Neighbourhood Centre which does not permit small bars to operate within the Village. A small bar is defined as a *small bar within the meaning of the Liquor Act 2007* and is a bar that can cater for a maximum of 100 people.

HAVE YOUR SAY

Complete Council's on-line feedback form or complete the attached feedback form and submit to Council. Responses will be received by 17 August 2018.

The outcome of the feedback will assist Council as to whether current planning controls relating to Kirribilli Village should be reviewed.



Rezoning Kirribilli Village to B4 Mixed Use Zone under NSLEP 2013: A comparison between the current and potential objectives and permissible land uses between the B1 Neighbourhood Centre zone and the B4 Mixed Use Zone is provided in Table 1:

Note: For the purposes of establishing permissibility, “*small bars*” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

TABLE 1: Comparison of objectives and permissible land uses under NSLEP 2013			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B4 Mixed Use Zone</i>	<i>Difference</i>
<i>Objectives</i>	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To encourage active street life while maintaining high levels of residential amenity. To encourage development for the purpose of shop top housing. 	<ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels. 	Neighbourhood Centre zone aims to provide small scale services to the local community without compromising the high levels of residential amenity, whilst Mixed Use zone aims to achieve higher density mixed use development in the form of shop top housing, with compulsory commercial ground level uses.
<i>Permissible Development</i>	Boarding houses; Business premises; Centre-based child care facilities;; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Amusement centres; Backpackers’ accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential Flat Buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals	<p>Additional Permissible Development: Amusement centres; Backpackers’ accommodation, Car parks; Commercial premises; Educational establishments; Function centres; Hostels; Hotel or motel accommodation; Passenger transport facilities; Registered clubs; Residential Flat buildings, Restricted premises; Seniors housing; Serviced apartments; Sex services premises; Vehicular repair stations; Veterinary hospitals.</p> <p>No longer Permissible Development: Public administration buildings; Community health service facilities; Health consulting rooms; Patient transport facilities, including helipads and ambulance facilities; hospitals.</p>

Rezoning Kirribilli Village to B3 Commercial Core under NSLEP 2013: A comparison between the current and potential objectives and permissible land uses should Kirribilli be rezoned from the *B1 Neighbourhood Centre* zone to the *B3 Commercial* zone is provided in Table 2.

Note: For the purposes of establishing permissibility, “*small bars*” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

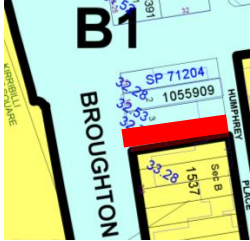
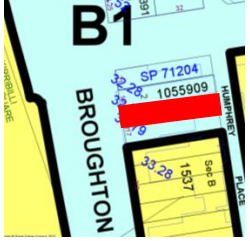
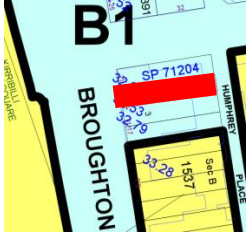
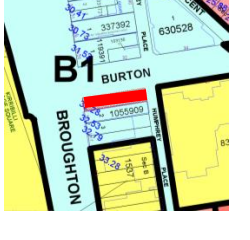

TABLE 2: Comparison of Objectives and permissible land uses under NSLEP 2001			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B3 Commercial Zone</i>	<i>Difference</i>
Objectives of zone	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To encourage active street life while maintaining high levels of residential amenity. To encourage development for the purpose of shop top housing. 	<ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To prohibit further residential development in the core of the North Sydney Centre. To minimise the adverse effects of development on residents and occupiers of existing and new development. 	Neighbourhood Centre zone aims to complement surrounding residential uses, whilst Commercial zone aims to protect economic and employment interests and prevent residential development.
Permissible Development	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Amusement centres; Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Serviced apartments; Sex services premises; Signage; Vehicle repair stations; Veterinary hospitals	<p>Additional Permissible Development: Amusement centres; Backpackers' accommodation; Commercial premises; Educational establishments; Function centres; Hotel or motel accommodation; Passenger transport facilities; Restricted premises; Services apartments; Sex service premises; Vehicle repair stations; Veterinary hospitals.</p> <p>No longer Permissible Development: Boarding houses; Public administration buildings; Shop top housing; Community health service facilities; Health consulting rooms; Patient transport facilities, including helipads and ambulance facilities; hospitals.</p>


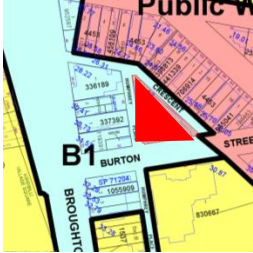
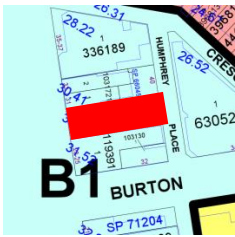
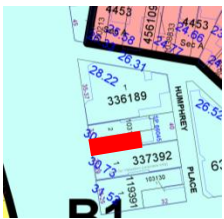
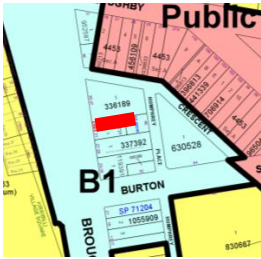
Rezoning Kirribilli Village to a new zone prescribed under the Standard Instrument – B2 Local Centre Zone: A zone that is available with the Standard Instrument however is not currently utilized with the NSLEP 2013 is the B2 Local Centre zone. A comparison between the objectives and permissible land uses of the current *B1 Neighbourhood Centre* zone and potential *B2 Local Centre* zone is provided in Table 3.

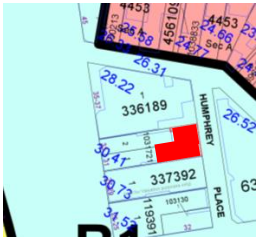
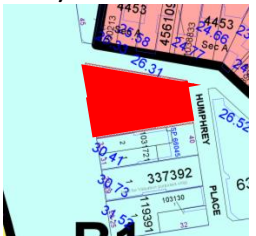

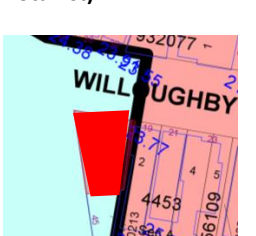

Note: For the purposes of establishing permissibility, “*small bars*” fall under the group definitions of food and drink premises, retail premises and commercial premises within NSLEP 2013.

TABLE 3: Comparison of Objectives and permissible land uses under NSLEP 2001			
	<i>B1 Neighbourhood Centre Zone</i>	<i>B2 Local Centre Zone</i>	<i>Difference</i>
Objectives of zone	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To encourage active street life while maintaining high levels of residential amenity. To encourage development for the purpose of shop top housing. 	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. 	Neighbourhood Centre zone aims to complement surrounding residential uses, whilst Local Centre zone focuses on encouraging employment and attracting services, without mention of residential uses or residential amenity.
Permissible Development	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises	Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation	<p>Additional Permissible Development: Commercial premises; Educational establishments; Function centres; Passenger transport facilities; Registered clubs; Restricted premises; Service stations; Tourist and visitor accommodation.</p> <p>No longer Permissible Development: Centre-based child care facilities; Places of public worship; Public administration buildings; Recreation areas; Signage.</p>

Site Analysis - Likely impacts of small bars across Kirribilli Village		
Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<p>31 Fitzroy Street</p> 	<p>Fitzroy Street frontage likely to impact residential amenity at the zone interface.</p>	<p>No</p>
<p>31A Fitzroy Street</p> 	<p>Fitzroy Street frontage and Jeffrey Street frontage likely to impact residential amenity at the zone interface.</p>	<p>No</p>
<p>12 Fitzroy Street</p> 	<p>Fitzroy Street frontage likely to impact residential amenity at the zone interface.</p>	<p>No</p>
<p>1-3 Broughton Street</p> 	<p>Bligh Street and Fitzroy Street frontages likely to impact residential amenity at the zone interface.</p> <p>Shared boundary with R2 residential zone likely to impact residential amenity at the zone interface.</p>	<p>No</p>

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<p>17 Broughton Street</p> 	<p>Likely acceptable impacts. Primary entry should be provided from Broughton Street.</p>	<p>Yes</p>
<p>19 Broughton Street</p> 	<p>Likely acceptable impacts. Primary entry should be provided from Broughton Street.</p>	<p>Yes</p>
<p>21 Broughton Street</p> 	<p>Likely acceptable impacts. Primary entry should be provided from Broughton Street.</p>	<p>Yes</p>
<p>23 Broughton Street</p> 	<p>Impacts likely to be acceptable. Primary entry should be provided from Broughton or Burton Street.</p>	<p>Yes</p>
<p>32 Burton Street</p> 	<p>Impacts likely to be acceptable.</p>	<p>Yes</p>

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<p>23-25 Broughton Street</p> 	<p>Impacts likely to be acceptable. Primary entry should be from Broughton or Burton Street.</p>	<p>Yes</p>
<p>34 Burton Street</p> 	<p>Burton Street and Crescent Place frontages likely to impact residential amenity at the zone interface.</p> <p>Primary entry from Humphrey Place is not desirable.</p>	<p>No</p>
<p>27-29 Broughton Street</p> 	<p>Impacts likely to be acceptable. Primary entry should be from Broughton Street.</p>	<p>Yes</p>
<p>31 Broughton Street</p> 	<p>Impacts likely to be acceptable.</p>	<p>Yes</p>
<p>33 Broughton Street</p> 	<p>Impacts likely to be acceptable.</p>	<p>Yes</p>

Property (shown in red on map)	Likely impacts on residential interface	Suitable for small bars
<p>40 Humphrey Place</p> 	<p>Primary entrance from Humphrey Place is not desirable. No other access is available.</p>	<p>No</p>
<p>35-37 Broughton Street (Kirribilli Hotel)</p> 	<p>N/A. Existing pub permitted as a Schedule 1 use.</p>	<p>N/a</p>
<p>45 Broughton Street</p> 	<p>Likely to impact residential amenity at the zone interface.</p>	<p>No</p>
<p>17 Willoughby Road (The Botanist)</p> 	<p>Likely to impact residential amenity at the zone interface.</p>	<p>No</p>
<p>2-28 Ennis Road</p> 	<p>Likely to be acceptable given adequate setback to residential zone.</p>	<p>Yes</p>



SECTION 7 LATE NIGHT TRADING HOURS

7.1 INTRODUCTION

Late night trading premises can positively contribute to the character of an area through increased vitality and vibrancy of the urban environment outside of normal business hours. Conversely, the operation of such premises and associated actions of patrons also has the potential to adversely impact upon the amenity of nearby residential or other sensitive land uses.

This section of the DCP aims to assist in the management of impacts from the operation of late night trading premises on the sites and neighbourhoods in which they are located and in particular, to protect the amenity of local residents. This is to be primarily achieved through restricting trading hours dependant upon a premises location and promoting ongoing good management practices.

The provisions of this Section do not set out to curb or increase potential trading hours in a blanket fashion, but to allow opportunities for late night trading hours to occur in appropriate locations and with appropriate management actions.

It is particularly important for proponents of late night trading premises to demonstrate responsible management over time. This commitment should be demonstrated both at the development application stage and throughout the history of the operation of a premises.

Late night trading hours are considered by Council to be a privilege and not a right.

7.1.1 General Objectives

The objectives of this Section of the DCP are to:

- O1 identify appropriate locations and trading hours for late night trading premises;
- O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;
- O3 ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management;
- O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate to the status of the zone within which it is located;
- O5 encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work, live and visit North Sydney;
- O6 encourage a diversity of night-time activity in defined areas;
- O7 prevent the proliferation of poorly managed late night trading premises;
- O8 ensure that new late night trading premises do not reduce the diversity of retail services in an area;
- O9 ensure that development applications are accompanied by sufficient information so that proposals for night trading premises can be fully and appropriately assessed;
- O10 ensure that appropriate hours are permitted for outdoor trading; and
- O11 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

7.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for non-residential uses seeking to operation wholly or in part for trading hours between 8pm and 7am that involve:

- (a) a change of use of a premises;



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- (b) new or extended trading hours to existing premises;
- (c) refurbishment, additions or extensions that will result in an intensification of an existing use; or
- (d) formalisation of trading hours following a trial period as prescribed in this Section of the DCP; or outdoor trading beyond 8pm.

For the purposes of (c) above, an intensification of use means any increase in the capacity of the premises to accommodate additional patrons, determined by:

- (a) an increase in the amount of licensed floor area (via a liquor licence);
- (b) an increase in the amount of floor space accessible to the public (excluding toilets, lifts, stairways, ramps, escalators, corridors, hallways, lobbies and the like);
- (c) an increase in patron capacity; or
- (d) an increase in the amount of footpath seating areas.

The application of this Section of the DCP is not retrospective nor does it derogate from existing consents.

This section of the DCP does not apply to development for new or alterations and additions to an existing brothel, home occupation (sex services), restricted premise, or sex service premise:

7.1.3 Relationships to other sections

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 2 – Commercial and Mixed Use Development;
- (c) Part B: Section 3 – Non-residential Development in Residential Zones; and
- (d) Part B: Section 8 – Outdoor Dining and Goods Display on the Footpath.

7.2 MATTERS FOR CONSIDERATION

Objectives

- O1 To ensure that relevant matters are considered when determining what operating hours are considered to be acceptable.

Provisions

- P1 Appropriate trading hours will be determined by taking into account a number of primary issues which include (but are not limited to):
- (a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;
 - (b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;
 - (c) the existing hours of operation of surrounding businesses;
 - (d) the size and patron capacity of the premises;
 - (e) the availability of amenities provided to premises;
 - (f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;
 - (g) the likely operation of the proposal during day time hours;

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- (h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;
 - (i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;
 - (j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;
 - (k) the accessibility and frequency of public transport during late night trading hours.
- P2 Consideration of all of these factors provides the basis for a consistent approach to the determination of appropriate trading hours and creates greater certainty both for the community and proponents of late night trading premises.
- P3 Once these factors are taken into consideration late night trading hours may be permitted in appropriate circumstances, particularly in areas of North Sydney that already exhibit or have an emerging vibrant night-time character, as opposed to parts of the LGA that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

7.3 TRADING HOURS**7.3.1 Trading Hours**

Maximum allowable trading hours have been established that are considered to represent the desired late night trading character for each zone. A development application for late night trading will only be granted the maximum trading hours where an application can demonstrate the use of the premises during these hours will satisfy all provisions within this DCP Section and result in acceptable impacts upon the surrounding locality.

Many of these late night trading areas directly adjoin residential zones. The impacts of late night premises within these interface areas must be carefully considered. In addition, many late night premises are located within mixed use buildings where residences are located directly above. Where these impacts cannot be reasonably addressed, these sites may be granted trading hours less than the maximum hours set out within the table.

Council will consider the extension of trading hours within the North Sydney CBD up to 24 hour trading but only where the uses are suitable for the locality. These uses will be subject to on-going trial periods with the maximum 5 year trial period permitted. This will enable monitoring of premises within the CBD to ensure these uses do not detract from the character of the area.

Objectives

- O1 To ensure that trading hours are consistent with the desired character of each zone.
- O2 To minimise adverse amenity impacts on nearby residents.
- O3 To encourage a vibrant late night economy within North Sydney.
- O4 To ensure a reasonable balance is achieved between late night uses and residential amenity.
- O5 To ensure that residential zones located within the interface to late night trading areas are reasonably protected.
- O6 To minimise amenity impacts resulting from parking and traffic caused by late night uses.



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Provisions

P1 The **maximum** trading hours that will be granted for a premises within each zone are outlined within Table B-7.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 7.2 and all other relevant sections outlined within this Section of the DCP.

TABLE B-7.1 Maximum Trading Hours			
Zone	Trading Hours		
	Indoor	Outdoor	
B3 Commercial Core *Refer to P2 & P3	6am to Midnight	7am to 11pm	
B4 Mixed Use	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm	
B1 Neighbourhood Centre	Properties in Kirribilli Village that are detailed in Figure 1 below (including 2-28 Ennis Road)	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
	1) Properties within Kirribilli Village (other than those detailed in Figure 1. a frontage to Broughton St, 2-28 Ennis Rd, Milsons Point)	7am to 10pm (Sun-Wed) 7am - 11pm (Thurs - Sat)	7am to 9pm
	2) Properties with a frontage to Miller St, Cammeray		
	3) Blues Point Road, McMahons Point		
All other locations	7am to 10pm	8am to 8pm	
All other zones	7am to 10pm	8am to 8pm	

Note: 1. All service of food, alcohol or relevant services shall cease immediately at the time specified above with all patrons being required to leave within 30 minutes of the closing time.

2. Outdoor furniture shall be set up and removed within 30 minutes of approved outdoor seating trading hours.

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Figure 1: Areas within Kirribilli Village where small bars are permitted

For clarity purposes, Figure 1 includes 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and Bays 2-44 Ennis Road, Milsons Point.

B3 Commercial Zone – North Sydney Centre

- P2 In addition to the hours stipulated in Table B-7.1, where an application satisfies the matters for consideration in Section 7.2 and all other relevant provisions of the DCP, an extension of trading hours up to 24 hour trading will be considered for premises located within the B3 Commercial Core zone in the North Sydney Centre only.
- P3 Any extension beyond 12 midnight would be subject to an on-going trial period with the maximum trial period granted of up to 5 years.

Existing Premises

- P4 Existing premises which have approval to trade outside maximum trading hours may apply for these existing hours in new and refurbished areas within the premises and these will be considered provided it can be demonstrated that:
- The existing premises' operation has an acceptable impact upon the surrounding locality; and
 - The impacts of the proposed trading hours are satisfactory having regard to the matters for consideration outlined in Section 7.2 and all other relevant DCP provisions.

Luna Park

- P5 No extension to existing approved trading hours for Luna Park will be granted.



Extended Trading Hours – Non-licensed premises

P6 In addition to the hours stipulated in Table B-7-1, where an application satisfies the matters for consideration in Section 7.2 and all other relevant provisions of the DCP, extended trading hours may be considered for non-licensed premises such as shops, service stations, health service facilities, recreational facilities, information and education facilities and the like. Any extension beyond the trading hours set out within the DCP may be subject to a trial period.

7.3.2 Trial Periods

Objectives

O1 To enable Council to monitor and assess the management performance of a premises and its impact on neighbourhood amenity.

Provisions

P1 Prior to granting consent for the maximum or extended trading hours, Council may impose a one year trial period for a premises that, in the opinion of Council, may have the potential to generate adverse impacts on the amenity of the surrounding area.

P2 A Section ~~4.55~~⁹⁶ application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. In most instances, a condition of consent will clarify that the extended trading hours will stand in place until such time as the modification application is determined.

P3 Following the trial period, the trial hours will be granted on a permanent basis only if Council is satisfied that the premises has demonstrated good management performance and compliance with a Plan of Management (if applicable), other than for premises within the North ~~Sydney~~ CBD as set out within P4.

P4 Trial periods within the North Sydney Centre shall be on-going and a maximum trial period of up to 5 years shall be granted. A Section ~~96~~^{4.55} application must be lodged every 5 years should the applicant seek to renew these trading hours.

7.3.3 Acoustic Impacts

Objectives

O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

Provisions

P1 The premises must comply with the following relevant noise criteria:

- (a) the noise emission limits set out in Section 2.3.2 – Noise to Part B of the DCP for development located in the:
 - (i) *B1 Neighbourhood Centre* zone;
 - (ii) *B3 Commercial Core* zone; and
 - (iii) *B4 Mixed Use* zone.
- (b) the noise emission limits set out in Section 3.2.5 – Noise to Part B of the DCP for development located in all other zones.
- (c) All relevant noise criteria required by the NSW Office of Liquor, Gaming and Racing Authority (OLGR) for licensed premises.

P2 An Acoustic Report prepared by an appropriately qualified Acoustic Consultant which predicts the likely level of compliance with the criteria outlined in P1 as relevant must be submitted with a development application for any of the following late night trading premises or activities:

- (a) pubs,

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- (b) small bars,
 - (c) outdoor dining,
 - (d) smoking areas, and
 - (e) any use proposed to operate beyond the maximum trading hours.
- P3 Where relevant, an Acoustic Report should take into account any mechanical plant associated with the use of the site.
- P4 The recommendations of any Acoustic Report must form part of the Plan of Management where relevant and shall be adhered to at all times.
- P5 The applicant may be required to undertake on-going acoustic monitoring and this will be required as part of a condition of consent.

Note: It is at Council's discretion to request the submittal of an Acoustic Report for any development application if it considered the proposal may impact adversely on the amenity of the area.

7.3.4 External doors, windows and openings**Objectives**

- O1 To minimise noise impacts on surrounding residential properties.
- O2 To protect adjacent residential properties located within close proximity to late night premises.

Provisions

- P1 Where a premises is located within close proximity of a residential property or other sensitive noise receiver and is likely to result in adverse acoustic impacts, all doors and windows on a building's elevation fronting a residential receiver, must be kept closed no later than the hours specified in the following table, other than to allow entry or egress.

TABLE B-7.2 – Doors and windows to be kept closed		
Zone	Doors and windows to be kept closed by:	
B3 Commercial Core	11pm	
B4 Mixed Use	10pm	
B1 Neighbourhood Centre	Properties in Kirribilli Village that are detailed in Figure 1 below (including 2-28 Ennis Road)	10pm
	1) Properties with a frontage to Broughton St, within Kirribilli Village (other than those detailed in Figure 1). 2) 2-28 Ennis Rd, Milsons Point 3) 2) Properties with a frontage to Miller St, Cammeray 4) 3) Blues Point Road, McMahon's Point	9pm
	All other locations	8pm
All other zones	8pm	

- P2 Notwithstanding P2, doors and windows must be closed in accordance with the recommendations of any applicable Acoustic Report, where the recommendation is more restrictive than the hours specified in P2.
- P3 Where a site has two frontages, entry or exit after 10pm should occur only from the primary frontage or road and not onto a secondary road or laneway.
- P4 The applicant must demonstrate that the premises can be adequately ventilated to accommodate the closure of these doors and windows and that the premises can comply with relevant BCA provisions including egress and fire safety.

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7.3.5 Waste Management

Objectives

- O1 To ensure the appropriate siting of waste facilities to minimise noise impacts to surrounding residential properties.

Provisions

- P1 An area for on-site management of waste and recycling shall be nominated and its design shall be in accordance with relevant Environmental Health Guidelines.
- P2 The garbage/recycling area must be appropriately sited as far as possible from nearby residential properties.
- P3 The transfer of waste, particularly glass bottles, into an outdoor garbage/recycling area must not occur after 10pm where this would likely be audible from surrounding residential properties.

7.3.6 Use of Smoking Areas

Objectives

- O1 To ensure that the impacts of the use of areas on the site for smoking are properly considered.
- O2 To minimise the impacts of the use of smoking areas on surrounding residential amenity.

Provisions

- P1 Operating hours for smoking areas may equal those for indoor areas as shown in Table B-7.1 if Council is satisfied that the requirements of this section can be met.
- P2 Council must be satisfied that the operation of late night smoking areas will not result in any additional impact on the surrounding area. Where a smoking area may impact upon the amenity of surrounding residential receivers, the following will need to be confirmed with any application for late night smoking areas for licensed premises:
- (a) the purpose of the smoking area is to establish a short stop or short term 'breakout area' for smokers;
 - (i) there must be no music, entertainment or gaming machines in the area;
 - (ii) appropriate ashtrays will be installed;
 - (iii) smokers will be discouraged from remaining in the area longer than necessary than to have a cigarette.
 - (iv) The Plan of Management must nominate the maximum capacity for this area at any one time.
 - (b) Other than those required by emergency systems, PA or audio systems are not to be installed in outdoor smoking areas.
 - (c) Where necessary, the outdoor smoking area must incorporate the added feature of an air lock to minimise the potential for noise spill from the interior of the premises. Doors to air locks are to be fitted with appropriate door closing hardware to ensure that they are not 'held open' which could negate the acoustic benefits.
 - (d) The smoker's area is not to be used as an additional place for drinking and dining. No tables, chairs or service are to be provided. Service to patrons is to be restricted to internal areas. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.
 - (e) If a smoking area also doubles as an outdoor dining/drinking area, then any associated tables, chairs and the service of food, drinks and the like can be

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provided for the period of the approved outdoor trading hours only. Once the maximum approved outdoor trading hours have been reached, patrons cannot be given access to the chairs, tables, or the service of food and drink in these locations. The service of patrons is to be restricted to internal areas of the premises only. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

- (f) In instances where there is uncertainty over the appropriateness of the smokers' area, consent for its use as a smokers area will only be granted for a limited time (e.g. 12 months). After 12 months from the release of an Occupation Certificate, an applicant may seek the removal of the restrictive condition, via the lodgement of a Section 96 application. Any such application must be accompanied by an Acoustic Report providing details of acoustic testing carried out and the results of such tests demonstrating compliance with all relevant Acoustic Criteria in Section 7.3.3.

7.4 PREMISES MANAGEMENT CHECKLISTS AND PLANS OF MANAGEMENT

All development applications for late night trading premises must be accompanied by a **Premises Management Checklist** as a minimum. This will provide Council with relevant information required to assess any late night trading Development Application.

Development Applications which have the potential to impact adversely on residential amenity and neighbourhood safety such as pubs and small bars are required to prepare a **Plan of Management** that includes verifiable data and actions. Plans of Management are to include information about the operational and contextual aspects of a premises (e.g. locality description, security numbers, noise emission, trading hours etc.) as well as details about what actions will be taken to ensure that premises will be responsibly managed (e.g. crowd control procedures, noise minimisation, waste management etc).

This ensures that proponents of late night trading premises have considered and addressed any potential impacts that may arise from the premise's operation during late night hours, as well as enabling the Council to effectively assess the impacts of a proposal. It is the responsibility of the licensee to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

Objectives

- O1 To ensure that potential impacts from the operation of the premises are considered and addressed during the assessment of an application; and
- O2 To enable Council to review Plans of Management to ensure that management practices are being appropriately applied to late night trading premises.

Provisions

Premises Management Checklist

- P1 A Premises Management Checklist addressing all criteria set out in Section 7.4.1 of this Section of the DCP, must be submitted for any for development application proposing to operate between 8pm and 7am unless a Plan of Management is required.

Plan of Management

- P2 A Plan of Management addressing all criteria set out in Section 7.4.2 of this Section of the DCP, must be submitted with a development application for any of the following late night trading premises proposing to operate between 8pm and 7am:
- pub,
 - small bar,
 - any use proposed to operate beyond the maximum trading hours;

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P3 Plans of Management must be reviewed following any trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

P4 The Plan of Management shall form part of any development consent granted by Council.

Notes: *It is at Council's discretion to request further information regarding the management of any late night premises if it is considered that the proposal may impact adversely on the amenity of the area.*

This additional information may be either in the form of a formal Plan of Management, or (where requested by Council) a letter that addresses a specific matter (or matters) of concern particular to the proposal (e.g. security provision, noise, waste management, staffing etc.)

7.4.1 Premises Management Checklists

Where relevant, at a minimum, management checklists must:

- (a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;
- (b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (e.g. disposal of bottles, waste removal etc.);
- (c) Provide details of the type and number of staff that will be employed on the premises at any one time;
- (d) Describe any arrangements that have been made for on-site security (if relevant). This is to include specific information on the number of licensed security staff, including details of any electronic surveillance systems within the premises;
- (e) Describe any steps that will be taken to manage patron behaviour when leaving the premises late at night;
- (f) Describe any methods for controlling and managing crowds within and outside the premises;
- (g) Describe measures will be taken to manage large groups of people during peak trading periods;
- (h) Provide a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;
- (i) State the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
- (j) State the operating and/or trading hours of the premises;
- (k) Describe any measures to increase patron awareness of public transport availability in the locality;
- (l) Describe when and how the site will be cleaned and generally serviced; and

7.4.2 Plans of Management Criteria

Plans of Management should include the following information where relevant:

Site and Locality Details

- (a) A description of the primary use of the premises as well as any secondary/ancillary uses (e.g. retail liquor sales, entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site;
- (b) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. Outdoor seating, footway dining, patron queuing areas, parking etc);

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- (c) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses;
- (d) Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
- (e) The location of waste storage areas;
- (f) Location of air conditioning, exhaust fan systems and security alarms;
- (g) A site context plan that provides empirical details of on-site and off-site car parking within 100 metres radius of the site, including a description of the availability of public transport in the locality during the proposed trading hours. This should also include routes to taxi ranks or possible taxi pick-up and drop-off areas.
- (h) Identification of the most commonly used pedestrian routes to and from the premises, and

Operational Details

(a) **Organisational Overview**

An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

- (i) the number and type of staff (including security);
- (ii) other similar premises within the company's portfolio (if relevant);
- (iii) any Liquor Licenses for the premises;
- (iv) a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;
- (v) membership of a Licensing Accord within the North Sydney LGA;
- (vi) actions taken to liaise with the local community about premises management and activities (e.g. meetings, letter drops).

(b) **Hours of Operation**

- (i) A schedule of the proposed operating hours for each day of the week for all areas of the premises (e.g. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above.

(c) **Noise**

- (i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:
 - entertainment, including amplified music from a band or disc jockey;
 - external (outside) areas such as courtyards, rooftops, balconies etc;
 - patrons leaving and entering the premises;
 - the operation of mechanical plant and equipment; and
 - waste disposal, sorting and collection of bottles etc.
- (ii) A description of the existing acoustic environment during hours proposed beyond midnight (e.g. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.);
- (iii) The identification of all noise sensitive areas of different occupancy in close proximity to the proposed use (e.g. residential dwellings; boarding houses, backpacker accommodation, hostels etc.).

(d) **Safety and Security**

- (i) A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

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- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
 - the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
 - identification of the physical extent of any patrolled areas outside the premises;
 - hours that security personnel will be on duty (including the period after closing time); and
 - staff security training, weapons detection, and other security response methods.
- (ii) Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras and camera technical specifications (e.g. recording capacity, frames per second etc.)
- (iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;
- (iv) Written confirmation that the NSW Police Service raises no objection to trading hours beyond midnight (if trading hours beyond midnight are sought) and there is no record of significant crimes generated by the premises or records showing an increase in crime associated with the premises; and
- (v) Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:
- Complaint date and time;
 - Name, contact and address details of person(s) making the complaint;
 - Nature of complaint;
 - Name of staff on duty; and
 - Action taken by premises to resolve the complaint.

Management Measures

(a) **General Amenity**

- (i) Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised. This should identify (where relevant) any measures taken to ensure that the operation of the premises will not materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (ii) Details of all actions that will be taken to respond to complaints made about the operation of the premises (e.g. consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);
- (iii) A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.;
- (iv) Details of when (frequency) and how the premises will be cleaned and serviced;
- (v) If the premises has gaming machines, details of where gaming areas will be located in order to not be viewable from the street (e.g. away from the street frontage, not at ground level if multiple floors, appropriate screening); and how these areas will be patrolled;

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- (vi) A statement that addresses how the premises/use will impact/ contribute on the mix of uses in the area/locality during both day and night trading hours;
 - (vii) Details of methods that will increase patron awareness of public transport availability (e.g. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (e.g. provision of a shuttle service, taxi assistance etc.); and
 - (viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts;
 - (ix) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.
- (b) **Noise**
- (i) Details of all on-site and off-site noise and vibration attenuation measures;
 - (ii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, [Protection of the Environment Operations Act 1997](#), EPA Industrial Noise Guidelines, etc.);
 - (iii) Details of all actions that will be taken to ensure that the operation of the premises will not give rise to any "offensive noise" as defined under the [Protection of the Environment Operations Act 1997](#);
 - (iv) Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (e.g. liaison with neighbours and local police, maintaining a complaint register etc);
 - (v) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies etc; and
 - (vi) Details of any noise limiting devices to be installed.
- (c) **Security and Safety**
- (i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering and leaving the premises will minimise disturbance to the neighbourhood;
 - (ii) Any provisions that will be made to increase security in times where higher than average patronage is expected (e.g. During live entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.);
 - (iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;
 - (iv) Details of measures that will be implemented to ensure that neighbourhood amenity and safety is protected. At a minimum this should include:
 - emergency procedures;
 - crowd control;
 - search procedures;
 - maintenance of an incident register;
 - monitoring of patron behaviour;
 - monitoring of numbers of patrons within the premises;
 - recording of complaints and reporting of incidents to Police;
 - where relevant, membership of the proprietor/licensee to a Licensing Accord (please refer to the Office of Gaming Liquor & Racing's website for

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- details of Licensing Accords operating within the North Sydney LGA) and a demonstrated commitment to the strategies and principles of the Accord;
- dress codes;
 - staff security training;
 - distinctive security attire;
 - availability of cloak rooms;
 - internal and external security patrols;
 - the location, design and type of footpath and external lighting that will be installed;
 - measures to prevent glass drinking receptacles being carried from the premises by patrons;
 - measures to ensure safe capacities (e.g. electronic counting of patrons, occupancy limits, signage); and
 - provision of pre-booking services for taxis; and
 - availability of courtesy bus services.
- (v) If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that queuing is controlled in a manner that will not adversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded. This description may address such matters as:
- the use of temporary ropes and bollards;
 - maximum queue numbers;
 - actions taken to minimise loitering; and
 - actions ensuring the fast and efficient movement of a queue.
- (vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements of the Casino, Liquor and Gaming Authority such as:
- employee training and awareness regarding RSA and harm minimisation;
 - approaches that will be used to manage intoxicated and/or disorderly persons;
 - promotion of non-alcoholic beverages;
 - display of the premises' house policy;
 - assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
 - encouraging responsible drinking; and
 - actions taken to discourage drug use and to manage drug related incidents.

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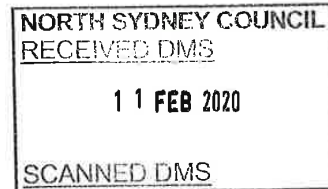
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Planning,
Industry &
Environment



PP_2020_NORTH_001_00/IRF20/292

Mr Ken Gouldthorp
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Mr Gouldthorp

Planning proposal [PP_2020_NORTH_001_00] to amend North Sydney Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to enable small bars as an additional permitted use at identified sites in the Kirribilli Village Centre.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Bailey Williams to assist you. Mr Williams can be contacted on 8275 1306.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Luke Downend', written in a cursive style.

Luke Downend
Acting Director, North District
Place, Design and Public Spaces

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_01_00): to enable small bars as an additional permitted use at identified sites in the Kirribilli Village Centre.

I, the Acting Director, North District, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan (LEP) 2013 to enable small bars as an additional permitted use at identified sites in the Kirribilli Village Centre should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement (LSPS). This must include removing references to actions from the Draft LSPS that are not applicable to land subject to the planning proposal;
 - (b) ensure that directions from the North Sydney Community Strategic Plan (CSP) that are referenced in the planning proposal are consistent with directions contained in the CSP;
 - (c) ensure that the project timeline is accurate and updated to reflect the anticipated twelve month timeframe for completion; and
 - (d) ensure that the draft amendment to clause 14 of schedule 1 in the explanation of provisions does not include conflicting or duplicated property descriptions.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.

3. Consultation is required with the NSW Police Force (North Sydney Police Area Command) under section 3.34(2)(d) of the Act. NSW Police Force are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 07 day of February 2020.



Luke Downend
Acting Director, North District
Place, Design and Public Spaces
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces