



11 December 2007

Our Ref: JEH/06020H

Department of Planning
GPO Box 39
SYDNEY NSW 2000

Attention: Izlem Boylu

Dear Sir/Madam,

re: Extended Trading Hours in the Entertainment Quarter, Moore Park

1. Introduction

We write with reference to the approved trading hours of certain tenancies in the Entertainment Quarter, Moore Park. In January 2003 the Department of Planning modified DA No.37/96 (which was then referred to as applying to the "Fox Studios site") to permit certain tenancies to trade beyond midnight for a period of 5 years. As part of the modified conditions of consent (and in particular condition 20(a)), the applicant is required to submit a request to the Director-General of the Department of Planning, 6 weeks prior to the 5 years expiring, to permit the identified tenancies to continue operating beyond midnight.

Colonial First State Property Management now requests the Director-General to approve the continuation of the nominated tenancies beyond midnight.

1.1 Background to Extended Trading Hours

The trading hours of tenancies within the Entertainment Quarter were initially established by Condition 20(a) of the development consent to DA No. 37/96 and by Condition 24 of the Masterplan consent (DA 1/96). Those conditions provided that facilities for the general public in the Entertainment Quarter (and at that time the Studio Tour) could operate only between the hours of 10:00am and 12 midnight, 7 days per week.

In September 1999, DA 180-09-99 was lodged, seeking approval to an extension of these trading hours so as to enable various tenancies within the Entertainment Quarter to trade before 10:00am (i.e. cafes and stores) so as to provide facilities and services between 7:00am and 10:00am to employees and staff on the former Moore Park Showground site and, on special occasions, after midnight (i.e. entertainment venues). These special occasions included:

- late trading to 3:00am the following day on New Year's Eve;

- late trading to 3:00am the following day during the 4 weeks before and for the duration of the Olympic and Paralympic Games;
- late trading to 10:00am the following day during the Gay and Lesbian Mardi Gras and other nominated events (i.e. Leather Pride, Pride, Sleaze Ball and ACON Ball); and
- late trading within the two approved cinema complexes to allow special cinema events, including movie marathons.

DA 180-09-99 was approved on 30th December, 1999 subject to numerous conditions. DA 180-09-99 varied both the approved trading hours in the Masterplan Consent (Condition 24) and in the consent to DA No. 37/96 (Condition 20). A copy of the approval for DA 180-09-99 is provided at Appendix 1.

In November 2000, DA 382-11-00 (Fox DA No.17) was submitted to the Department of Planning, seeking consent for an extension to the approved operating hours to enable certain tenancies, including bars, restaurants, cinema complexes and the multi-storey carpark within the Entertainment Quarter, to trade after midnight. On 13 July 2001, the DA was approved for a trial period of 14 months, with a requirement that (following submission of a monitoring report within two months of the expiration of the 14 month period), the Director may grant final approval subject to appropriate requirements (a copy of the consent for DA 382-11-00 is provide at Appendix 2).

The Department of Planning consented to trading beyond midnight for certain tenancies for a period of 5 years in a letter dated 22 January 2003 (see Appendix 3). The Department's letter modified Conditions 20(a) and 21(d) of the consent to DA 37/96. The modification to Condition 20(a) included the following requirement:-

"Operating hours beyond midnight are restricted to a period of 5 years from the date of this consent. Should the applicant wish to continue operating beyond midnight, a request (supported by monitoring reports), must be submitted to the Director-General of PlanningNSW at least 6 weeks prior to the cessation of this consent condition. The applicant shall comply with any requirements of the Director-General to address issues identified in the above monitoring report and trading hours may be varied at the Director General's discretion. Once any requirement has been met, the Director-General may grant final approval for the extended trading hours."

This current request for continued extended trading hours has been made in accordance with the modification to Condition 20(a). The monitoring report for 2003 and the summary monitoring reports for 2004-2006 are provided under separate cover.

2. Details of request

2.1 Tenancies to which this request relates

The following table identifies tenancies in the Entertainment Quarter which have been approved to operate beyond midnight and details the hours during which they are permitted to trade. (Tenancy names are current except where a tenancy is vacant in which case the tenancy name is that of the last occupant).

BUILDING NO.		TENANCY NO.		EXISTING TENANCY	TRADING HOURS
OLD	NEW	OLD	NEW		
33	216	33	216	Fox and Lion Bar/Restaurant	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 10am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30	220	34	2204	The Fuse Bar	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • From 7am – 7 days providing breakfast service only for employees, staff, tenants and contractors working at the site only • Midnight to 10am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30	220	35	2206A	Gosh Coffee	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 10am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30	220	36	22088	Golden Century Restaurant	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 10am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30a	215	27	2155A	Arthouse Bar/Café Blue	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri

BUILDING NO.		TENANCY NO.		EXISTING TENANCY	TRADING HOURS
OLD	NEW	OLD	NEW		
					<ul style="list-style-type: none"> • 10am – 2am Sat to Sun (Fri/Sat nights) • From 7am – 7 days providing breakfast service only for employees, staff, tenants and contractors working at the site only • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
31	212	45	212G1	Arena Bar/Restaurant	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
31a	211	19	211G1	Cine Restaurant Bar/Restaurant	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
32	206	5	206C1	Hoyts 12 Screen Cinema	<ul style="list-style-type: none"> • 1am 7 days • Midnight to 6am on 4 occasions during each year (not coinciding with Gay and Lesbian events) • Midnight to 3am – as part of the Gay and Lesbian events • Midnight to 3am each New Year's Day
30b	207	6	2074A	Strike Bowl	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30b	207	13	207F2	Comedy Store	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights)

BUILDING NO.		TENANCY NO.		EXISTING TENANCY	TRADING HOURS
OLD	NEW	OLD	NEW		
					<ul style="list-style-type: none"> • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
31a	211	20	211F1	Ablaze Bar & Grill	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30a	215	26	215	Hoyts 4 Screen Art-house Cinema	<ul style="list-style-type: none"> • 1am 7 days • Midnight to 6am on 4 occasions during each year (not coinciding with Gay and Lesbian events) • Midnight to 3am – as part of the Gay and lesbian event • Midnight to 3am each New Year's Day
30a	215	31	2158	Convenience Store	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • From 7am – 7 days providing a breakfast service only for employees, staff, tenants, and contractors working at the site only
35a	230	N/A	N/A	Carpark	<ul style="list-style-type: none"> • From 7am until half an hour after the last tenancy closes 7 days per week (provision applies for all additional events at Fox Studios)
18a	208	3	208G1	Gloria Jeans	<ul style="list-style-type: none"> • From 7am – 7 days providing a breakfast service only for employees, staff, tenants, and contractors working at the site only
30	220	37	2208B	MCM	<ul style="list-style-type: none"> • 10am - 1am Mon to Fri • 10am – 2am Sat to Sun (Fri/Sat nights) • Midnight to 3am – as part of the Gay and Lesbian event • Midnight to 3am each New Year's Day
30	220	40	2202A	Kids Central	<ul style="list-style-type: none"> • From 7am – 7 days providing a

BUILDING NO.		TENANCY NO.		EXISTING TENANCY	TRADING HOURS
OLD	NEW	OLD	NEW		
					breakfast service only for employees, staff, tenants, and contractors working at the site only
30a	215	21	2151	Bay Swiss Deli	<ul style="list-style-type: none"> From 7am – 7 days providing a breakfast service only for employees, staff, tenants, and contractors working at the site only
31	212	42	212G2	Lollipops	<ul style="list-style-type: none"> From 7am – 7 days providing a breakfast service only for employees, staff, tenants, and contractors working at the site only
N/A	N/A	N/A	N/A	Show Ring	<ul style="list-style-type: none"> Midnight to 3am – as part of the Gay and Lesbian event Midnight to 3am each New Year's Day

In addition to the trading hours noted in the table above, condition 20(a) of the consent to DA No.37/96 provides that:-

“Notwithstanding the above, the premises may operate between 10am and 2am during public holidays or specific major events, up to a maximum 10 days in the calendar year. The applicant is to notify PlanningNSW prior to these events.”

2.2 Further Request

The last paragraph of condition 20(a) states that:-

“Operating hours beyond midnight are restricted to a period of 5 years from the date of this consent. Should the applicant wish to continue operating beyond midnight, a request (supported by monitoring reports), must be submitted to the Director-General of PlanningNSW at least 6 weeks prior to the cessation of this consent condition. The applicant shall comply with any requirements of the Director-General to address issues identified in the above monitoring report and trading hours may be varied at the Director General’s discretion. Once any requirement has been met, the Director-General may grant final approval for the extended trading hours.”

It is requested that for the purposes of clarity that this paragraph be removed. In addition it is requested that all references to “PlanningNSW” in condition 20(a) be replaced with “City of Sydney Council” as Council is now the consent authority for development within the Entertainment Quarter with a capital investment value of \$5 Million.

3. Monitoring Reports

The provisions of condition 20(a) require that any request for continuation of the extended trading hours be accompanied by monitoring reports. The 2003 monitoring report and a summary of the 2004, 2005 and 2006 monitoring reports are provided under separate cover. The monitoring reports address noise, traffic, parking and safety during the extended hours of trading.

3.1 The 2003 Monitoring Report

3.1.1 Noise

As part of the Monitoring Report for 2003 a Noise Report was prepared by Hyder Consulting Acoustic Services Group. The report included a summary of the noise related complaints received in relation to the operation of the Entertainment Quarter. There were no activities in this summary that suggested a continuum of regular circumstance that breached the required standards.

The report concluded that both daytime and nighttime noise levels, including those deemed to be part of the extended trading hours, complied with the conditions required by the Outdoor Management Strategy. In addition, the operation of live events in the Show Ring during 2003 was monitored. These events were found to comply with the objectives of the Outdoor Management Strategy.

3.1.2 Traffic and Parking

A Traffic, Parking and Transport Report was prepared by Masson Wilson Twiney Traffic and Transport Consultants as part of the 2003 Monitoring Report. The report found that the transport patterns at the Entertainment Quarter had stabilised, with no significant development changes in the previous year.

It was found that the multi-deck car park still had sufficient capacity, even on the busiest days (Friday, Saturday and Sunday). The car park capacity levels were reached on occasions where there was a major event at one of the other Moore Park sporting stadiums. The car park traffic generation rates did not exceed the capacities of the surrounding roads (except on large Moore Park event days). Public transport had been continually promoted and this has resulted in higher public transport usage by employees compared to nearby areas.

3.1.3 Safety Monitoring

The Monitoring Report included minutes from the meetings of the Public Safety and Security Working Party. The Public Safety and Security Working Party meetings were attended by representatives from the Entertainment Quarter management; local government; police; Centennial Park and Moore Park Trust; Sydney Cricket Ground Trust and the Sydney Football Stadium. At these meetings all precinct partners discussed concerns in the precinct including any reports of criminal behaviour, policies or procedures each partner had in place to combat issues, or what new policies or procedures needed to put in place to combat problems.

The 2003 Monitoring Report found that the general feedback from Police was that there was a decline in reported crimes in the precinct. Resident feedback asked for greater Police presence in the residential streets particularly during precinct event days that involved cricket or football games. The Police presence occurred through the actions of the Working Party and other channels.

Although motor vehicle break and enter was raised by residents as a concern in the larger precinct the Entertainment Quarter was unaffected by this type of incident. The Entertainment Quarter continued to carry out patrols of the local area and communicated issues to Centennial Parkland and Moore Park Trust Rangers and NSW Police.

3.2 The 2004 - 2006 Monitoring Reports

3.2.1 Noise

Hyder Consulting Acoustic Services Group found that in 2004 the number of complaints had more than halved in comparison to 2003. The survey data found that the overall noise levels within the Entertainment Quarter were generally below or within range of predicted noise levels at each survey location.

3.2.2 Traffic and Parking

The Traffic, Parking and Transport Report prepared by Masson Wilson Twiney Traffic and Transport Consultants for 2004 found 0.5 million less people visited the site in 2004 than in 2003 (a 10% reduction). There was found to be no significant development changes to the transport patterns from 2003. Monitoring in 2005 and 2006 found that the multi-storey carpark reached capacity on 9 occasions in 2005 and 5 occasions in 2006 (compared to 11 occasions in 2003 and 14 occasions in 2002). The 2006 Monitoring report found that activities on the site have stabilised as have the patterns of transport access to the site. Overall the traffic and parking patterns at the Entertainment Quarter experience little change from year to year.

3.2.3 Safety Monitoring

The Public Safety and Security Working Party continued to meet in 2004, 2005 and 2006 to discuss safety and security within the precinct. The 2004-2006 Summary Monitoring Report included minutes from Public Safety and Security Working Party and Resident Meetings. Significantly, in the 2006 resident meeting Constable Peter Mort from Surry Hills Licensing reported:-

"1. That there had been a reduction in reported incident within the precinct and that this may be due to the change in events within the precinct i.e. Cricket season, AFL etc.

2. That the User Chargers Police utilised at The Entertainment Quarter have reported that the occurrence of incidents at licensed premises is minimal."

3. That the Entertainment Quarter is not an area of concern for Surry Hills Licensing Police with regards to licensed premises.

4. Justification for continuation of extended trading hours

The subject tenancies have now been operating within the extended trading hours for approximately 6.5 years. In this time, the subject tenancies and the Entertainment Quarter as a whole have been able to demonstrate that they can operate after midnight without significant impact on the surrounding area. This is supported by the annual monitoring reports which conclude that the Entertainment Quarter continues to operate within the scope of the relevant management strategies.

5. Conclusion

The Director-General is requested to review this request and accompanying monitoring reports and to notify the applicant of any further requirements to permit the permanent trading of the nominated tenancies after midnight as provided in Table 1.

Should have any enquiries regarding this request please contact Aaron Dickson at The Entertainment Quarter on (02) 8117 6709 or Julie Horder of this office on (02) 9211 4099.

Yours sincerely,
BBC Consulting Planners



Robert Chambers
Director
Email bob.chambers@bbcplanners.com.au



Appendix 1

Approval for DA 180-09-99



Appendix 2

Consent for DA 382-11-00



Appendix 3

Letter from Department of Planning dated 22 January 2003
