

8 August 2022

Amy Watson  
A/Director, Key Sites Assessments  
NSW Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Attention: Rodger Roppolo  
[rodger.roppolo@planning.nsw.gov.au](mailto:rodger.roppolo@planning.nsw.gov.au)

Dear Amy Watson,

**Response to Submissions (SSD 7683 Mod 3)  
The Squires Landing, Overseas Passenger Terminal**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of Jimmy's on the Mall Pty Ltd (the Applicant) to address the Department of Planning and Environment's (DPE) request for a Response to Submissions (RtS) dated 12 July 2022 in relation to SSD 7683 Mod 3.

We note that the application received two submissions from the City of Sydney Council (Council) and Port Authority of NSW. A detailed response to the issues raised in the submission is provided at **Attachment A**.

We also note advice from NSW Police is outstanding. A response to any issues raised by NSW Police will be prepared following receipt of advice.

**Key issues**

The Port Authority of NSW's submission does not raise any issues in relation to the subject application.

Council's submission does not object to the proposed hours, however, it does raise concern that the proposed hours are not subject to a trial period. Accordingly, Council recommends the extended trading hours be approved on a trial basis to allow ongoing review.

**Response**

The Applicant notes Council's concerns and in response is seeking to amend the application to seek extended trading hours subject to a two-year trial period. The approved, original Mod 3 and amended Mod 3 hours are outlined in the table below.

Area	Approved	Original Mod 3	Amended Mod 3
Indoor Areas	<ul style="list-style-type: none"><li>Base: 6am to 12 midnight, Sunday to Thursday and 6am</li></ul>	<ul style="list-style-type: none"><li>Base: 6am to 2am, Monday to Sunday</li></ul>	<ul style="list-style-type: none"><li>Base: 6am to 2am, Monday to Sunday</li></ul>

Area	Approved	Original Mod 3	Amended Mod 3
	to 1am, Friday and Saturday		
<b>Outdoor Areas</b>	<ul style="list-style-type: none"> <li>Base: 8am to 10pm, Monday to Sunday</li> <li>Trial: 6am to 8am and 10pm to 1am, Monday to Sunday</li> </ul>	<ul style="list-style-type: none"> <li>Base: 6am to 2am, Monday to Sunday</li> </ul>	<ul style="list-style-type: none"> <li>Base: 7am to 10pm, Monday to Sunday</li> <li>Trial: 6am to 7am and 10pm to 2am, Monday to Sunday</li> </ul>

Table 1: Approved and proposed hours of operation

The revisions to the proposal seek to align base hours with the base hours originally approved under SSD 7683 or the base hours for Category B premises under the *Sydney Development Control Plan 2012* (whichever is greater). The amendments make all hours beyond that subject to a trial period.

A trial period of two years is sought on the basis that the Applicant has successfully managed extended trading hours for over three years and that the proposed modification only seeks a single additional hour of trading. The Applicant's excellent management performance is demonstrated by the complaints record as outlined within the Modification Report

The amendments sought to the conditions of consent under the amended proposal are outlined below. The words proposed to be inserted are shown in ***bold italics*** and words proposed to be deleted are shown in ~~***bold italics***~~.

### ***Hours of Operation***

F1 *The hour of operation are restricted as follows:*

#### *Indoor Areas*

- 6am to ~~2am~~ ***12 midnight*** Monday to Sunday ~~to Thursday~~ (inclusive);*
- ~~*6am to 1am Friday and Saturday (inclusive); and*~~
- 6am New Years Eve to 2am New Year's Day (inclusive).*

#### *Outdoor Areas*

- 7am*** ~~8am~~ to 10pm Monday to Sunday (inclusive)*

F2 *Notwithstanding (d) above, the use of the outdoor areas of the premises may operate between 6am to ***7am*** ~~8am~~ and 10pm to ***2am*** ~~1am~~ Monday to Sunday; and between 10pm on New Year's Eve to 2am on New Year's Day for a trial period of ***two years from the date SSD 7683 Mod 3 is approved until 21 May 2022***. The Secretary must be informed in writing of the date of commencement of the trial hours.*

### ***Plan of Management***

F5 *The use of the premises as a restaurant must operate at all times in accordance with the approved Plan of Management required by Condition E2 ***and updated by The Squire's Landing Plan of Management dated April 2022 submitted with SSD 7683 Mod 3.****

## Summary

The RtS reinforces the findings of the Modification Report and supporting information, that the proposal:

- will support the Sydney night-time economy
- will enhance the vibrancy and activity of Circular Quay, Sydney's principal tourist attraction
- is generally consistent with the late night trading hours permissible under the *Sydney Development Control Plan 2012* (SDCP 2012)
- will not adversely impact on the amenity of nearby areas

We trust that the RtS provides sufficient information required for DPE to further its assessment and approve the application.

Please do not hesitate to contact Michael Woodland on 8413 0398 or via email at [michael@keylan.com.au](mailto:michael@keylan.com.au) should you wish to discuss any aspect of this project.

Yours sincerely



Michael Woodland BTP MPIA  
Director

## Attachments

**Attachment A:** Response to Submissions

## Attachment A -Response to Submissions

A total of two submissions were received on the proposal including a submission from the City of Sydney Council and Port Authority of NSW. The issues raised in the submissions are addressed in the table below.

Ref.	Issues raised	Response
<b>A</b>	<b>City of Sydney Council</b>	
A1	<p><i>It is acknowledged that Development Control Plans do not apply to State Significant Development, however the modification application makes reference to the Sydney DCP 2012 late night trading controls as a guide.</i></p> <p><i>Under the SDCP 2012, the site is located in a Late Night Management Area and the proposed use is identified as a Category A premises. The DCP therefore permits the following trading hours:</i></p> <ul style="list-style-type: none"> <li><i>Indoor: 6.00am to 2.00 am, with extended 24 hour trading.</i></li> <li><i>Outdoor: 7.00am to 10.00pm, with extended hours to 1.00am.</i></li> </ul>	<p>The Squires Landing is a restaurant and is approved to operate as a restaurant under SSD 7683. The proposed modification does not seek to amend the use of the site. The definition of restaurant under the Standard Instrument LEP is as follows:</p> <p><b>restaurant or cafe</b> means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</p> <p>The restaurant is also operating under an on-premises licence under the <i>Liquor Act 2007</i>. Accordingly, the use is defined as a Category B – Low Impact Premises under the SDCP 2012.</p> <p>The revisions to the proposal under this RtS seek to align base hours with the base hours originally approved under SSD 7683 or the base hours for Category B premises under the SDCP 2012 (whichever is greater). The amendments make all hours beyond that subject to a trial period.</p>
A2	<p><i>While the proposal complies with the base indoor trading hours, concern is raised that the proposed permanent base hours of 2.00am significantly exceed the permitted base outdoor trading hours (10.00pm) by 4 hours, as well as the permitted extended outdoor trading hours by 1 hour.</i></p> <p><i>Allowing outdoor trading until 2.00am on a permanent basis and without a trial removes the ability for the consent authority to continue to monitor</i></p>	<p>As noted above, this RtS seeks to amend the subject application to make the extended trading hours subject to a two year trial period. This amendment is sought in response to Council's concerns.</p> <p>A trial period of two years is sought on the basis that the Applicant has successfully managed extended trading hours for</p>

Ref.	Issues raised	Response
	<p><i>the operation, management and amenity impacts of the premises and subsequently creates risk for the City and the community.</i></p> <p><i>If trading until 2.00am indoors and outdoors is to be considered, it is recommended that this be undertaken under a trial basis to allow ongoing review.</i></p>	<p>over three years and that the proposed modification only seeks a single additional hour of trading.</p>
<b>B</b>	<b>Port Authority of New South Wales</b>	
B1	<p><i>Port Authority of NSW (Port Authority) has reviewed the Modification Application and Report for the Overseas Passenger Terminal Modification - Extension to Trading Hours (SSD-7683).</i></p> <p><i>Port Authority has no comments on the modification and is supportive of the submission.</i></p>	<p>Noted.</p>