



2011 RESIDENTS ASSOCIATION INC.

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Committee
Sacha Blumen, Annette Nevin, Suzanne O'Connor,
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Sunday 15 March 2009

Lord Mayor and Councillors
City of Sydney
GPO Box 1591
Sydney NSW 2001

RE: City of Sydney processes for managing DAs relating to licensed premises

Dear Lord Mayor and Councillors

The 2011 Residents' Association thanks Council for its recent decisions relating to the Sugarmill Hotel and Springfield's (Elk) Development Applications (DAs) in Kings Cross. We are greatly reassured to see the elevated level of concern about the present difficulties in Kings Cross arising from the high density of licensed premises in a small, primarily residential, area. We look forward to action by Council to develop a "rescue plan" for Kings Cross as suggested by Councillor McInerney, and would be pleased to assist in any action in this respect.

In the meantime, given the high level of sensitivity on the part of Council and local residents to the problems created by alcohol-related crime and anti-social behaviour, we wish to draw Council's attention to the following:

Future DAs for licensed premises in Kings Cross

To ensure an appropriate level of scrutiny of proposals, we request that:

- (1) all DAs seeking approval of new licensed premises; and
- (2) all s96 applications to modify existing approvals for licensed premises,

in the Kings Cross area, including adjoining villages, be referred at first instance to the relevant Council Committee for consideration, and that none be decided under delegated authority. At a minimum, this should occur for all such DAs/s96 applications submitted in the three areas identified in the City of Sydney Late Night Trading Development Control Plan (the Late Night Management, City Living and Local Centre areas), although our preference would be for this proposal to be adopted in relation to the entire suburbs of Potts Point, Elizabeth Bay, Rushcutters Bay, Woolloomooloo and Darlinghurst.

Expansion of the notification area for DAs for licensed premises to 100m

As you will be aware, the impact of many licensed premises, particularly hotels, can extend far beyond the existing DA notification range of 25m. In this way, some residents of the wider Kings Cross neighbourhood have been severely impacted by the noise, disruption and anti-social behaviour associated with the concentration of licensed premises in the area, although they are outside the 25m notification range.

We request that the range for notifying DAs and s96 applications relating to sites on which there are licensed premises be increased from the current 25m to 100m for proposals in Kings Cross, Potts Point, Elizabeth Bay, Rushcutters Bay, Woolloomooloo and Darlinghurst. In our view, the costs of notifying more residents would be substantially outweighed by the benefits of more people being aware of the DAs and s96 applications and therefore more able to provide meaningful submissions on proposed developments.

Conformity with Plans of Management

We are very disappointed at Council's approval, dated 21 January 2009, of a Section 96 modification approval (DA D/2005/2222/C) for Madam DeBiers Hotel at 42 Darlinghurst Road, Potts Point. This approval occurred despite there having been seven formal objections, as well as a petition consisting of twenty-six signatures received by Council during the notification period.

If Council's Late Night Trading Development Control Plan is to have credibility, Council must ensure that due consideration is given in all cases in assessing this type of application to whether the applicant licensed premises is complying with its management plan. As a matter of principle, the applicant does not deserve the award of an extension of a trial of extended trading hours if the management plan is not being complied with – this must be made clear to the proprietors of licensed premises in Kings Cross and other similar areas. It is most unfortunate that Madam DeBiers' poor performance was rewarded by an extension to its trial period of extended trading hours.

We request an explanation as to why this approval was given, and an assurance that any breaches of any management plans during trial periods of extended trading hours will be immediately drawn to the attention of the premises concerned, and steps taken to ensure that those breaches do not recur.

Council complaints management processes

It is our perception, and the experience of our members, that many more complaints are being made than are being recorded against licensed premises. We note that in part, this is probably related to the size of the problem and the inability of both Council and the Local Area Police Command to deal expeditiously with all complaints, particularly early morning ones. It may also be due to the unfamiliarity of residents with bureaucratic processes.

However, we would request that Council review its complaints management processes, with a view to streamlining, recording and acknowledging complaints, and that Council widely distribute a leaflet to residences providing an easy access guide to making complaints about licensed premises to itself, the Police and the Office of Liquor, Gaming and Racing.

The importance of the need for Council's processes for recording complaints to be efficacious was demonstrated in Council's approval under delegated authority of the Section 96 modification approval (DA D/2005/2222/C) for Madam DeBiers Hotel. The Assessment of the application indicated that a search of Council's records had

revealed two noise complaints regarding those premises. It is important that Council's processes for recording complaints works effectively to allow Council to have access to an as full and complete range of information as possible to inform Council's assessments of DAs and Section 96 applications.

We wish to act positively and proactively with Council to achieve a balance among the economic benefits of a thriving hospitality industry, the sustainability of transport infrastructure and the genuine needs of people to live, sleep and work in close proximity to the CBD.

If Council would like to discuss any of the above matters with a representative of the Association, please contact Sacha Blumen, President, at first instance on 0448 406 610.

Kind regards

Dr Sacha Blumen
President
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