

# **PART D                    COMMERCIAL DEVELOPMENT**

## **Contents**

<b>D1</b>	<b>COMMERCIAL AND RETAIL DEVELOPMENT.....</b>	<b>248</b>
1.1	Other Policies, Strategies and Standards.....	248
1.2	Design .....	249
1.3	Hours of Operation .....	251
1.4	Restricted Premises .....	255
<b>D2</b>	<b>OUTDOOR DINING.....</b>	<b>256</b>

**D1 COMMERCIAL AND RETAIL DEVELOPMENT**

This Part applies to commercial and retail premises throughout Waverley.

**1.1 OTHER POLICIES, STRATEGIES AND STANDARDS**

Applicants are to ensure that the proposed development is in compliance with the relevant Australian Standards, including:

- The *National Construction Code* (NCC)
- Australian Standard *AS/NZS 1158 3.1:2020 Pedestrian (P) Lighting*
- The *Food Act 2003*
- The *Food Standards Code*
- The *Noise Guide for Local Government*
- The *Protection of the Environment and Operations Act 1997*

## 1.2 DESIGN

### Objectives

- (a) To encourage a range of uses to service the local community as well as regionally.
- (b) To encourage development to be designed to have an engaging interface between the private and public domain, with a high level of amenity.
- (c) To encourage surveillance over the public domain.
- (d) To enhance the scenic quality and amenity of streetscapes and public places.
- (e) To ensure operations are compatible with adjoining residential uses and are in accordance with the amenity expectations of the subject site and locality's zoning(s).
- (f) To effectively manage the interface between non-residential uses and residential accommodation.

### Controls

#### 1.2.1 Frontages

- (a) Front windows shall be designed to promote an active street frontage and have a display function (refer to *Part B16 Public Domain*).
- (b) The development is to be designed to provide casual surveillance to the street.
- (c) The use of obscured glazing is generally not supported. Privacy louvres and screens are preferred which allow partial views into a premises. Where privacy is required, obscured glazing may be provided at the rear of the premises.
- (d) Window and door frames and styles should reflect the character of the building and area.
- (d) Premises are required to display a street number. The height of the numbers will be no less than 300mm presented in a clear readable font, located above the entry door, where possible.

#### 1.2.2 Awnings

- (a) Premises are to provide a continuous awning, except where an awning would compromise the integrity of a heritage item.
- (b) Awnings are to be designed in accordance with the building age, style and character, and be sympathetic to the design of adjoining awnings.
- (c) Awnings are to match the alignment and style of adjoining buildings to provide continuous weather protection.
- (d) Development must also comply with the relevant provisions of *Part B16 Public Domain*.

#### 1.2.3 Lighting

- (a) Under awning lighting is to be provided.
- (b) Fluorescent lighting is discouraged.
- (c) Where residential development is located above retail or commercial premises or to the rear, demonstrate that light is not directed toward the residents of the building.

- (d) Illumination at the rear of commercial properties or where installed for security purposes must be sensor controlled, except where public street frontage and/or footpaths require it.
- (e) Development is to minimise negative impacts of lighting from within the premises on nearby properties.

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### 1.2.4 General Amenity

- (a) The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.
- (b) Development shall incorporate plant rooms and any associated services required for the use of the premises into the building envelope. Where this cannot be achieved in an existing development, plant room/utilities are to be designed to cause negligible impact to neighbouring properties and streetscape.
- (c) All new development shall be designed to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.
- (d) No goods shall be placed on the footpath without Council consent.

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### 1.2.5 Noise

- (a) An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings.
- (b) Air conditioning units and cool-room equipment must be located in a plant room or acoustic enclosure.
- (c) Speakers should be located and orientated to minimise noise levels to neighboring properties.
- (d) The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises.

**1.3 HOURS OF OPERATION**

**Objectives**

- (a) To ensure trading does not impact on the amenity of the area or disrupt nearby residential properties.
- (b) To outline the application of review periods for extended trading hours.

**Controls**

- (a) Pre-works and clean-up of the premises (**operational hours**) can exceed the maximum approved **trading hours** up to a maximum of one hour before and one hour after trading hours, provided trading does not occur within this time.
- (b) Where an application is received for the refurbishment of an existing licensed premises without trading hours regulated by a condition of consent, a new condition of consent will be imposed in accordance with this Part to regulate trading hours of the premise.
- (c) Deliveries and the operation of loading docks shall be limited to the approved trading hours depending on the use and nearest residential properties.
- (d) The prescribed trading hours within Table 1 are subject to all other aspects of the development being satisfactory. Where residential uses are in close proximity, more restrictive trading hours may be applied.

ZONE	Trading Hours
All residential zones	<ul style="list-style-type: none"> <li>(a) General base trading hours:                             <ul style="list-style-type: none"> <li>(i) 7.00am to 10.00pm, 7 days a week</li> </ul> </li> <li>(b) Extended trading hours are subject to a review after 1 year and will be considered up to 6.00am to 11.00pm, Fridays and Saturdays only.</li> </ul>
All zones	<ul style="list-style-type: none"> <li>(a) Special New Years Eve trading hours:                             <ul style="list-style-type: none"> <li>(i) 10.00pm New Years Eve – 1.00am New Years Day.</li> </ul> </li> </ul>
CENTRE NAME - see Part E for maps	Trading Hours
Bondi Junction (MU1 Zone portions)	<ul style="list-style-type: none"> <li>(a) General base trading hours:                             <ul style="list-style-type: none"> <li>(i) Monday to Saturday: 6.00am to 11.00pm; and</li> <li>(ii) Sunday: 6.00am to 10.00pm.</li> </ul> </li> <li>(b) Extended trading are subject to a review after 1 year and will be considered up to:                             <ul style="list-style-type: none"> <li>(i) Monday – Sunday: 6.00am to midnight.</li> </ul> </li> </ul>
Bronte Road, Bondi Junction	
Bondi Beach	
Bondi Road	
Rose Bay North	
Charing Cross	

Curlewis Street	
Rose Bay South	
Oxford Street Mall (also includes 4A Bronte Road, Bondi Junction)	(a) General base trading hours: (i) Monday to Sunday: 6.00am to 3.00am.
Bondi Junction (E2 Zone portions excluding 4A Bronte Road, Bondi Junction)	(a) General base trading hours: (i) Monday to Saturday: 6.00am to 11.00pm; and (ii) Sunday: 6.00am to 10.00pm.  (b) Extended trading hours are subject to a review after 1 year and will be considered up to: (i) Sunday to Wednesday: 6.00am to midnight; and (ii) Thursday, Friday and Saturday: 6.00am to 1.00am.
Macpherson Street	
Wairoa Avenue	
North Bondi	
Seven Ways	(a) General base trading hours: (i) 6.00am to 10.00pm, 7 days a week.
Bronte Beach	
Belgrave Street	(b) Extended trading hours are subject to a review after 1 year and will be considered up to: (i) 11:00pm on Thursdays, Fridays and Saturdays only
Flood Street	
Murriverie Road	
OSH Road, at Murriverie Road	
Vaucluse	
Blake Street	
Fletcher Street	

**Table 1** Hours of operation

**1.3.1 Extended Trading Hours**

- (a) Council recognises that a number of uses may require longer trading hours than outlined in Table 1, particularly earlier opening times. In these instances, an application to extend or modify trading hours will undergo an additional merit assessment.

- (b) Extended trading hours will be considered on a temporary, reviewable basis, to enable Council to assess the ongoing management performance of the premises and the impact on the neighbourhood amenity.
- (c) Council's assessment of extended trading hours will consider the following:
  - (i) The location of the premises, including proximity to residential and other sensitive land uses;
  - (ii) The specific use of the premises, i.e. pub, nightclub, restaurant. Licensed premises are not eligible for extended trading hours on Sunday nights;
  - (iii) The existing hours of operation of surrounding business uses;
  - (iv) Size and patron capacity of the premises;
  - (v) Security and general management of the premises;
  - (vi) Number and nature of substantiated complaints regarding the operation of the premises;
  - (vii) Compliance with conditions of consent;
  - (viii) Evidence that the applicant has taken a pro-active position in terms of industry best practice;
  - (ix) Record of successful waste management on site and clean up and management of waste in adjacent public domain;
  - (x) Length of time the premises has traded under current operator;
  - (xi) Availability of transport for patrons including taxis, buses and car parking areas;
  - (xii) Plan of Management submitted detailing how operations and impacts will be managed (refer to the *Development Application Guide* on Council's website for requirements);
  - (xiii) Likely noise impacts from the proposal, particularly during the proposed extended hours (mechanical ventilation, amplified noise, patrons' egress, etc.) and how these will be mitigated; and
  - (xiv) Any other matters considered relevant to the environmental evaluation of the premise.
- (d) Extended trading hours may initially be granted for a 1-year fixed term.
- (e) Following the completion of a satisfactory fixed term, a reviewable term may be permitted as follows:
  - (i) First reviewable term – up to a maximum of 2 years.
  - (ii) Second reviewable term – up to a maximum of 3 years.
  - (iii) Third and subsequent terms – up to a maximum of 5 years.

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### 1.3.2 Review of Extended Trading Hours

- (a) Applications for a reviewable term are to be lodged between 6 months and 3 months before the end date of the current term.
- (b) If an application is lodged within the time frame specified in (a) but is not determined by the end date of the current term, the premises can continue to operate as per the current term hours until the application is determined.
- (c) If an application is lodged less than 3 months prior to the end date of the current term, the premises shall revert to its approved based hours on that end date.
- (d) If Council determines no further extension period shall be granted the premises must revert to its approved base hours.
- (e) If the operator of the premises changes, the extended trading hours may be returned to a fixed term of 1 year.

- (f) Council's assessment of extended trading hours will consider the criteria set out in 1.3.1 (c)

## 1.4 RESTRICTED PREMISES

Restricted premises and sex services premises are permitted within the E2 Commercial Centre Zone under WLEP. The WLEP includes specific controls relating to sex services premises.

This Part provides additional controls relating to sex service premises and restricted premises to ensure their design and location does not negatively impact on the surrounding neighbourhood.

### Objectives

- (a) To ensure restricted premises are compatible with the surrounding uses and character of the area.
- (b) To ensure the design, operation and location are appropriate and the cumulative impacts of commercial uses on the surrounding area are minimised.

### Controls

- (a) Where a proposed development includes a restricted premises, sex services premises or licensed premises, the following details must be taken into consideration in the assessment of the proposal:
  - (i) The nature and operation of the proposed uses;
  - (ii) 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;
  - (iii) Proposed hours of operation;
  - (iv) The size and intensity of the proposed development having regard to the number of people who will work on the premises;
  - (v) Proposed management;
  - (vi) Whether the use is proposed to be licensed;
  - (vii) Whether live entertainment is proposed;
  - (viii) The proximity, location and impact of the proposed uses on schools, places of worship, community facilities, major transport, residential buildings and places frequented by children; and
  - (ix) The likely impact on the amenity and desired future character of the street and area.
- (b) No internal rooms or spaces of the sex services premises, other than an access corridor to the premises are to be visible from a public space or shopping arcade.
- (c) No merchandising display relating to the restricted premises is to be erected, or displayed in the access corridor so as to be viewed from a public open space.
- (d) Signage for sex service premises is to be limited to the address or street number.
- (e) To ensure the restricted premises remains discrete, no flashing or illuminated signage is permitted for restricted premises.

### D2 OUTDOOR DINING

For advice and guidance on seeking approval to utilise footpath areas outside a food or beverage premises for footpath seating, please refer to Council's Footpath Seating Policy and Guideline 2025.