City of Sydney
Late Night Trading Premises
Development Control Plan 2007
Prepared by City of Sydney

This DCP commenced operation on 1 January 2008

As amended by:
City of Sydney Late Night Trading Premises Development Control Plan 2007 (Amendment No. 1)
Adopted 6 December 2010.

City of Sydney Late Night Trading Premises Development Control Plan 2007 (Amendment No. 2)
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1 Introduction

1.1 Citation
This development control plan is called the City of Sydney Development Control Plan – Late Night Trading Premises.

1.2 Area to which the plan applies
This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown below.

1.3 Commencement
This DCP was adopted by the Council of the City of Sydney on 10 December 2007. The DCP commenced operation on 1 January 2008.
1.4 Relationship to other Environmental Planning Instruments and Development Control Plans

This DCP generally complements the provisions of the relevant environmental planning instruments as they apply to the City of Sydney. Where there is any inconsistency between this DCP and an applicable Local Environmental Plan (LEP), the LEP will prevail.

Upon commencement of this DCP the following Council Policy is repealed:

- All provisions in the *City of Sydney Policy on Trading Hours for New and Existing Premises excluding Clauses 4.1 and 4.2.*
2 Strategy

2.1 Aims

The main aim of this DCP is to assist in the management of the impacts of late night trading premises on the sites and neighbourhoods in which they are located, and in particular, protect the amenity of residential properties. A planning policy document can look to achieve this through controls setting limits on late night trading hours and by promoting ongoing good management of late night trading premises by requiring that approvals are subject to ongoing trial periods.

The City’s night-time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and street life that contribute to Sydney’s image as a Global City, and play an important role in the City’s economic growth. People living and working in the City, as well as tourists are attracted to these places as a result of their diversity and vitality, and late night trading premises can provide employment and jobs with flexible hours, particularly for people that work in the hospitality and tourism sector.

The controls in this DCP will provide greater certainty to the community and proponents of night trading premises in respect to appropriate operating hours and where such premises can locate. The provisions of this DCP do not set out to curb or increase potential trading hours in a blanket fashion throughout the City, but allow opportunities for late night trading hours in appropriate locations and with appropriate management actions.

As a requirement of this DCP it is particularly important for proponents of ‘high impact’ 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 premises.

Late trading hours are considered by the City of Sydney Council to be a privilege. Late trading hours will only be approved in circumstances where an ongoing commitment to good management is evident through a series of successful trial periods.

The DCP identifies a constrained range of operating hours for night trading in areas within a predominantly residential context allows more flexible extended trading hours for premises located in places where adverse amenity impacts on residential neighbourhoods are likely to be lower and/or are considered capable of being adequately managed.

Generally Late Night Areas identified in this DCP are places within the City of Sydney that already or have historically been characterised by late night trading and related activity such as Kings Cross and the CBD. Longer trading hours may be permitted where it is considered that this character can be reinforced or where there is capacity for more late night uses to operate with acceptable amenity impacts resulting from any new late night activity.
2.2 Objectives

The objectives of this DCP are to:

a. identify appropriate locations and trading hours for late night trading premises;

b. ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;

c. ensure that a commitment is made by operators of late night trading premises to good management through the implementation of robust plans of management;

d. encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City;

e. encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City;

f. encourage a diversity of night-time activity in defined Areas;

g. prevent the proliferation of poorly managed high impact late night premises;

h. ensure that new late night trading premises do not reduce the diversity of retail services in an area;

i. ensure that development applications are accompanied by sufficient information so that proposals for night trading premises can be fully and appropriately assessed;

j. provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods;

k. encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night;

l. ensure that appropriate hours are permitted for outdoor trading; and

m. ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

2.3 What type of development does this development control plan apply to?

The City of Sydney Development Control Plan – Late Night Trading Premises applies to development applications for new and existing Category A and Category B premises (as defined in Section 2.4 of this DCP) that:

a. seek approval for trading hours between 10pm and 7am the following day;

b. currently trade between 10pm and 7am the following day, and seek refurbishment, additions or extensions that will result in an intensification of an existing use;
c seek an extension or renewal of trial trading hours as prescribed in this DCP; or

d seek approval for outdoor trading beyond 8pm.

Note: this DCP is not retrospectived nor does it derogate from existing consents.

2.4 What are late night trading premises?

For the purposes of this DCP late night trading premises are categorised into one or more of the following types:

Category A Premises - High Impact

Category A premises means any of the following premises:

a a hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;

b A hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence;

c. An on-licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the premises is that of a night-club with a capacity of more than 120 patrons;

d. A club within the meaning of the Liquor Act 2007;

e. A premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or

f. Premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

Category B Premises - Low Impact

Category B premises means any of the following premises:

a A hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a general bar licence;

b. Premises that have a capacity of 120 patrons or less where the primary purpose is the sale of supply of liquor for consumption on the premises;

c. An on-licence within the meaning of the Liquor Act 2007;

d. Any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a category A premises;

e. Any other commercial premises which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night.

Note: ‘e’ above may include such premises as restaurants, ‘BYO’ premises, cafes, theatres, karaoke venues, convenience stores, takeaway food shops and the like.

Note: Outdoor seating is included in patron capacity calculations.

Note: Category A and category B late night trading premises do not include sex industry premises.
2.5 Late night trading areas

This DCP identifies a hierarchy of three late night trading areas located throughout the City of Sydney. These primarily include areas that:

- are focal points for varied night-time social and recreational activity; or
- are, at least in part, places with a distinct night-time entertainment character; or
- where a night-time entertainment character is evolving, and the area is considered to have the capacity for an increase in late night activity.

The area categories are identified in the maps in Section 3.2 of this DCP and include:

a. Late Night Management Areas;
b. City Living Areas; and
c. Local Centre Areas.

Notwithstanding the above, all proposals for Category A premises located outside of the above Late Night Trading Areas will be subject to the requirements of this DCP.

Trading hour controls for Category A and B premises, and outdoor and indoor trading vary for each area, and are specified in Table 1 of this DCP.

Proposals for late night trading premises that are either not located within (or are not category A premises outside of) one of these areas will be assessed on their individual merit with consideration given to relevant matters as outlined in Section 2.6 of this DCP, as well as Section 79C of the Environmental Planning and Assessment Act 1979, and other planning instruments, development control plans and policies that apply to the City of Sydney area.

2.6 Matters for Consideration

Appropriate trading hours for night trading premises 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, ie. pub, nightclub, restaurant etc and the proposed hours of operation;
c. the existing hours of operation of surrounding business uses;
d. the size and patron capacity of the premises;
e. the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;
f. the likely operation of the proposal during day time hours;
g 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;

h the diversity of retail services within an area and the impact of a late night proposal on this diversity;

i 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;

j the accessibility and frequency of public transport during late night trading hours;

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.

Once these factors are taken into consideration late night trading hours may be permitted in appropriate circumstances, particularly in areas within the City that already exhibit a vibrant night-time character, as opposed to parts of the City that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

2.7 Trial periods

Approvals for late night trading premises will be limited in time to enable Council to assess the ongoing management performance of a premises and its impact on neighbourhood amenity.

Any extended hours (ie. beyond the “base” hours identified in Table 1) will be subject to a trial period. Trial periods also allow Council the flexibility to review the conditions on development consents and respond to such things as changes in the late night character of a neighbourhood and changes in management.

If the Council determines that a trial period has been unsatisfactory then trading hours will revert to the base hours. Council will consult with an applicant prior to making such a determination.

Development applications for a renewal or extension of trial trading hours should be lodged within 30 days of the expiry of a trial period and applicants will be allowed a period of ‘grace’ from the termination of the trial period until the new development application has been determined. During this period, the premises may continue to trade during existing approved trial hours.

If a development application is not lodged within 30 days from the expiry of the trial period then approved trading hours will revert to base trading hours. This only applies to development applications determined after the commencement date of this DCP.
2.8 Trading Hours

This DCP identifies base and extended trading hours within three late night trading areas and for Category A premises located outside of these areas. Base and extended hours that apply to particular late night trading areas are identified in Table 1 in this DCP.

**Base Hours**

Base hours are the standard range of trading hours that a late night trading premises is entitled to if a development application is approved.

**Extended Hours**

Council may approve extended trading hours above base hours on a trial basis.

Trading hours beyond base hours may be permitted at the initial DA stage, but only where the Council has determined that the premises have been (or will be) well managed, including compliance with a Plan of Management.

At the completion of a trial period a new development application must be lodged to either renew existing trial hours or to seek an extension of trading hours.

2.9 Plans of Management

Where the Council is of the opinion that proposals for late night premises have the potential to impact adversely on amenity and neighbourhood safety, applicants are required to prepare Plans of Management that include verifiable data and actions.

Plans of Management are to include information about the operational and contextual aspects of a premises (eg. 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 (eg. crowd control procedures, noise minimisation, waste management etc.).

This will ensure that proponents of late night trading premises have considered and addressed any potential impacts that may arise from their operation during late night hours, as well enabling the Council to effectively assess any 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.

**Plan of Management Monitoring and Review**

Consideration should be given to changes in the nature of the operation that have occurred during a trial period that have given rise to unforeseen impacts on the amenity of the area or have been the basis for a substantiated complaint made to Council or the Liquor Administration Board against the premises.

At the termination of a trial period it will be necessary this information (in the form of a new Plan of Management which includes a statement of revisions of the previous Plan of Management) accompanies a development application for a renewal or extension of trading hours so that Council can determine whether adequate steps have been taken to resolve problems arising from the operation of the premises during a trial period.
The Council will also undertake its own review of the level of compliance with the Plan of Management and whether the trial period has been successful. This review will include (but not be limited to):

a. consideration of complaints to Council and the Liquor Administration Board;

b. an assessment of inspections by Council Officers during trial periods; and

c. consideration of Police complaints.
3 Controls

3.1 Trading Hours and trial periods

a. A renewal or extension of trading hours may only be permitted if Council is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management (or management checklist) following the completion of a satisfactory trial period.

b. Category A and B premises seeking extended trading hours may be permitted up to two additional operating hours per trial period if a previous trial period is considered by the Council to have been satisfactory.

c. Trial periods may be permitted up to the following durations:
   i. First trial – 1 year
   ii. Second trial – 2 years
   iii. Third and subsequent trials – 5 years

d. Once the full range of extended trading hours are reached (as prescribed in Table 1), a DA must be lodged every 5 years to renew trading hours.

e. If the Council determines that a trial period has been unsatisfactory then Trading hours will revert to the base late night trading hours; or whatever hours have been approved as the maximum trading hours prior to the commencement of this DCP).

Table 1 – Trading Hours

<table>
<thead>
<tr>
<th></th>
<th>CATEGORY A PREMISES</th>
<th>CATEGORY B PREMISES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indoor Trading Hours</td>
<td>Outdoor Trading Hours</td>
</tr>
<tr>
<td>LATE NIGHT MANAGEMENT</td>
<td>Base – 6am to Midnight</td>
<td>Base – 10am to 10pm Extended – 10am to 1am</td>
</tr>
<tr>
<td></td>
<td>Extended – 24 hours</td>
<td></td>
</tr>
<tr>
<td>CITY LIVING</td>
<td>Base – 7am to 11pm Extended – 7am to 5am the following day</td>
<td>Base – 10am to 8pm Extended – 10am to midnight</td>
</tr>
<tr>
<td>LOCAL CENTRE</td>
<td>Base – 10am to 10pm Extended – 10am to midnight</td>
<td>Base – 10am to 8pm Extended – 10am to 10pm</td>
</tr>
<tr>
<td>ALL OTHER CATEGORY A PREMISES</td>
<td>Base – 10am to 10pm Extended – 10am to Midnight</td>
<td>Base – 10am to 8pm Extended – 10am to 10pm</td>
</tr>
</tbody>
</table>
3.2 Late Night Trading Areas
This map has been compiled from various sources and the publisher and/or contributors.
3.3 Plans Of Management

Plans of Management are required to accompany the following development applications for late night trading premises:

a. New Category A premises;
b. Existing Category A premises that seek a renewal or extension of existing approved trading hours;
c. Existing Category A premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;
d. Existing category B premises that seek extensions, additions or refurbishment which will increase the patron capacity to above 120 patrons;
e. Applications for outdoor trading on the same lot as a Category A and Category B premises.

The operators of late night trading premises are required to review their Plan of Management following every trial period and make revisions necessary to maintain an level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

Note: Plans of Management will in most cases not be required for Category B premises. Development applications for Category B premises will be required to complete a “Category B” Plan of Management checklist in accordance with Council’s Plan of Management Guidelines.

However, it is at Council’s discretion to request further information regarding the management of a Category B 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 (eg. security provision, noise, waste management, staffing etc.)
Appendix 1 – Late Night Trading Area Character Strategies

1. Late Night Management Areas

Character Statement

Key Defining Elements

Late Night Management Areas are places within the City that:

- have historically been the focal points for varied late night social and recreational activity; or
- are, at least in part, places with a distinct late night entertainment character; or
- where this character is evolving and the Area is considered by the Council to have the capacity for an increase in late night trading premises.

These places should be vibrant and multifunctional places where people can go out late at night in safety without affecting the amenity of nearby residents. Patrons of late night trading premises should be able to take advantage of a diverse range of cultural and entertainment opportunities in close proximity to each other; without one particular type of late night use dominating which may usurp the diversity and attraction of the area.

Late Night Management Areas are often regional “destinations” that have accessible and frequent public transport at night and usually have their focus on main streets or tourist locations where people shop, meet, work and live. Given the likely higher level of visitation and the possibility of long trading hours, it is important that all premises, especially those “high impact” premises are well-managed and regulated.

Buffer Zones

Late Night Management Areas may be of variable size and their physical boundary is defined by clear transitions in the intensity and duration of late night activity compared to lower impact late night trading areas nearby. Late Night Management Areas often share boundaries with places where less intensive night-time activity is evident, such as Local Centre or City Living Areas (i.e. lower intensity classifications of late night trading).

These lower intensity areas act as buffer zones to the more concentrated late night time activity of Late Night Management Areas. Buffer zones are intended to function as a transition zone by providing a lesser intensity of use. These are not “spill” zones, and are not intended to (in effect) expand Late Night Management Areas.

Mix of Uses

Late Night Management Areas should be vibrant places both day and night, and premises that trade late at night should enhance this vibrancy. The predominant night-time uses in Late Night Management Areas include:

- cafes;
- licensed hotels;
- theatres;
• restaurants; and
• other like premises.

Many of these premises may trade in the early hours of the morning, particularly on weekends.

This development control plan aims to achieve a mix of premises in Late Night Management Areas that reinforce the landmark night-time qualities of the area and premises which can capitalise on night-time attractiveness to encouraging tourism and economic activity. New premises in Late Night Management areas should contribute to diversity rather than usurp it. At the same time, new late night trading premises should not erode the diversity of retail and local services that operate during the day which service the local community, workers and visitors.

Late Night Management Areas should be places that people visit for a number of reasons and not solely to patronise high impact licensed premises such as pubs and nightclubs. Late Night Management Areas provide opportunities for Places of Public Entertainment and have historically been a focus for live music, theatre and ‘DJ’ Culture. They are appropriate places for the nurturing of performing arts and other cultural activities.

**Issues and Management**

Due to the concentration of late night trading premises in Late Night Management Areas, the cumulative noise levels, generation of human and vehicle traffic, and activity levels will be an issue, more so than in any other late night trading areas. Whilst it is acknowledged that noise and late night activity is a key characteristic of these areas, it is also essential to manage the cumulative impacts of late night trading premises in Late Night Management Areas and to effectively manage each individual late night premises within the area.

Since Late Night Management Areas may be destinations for people that live outside the City of Sydney, particularly on weekends, it is important that this higher visitation is managed effectively in order to minimise the impacts of late trading premises on nearby sensitive uses. It is important that proposals for late high impact premises such hotels and night-clubs premises are accompanied by detailed Plans of Management which effectively address amenity, safety and security.

**Trading Hours**

Extended hours can allow Late Night Management Areas to reinforce their role as centres of activity which offer entertainment, social and cultural opportunities that attract both locals and international visitors. Early morning trading hours may be acceptable for premises located in Late Night Management Areas where proponents can verify over time that noise, safety and amenity impacts can be managed to a level which is at an acceptable community standard. Up to 24 hour trading may be permissible in Late Night Management Areas; but only in circumstances where applicants have a sustained track record of good management, minimising amenity and safety impacts.
2. City Living Areas

Character Statement

Key Defining Elements

This Area is characterised by its diversity and potential to accommodate a range of lower impact late night trading premises which can cater to the entertainment and cultural needs of people that live in, work in and visit the City Centre.

Late night trading premises that are desirable in the City Living Area are premises that reinforce the rich cultural life of the City, establish places of interest and provide for the cosmopolitan needs of the community.

However, unlike Late Night Management Areas, concentrations of late night trading premises are not encouraged, particularly when they are located in close proximity to places where the primary land use is residential in character. Concentrations of late night trading premises are better suited to Late Night Management Areas. The City Living Area acts as a buffer around several Late Night Management Areas and requires a lower scale and intensity of late night trading premises in comparison to Late Night Management Areas.

Parts of the City Living Area include places where previous approvals have enabled late night trading to occur up to 24 hours a day, particularly on weekends. However, extended hours are dependent on context and impact, and in cases where impacts on residential properties cannot be effectively managed, late night trading will be limited to a narrower range of trading hours. It is desirable that premises do not trade exclusively at night and also function as places that people go at day to create a balance of activity.

Pockets of night-time activity are encouraged in streets and laneways which are underutilised at night and where impacts on residential uses (if in close proximity) can be effectively managed. Late night trading in such places is only desirable if:

- the safety of patrons and others is protected;
- where there are clear and safe linkages to city streets that are active at night;
- where public transport is frequent and accessible late at night; and
- where no adverse impact is placed on any nearby/surrounding residential development;

Mix of Uses

The City Living Area accommodates a wide range of commercial, retail, cultural, tourism and entertainment uses with wide variations in operating hours, with many premises operating late at night throughout the week. This area includes areas with concentrations of apartment buildings and other residential development in close proximity to existing areas of night time activity (e.g. near Chinatown and The Rocks). High levels of pedestrian and vehicular activity is evident in the City Living Area at night and it broadly has a “dual identity”, with parts that contain either predominantly business or predominantly residential uses.
Concentration

The potential for clustering or concentration of late night trading premises is limited in much of the City Living Area due to constraints arising from existing business and residential development that physically dominate some parts of the Area.

The City Living Area can accommodate discrete night-spots that may provide an alternative experience to the types of late night trading premises that locate elsewhere in the City.

Such night spots may range from hotels and night-clubs to small cafes that may attract clientele on the basis of reputation and prior knowledge rather than a ‘critical mass’ of people (or simply from passing pedestrian traffic) that visit a particular area for its high cultural and entertainment profile. Hence, due to the disparate character of the City Living Area, opportunities may exist for a diverse range of unique ‘niche’ premises.

An example of this type of premises is The Basement in Circular Quay which has been a showcase for live music in Sydney since the early 1970s and is a point of “alternative” cultural interest for people that live and work in the City as well as for tourists. Another example is the recent trend for boutique “Beer Cafes” and wine bars in the CBD that offer a highly specialised dining and social experience. Both niche and “conventional” market premises are encouraged in the City Living Area, particularly in cases where they promote Central Sydney’s role as Australia’s principal centre for culture, entertainment and tourism.

Trading Hours

Appropriate late night trading hours for premises are dependent on the extent and proximity of residential premises to any proposal. Decisions on appropriate late night trading hours will be based on the impact it is considered that the use will have on the amenity of residential and other sensitive land uses.

Generally longer trading hours may be acceptable where the predominant surrounding land use is non-residential or is “insulated/protected” from late night trading activity, or where there are clear buffers. Longer trading hours may be acceptable in peak periods on weekends and during special events and may be subject to trial periods as is the case for all types of late night trading land uses addressed by Council’s Late Night Trading Premises DCP.

Conversely, trading hours will be shorter where the predominant surrounding character is residential. Due to the generally active character in the City Living Area (even within some predominantly residential areas), longer trading hours may be considered more acceptable compared to Local Centre Areas where the interface between residential and non-residential uses is more defined.

Issues and Management

The central issue for this Area is the management of impacts associated with residential development within and near the Area. As a result, proposals will differ based on whether there is nearby or surrounding residential development to the proposed premises. Again, plans of management will assist in this regard, as aside from the basic content, they may also nominate specific mechanisms to manage proximity to residential development.
3. Local Centre Areas

Character Statement

Key defining elements

Local Centre Areas are primarily located within shopping streets and retail spines in the City of Sydney and consist of active places that are the commercial and cultural focus for the local community.

Local Centre Areas are active and vibrant places at night, although the intensity of activity is distinctly lower than in Late Night Management and City Living Areas. Premises such as restaurants and licensed hotels will generally have shorter trading hours than their counterparts in other areas. This is due to the proximity of Local Centre Areas to residential and other sensitive land uses and thus greater potential to impact upon the liveability of local residents.

Such areas have good access to public transport at night, and offer a broad range of opportunities for passive and low-intensity recreation at night including restaurants, cafes, galleries, licensed hotels and retail uses.

Local Centre Areas may also include places within the City of Sydney that have the potential to support an increase in night time activity, particularly in instances where a notable number of commercial premises are vacant or underutilised such as Regent Street and Redfern Street in Redfern.

During peak periods such as weekends it is appropriate for a number of premises to trade to midnight since Local Centre areas should be safe places for people to go out at night; and can provide an alternative and respite from the sustained levels of activity that are characteristic of Late Night Management Areas.

Although Local Centre Areas cater to people that live and work in the locality, they also have a minor role as destinations for people outside the City on weekends and therefore serve an important role in the hierarchy of night-time entertainment and recreational opportunities in the City.

Mix of Uses/Activities

In Local Centre areas, a mix of commercial and passive recreational uses is evident throughout the day and these uses flow on into early evening hours. However, at this time a gradual transition in character begins where food and drink premises eventually become the primary use, and eventually are the predominant use after 7pm.

Therefore, at night the retail uses in Local Centre Areas have a secondary role and cultural and recreational activities become the main focus. Ideally, some retail uses will continue to operate during late night hours and have a complementary relationship with late night uses. These may consist of premises that sell cultural products such as books, music, artworks and gifts. It is desirable that the “urban village” character of Local Centre Areas is sustained at night in order to maintain diversity. Premises within Local Centre Areas that operate exclusively at night are not encouraged.
Trading Hours
Where Local Centre areas contain ‘transitional’ sections that differ slightly in character from the rest of the area (usually due to such things as the earlier closure of businesses; less clustering of food and drink premises; less pedestrian activity at night and a more prominent residential character) it is desirable to have shorter trading hours. This is because these segments are characteristically less active during late night hours and there is greater potential for late night trading premises to impact on the amenity of surrounding residential neighbourhoods.

Careful consideration will be given to the residential context of the area and existing hours of other late night trading premises in close proximity when assessing development applications in these areas. Longer trading hours are acceptable in exceptional circumstances where it is considered that the use:

- will have minimal impact on residential amenity;
- is characteristic of other uses in close proximity; and
- where it will not contribute to the clustering of high impact premises such as hotels.

Opportunities
Some areas have the potential to be Local Centre Areas (for example: Redfern and Regent Streets) which have the capacity to support an increase in night-time activity that would encourage greater main street activity at night, ultimately contributing to revitalisation.

Issues and Management
In order to maintain their relatively low level night-time activity and to promote diversity, it is desirable that a wide range of low impact night-time trading premises operate in Local Centre Areas. Thus, the clustering of high intensity premises is discouraged which will prevent a monoculture of high impact licensed premises that may adversely change the night-time character of the locality. Local Centre Areas should characteristically have a strong presence of lower impact premises (eg. cafes, restaurants) that are ‘anchored’ by higher impact premises such as hotels.

An issue for this area is residential development within and near the area, so proposals will differ based on whether there is nearby or surrounding residential development to the proposed premises. Again, plans of management will assist in this regard, as aside from the basic content they may also nominate specific mechanisms to manage proximity to residential premises. The type of use proposed may also assist, given that high-impact uses are discouraged in this area, low-impact proposals are expected and given their very nature will have a lesser impact.
Appendix 2 – Plan of Management Guidelines

Minimum Plan of Management Requirements

A Plan of Management should be in the form of a separate attachment with a development application. At a minimum, Plans of Management should contain the following information:

Site and Locality Details

a. A description of the primary use of the premises as well as any secondary/ancillary uses (eg. retail liquor sales, place of public 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 (eg. outdoor seating, footway dining, queuing areas, parking etc);

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, including any “safety corridors”;

i. A summary other late night trading premises that operate beyond midnight within a 200 metre radius of the premises, indicating the nature of their use, their trading hours and distance from the premises;

Operational Details

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:

a. the number and type of staff (including security);

b. other similar premises within the company’s portfolio (if relevant);

c. any Liquor Licenses and/or entertainment approvals for the premises;
d 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;

e membership of a Licensing Accord within the City of Sydney;

f actions taken to liaise with the local community about premises management and activities (eg. meetings, letter drops).

**Hours of Operation**

a For existing premises seeking a renewal or extension of trading hours, a schedule of the current trading hours showing the range for each day. For example; this should be expressed in the following format:

- 9am Friday to 2am Saturday
- 9am Saturday to 2am Sunday
- 9am Sunday to 1am Monday
- 9am Monday to midnight Monday
- 9am Tuesday to 11pm Tuesday
- 9am Wednesday to 2am Thursday

b A schedule of the proposed operating hours for each day of the week for all areas of the premises (eg. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above; and

c For PoPE applications, a schedule of proposed entertainment hours for each day of the week in the format above;

**Noise**

a The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:

- public entertainment;
- external (outside) areas such as courtyards, rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment;
- waste disposal, sorting and collection of bottles etc.

b A description of the existing acoustic environment during hours proposed beyond midnight (eg. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.);

c The identification of all noise sensitive areas of different occupancy in close proximity to the proposed use (eg. residential dwellings; boarding houses, backpacker accommodation, hostels etc.) and;

d If a PoPE is proposed, a description of the nature/type of entertainment (eg. amplified or acoustic, solo or band, number of performers, pre-recorded, Disc Jockey etc);
Security and Safety
a 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:
- 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.
- Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (eg. recording capacity, frames-per second etc.)

c Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;

d Written confirmation that the NSW Police Service raises no objection to trading hours beyond midnight and there is no record of significant crimes generated by the premises or records showing an increase in crime associated with the premises; and

e 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

General Amenity
a 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;
b Details of all actions that will be taken to respond to complaints made about the operation of the premises (eg. consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);

c 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.;

d Details of when (frequency) and how the premises will be cleaned and serviced;

e If the premises has gaming machines, details of where gaming areas will be located in order to not be viewable from the street (eg. away from the street frontage, not at ground level if multiple floors, appropriate screening); and how these areas will be patrolled;

f 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;

g Details of methods that will increase patron awareness of public transport availability (eg. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (eg. provision of a shuttle service, taxi assistance etc.); and

h Details of methods that will increase patron awareness of responsible disposal of cigarette butts;

i Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

Noise

a Details of all on-site and off-site noise and vibration attenuation measures;

b A statement outlining the premises’ compliance with all relevant noise and vibration standards, guidelines and legislation (eg. Australian Standards, Protection of the Environment (Operations Act) 1997, EPA Industrial Noise Guidelines, etc.);

c 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 (Operation Act), 1997;

d 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 (eg. liaison with neighbours and local police, maintaining a complaint register etc);

e Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies etc; and

f Details of any noise limiting devices to be installed.
Security and Safety

a 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;

b Any provisions that will be made to increase security in times where higher than average patronage is expected (eg. during public entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.);

c Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;

d 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;
- membership of the proprietor/licensee to a Licensing Accord (please refer to the City’s website for details of Licensing Accords operating within the City) 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 (eg. electronic counting of patrons, occupancy limits, signage); and
- actions to be taken during "wind down" periods prior to closing time;
e 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;
- actions ensuring the fast and efficient movement of a queue; and

f Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements of the Office of Liquor gaming and Racing 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 (eg. arranging taxis, public transport timetable information)
- encouraging responsible drinking;
- actions taken to discourage drug use and to manage drug-related incidents.

Category ‘B’ Premises Management Checklist

Where relevant, at a minimum management checklists for category B premises 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 (eg. disposal of bottles, waste removal etc.);

c Provide details of 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;

m Provide details of the trading hours of other late night trading premises currently operating within a 50 metre radius (ie. commercial premises that operate after 10pm)