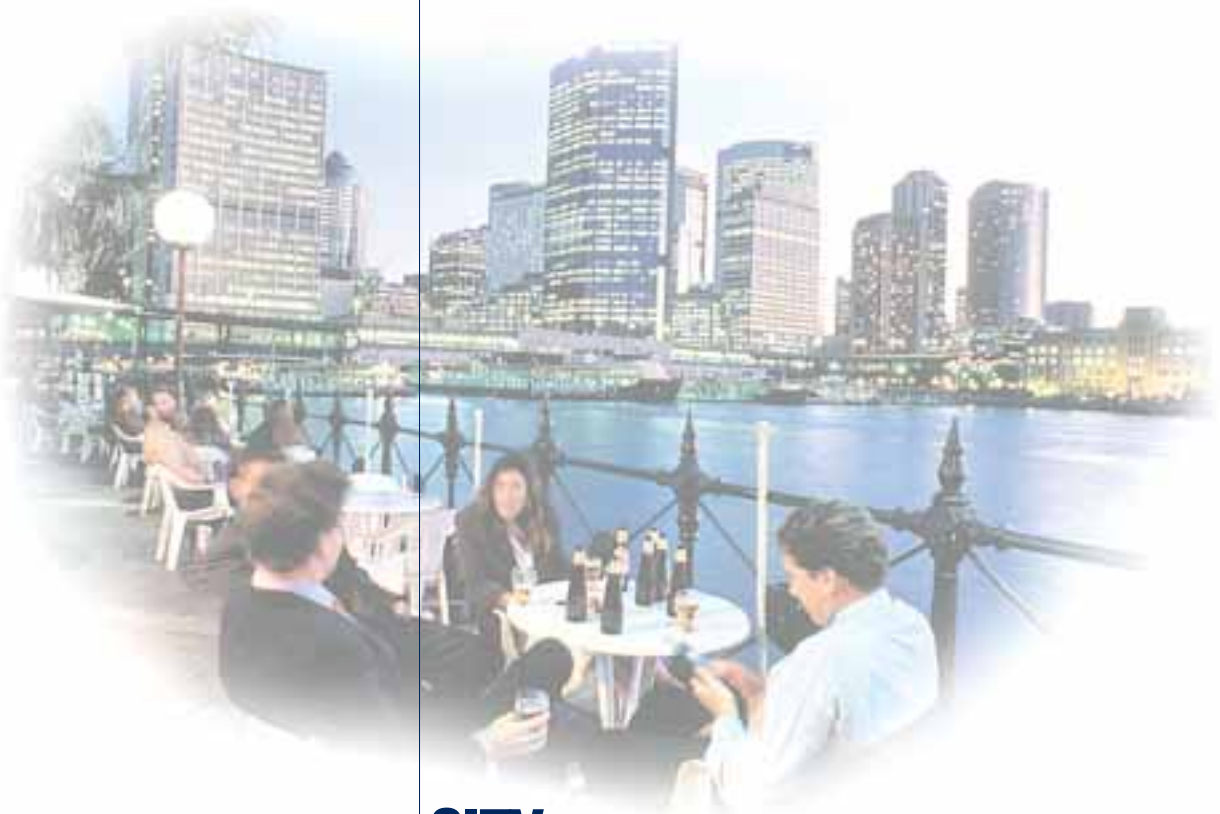


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# Policy on Trading Hours for New and Existing Premises.

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Adopted by the Council of the City of Sydney on 27 August 2001 and the Central Sydney Planning Committee on 30 August 2001.

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## Introduction

The environmental impacts of certain land uses are determined by their ongoing management. The mechanism favoured by the City to regulate the management of these uses is via the control of hours of operation, in particular late night trading for certain uses (i.e. those hours beyond the standard hours identified in this policy).

Under this policy all late night trading will be allowed on a trial basis only, to allow for the ongoing review of the management of particular uses. Premises that achieve a reasonable level of management, in terms of social and community harms, will be permitted to continue trading extended hours. Those that do not will have their hours curtailed appropriately.

The purpose of this policy is to provide a framework under which the hours of operation of pubs and like uses can be established and reviewed.

### 1.1

#### **Application**

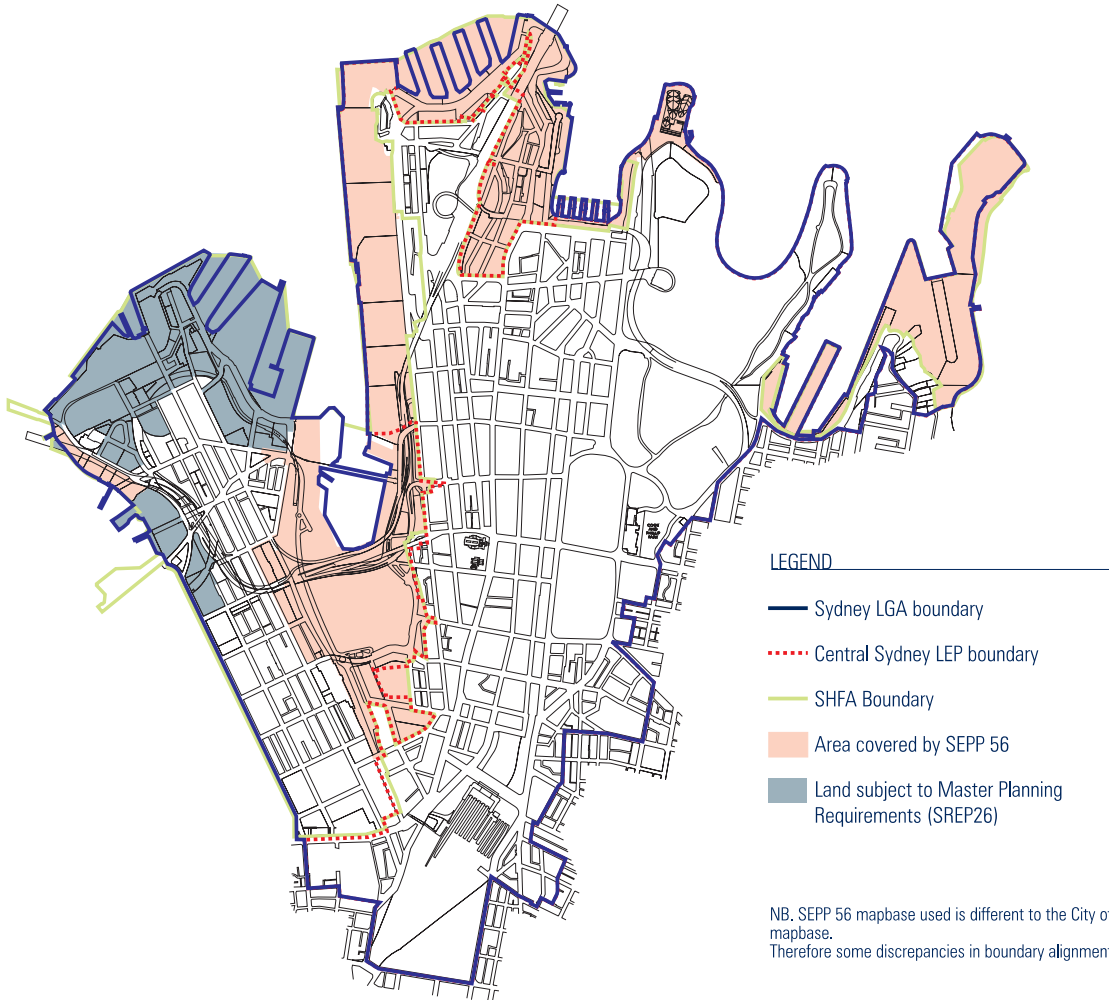
This policy concerns extension of hours for late trading/24 hour pubs and like uses which may have detrimental effects on their neighbourhood. This policy applies to the following development applications:-

- > Applications for new uses.
- > Applications for an extension or renewal of hours of operation of existing uses.
- > Applications for refurbishment of existing uses, covered by this policy, where there is an intensification of that existing use, or the addition/ reconfiguration of Electronic Gaming Machines (EGMs) within the premises.

1.2

**Area to which policy applies**

This policy covers all land in the City of Sydney, including areas covered by other consent authorities with their concurrence (ie Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning).



1.3

**Related policies and instruments**

This policy complements Council's existing planning controls that concern land use management.

*Central Sydney Development Control Plan 1996 and Central Sydney Local Environmental Plan 1996; and,*

*Sydney Regional Environmental Plan 26 and the Urban Development Plan for Ultimo Pyrmont.*

Where there is an inconsistency with the above policies, the statutory controls above shall apply.

### 2.1 Definition

A licensed premises includes any premises licensed to sell alcohol (independently of food service) such as a pub, registered club, night club and karaoke lounge. These premises may also have a Place of Public Entertainment (POPE) licence whereby entertainment (eg amplified or live music) is provided.

### 2.2 Hours

#### City Centre Zone

Subject to all other aspects of the development being satisfactory, it is proposed that licensed premises in the City Centre zone under *City of Sydney Local Environmental Plan 1996* shall be permitted to trade as follows:-

- > Standard hours: 8.00 a.m. - midnight 7 days a week;
- > 1 year trial hours: 8.00 am to 2.00 am 7 days a week; or
- > Where residential uses are in close proximity; 8.00 am to 2.00 am Thursday, Fridays and Saturdays only.

#### City Edge and Residential Zones

Subject to all other aspects of the development being satisfactory, it is proposed that licensed premises in the City Edge and Residential zones under *City of Sydney Local Environmental Plan 1996* and in all areas cover by *Sydney Regional Environmental Plan (SREP) 26* shall be permitted to trade as follows:-

- > Standard hours: 8.00 am to 11.00 pm Mondays to Saturdays and 10.00 am to 10.00 pm Sunday;
- > 1 year trial hours: 8.00 am to 1.00 am Monday to Saturday and 8.00 am to midnight Sunday; or
- > Where residential uses are in close proximity; 8.00 am to midnight Monday to Saturday and 8.00 am to 11.00 pm Sundays.

## General Provisions

### Applications for the extension or review of trial periods

Applications for the extension or review of any trial period shall be subject to public notification, and referral to the Liquor Licensing Board and the local Police as to whether or not there have been any complaints or incidents connected with the premises in the past year:

If the premises has operated successfully in the first trial period a second trial period for extended hours may be granted for a trial period of up to 5 years.

If a premises fails its initial trial period (eg when there are consistent and supported complaints against the premises) no further trial shall be granted and the premise's minimum hours shall apply.

For existing licensed premises only one trial period is required (till 2.00 am or if existing hours are up to 2.00 am, for 24 hour operation) and then a trial period for up to 5 years.

### Refurbishment of licenced premises

Where a development application is received for refurbishment of an existing licensed premises that does not have its hours regulated by a condition of consent, a condition shall be imposed regulating the premise's hours in accordance with this policy.

### Electronic gaming machine premises

Where a premises has any EGMs the premises shall not be permitted to trade on a 24 hour basis, unless the premises gaming services are closed down for a minimum of 6 hours in any 24 hour period.

### Place of public entertainment licenced premises

Where a premises has a POPE licence and an extension of hours is sought (past 11.00 pm), an Acoustic Report shall be provided with the application for the extension of all trial periods. The acoustic report shall contain:-

- > An acoustic assessment of the late night operation of the use for 5 representative events/functions from 11.00 pm to closing of the premises;
- > Details of the events/functions measured;
- > Provide noise reading at the boundary of the nearest residential premises, at street level directly adjacent to the premises and at any other relevant location nominated by Council.

## Non Licenced Premises

### 3.1 Definition

Non-licensed premises may include restaurants, cafes, retail (such as convenience stores and chemists) and medical centres. Some of these premises may also have a POPE licence and provide entertainment (eg restaurants with amplified or live music).

### 3.2 Hours

#### City Centre Zone

Subject to all other aspects of the development being satisfactory, it is proposed that new non-licensed premises in the City Centre zone under *City of Sydney Local Environmental Plan 1996* shall be permitted to trade as follows:-

- > Standard hours: 8.00 a.m. - midnight 7 days a week;
- > 1 year trial hours: 24 hour operation 7 days a week; or
- > Where residential uses are in close proximity, the consent authority may restrict trial hours accordingly.

#### City Edge Zone

Subject to all other aspects of the development being satisfactory, it is proposed that new non-licensed premises in the City Edge and Residential zones under *City of Sydney Local Environmental Plan 1996* and in all areas covered by *SREP 26* shall be permitted to trade as follows:-

- > Standard hours: 8.00 am to 11.00 pm Mondays to Saturdays and 10.00 am to 10.00 pm Sunday.
- > 1 year trial hours: 24 hour operation 7 days a weeks.
- > Where residential uses are in close proximity, the consent authority may restrict trial hours accordingly.

### 3.3 General Provisions

#### Applications for the extension or review of trial periods

Applications for the extension or review of all trial periods shall be subject to public notification and referral to the local Police as to whether or not there have been any complaints or incidents connected with the premises in the trial year. If the premises has a POPE licence an Acoustic Report (as per the requirements for licensed premises) shall be required with the trial extension application.

If the premise's trial period is completed successfully a further trial period for up to 5 years may be granted.

**4.1 Hours**

Subject to all other aspects of the development being satisfactory, it is proposed that brothels, restricted premises and other uses which may cause detrimental effects to the neighbourhood such as amusement centres and internet cafes in the City Centre zone under *City of Sydney Local Environmental Plan 1996* and where such uses are permissible under *SREP 26* shall be permitted to trade as follows:-

- > Standard hours: 8.00 a.m. - midnight 7 days a week;
- > 1 year trial hours: 8.00 a.m. - 2.00 am 7 days a week.
- > Where residential uses are in close proximity the consent authority may restrict trial hours accordingly.

**4.2 General provisions**

Applications for the extension or review of the first trial period shall be subject to public notification and referral to the local Police as to whether or not there have been any complaints or incidents connected with the premises in the trial year.

If the premises operated successfully in the trial period, a further trial period for extended hours may be granted for up to 5 years.