

# **Attachment A**

**Draft Sydney Development Control Plan:  
Late Night Trading 2018 as amended**

# Draft Sydney Development Control Plan: Late Night Trading 2018

City of Sydney  
Town Hall House  
456 Kent Street  
Sydney NSW 2000

15-October-2018-6 May 2019



# Draft Sydney Development Control Plan: Late Night Trading 2018

## The purpose of Sydney Development Control Plan – Late Night Trading DCP

- 1) The purpose of this plan is to amend the late night trading provisions in the *Sydney Development Control Plan 2012*, *The Late Night Trading DCP 2007* and the *Green Square Town Centre DCP 2012*.

## Citation

- 2) This plan may be referred to as the *Sydney Development Control Plan – Late Night Trading 2018*.

## Land covered by this plan

- 3) This plan applies to land:
  - (a) shown in Figure 1.1 of the *Sydney Development Control Plan 2012*, marked 'Land covered by this DCP'
  - (b) Shown in Figure 1.2 marked 'Area to which the plan applies' of the *Late Night Trading Development Control Plan 2007*
  - (c) Shown in Figure 1.1 marked 'Site Identification Map' of the *Green Square Town Centre Development Control Plan 2012*

## Relationship of this plan to other development control plans

- 4) This plan amends the Sydney Development Control Plan 2012, the Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 in the manner set out below.

## Amendments to Sydney Development Control Plan 2012

- 5) This plan amends the *Sydney Development Control Plan 2012*, as follows.
  - (a) Amend Section 3.15 'Late Night Trading Management' as described in Appendix A1 with deletions shown as strikethrough and new text as bold italics. **Post exhibition amendments are shown underlined.**
  - (b) Amend Schedule 3 'Late Night Trading' as described in Appendix A2 with deletions shown as strikethrough and new text as bold italics.
  - (c) Amend the Late Night Trading maps **02,03, 04**, 07, 08, 09, 10, 13, 14, 15, 16, 17, 18, **21**, 22, **23** to show new late night trading areas indicated as hatched areas, **and main streets in Local Centre Areas** in Appendix A3.
- 6) This plan amends the *Late Night Trading Development Control Plan 2007*, as follows.

- (a) Delete sections 2 Strategy and 3 Controls' and Appendix 1 Late Night Trading Area Character Strategies and 2 Plan of Management Guidelines.
- (b) Insert the following provision at the end of section 1.4 Relationship to Other Environmental Planning Instruments and Development Control Plans:

***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 3.15 Late Night Trading Management and Schedule 3 Late Night Trading.***

- (c) Insert a new section 2 'Late Night Trading Areas', insert Late night trading maps identified in Appendix B and the following text:

***For land subject to this Development Control Plan, which is excluded from the Sydney Development Control Plan 2012, late night trading areas are identified on the following maps.***

- 7) This plan amends the *Green Square Town Centre Development Control Plan 2012*, as follows.

- (a) Replace text in section GSTC 11 Night Trading Management with the following:

***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 3.15 Late Night Trading Management and Schedule 3 Late Night Trading.***

- (b) Insert a new Figure 11.1 'Late Night Trading' as included in Appendix C and the following text:

***For land subject to this Development Control Plan, late night trading areas are identified on the following map.***



# **APPENDIX A1**

**Amendments to Sydney Development Control Plan 2012**

**Section 3.15 Late Night Trading Management**

## 3.15

### Late Night Trading Management

~~The aim of This section is to assist in~~ **encouraging diverse the management of the impacts of late night trading in the city to meet the social and cultural needs of the community, while managing the effects of these premises uses** on the sites and neighbourhoods in which they are located. ~~and to protect the amenity of existing residential properties.~~

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 **cultural** life and playing an important role in **contributing to** the City's economic growth and standing **as a global city**. ~~People who live or work in the City as well as tourists are attracted to these places as a result of their diversity and vitality.~~ **Late night trading supports a 24 hour economy where residents, workers and tourists can access a diverse range of businesses for convenience, leisure and entertainment.** Late night trading premises can also provide employment and jobs with flexible hours.

The following provisions provide greater certainty to the community and proponents of late night trading premises in respect to appropriate operating hours and location. The provisions 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.

The provisions also identify ~~a constrained range of~~ **shorter** operating hours for late night trading in areas within a predominantly residential context. ~~and allow~~ **Longer** flexible ~~extended~~ trading hours **are contemplated** for premises located in places where ~~adverse amenity impacts~~ **impacts** on **amenity in** residential neighbourhoods are likely to be lower and are considered capable of being adequately managed.

**The provisions encourage a mix of late opening shops and businesses, like grocery stores, bookshops, hairdressers and galleries, as well as licensed theatres, pubs, cafes, small bars and restaurants in late night precincts. Having more diverse forms of late night trading attracts a wide range of people of all ages and interests, creating a safer and more balanced night time economy.**

**To encourage more live entertainment in a range of locations in the city, the provisions provide the possibility for additional trading hours for dedicated performance venues and licensed venues which host cultural uses and live performance.**

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. It is particularly important for proponents of 'high impact' late night trading premises **with greater effects on surrounding uses** to demonstrate responsible management over time. This commitment should be demonstrated both at the application stage and throughout the history of the operation of the premises.

Late night trading area character statements and guidelines for preparing plans of management and ~~premises management checklists~~ are included in Schedule 5 3 and should be referred to when preparing your application.

Generally, late night trading areas are places within the City of Sydney that already or have historically been characterised by late night trading and related activity, for example ~~Kings Cross~~ **George Street and the wider CBD, or are suitable areas identified for late night trading in the future.** 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 **which reinforce the existing character of late night trading areas and do not create adverse on residential areas.** ~~with acceptable amenity impacts resulting from any new late night activity.~~

***There are a number of sites in the city LGA which are excluded from the Sydney Development Control Plan 2012 because Minister is the consent authority. The City is however the consent authority for proposals of less than \$10 million in value, and applies the provisions of the Late Night Trading DCP 2007 when it assesses proposals. Green Square Town Centre DCP 2012 applies to the Green Square Town Centre, which is excluded from the Sydney DCP 2012.***

***The Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 will adopt the relevant provisions of the amended Sydney DCP 2012, with the late night trading maps of each plan amended accordingly.***

## Definitions

**Category A - High Impact Premises means any of the following premises:**

- (i) a hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;
- (ii) 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;
- (iii) an on-premises licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the

premises is that of a nightclub with a capacity of more than 120 patrons;

- (iv) **A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of 250 patrons or more, but does not include a pub, bar, karaoke ~~bar-venue~~, small bar, nightclub, adult entertainment venue or registered club;**
- (iv) a club within the meaning of the Liquor Act 2007;
- (v) 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
- (vii) premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

**Category B – Low Impact Premises means any of the following premises:**

- (i) a hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a **small bar or** general bar licence;
- (ii) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- (iii) an on-premises licence within the meaning of the Liquor Act 2007;
- (iv) any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises; and
- (vi) any other commercial premises, **other than Category C premises**, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night. This may include such premises as **including but not limited to, food and drink premises, takeaway food and drink premises, restaurants, 'BYO' premises, cafes, theatres, karaoke venues, convenience stores, entertainment facility, takeaway food shops, and stand-alone gyms in buildings with residential accommodation** and the like; or
- (vi) **A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a**

**pub, bar, karaoke bar venue, small bar, nightclub, adult entertainment venue or registered club.**

**Category C – means any of the following premises:**

- (i) **Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the Liquor Act 2007. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. It does not include convenience stores, food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.**

Note: Category A B and C Late night trading premises do not include sex services premises.

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

**Convenience store is a shop that:**

- **primarily offers pre-packaged, processed snack food for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and**
- **has a floor area generally under 200 square metres; and**
- **located at street level in places with medium to high volume of passing traffic.**

**In all cases, the discretion as to what development is considered to be a ‘convenience store’ for the purposes of this DCP shall be solely that of the consent authority and generally in accordance with this DCP.**

*Extended hours* mean trading hours that may be approved above base hours on a trial basis.

*Outdoor areas* are any areas that are not considered an enclosed place within the meaning described in the *Smoke-free Environment Regulation 2007*.

*Patron capacity* means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

**Performance, creative or cultural uses include:**

- (i) **Live entertainment, being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the**

***performers (or at least some of them) are present in person; or***

- (ii) Display, projection or production of an artwork, craft, design, media, image or immersive technology; or***
- (iii) Rehearsal, teaching or discussion of art, craft, design, literature or performance.***

***NOTE: The definition of live entertainment is consistent with clause 102 of the Liquor Regulation 2018.***

## **Objectives**

- (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 monitoring and 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) Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.***
- ~~(g)~~ (h) Prevent the proliferation of poorly managed high impact late night premises.
- ~~(h)~~ (i) Ensure that new late night trading premises do not reduce the diversity of retail services in an area.
- (ij) Encourage diverse retail and services to meet the needs of communities.***
- ~~(j)~~ (k) Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.

- (kl) Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.
- (lm) 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.
- (mn) Ensure that appropriate hours are permitted for outdoor trading; and
- (no) Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.

### Provisions

#### 3.15.1 General

- (1) These provisions apply to applications made under Part 4 of the Environmental Planning and Assessment Act 1979 which includes development applications and applications to review a determination or modify a consent.
- (2) These provisions apply to applications for new and existing Category A, B and ~~Category B C~~ premises 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 section of the DCP; or
  - (d) seek approval for outdoor trading ~~beyond 8pm.~~
- (3) ***These provisions do not apply to Category B and C premises that do not tradeing after only between 7am to 10pm, and Category A premises trading only between 10am to 10pm.***
- (4) ***Generally standard trading hours between 7am and 10pm will apply in business zones.***

Note: These provisions are not retrospective and do not derogate from existing consents.

#### 3.15.2 Late night trading areas

- (1) These provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. Late night trading areas are described in Schedule 3 Late night

trading and identified on the Late night trading areas map and include:

- (a) Late Night Management Areas;
  - (b) City Living Areas; and
  - (c) Local Centre Areas.
- (2) Notwithstanding the above, all proposals for ~~Category A~~ premises located outside of the late night trading areas will be subject to the requirements of these provisions.
- ~~(3) Proposals for late night trading premises that are either not located within or are not category A premises outside of the late night trading areas will be assessed on their individual merit with consideration given to relevant matters as outlined in 3.15.3 of these provisions as well as Section 79C of the Environmental Planning and Assessment Act 1979, Sydney LEP 2012 and any other applicable planning instruments or policies.~~

### 3.15.3 Matters for consideration

These matters for consideration provide the basis for a consistent approach to the determination of appropriate trading hours and create greater certainty 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.

- (1) Appropriate trading hours for late night trading premises will be determined by taking into account a number of issues, **where relevant**, 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 night trading premises;
  - (b) the specific nature of the premises, **its activities** ~~that is a pub, nightclub, restaurant, or other similar premises~~ and the proposed hours of operation;
  - (c) **the likely impact on the amenity of surrounding sensitive land uses, including noise, and the ability to manage the impacts.**
  - (d) **the provision of indoor performance, creative or cultural use and how this increases the diversity of late night activities in the area**

- (e) ***the provision of indoor space for performance, creative or cultural uses in a licensed premises, including the nature of the space available for the use, programming and entertainment being provided.***
- (f) ***the contribution that late night trading proposals make to street activation and vibrancy of an area at night.***
- (g) ***the likely impacts arising from the closing times and patron dispersal of the proposed and existing late night uses, including consideration of unlicensed late night trading in an area, such as shops, businesses and food and drink premises.***
- (eh) the existing hours of operation of surrounding business uses;
- (ei) the size and patron capacity of the premises;
- (ej) the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;
- (ek) the likely operation of the proposal during day time hours, ***including the potential for street front activation.***
- (el) 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;
- (em) the diversity of retail and business services within an area and the impact of a late night trading proposal on this diversity;
- (en) 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; and
- (eo) the accessibility and frequency of public transport during late night trading hours.

#### **3.15.4 Trading hours and trial periods**

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas.

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

- (1) Base and extended hours that apply to particular late night trading areas are identified in Table 3.7 Late night trading hours.

**Table 3.7:** Late night trading hours

		Category A		Category B		Category C Unlicensed premises Indoor
		Indoor	Outdoor	Indoor	Outdoor	
Late Night Management Area	Base	6am to <del>12am</del> <u>midnight</u>	10am to 10pm	6am to 2am	<del>8</del> 7am to 10pm	<b>24 hours</b>
	Extended	24 hours	<del>10</del> 9am to 1am	24 hours	<del>8</del> 7am to 1am	
City Living Area	Base	7am to 11pm	10am to 8pm	7am to 1am	<del>9</del> 7am to 8pm	<b>24 hours</b>
	Extended	7am to 5am	<del>10</del> 9am to 10pm	7am to 5am	<del>9</del> 7am to <del>12am</del> <u>midnight</u>	
Local Centre Area	Base	10 am to 10pm	10 am to 8pm	<del>8</del> 7am to 11pm	<del>10</del> 7am to 8pm	<b>7am to 2am</b>
	Extended	10am to <del>12am</del> <u>midnight</u>	<del>10</del> 9am to 10pm	<del>8</del> 7am to <del>12</del> <u>2am</u> <u>midnight</u> *	<del>10</del> 7am to 10pm	
All other areas	Base	10am to 10pm	10am to 8pm	<b>7am to 10pm</b>	<b>7am to 8pm</b>	<b>7am to <u>12am</u> <u>midnight</u></b>
	Extended	10am to <del>12am</del> <u>midnight</u>	10am to 10pm	<b>7am to <u>12am</u> <u>midnight</u></b>	<b>7am to 10pm</b>	

\*Refer to (2) below.

- (2) ***Notwithstanding Table 3.7, proposals for extended indoor hours of Category B premises in Local Centre Areas after up to 12 2am may only be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.***
- (3) Any hours that are beyond base hours will be subject to a trial period.

- (4) **Council may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in 3.15.3 and provided that:**
- (i) **The premises is not located in a R1, R2 (residential) or B4 (mixed use) zone; and**
  - (ii) **The premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services (800 metres) of public transport access.**
- (45) **Council will consider proposals for stand-alone gyms in Local Centres to exceed the trading hours in Table 3.7 if:**
- (i) **the gym is not located in a building with residential accommodation;**
  - (ii) **the tenancy within which the gym will be located has no common wall to residential accommodation;**
  - (iii) **Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area;**
  - (iv) **no outdoor operation of the gym is proposed;**
  - (v) **a Plan of Management is approved which addresses noise impacts described in Schedule 3, 3.2(d).**
- (56) Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the Council has determined that the premises have been or will be well managed, including compliance with **an approved** Plan of Management
- (67) At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.
- (78) 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, **unless eligible for an additional one trial hour under sections 3.15.4 (16) and (17).**
- (89) Trial periods may be permitted up to the following durations:

- (a) First trial – 1 year;
  - (b) Second trial – 2 years;
  - (c) Third and subsequent trials – 5 years.
- (910) Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.
- (1011) Applications for a renewal or extension of trial trading hours should be lodged 30 days **prior to** the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.
- (1112) If an application is not lodged 30 days ~~from~~ **prior to** the expiry of the trial period, then approved trading hours will revert to base trading hours.
- (1213) A renewal or extension of trading hours that are subject to a trial period 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 premises management checklist, following the completion of a satisfactory trial period.
- (14) When Council is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:**
- (i) Whether the trial period hours have been utilised;**
  - ~~(i)~~ **(ii) the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;**
  - ~~(ii)~~ **(iii) responses to substantiated complaints , including complaints recorded on the venues complaints register;**
  - ~~(iii)~~ **(iv) Compliance with the approved Plan of Management for the venue;**
  - ~~(iv)~~ **(v) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;**
  - ~~(v)~~ **(vi) an assessment of inspections by Council Officers during trial periods; and**
  - ~~(vi)~~ **(vii) consideration of any submission made by Police.**

- (15) 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. Council will consult with an applicant prior to making such a determination.

***Additional hour for dedicated performance venues***

- (16) ***Venues which are a Category B dedicated performance venue (identified in the Definitions at Category B (vii)) and located within a late night trading area, may be permitted one additional indoor hour at closing time on a trial period basis in accordance with 3.15.4 (9).***

***Additional operating hour for venues including performance, creative or cultural uses***

- (17) ***Category A and B premises, excluding dedicated performance venues, karaoke venue, nightclub or adult entertainment venues, which are located within a late night trading area and provide indoor space with the capacity for performance, creative and cultural uses may be permitted an additional indoor operating hour at closing time on the night the premises provides performance on a trial period basis in accordance with section 3.15.4 (9).***

***This hour may be in addition to any other extended hours approved as part of a trial period application. To be eligible, venues must demonstrate the capacity to provide performance.***

***NOTE: Venues seeking to demonstrate their capacity to provide performance as required by section 3.15.4 (17) may support their application by submitting information including the following:***

- ***A description of the type of music, visual or performance art or other cultural events that may be staged at the premises***
- ***Submission of details of the space to be used and permanent or semi-permanent structure(s) and equipment to present live performance and creative and cultural uses. This may include any stage and audience standing or seating area; and***
- ***Arrangements for booking and promoting performance, creative and cultural uses.***

- (18) ***The performance, creative and cultural use must occur for a minimum of 45 minutes after 6pm.***

- (19) *Venues seeking to apply for an additional operating hour for providing a performance, creative or cultural use required to update their Plans of Management to reflect the operation of the performance, creative and cultural use and management of the additional hour of trade.*
- (20) *Venues seeking to extend trial periods for an additional hour are to demonstrate that they have provided performance in accordance with the requirements of 3.15.4(16) and (17).*

#### **Category C premises**

- (21) *Category C premises may be approved for trading hours up to the maximum described in Table 3.7 subject to an assessment of the relevant matters in 3.15.3. trial periods may be imposed for premises that propose trading hours after ~~12am~~ midnight, are in sensitive locations or include uses that may be considered by the council to be higher risk,*

### **3.15.5 Plans of management requirements and ~~category B premises—management Checklists~~**

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 and submit with their application Plans of Management that include verifiable data and actions.

#### **3.15.5.1 Preparation**

Plans of Management are to include information about the operational and contextual aspects of a premises, for example locality description, security numbers, noise emission and trading hours, as well as details about what actions will be taken to ensure that premises will be responsibly managed, for example, crowd control procedures, noise minimisation and waste management.

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 managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

- (1) A Plan of Management, prepared in accordance with the guidelines in Schedule 3 Late night trading, is required to accompany an application for the following late night trading premises:
  - (ba) new Category A Premises;

- (eb) existing Category A Premises that seek a renewal or extension of existing approved trading hours;
  - (ec) **new Category B premises;**
  - (ed) **existing Category B premises that seek a renewal or extension of existing approved trading hours;**
  - (ee) existing Category A Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;
  - (ef) existing Category B Premises that seek extensions, additions or refurbishment which will result in the premises becoming a Category A premises;
  - (eg) applications for outdoor trading on the same lot as a Category A or Category B Premises;
  - (h) **Category A or B premises that seek an additional operating hour for the provision of performance, creative or cultural uses; and**
  - (i) **Category B dedicated performance venues that seek an additional operating hour at closing.**
- (2) **Plans of Management must be assessed and approved concurrently with the application for an extension of trading hours.**
- ~~(3) In the main, applications for Category B Premises are required to provide a Category B Premises Management checklist in accordance with the guidelines in Schedule 3 Late night trading.~~
- (34) The operators of late night trading premises are required to review their Plan of Management or Category B Premises Management Checklist following every trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.
- (45) Council may request that an applicant **amend their Plan of Management to** provide further information in addition to the minimum requirements listed in Schedule 3 Late Night Trading in their Plan of Management where it is considered necessary.

### 3.15.5.2 Monitoring and Review

At the termination of a trial period, applicants should consider changes in the nature of the operation that have occurred during the operation of a premises 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 State licensing authority against the premises.

In reviewing a Plan of Management at the termination of a trial period, it will be necessary for this information. This should be in the form of a new Plan of Management which includes a statement of revisions of the previous Plan of Management, if any are required to accompany an application for a renewal or extension of trading hours so that Council can determine whether adequate steps have been taken to resolve any problems that may have arisen from the operation of the premises during a trial period.

The Council will undertake its own review of the level of compliance with the Plan of Management and whether the current operation has been successful on any application to extend a trial period or on any review. The matters considered by Council will include, but not be limited to:

- (i) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;
- (ii) an assessment of inspections by Council Officers during trial periods; and
- (iii) consideration of **any submission made by** Police.



# **APPENDIX A2**

## **Amendments to the Sydney Development Control Plan 2012 Schedule 3**

# Schedule 3

## Late Night Trading

### 3.1

## Late Night Trading Area Character Statements

The Late Night Trading Management provisions identify 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.

There are three types of late night trading areas:

- Late Night Management Areas;
- City Living Areas; and
- Local Centre Areas.

A character statement for each is below. Late Night Trading areas are shown on the Late Night Trading Areas Map.

#### 3.1.1 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 places with a distinct late night entertainment character; or
- have an evolving night entertainment character and the Area is considered by the Council to have the capacity for an increase in late night trading premises; **or**
- are business only zones, able to accommodate performance and arts and cultural uses, with good accessibility to public transport.***

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.

***Some Late Night Management Areas, such as the North Alexandria heritage area, will be in business only zones, with industrial buildings, ideally suited to provide space for performance, creative and cultural uses, and with good access to public transport. These business areas provide a unique opportunity for live entertainment and cultural uses without a conflict in land use, character or impact on residential amenity.***

### **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 for expansion of 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;
- ***shops***
- ***businesses offering local services, for example: hairdressers and drycleaners***
- ***small bars***
- ***bars***

- licensed hotels;
- theatres **and performance, creative or cultural space**
- restaurants; and
- other like premises.

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

The Late Night Trading Management provisions aim to achieve a mix of premises in Late Night Management Areas that reinforce the landmark night-time qualities of the area and which capitalise on night-time attractiveness to encourage 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 late night entertainment and have historically been a focus for live music, theatre and ~~‘DJ’ Culture~~ **electronic and dance music**. They are appropriate places for the nurturing of performing arts and other cultural **and social** activities.

### **Issues and management**

Due to the concentration of late night trading premises in Late Night Management Areas, the cumulative noise levels, generation of pedestrian and vehicle traffic, and activity levels will be an issue, more so than in 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 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.

### 3.1.2 City Living Area – 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, 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. 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.

The City Living Area includes 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 **during the** 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:

- (a) the safety of patrons and others is protected;

- (b) ~~where~~ there are clear and safe linkages to city streets that are active at night;
- (c) ~~where~~ public transport is frequent and accessible late at night; and
- (d) ~~where~~ **any** adverse impacts ~~is placed~~ on any nearby/surrounding residential development **are adequately managed**.

### Mix of uses and concentration

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 (eg. ~~near Chinatown and The Rocks~~ **Broadway**). 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.

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 mixed 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 who live or work in the City as well as for tourists. Another example is the recent trend for boutique 'Beer Cafes' and wine bars in the City Centre 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.

## Issues and management

The central issue for this Area is the management of impacts on 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. 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 **where appropriate**.

## 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 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 Management provisions.

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 Trading Areas where the interface between residential and non residential uses is more defined.

### 3.1.3 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 ***south Regent Street in Chippendale or Botany Road in Green Square*** 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 provide late night options for local communities;*** and can provide an alternative and respite from the sustained levels of activity that are characteristic of Late Night Management Areas. ***In some locations in Local Centres, low impact premises may have the potential to trade later than 12am-midnight, and up to 2am.***

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

### **Mix of uses and activities**

In Local Centre Trading 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.~~

***While traditionally*** ~~Therefore,~~ at night the retail uses in Local Centre Areas have ***had*** a secondary role and cultural and recreational activities become the main focus, ***the demand for shops and businesses to stay open later to serve the needs of the local community has increased.*** Ideally, ***in local centres*** some retail uses will continue to operate during late night hours and have a complementary relationship with late night uses. ***These may include shops such as chemists, clothing stores, bookshops and supermarkets or businesses that supply local services, like drycleaners, hairdressers and medical centres*** ~~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 sections 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 applications in these areas. Trading hours up to the maximum extended hours of operation permissible for local centre areas are acceptable where it is considered that the use:

- (a) will have minimal impact on residential amenity;
- (b) is characteristic of other uses in close proximity; and
- (c) where it will not contribute to the clustering of Category A premises.

***In some locations in local centres it may be appropriate for low impact venues, to trade until 2am such as small bars, in accordance with their small bar liquor license. This will only be allowed where entry and egress to the premises is onto a main street and not a residential laneway or area.***

***Local businesses may also be able to trade until 2am to provide greater diversity and meet the needs of local communities.***

Some areas have the potential to be Local Centre Areas (for example: Redfern, and **Botany Road**) 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 Local Centre Trading Areas 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. 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 Local Centre Trading Areas, low-impact proposals are expected and given their very nature will have a lesser impact.

## 3.2

### Plan of management requirements

- (1) A Plan of Management should be in the form of a separate attachment with an application and should be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management. At a minimum, a Plan of Management should contain the following information:
  - (a) Site and locality details
    - (i) A description of the primary use of the premises as well as any secondary/ancillary uses (eg. retail liquor sales, 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;
    - (ii) 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);
    - (iii) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses. The floor plan should also indicate the proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;
    - (iv) 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;
    - (v) The location of waste storage areas;
    - (vi) Location of air conditioning, exhaust fan systems and security alarms;
    - ~~(vii) 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.~~

(viii) Identification of the most commonly used pedestrian routes to and from the premises, including any safety corridors;

~~(ix) A summary of other late night trading premises that operate beyond 10pm within a 200 metre radius of the premises, indicating the nature of their use, their trading hours and distance from the premises.~~

(b) Operational details

(i) An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

- the number and type of staff (including security);
- other similar premises within the company's portfolio (if relevant);
- any Liquor Licenses for the premises;
- 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;
- membership of a Licensing Accord within the City of Sydney (please refer to the City's website for details of Licensing Accord operating within the City); ~~and~~
- ~~• actions taken to liaise with the local community about premises management and activities (eg. meetings, letter drops).~~

(c) Hours of Operation

(i) 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
- (ii) 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. If the nature of an area changes, for example, a dining area becomes a dance floor after the kitchen closes, then this should be noted and operational hours for the different uses detailed and
- (iii) If applicable, a schedule of proposed entertainment hours for each day of the week in the format above.
- (d) Noise:
- (i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:
- **Live entertainment and amplified sound;**
  - 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
  - **in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and free weights.**
- ~~(ii) A description of the existing acoustic environment during hours proposed beyond midnight (eg. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.);~~
- ~~(iii) 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;~~

- ~~(iii) If applicable, a description of the nature/type of entertainment (eg. amplified or acoustic, solo or band, number of performers, pre-recorded, Disc Jockey etc);~~
- (ii) Details of all on-site and off-site noise and vibration attenuation measures related to the use and operation of the premises.**
- (iii) 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.);**
- ~~(iv) 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 ;~~
- (v) 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);**
- (vi) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and**
- (vii) Details of any noise limiting devices to be installed.**
- (e) Security and safety – may only be applicable for licensed premises or takeaway food and drink premises located close to late night licensed premises.**
- (i) 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);
  - Staff security training, weapons detection, and other security response methods.
- (ii) 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.)
- (iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;
- (iv) Detail any liaisons or outcomes of any meeting with local NSW police; and
- (iv) 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;
  - Action taken by premises to resolve the complaint;
  - Follow-up; and
  - Outcome.

(f) Management Measures

General Amenity:

- (i) 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;~~
- (ii) Details of all actions that will be taken to respond to complaints made about the operation of the premises

(including but not limited to consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);

- (iii) 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;
- ~~(iv) Details of when (frequency) and how the premises will be cleaned and serviced;~~
- ~~(v) 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;~~
- ~~(vi) A statement that addresses how the premise will impact the mix of uses in the vicinity during both day and night trading hours;~~
- (iv) 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
- (viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts;
- (v) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

Noise:

- ~~(viii) Details of all on-site and off-site noise and vibration attenuation measures related to the use and operation of the premises.~~
- ~~(ix) 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.);~~
- ~~(x) 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~~

- ~~(xi) 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);~~
- ~~(xii) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and~~
- (xiii) Details of any noise limiting devices to be installed.

Security and Safety (*where applicable*):

- (i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or leaving the premises will minimise disturbance to the neighbourhood.
- (ii) 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.);
- (iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;
- (v) Detail procedures and provisions that will be implemented to improve premises security. ~~At a minimum~~ This ~~should~~ **could** 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 (see the City's website for details of Licensing Accords operating within the City);
  - dress codes;
  - staff security training;
  - distinctive security attire;
  - availability of cloak rooms;
  - internal and external security patrols;
  - measures to prevent glass 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.
- (v) 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:
- A description of how and how often security guards will monitor queues (e.g. security guards will monitor queues every 10 minutes to identify inappropriate behaviour before patrons enter); the use of temporary ropes and bollards;
  - maximum queue numbers;
  - actions taken to minimise loitering; and
  - actions ensuring the fast and efficient movement of a queue; and

***Optional issues that may be required in relation to an application for a liquor license***

- (vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements 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 and provision of free water;
  - 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;
  - number of RSA marshalls employed for each shift and details on how they will monitor RSA; and
  - actions taken to discourage drug use and to manage drug related incidents.
- (xiv) Detail emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.

**(g) Performance, creative or cultural uses (where applicable)**

- (i) A description of the music, visual, performance, creative and cultural events that may be staged at the premises;**
- (ii) Details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area) and equipment to present the performance, creative or cultural use;**
- (iii) Arrangements for booking and promoting performance, creative and cultural uses;**
- (iv) Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses.**

### 3.3

## Premises Management Checklist (Low Impact Premises)

- (1) Management checklists for a low impact premises is to include the following:
  - (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 and/or queues 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 200m radius (ie. commercial premises that operate after 10pm); and~~
- ~~(n) Be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management.~~

# APPENDIX A3

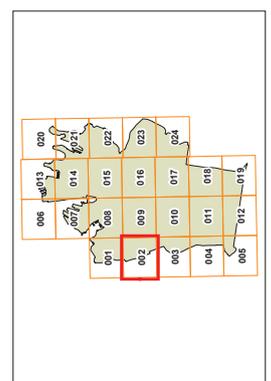
Draft Sydney Development Control Plan 2012

Draft Late Night Trading Maps as amended

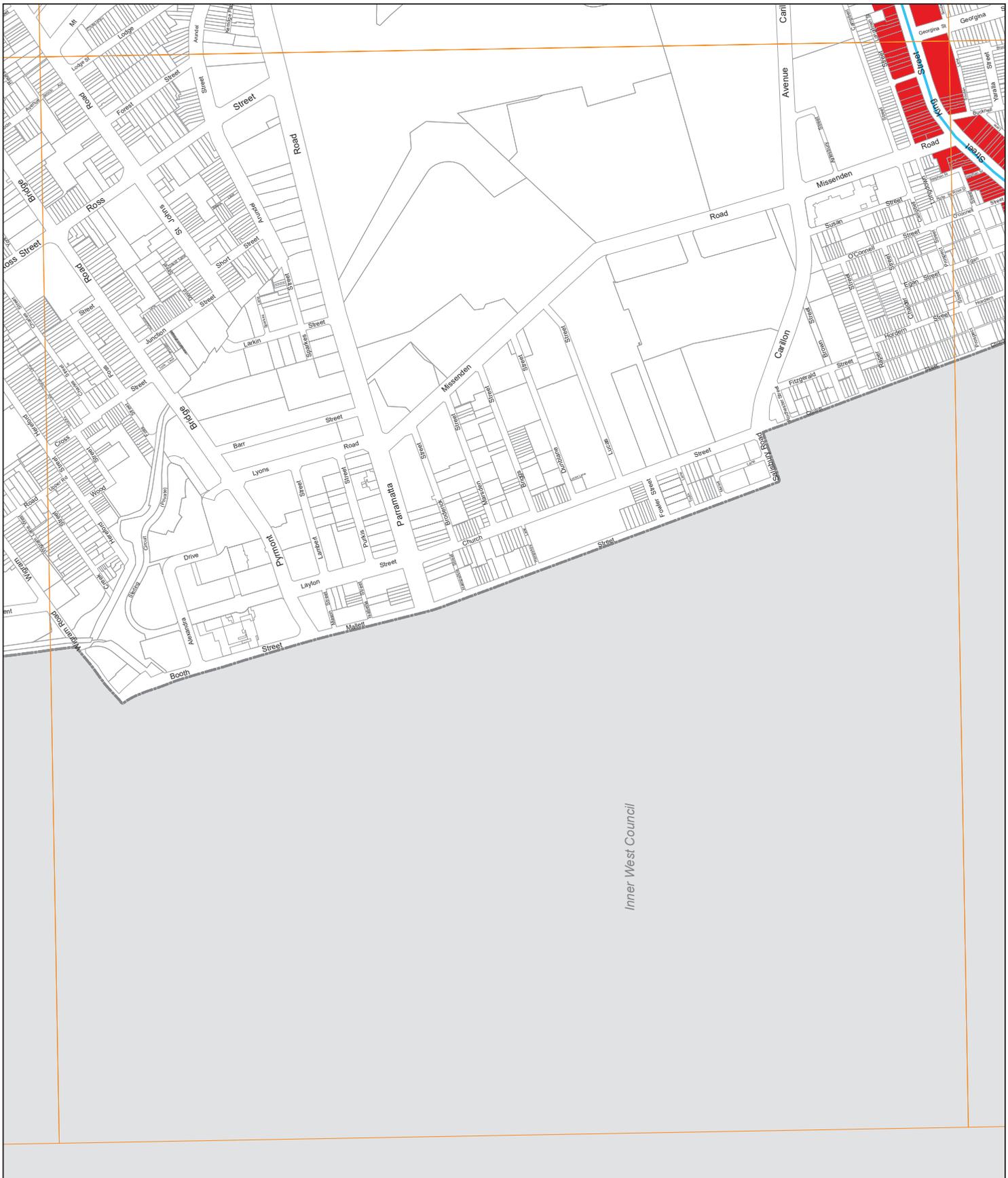
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 002

- Legend**
- Proposed city living areas
  - Proposed late night management areas
  - Proposed local centre areas
  - Main street in local centre
  - Existing city living areas
  - Existing late night management areas
  - Existing local centre areas
  - Land excluded from this DCP



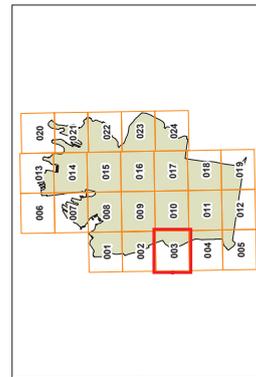
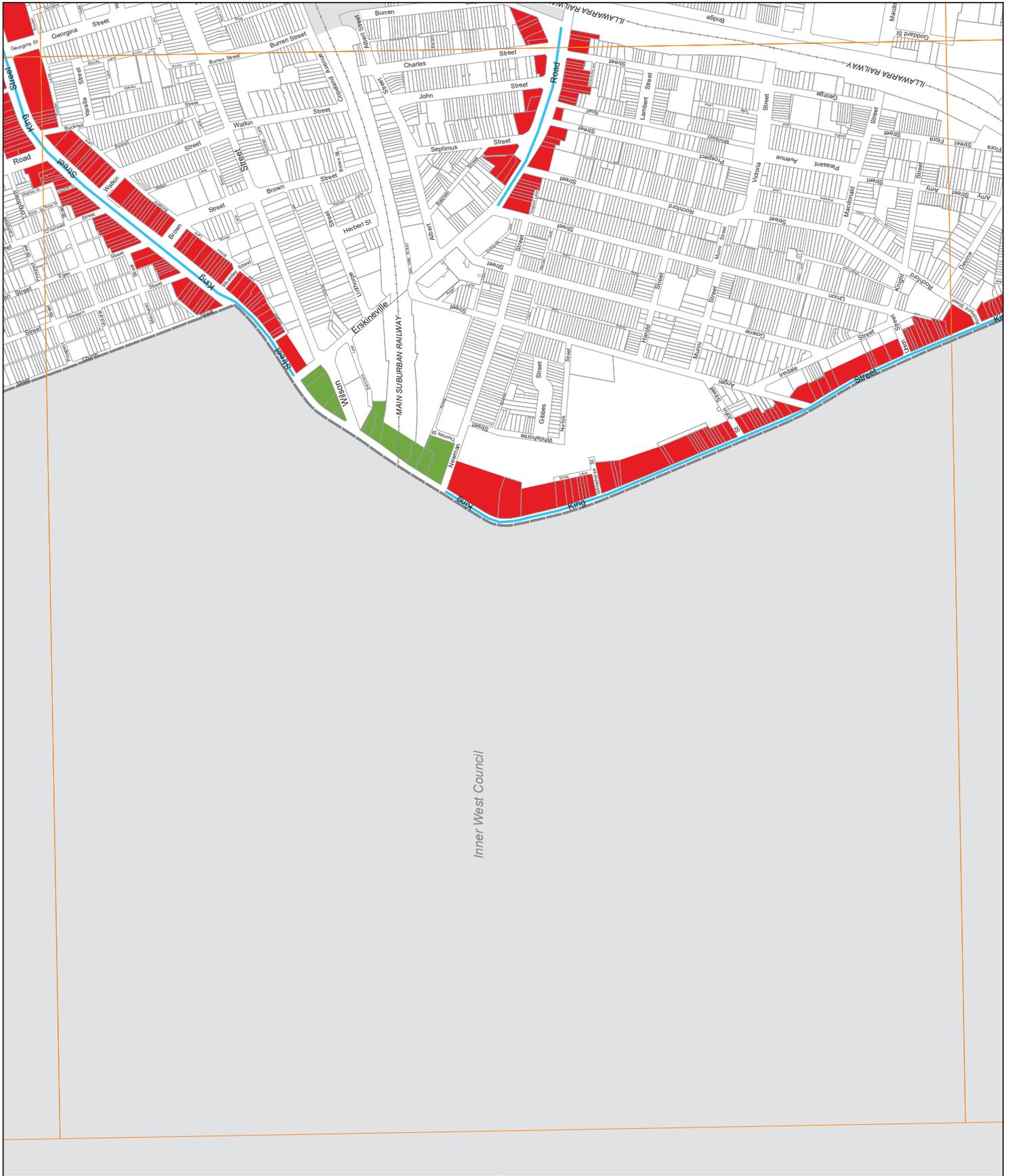
Copyright ©2012 Sydney Council. All Rights Reserved.  
 Projection: MGA\_Zone\_56  
 Datum: GDA84  
 Prepared by: SIDA  
 File: SDCP2012\_LNTA.mxd  
 No part of this map may be reproduced without written permission.



# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 003

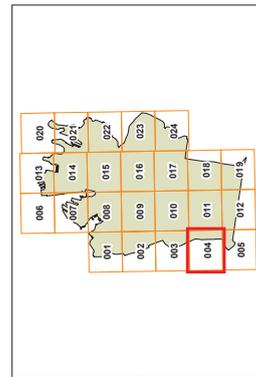
- Legend**
- Proposed city living areas
  - Proposed late night management areas
  - Proposed local centre areas
  - Main street in local centre
  - Existing city living areas
  - Existing late night management areas
  - Existing local centre areas
  - Land excluded from this DCP



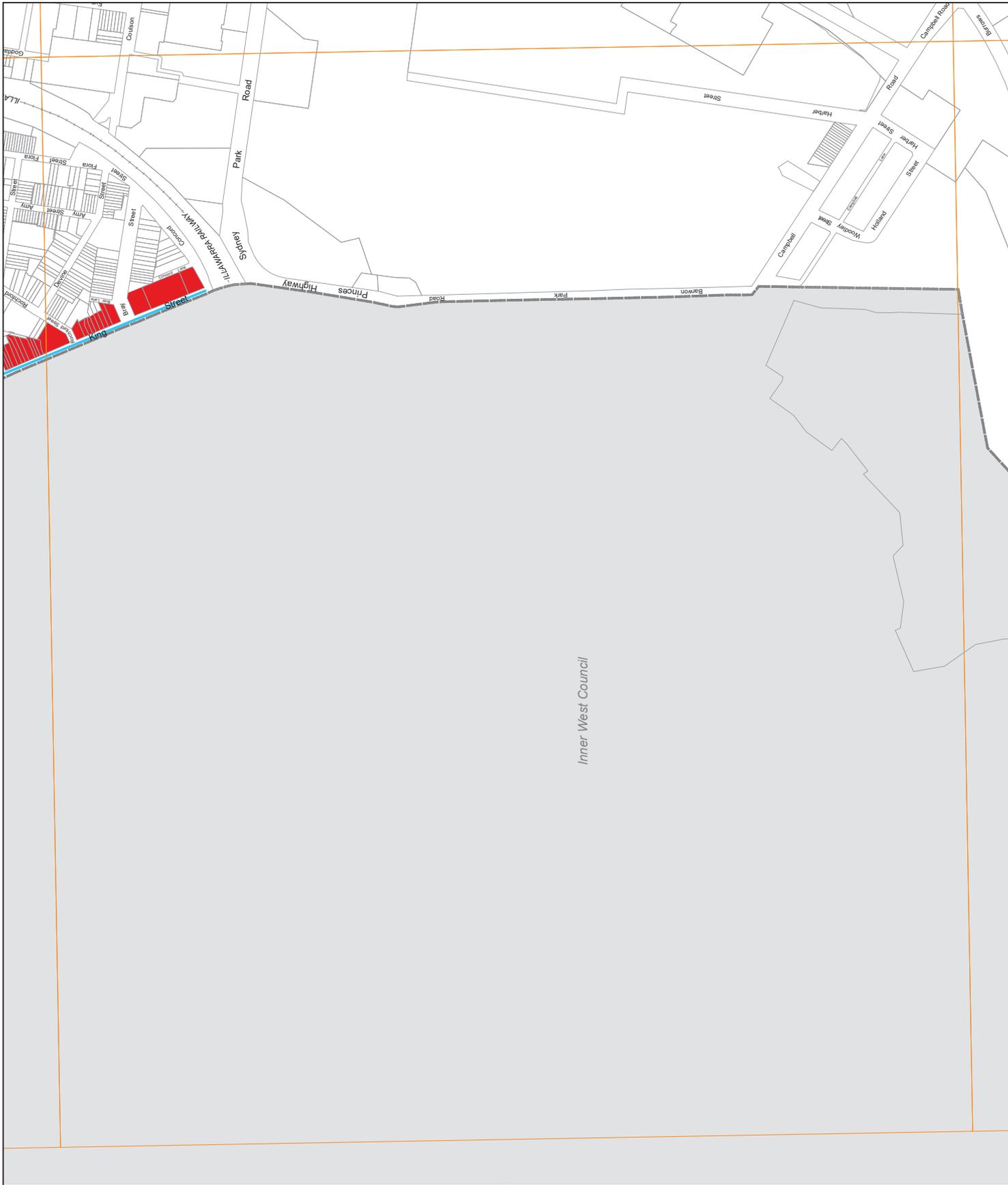
Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 Projection: MGA, Zone 56  
 Datum: GDA84  
 Prepared by: SH/UD 2.7, 2019  
 File: SDCP2012\_LNTA.mxd  
 No part of this map may be reproduced without written permission.

### Legend

- Proposed city living areas
- Proposed late night management areas
- Proposed local centre areas
- Main street in local centre
- Existing city living areas
- Existing late night management areas
- Existing local centre areas
- Land excluded from this DCP



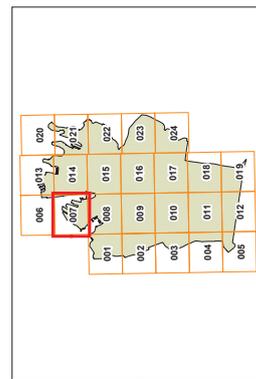
Copyright ©2010 City of Sydney Council. All Rights Reserved.  
 Projection: MGA, Zone 56  
 Datum: GDA04  
 Prepared by: SLUD 27 2010  
 File: SDCP2012\_LATA.mxd  
 Group of any map discrepancies. No part of this map may be reproduced without written permission.



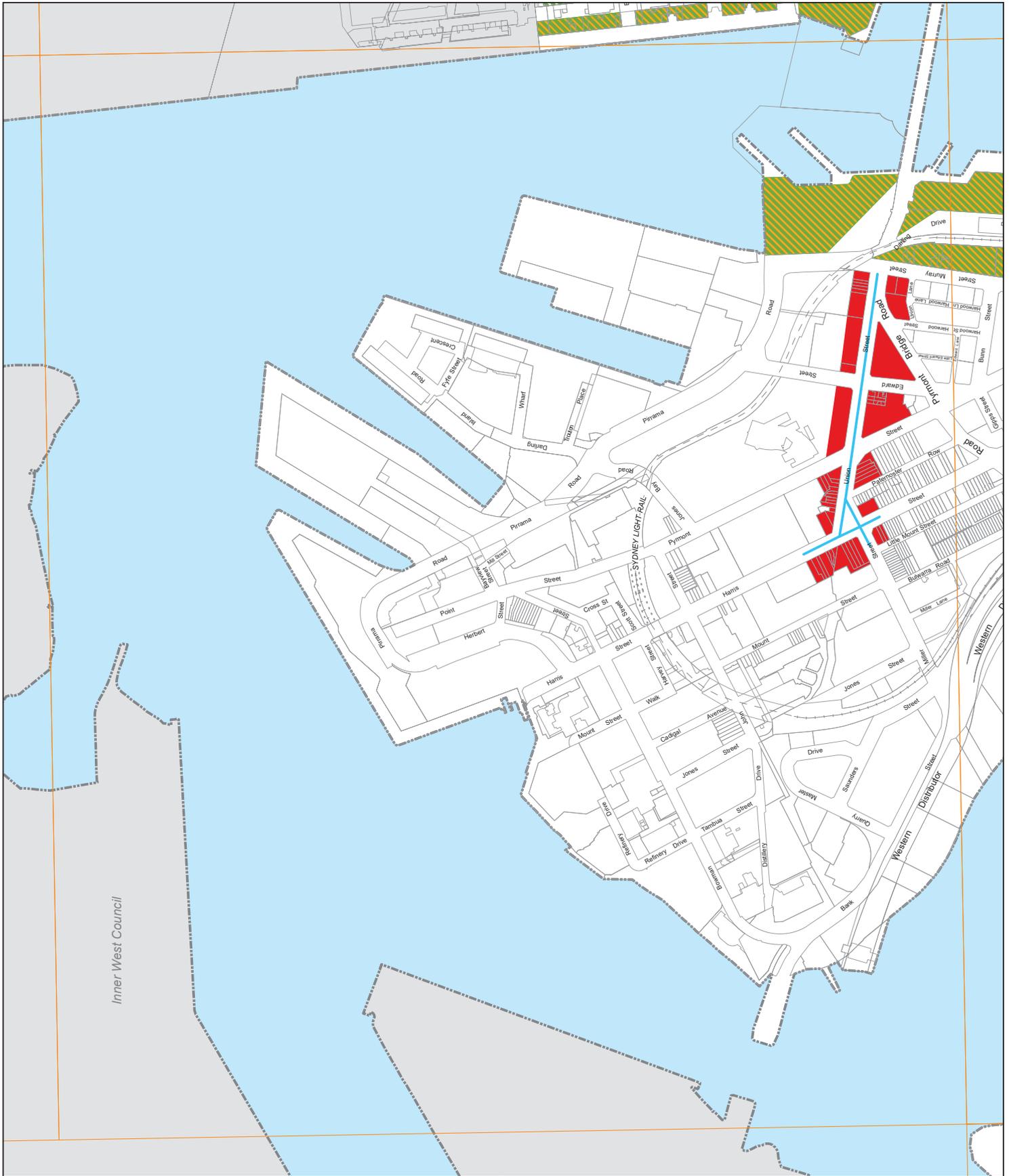
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 007

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP
  -  Land excluded from this DCP

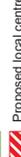
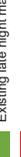
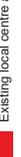


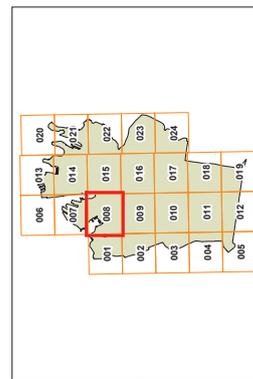
Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 Projection: MGA\_Zone\_56  
 Datum: GDA2011  
 Prepared by: SHoD, 2019  
 File: DCP2012\_LNTA.mxd  
 The DCP2012\_LNTA.mxd  
 Group of any map discrepancies. No part of this map may be reproduced without written permission.



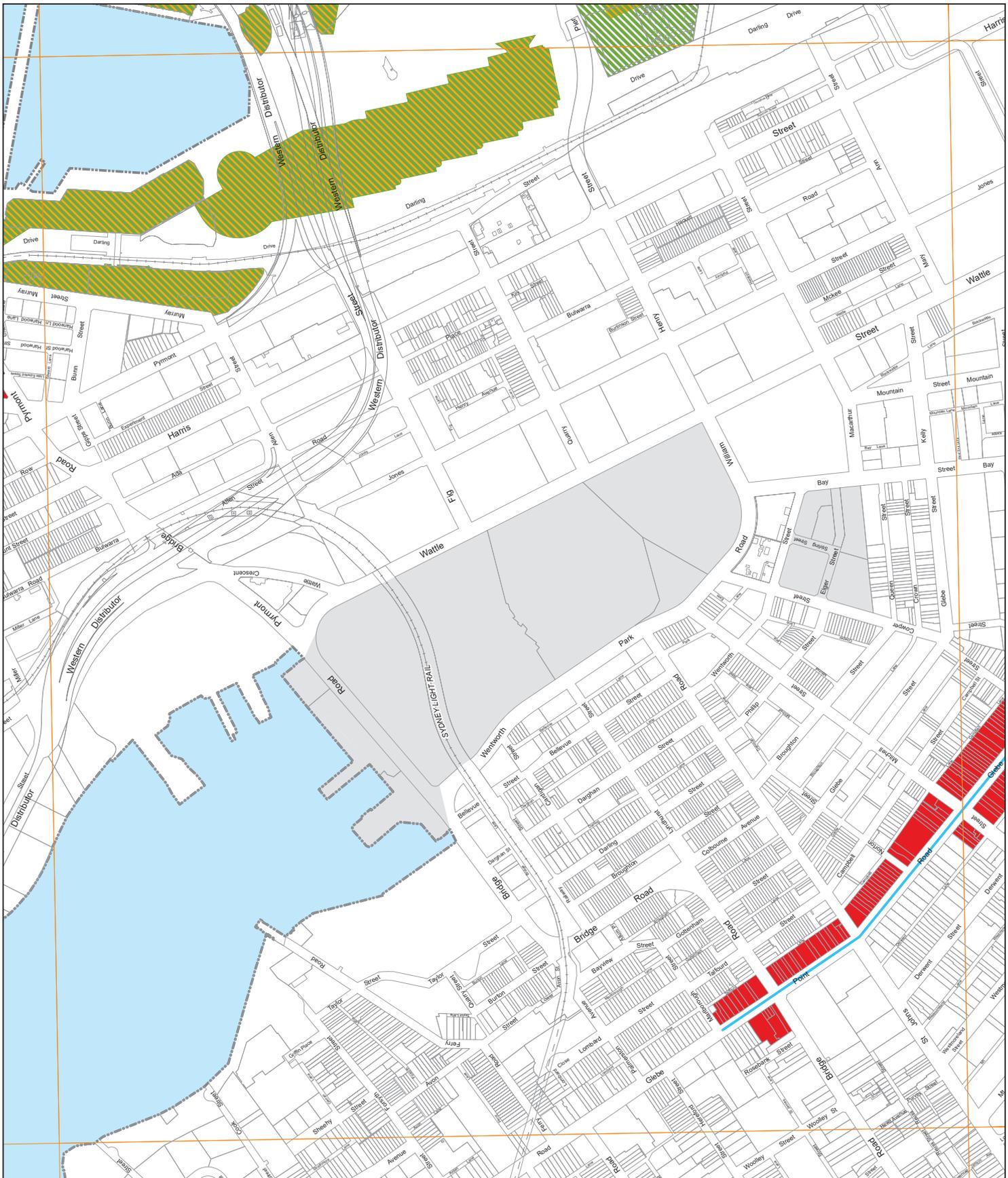
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 008

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP

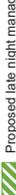


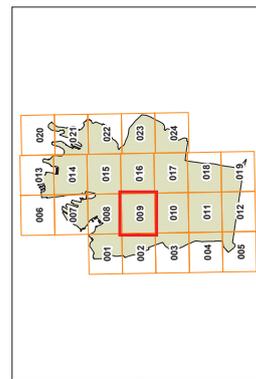
Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Projection: MGA, Zone 56  
 Datum: GDA84  
 Prepared by: S:\LID 2.7 2010  
 File: SDC2012\_LATA.mxd  
 No part of this map may be reproduced without written permission.



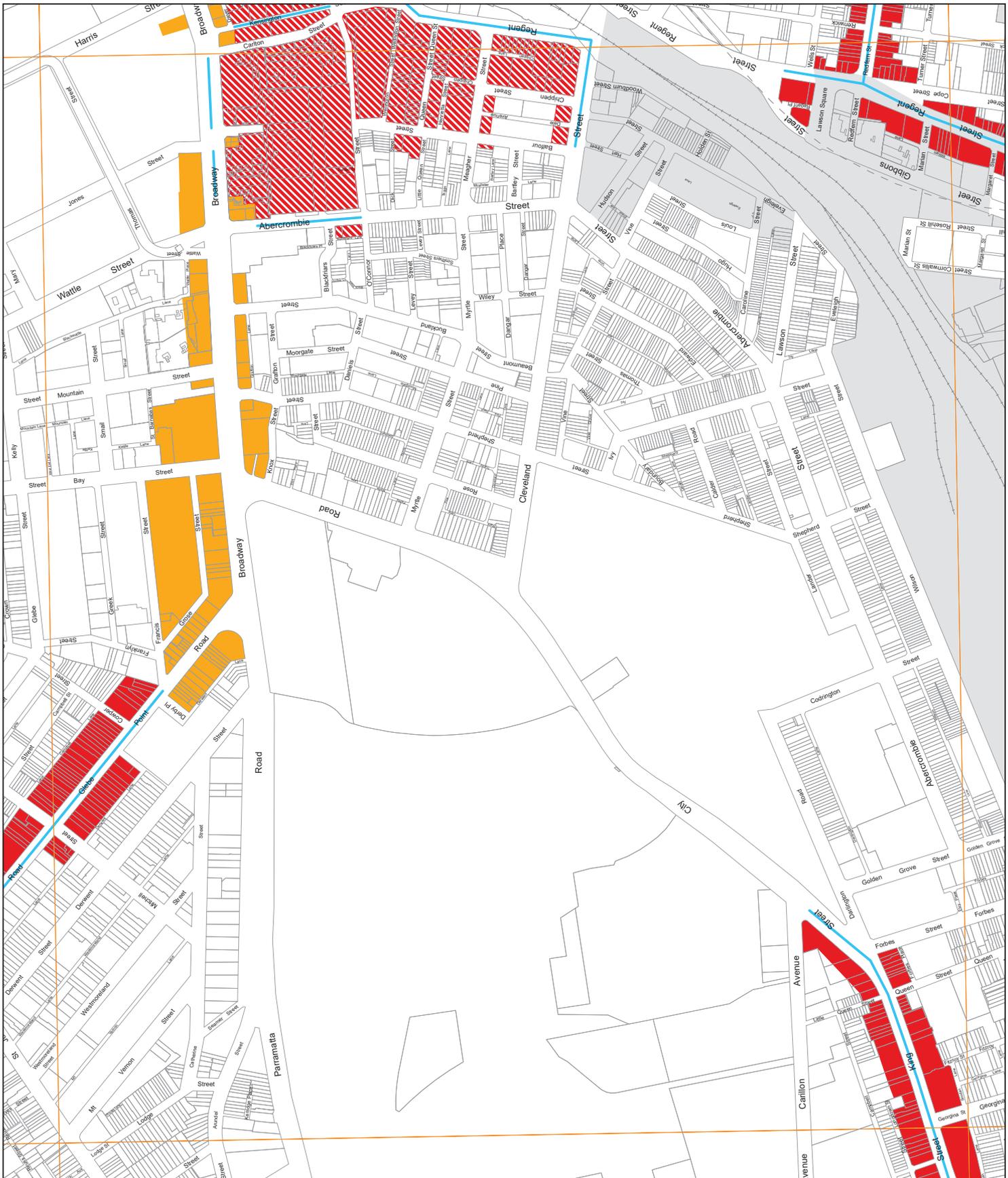
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 009

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP

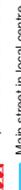


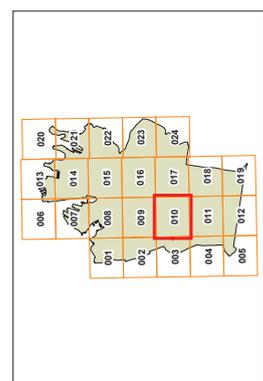
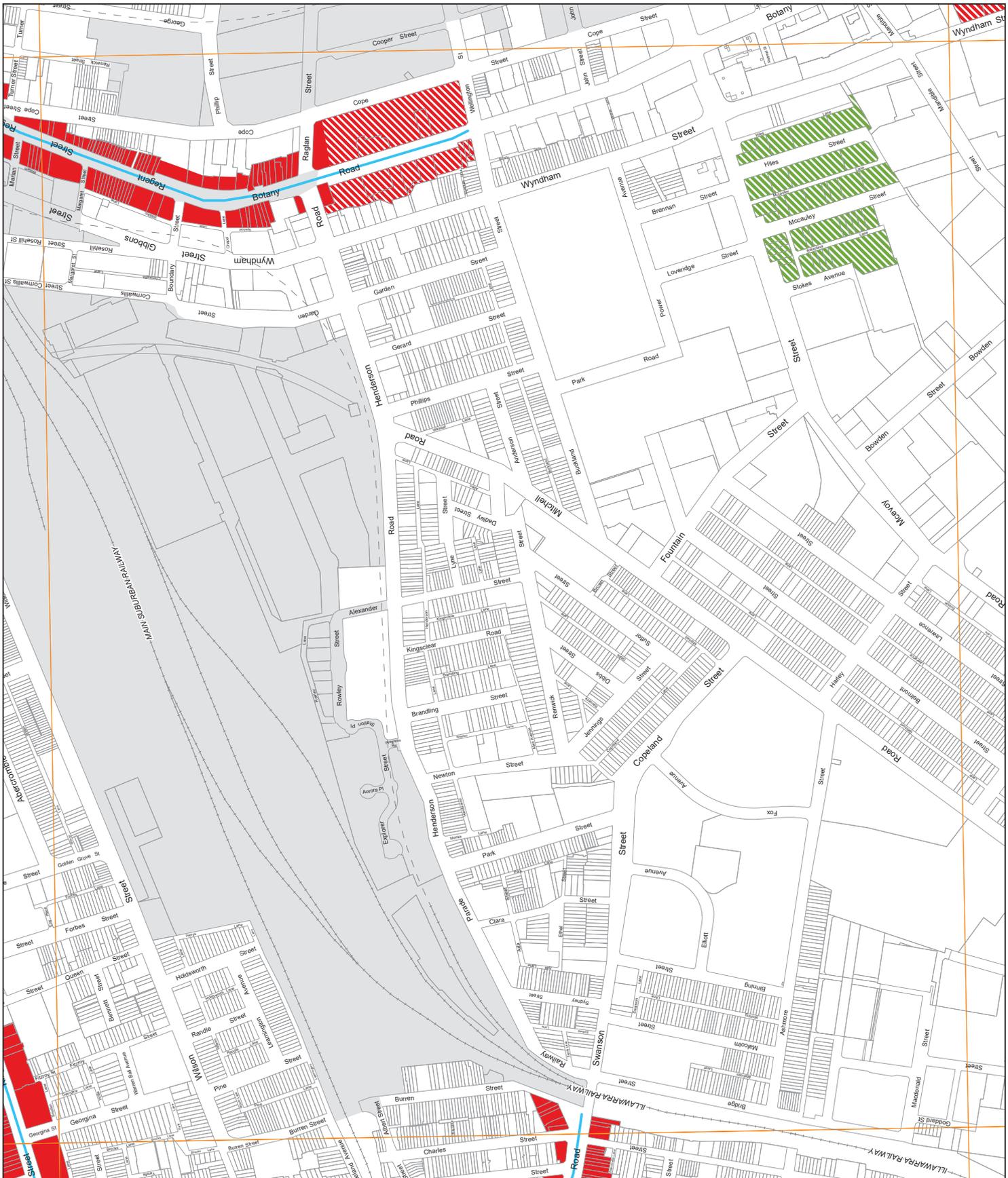
Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 Datum: GDA84  
 Prepared by: SHUD 2.7, 2019  
 File: SD2000\_02\_LATA.mxd  
 No part of this map may be reproduced without written permission.



# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 010

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP



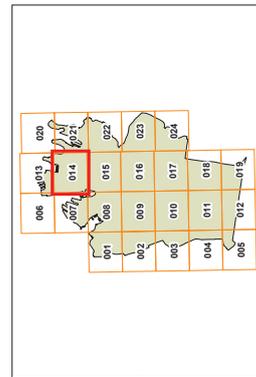
Copyright ©2010 City of Sydney Council. All Rights Reserved.  
 Delineation of land and property information, all Rights Reserved.  
 Prepared by: SHUD 2.7, 2010  
 File: SD2010\_12\_LATA.mxd  
 Group of any map discrepancies. No part of this map may be reproduced without written permission.



# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 014

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP



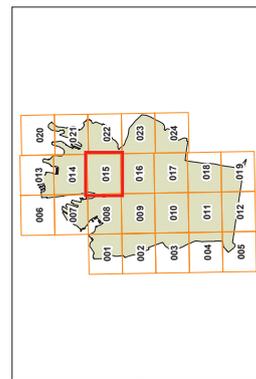
Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Design: GDAK  
 Prepared by: SHUD 2.7, 2010  
 File: SDC200 12\_LATA.mxd  
 No part of this map may be reproduced without written permission.



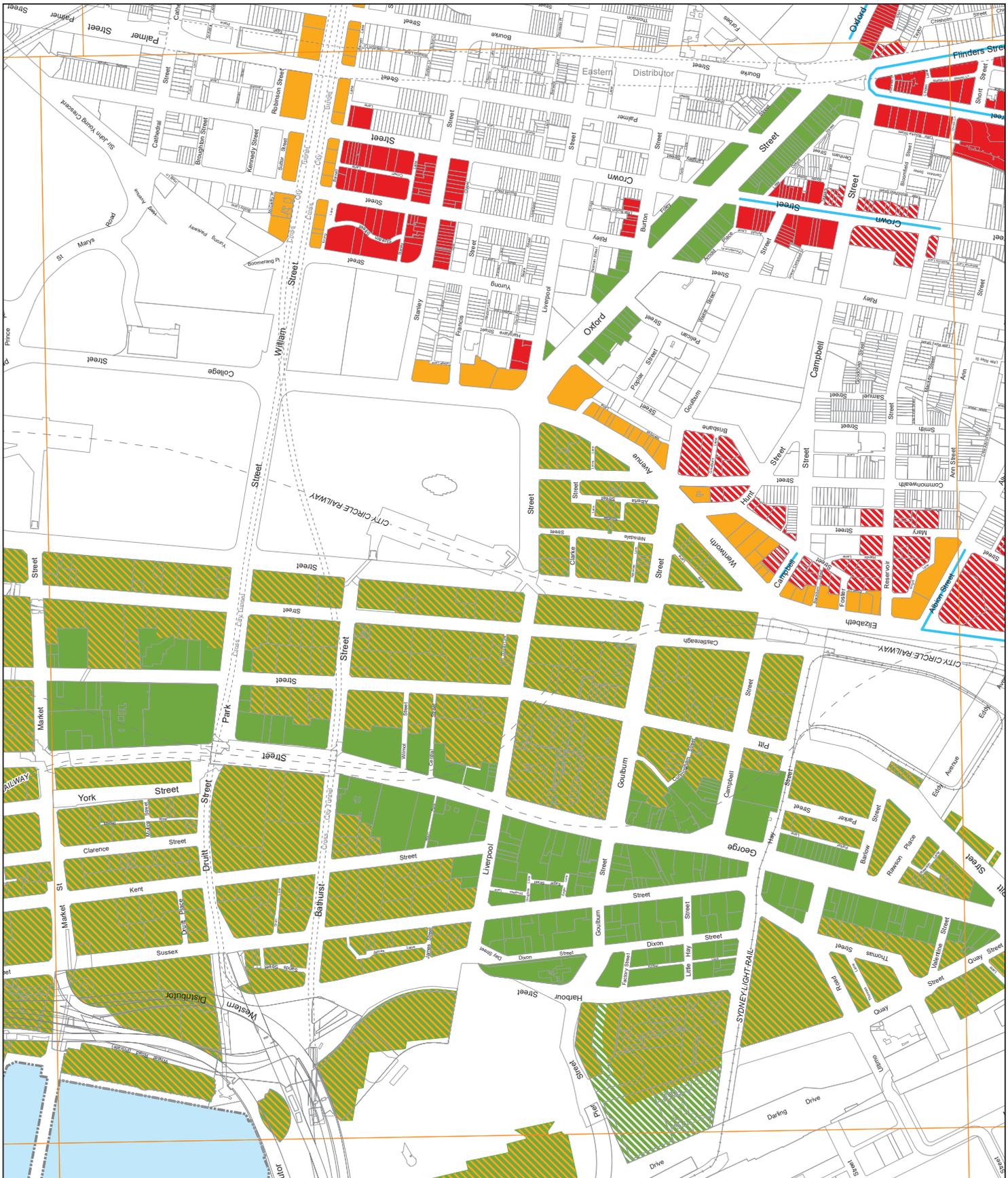
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 015

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Existing local centre areas
  -  Land excluded from this DCP



Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Prepared by: S&UD  
 File: SDCP2012\_LNTRM  
 Projection: MGA Zone 56  
 Datum: GDA84  
 Prepared by: S&UD  
 File: SDCP2012\_LNTRM  
 Group of any map, photograph, or other material reproduced without written permission.

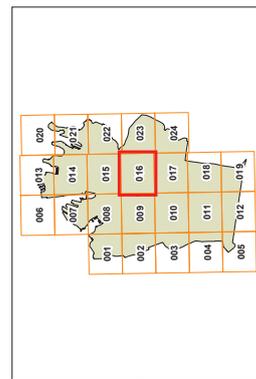
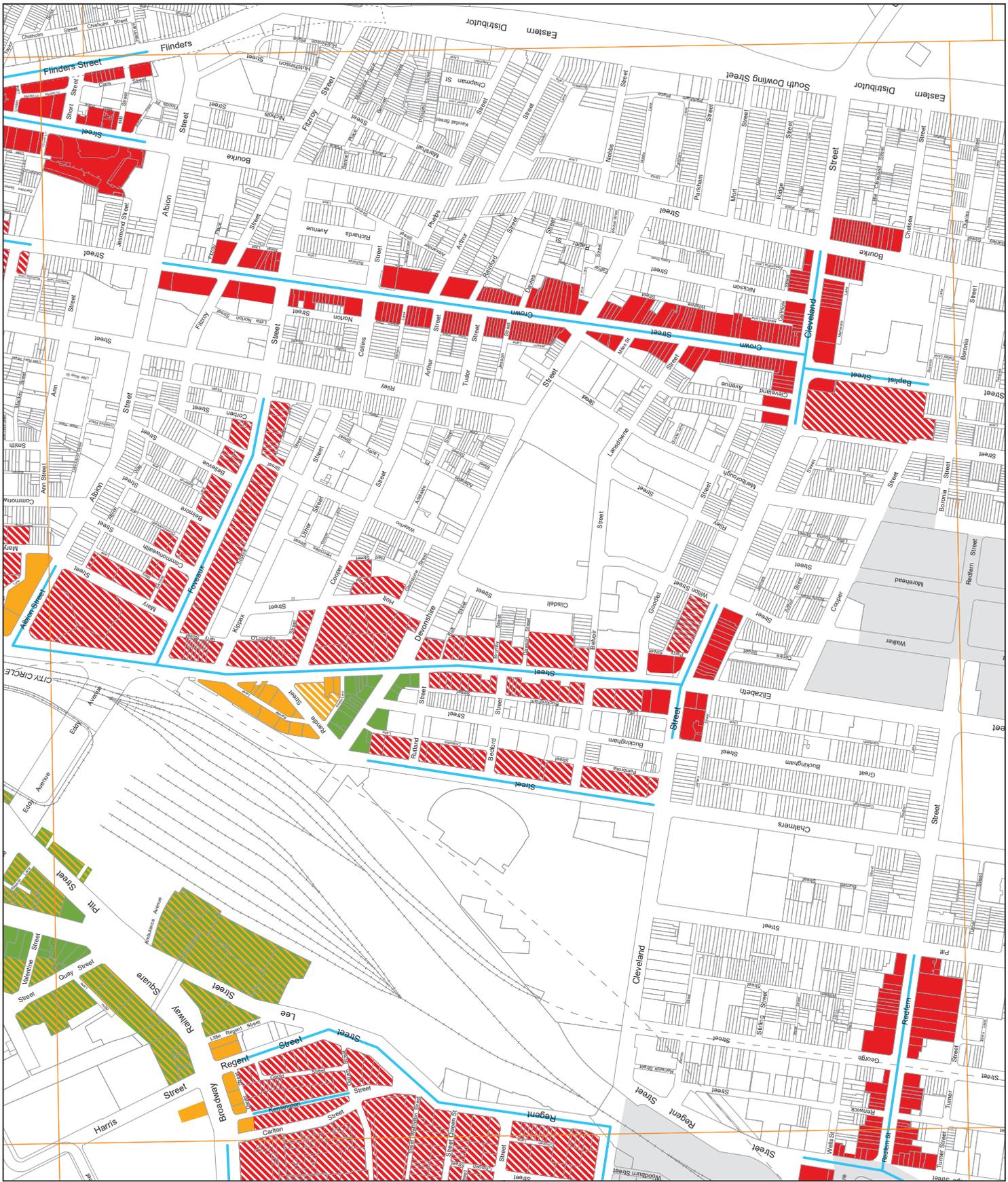


# Sydney Development Control Plan 2012



## Late night trading areas map Sheet 016

- Legend**
- Proposed city living areas
  - Proposed late night management areas
  - Proposed local centre areas
  - Main street in local centre
  - Existing city living areas
  - Existing late night management areas
  - Existing local centre areas
  - Land excluded from this DCP

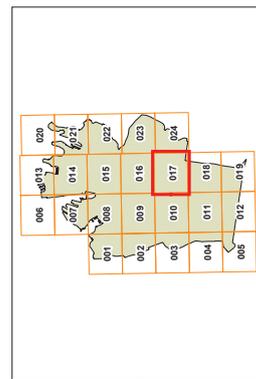


Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Sydney Development Control Plan 2012  
 Prepared by: SLD 2.7, 2010  
 File: SDCP2012\_LATA.mxd  
 Group of any map, photographs, or other material, in whole or in part, reproduced without written permission.

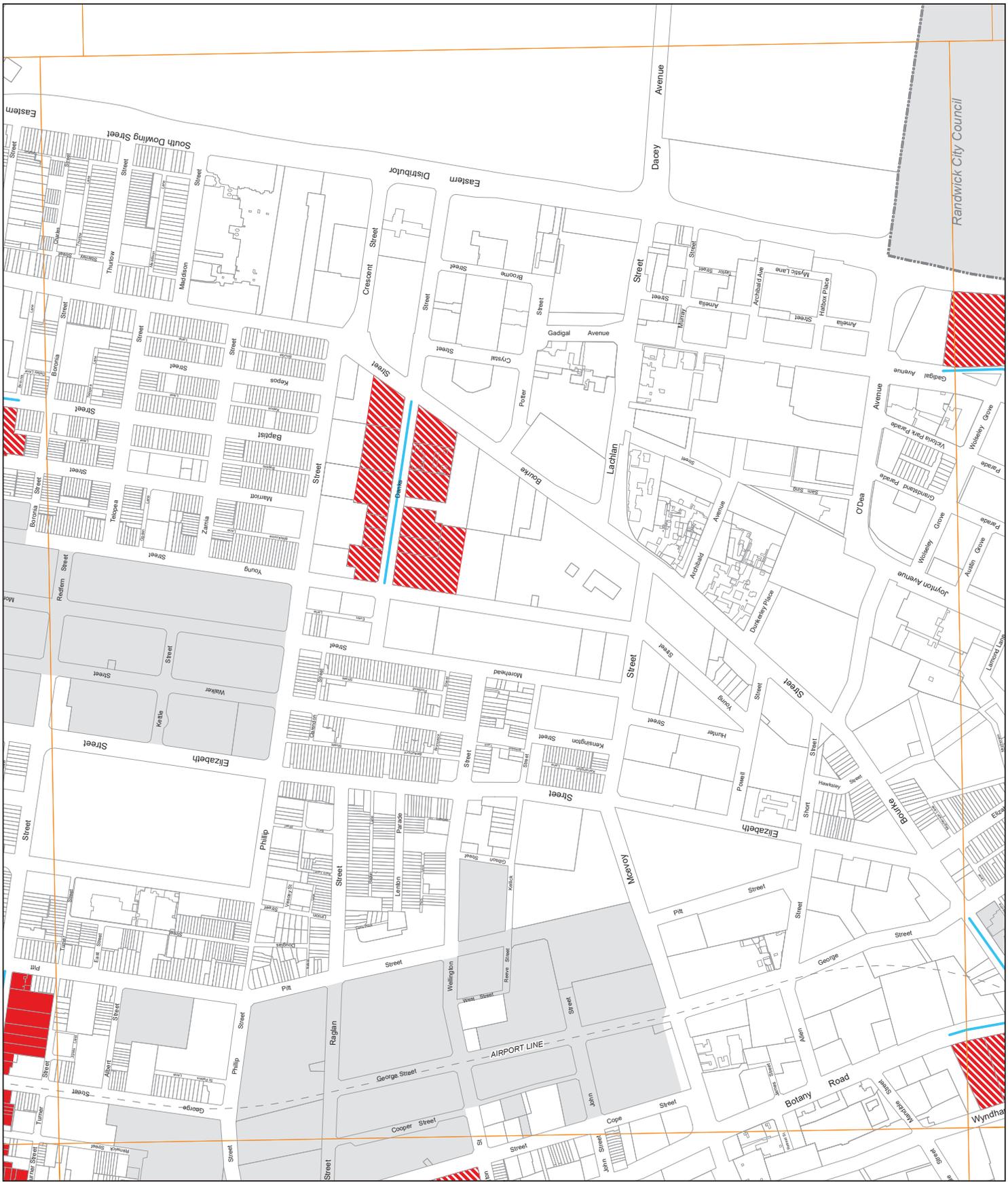
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 017

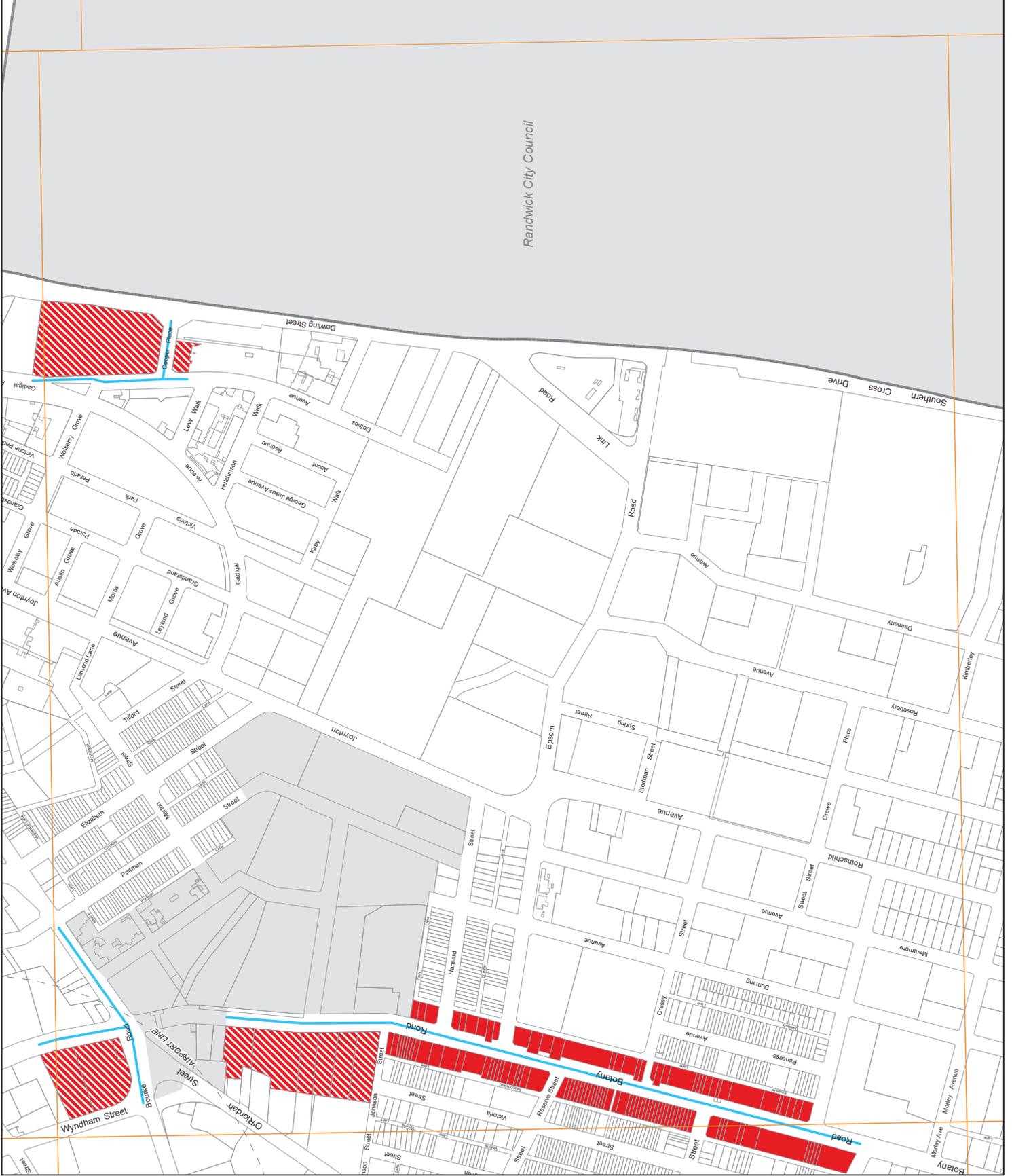
- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP
  -  Land excluded from this DCP



Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Prepared by: SHUD 2.7, 2010  
 File: SD2012\_LATA.mxd  
 No part of this map may be reproduced without written permission.



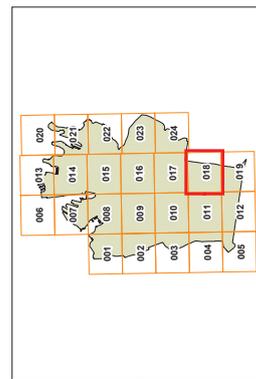
Randwick City Council



**Sydney  
Development  
Control Plan 2012**

**Late night trading areas map  
Sheet 018**

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP

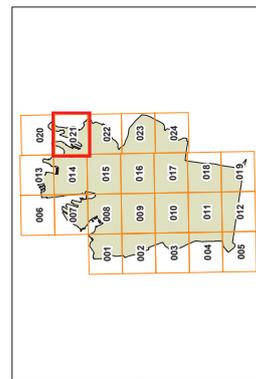


Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 Projection: MGA\_Zone\_56  
 Datum: GDA2011  
 Prepared by: SHoU  
 File: DCP2012\_LNMA.mxd  
 and the publisher and/or contributors accept no responsibility  
 for any errors or omissions. While all care is taken to ensure  
 accuracy, the City of Sydney Council and its employees  
 do not warrant the accuracy of the information.  
 No part of this map may be  
 reproduced without written permission.

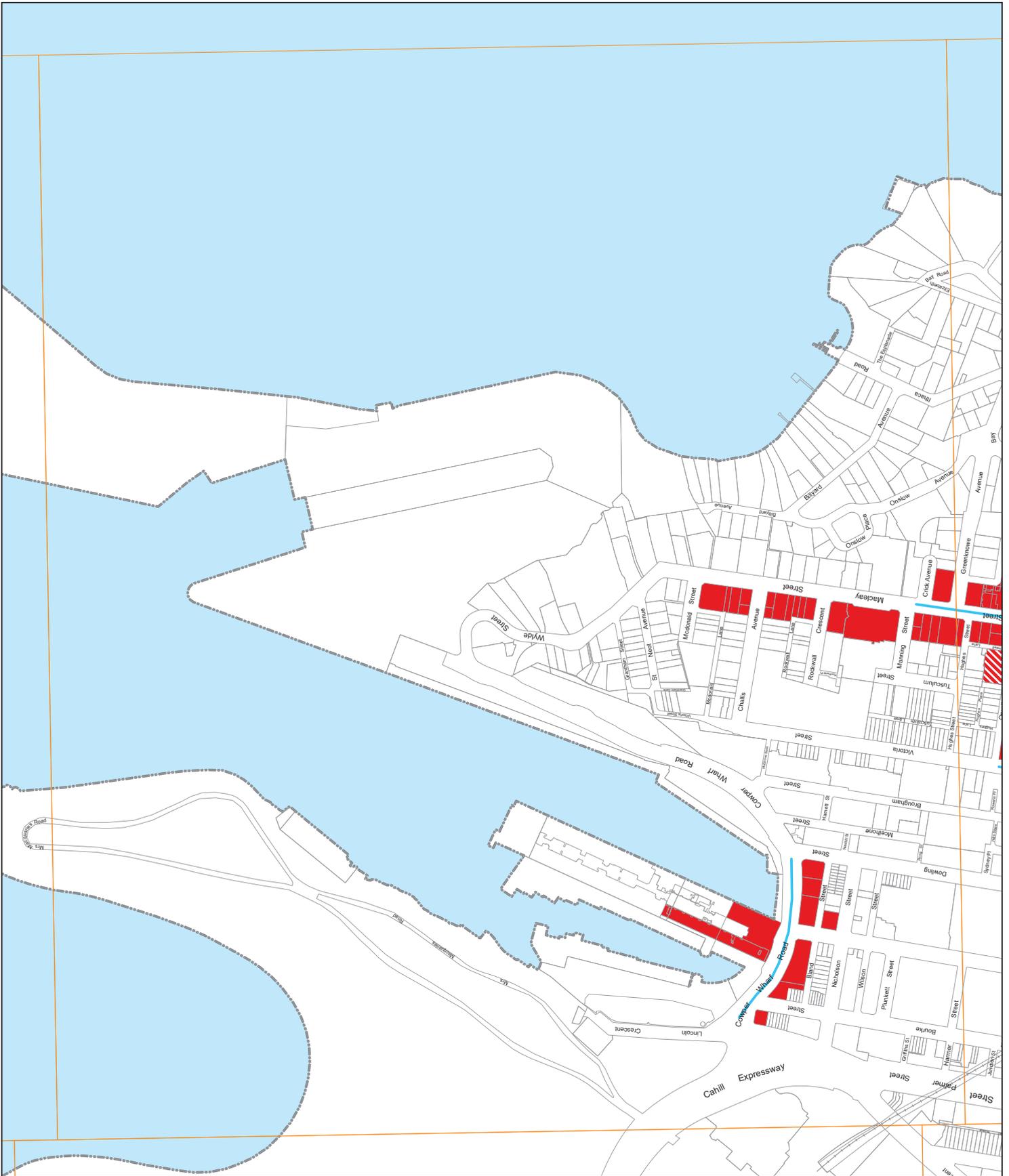
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 021

- Legend**
- Proposed city living areas
  - Proposed late night management areas
  - Proposed local centre areas
  - Main street in local centre
  - Existing city living areas
  - Existing late night management areas
  - Existing local centre areas
  - Land excluded from this DCP



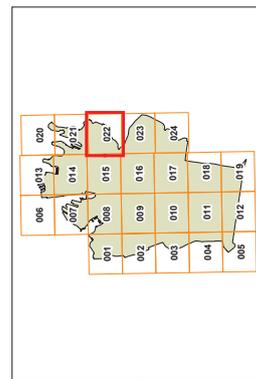
Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 Prepared by: S&UD  
 File: SDCP2012\_LNTRA.mxd  
 Date: 04/04/2019  
 Projection: MGA\_Zone\_56



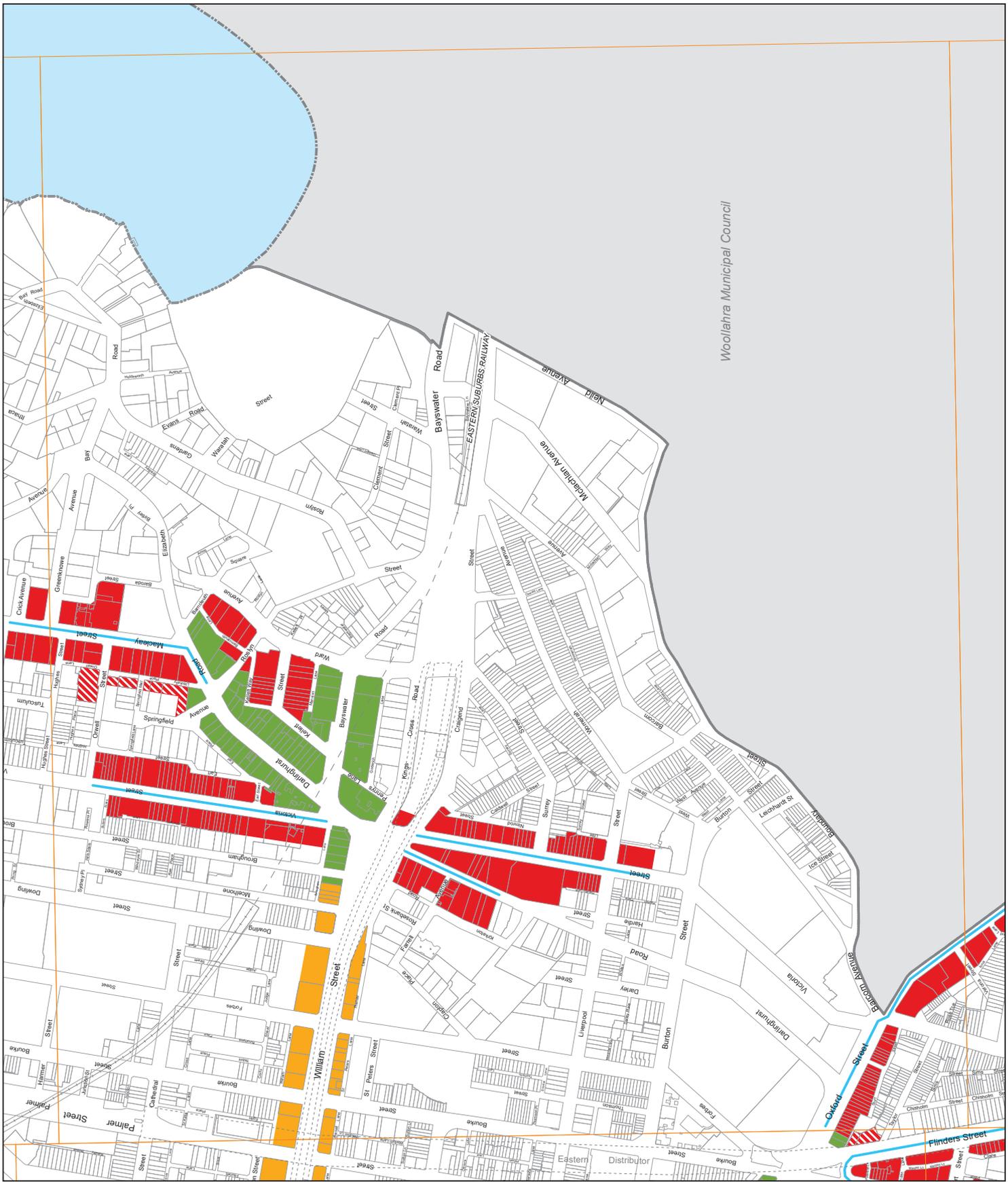
# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 022

- Legend**
-  Proposed city living areas
  -  Proposed late night management areas
  -  Proposed local centre areas
  -  Main street in local centre
  -  Existing city living areas
  -  Existing late night management areas
  -  Existing local centre areas
  -  Land excluded from this DCP



Copyright ©2012 City of Sydney Council. All Rights Reserved.  
 Projection: MGA\_Zone\_56  
 Datum: GDA84  
 Prepared by: SHoP  
 Date: 11/11/2019  
 File: DCP2012\_LNMA.mxd  
 Group of any map discrepancies. No part of this map may be reproduced without written permission.

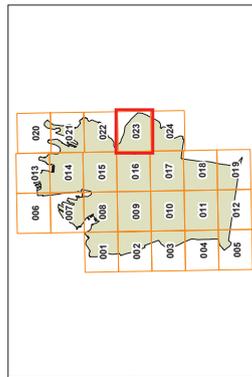


Woollahra Municipal Council

# Sydney Development Control Plan 2012

## Late night trading areas map Sheet 023

- Legend**
- Proposed city living areas
  - Proposed late night management areas
  - Proposed local centre areas
  - Main street in local centre
  - Existing city living areas
  - Existing late night management areas
  - Existing local centre areas
  - Land excluded from this DCP

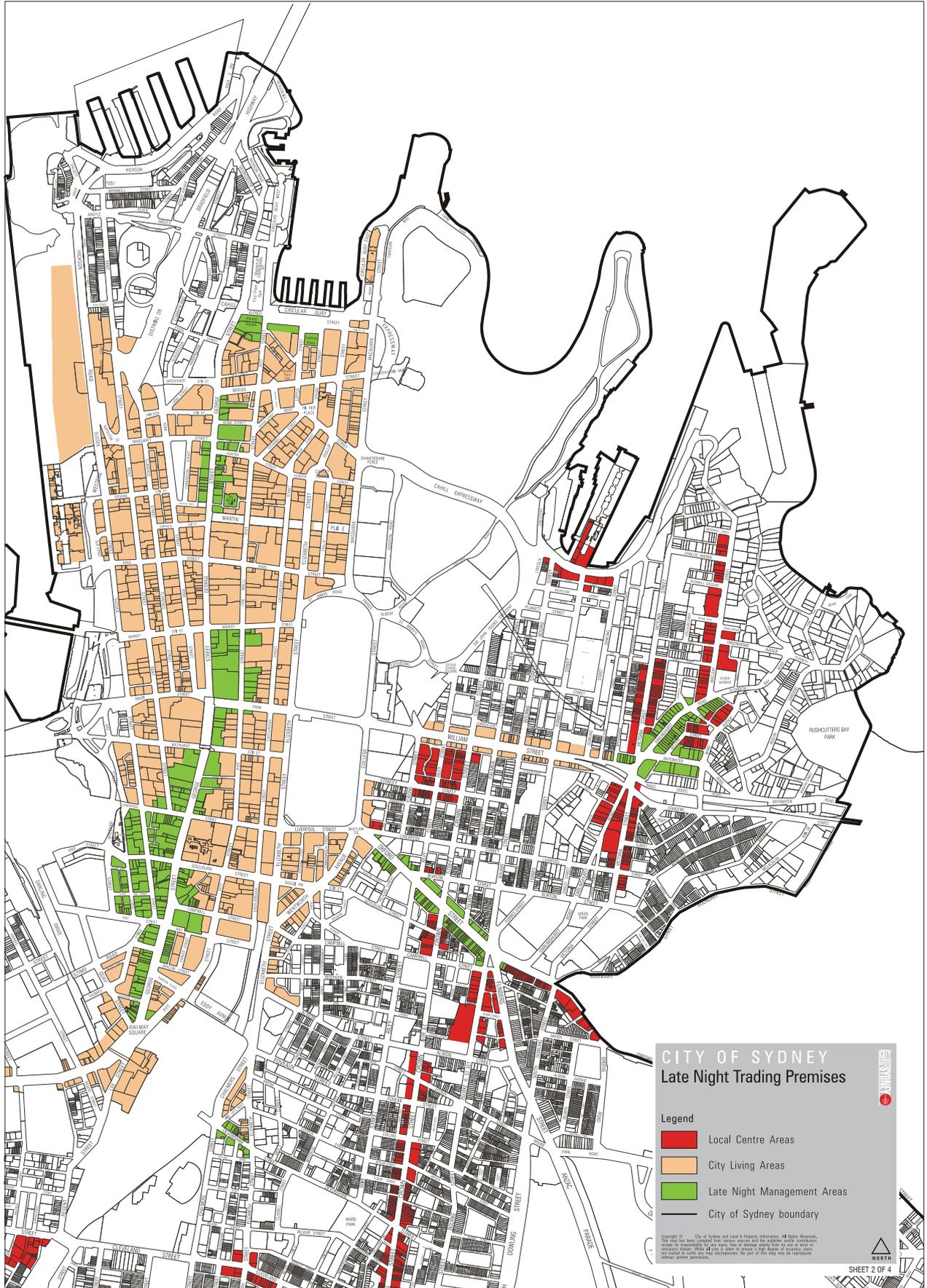


Copyright ©2019 City of Sydney Council. All Rights Reserved.  
 This map is a reproduction of the Sydney Development Control Plan 2012. It is not to be used for any other purpose without the prior written permission of the City of Sydney Council.  
 Prepared by: SLD 20 2019  
 File: SD2020 12\_LATA.mxd  
 Projection: MGA\_Zone\_56  
 Datum: GDA84

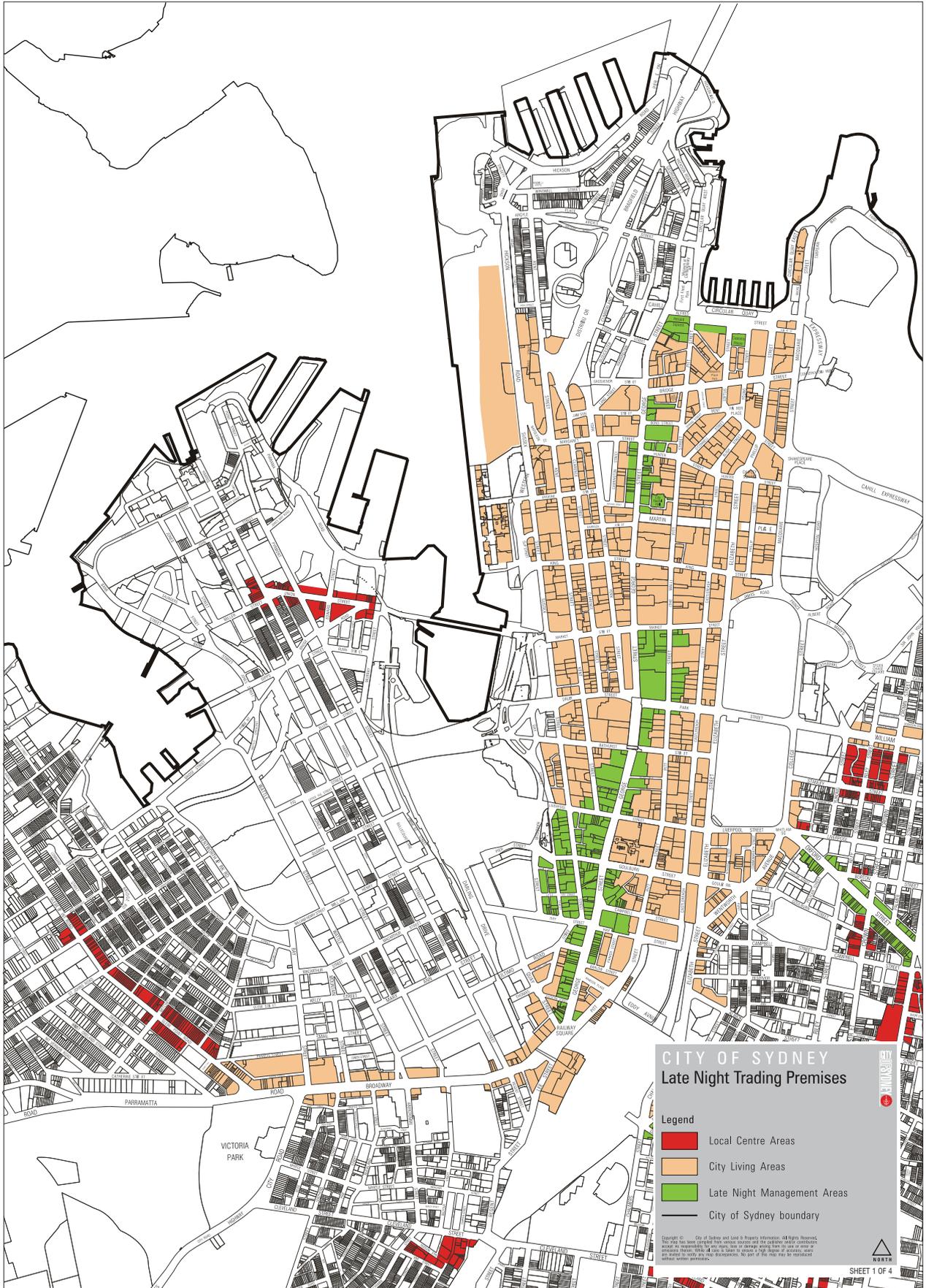
# APPENDIX B

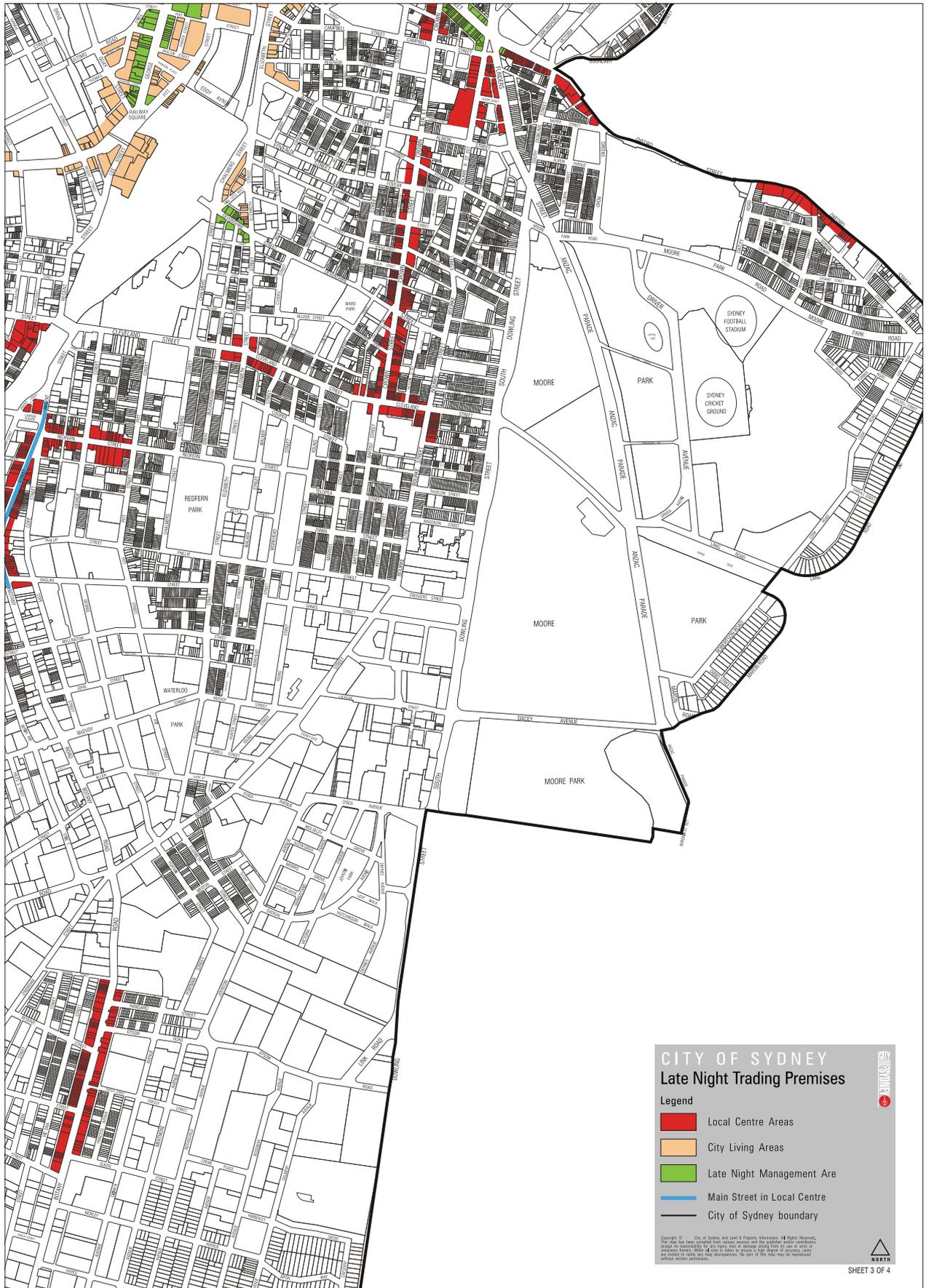
Late Night Trading Development Control Plan 2007

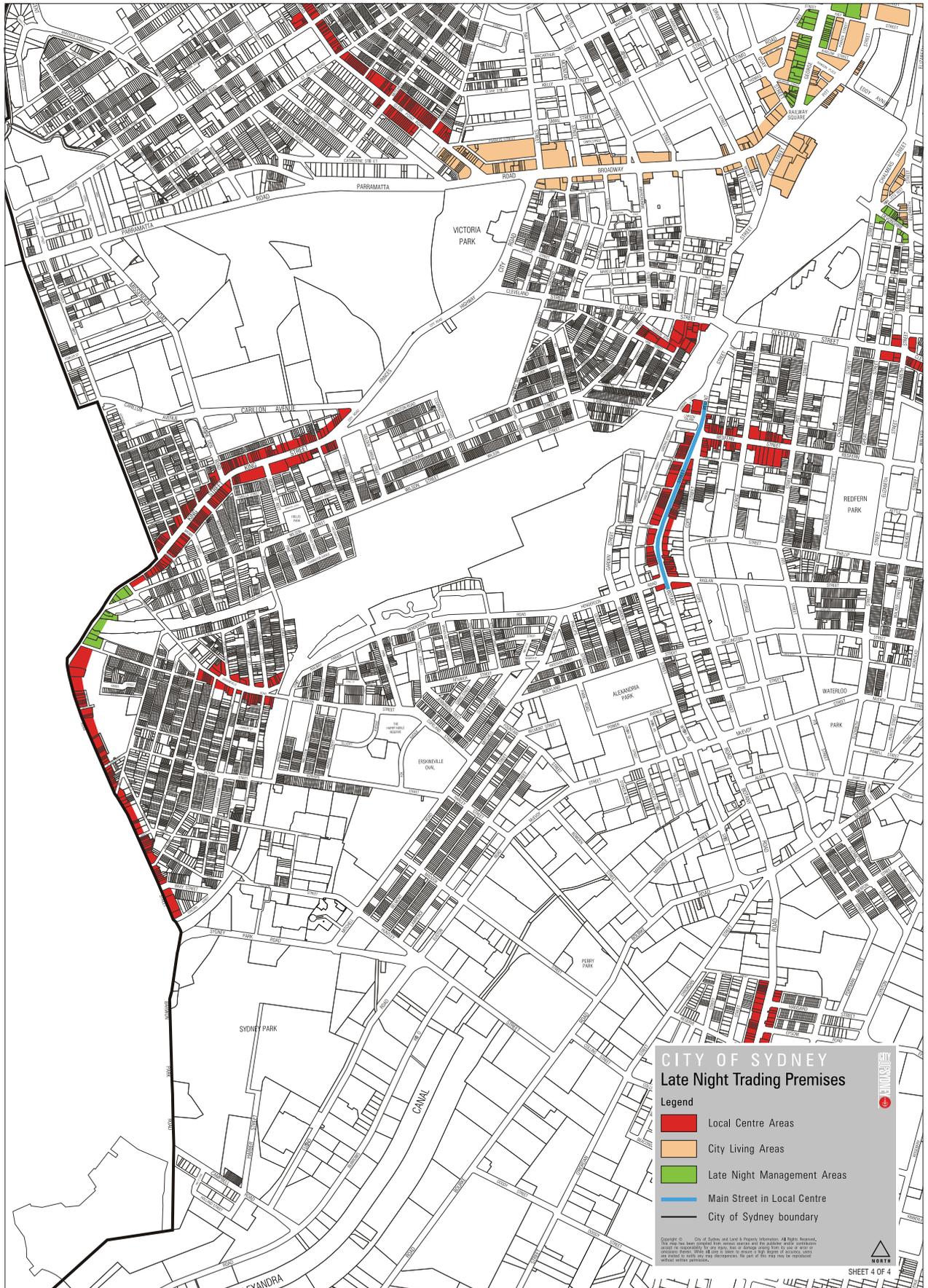
Draft Late Night Trading Area Maps as amended



### 3.2 Late Night Trading Areas







# APPENDIX C

**New Green Square Town Centre Development Control Plan  
2012**

**Draft Figure 11.1 Late Night Trading Map as amended**



Figure 11.1 - Late Night Trading

- Local Centre
- Main Street for purposes of 3.15.4(2)