

Late Night Trading

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1 Introduction

This section contains objectives and controls to assist in the assessment of late night trading premises with particular regard to protecting residential amenity and maintaining public safety.

Late night trading premises are business, retail and entertainment uses which operate at night. These can include (but are not limited to) licensed and/or unlicensed establishments such as pubs, restaurants and cafes, take away food and drink premises and other such premises which provide late night services such as convenience stores, pharmacies and the like.

Proposals for late night trading premises must demonstrate commitment to good management and ensure that any adverse impacts are minimal and/or capable of being adequately managed.

A social impact assessment is required for most cases of high impact late night trading proposals including new or significant expansion of licensed premises. More information can be found in the Council's Social Impact Assessment Guidelines for Assessing Development Applications.

This section of the DCP should be read in conjunction with:

- *Part A – Introduction, Part B - General Controls; and*
- *Other sections of the DCP for specific development types, locations or sites, if relevant to the application.*

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

1.1 Objectives

- To protect neighbourhood amenity and property, particularly residential land uses.
- To minimise opportunities for anti social behaviour and crime, through the responsible management of late night trading premises and their surrounding environment.
- To enable local economies that provide for the community's diverse cultural, social and retail needs.
- To deliver certainty to applicants, operators and the local community about the planning requirements with regard to late night trading premises.
- To ensure a consistent approach in the assessment of DAs for late night trading premises.

This section has been prepared with due regard to the directions and objectives contained within the Randwick City Plan, the Safer Randwick City Plan and the Last Drinks Paper 2010.

1.2 Relationship to other documents

DAs for late night trading premises may also be subject to other Council plans, codes and policies. In particular, the following documents may be relevant:

- Social Impact Assessment Guidelines for Assessing Development Applications
- A Safer Randwick City (Crime Prevention Plan)

Applicants should check with Council to determine what other documents need to be considered when preparing a DA for a late night trading premises.

1.3 Application

This section applies to all DAs for new or existing late night trading premises that seek approval wholly or in part for:

- (a) A change of use.
- (b) New, modified or extended trading hours.
- (c) Refurbishment, additions or extensions that are likely to result in an intensification of the current use; and/or
- (d) An extension or renewal of trading hours.

Note:

For the purposes of (c) above, an intensification of use includes:

- 1) An increase in patron capacity**
- 2) An increase in the amount of floor area**

1.4 Late Night Trading Categories

For the purposes of this DCP late night trading premises are defined as any retail, business or entertainment use that operates at night. The DCP categorises these as high or low impact as follows:

High Impact

- (i) A pub.
- (ii) A registered club.
- (iii) Any premises with a capacity of more than 100 patrons where alcohol is sold and/or consumed on the premises (e.g. restaurant or café).

- (iv) Any premises used as a function centre or entertainment facility where alcohol is sold and/or consumed on the premises.

Low Impact

- (i) Any premises with a capacity of 100 patrons or less where alcohol is sold and/or consumed on the premises (e.g. restaurant or café).
- (ii) Any other retail or business premises which operates after 11pm.

Note:

Outdoor seating is included in calculation of patron capacity

Note:

High and Low Impact categories do not include sex services premises and restricted premises. See Section D(1.0) for separate controls.

2 Matters for Consideration

Explanation

All DAs for low and high impact late night trading premises must address a number of matters of consideration. This provides the basis for a consistent approach to determining suitability of proposals, appropriate hours of operation and maximum patron capacity.

Objectives

- To ensure that late night trading proposals are appropriate to the location in terms of nature and scale of operations.

Controls

- i) All DAs for late night trading premises must address the following matters:
 - Specific nature of the proposal (e.g. pub, nightclub, restaurant etc).
 - Proposed layout of the premises
 - Current and proposed hours of operation.
 - Existing trading hours and nature of other late night trading premises operating within a 100 metre radius.
 - Current and proposed size of the premises and maximum patron capacity (including the maximum number of patrons that will be standing and/or sitting at the one time).
 - Details on whether alcohol is to be sold and/or consumed on the premises and measures for responsible service.
 - Measures to minimise likely noise or other amenity impacts on adjoining properties.
 - The likely impact of the premises on the concentration of late night uses in the locality.
 - Details on any proposed entertainment and likely amenity impacts.
 - Suitability of the location and context of the proposal, including proximity to residential land uses and other sensitive land uses (e.g. schools, places of worship etc).

Note:

The following table is a guide to the range of hours of operation that may apply to DAs for late night trading premises in Randwick City.

These hours of operation may only be granted following the Council's consideration of the matters outlined above and in those circumstances where good management can be demonstrated and where adverse impacts on residential amenity and public safety are capable of being minimised.

B2 Local Centre Zone		B1 Neighbourhood Centre Zone and other Zones	
Indoor	Up to midnight Monday to Saturday and 11pm Sundays.	Indoor	Up to 11pm Mondays to Saturdays and 10.00pm Sundays.
Outdoor	Up to 11pm Monday to Saturday and 10pm Sundays.	Outdoor	Up to 10pm Mondays to Saturdays and 9.30pm Sundays.

3 Management Plan

Explanation

In addition to the matters for consideration, all DAs for high impact late night trading premises must be accompanied by a Management Plan that specifies the operations and measures to be undertaken to ensure that the premises will be responsibly managed.

The purpose of a Management Plan is to ensure that applicants demonstrate an understanding of the local context and address any potential adverse impacts that may arise from the operation of the late night trading premises. It also enables the Council to effectively assess any impacts of a proposal and forms a base for enforcement action if not suitably implemented. A Management Plan may not be required where it can be demonstrated that a proposal will not result in an intensification of a use.

Objectives

- To ensure that potential adverse impacts from the operation of high impact premises can be suitably addressed through appropriate management practices.

Controls

- i) Submit a Management Plan with a DA (for the purposes noted in 1.3 of this section) for high impact late night trading premises that addresses the general requirements for Management Plans outlined in Part B, Section B9 of this DCP, as well as the following specific requirements:
 - Onsite security arrangements including number of licensed security staff, details of any electronic surveillance systems and frequency of security patrols inside and outside the premises.
 - Measures to manage large groups of patrons during peak trading periods (e.g. during weekends, special events etc).

- Measures to assist patrons to wind down before closing (e.g. reducing music volume, increasing lighting levels inside the venue etc).
- Provide a copy of the House Policy describing measures to minimise harm, anti-social behaviour and crime through the responsible service of alcohol (e.g. lock out times etc).
- Measures to monitor and manage patron behaviour within and outside the premises including when entering and leaving the premises late at night.
- If queuing outside the premises is to occur, a description of measures that will be taken to ensure that queuing is controlled to minimise adverse amenity impacts (e.g. maximum queue numbers, use of temporary ropes/bollards, actions to be undertaken to minimise loitering etc).
- Designated smoking areas and measures to increase patron awareness of the responsible disposal of cigarette butts.
- Overview of the accessibility and frequency of public transport and taxis during late night trading hours.
- Measures to increase patron awareness and use of public transport and taxis.
- Measures to address other likely social impact as a result of the proposal.
- Outcomes of preliminary consultation between applicants and the NSW police.

Note: NSW Bureau of Crime Statistics and Research (BOCSAR) is the official source of NSW crime information. More information on statistics per Local Government Area can be found on (www.bocsar.nsw.gov.au)

Note: Approvals for late night trading premises including hours of operation and/or patron capacity may be subject to a trial period of operation. This would allow the flexibility to monitor the ongoing management of a premises and its impact on residential amenity and public safety.

Section 80A (imposition of conditions) of the Environmental Planning and Assessment Act 1979 permits the use of reviewable conditions by a Consent Authority to approve hours of operation and/or maximum persons permitted when it is uncertain about the impacts of the proposed development on adjoining land uses.

Note: Information regarding the issuing of liquor licences should be directed towards the NSW Office of Liquor Gaming and Racing. Further information is available at (www.olgr.nsw.gov.au).