

STRATEGIC PLANNING

DRAFT **Randwick** **Development** **Control Plan** **C8 Night time** **economy**

D04579849

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1. Introduction

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

Randwick City's night time economy plays an important role in meeting the social and cultural needs of the community, while also contributing to the local economy and enhancing the vibrancy of our business centres.

Late night trading premises are an important part of the night time economy and comprise 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, small bars, 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.

The following provisions aim to provide greater certainty to the community and proponents of late night trading premises in respect to appropriate trading hours and location. The provisions do not set out to curb or increase potential trading hours in a blanket fashion throughout Randwick City but rather allow opportunities for late night trading hours in suitable locations with appropriate management actions.

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

- Part A – Introduction
- Part B - General Controls
- 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.

2. Objectives, application, trading categories

The following objectives apply to this type of development:

Objectives

1. Strengthen, enhance and diversify the night time economy
2. Encourage a mix of night time uses that provide for the community's diverse social, cultural and retail needs
3. Identify appropriate locations and trading hours for late night trading premises
4. Protect neighbourhood amenity and property, particularly residential and other sensitive land uses
5. Minimise opportunities for anti-social behaviour and crime, through the responsible management of late night trading premises and their surrounding environment
6. Deliver certainty to applicants, operators, and the local community about the planning requirements regarding late night trading premises
7. Ensure a consistent approach in the assessment of DAs for late night trading premises.

Relationship to other documents

Development Applications (DA) for late night trading premises may also be subject to other Council plans, codes and policies. Applicants should check with Council to determine what other documents need to be considered when preparing a DA for a late night trading premises such as documents relating to the NSW Government's Vibrancy reforms.

Application

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

- A change of use
- New, modified or extended trading hours
- Refurbishment, additions or extensions that are likely to result in an intensification of the current use
- An extension or renewal of trading hours or renewable conditions of consent.

Note

For the purposes of above, an intensification of use includes an increase in:

- Patron capacity
- Amount of floor area.

Late night trading definition and 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

- A pub
- A registered club
- Any premises with a capacity of more than 120 patrons where alcohol is sold and/or consumed on the premises (e.g. restaurant or café)
- Any premises used as a function centre or entertainment facility where alcohol is sold and/or consumed on the premises.

Low impact

- Any premises with a capacity of 120 patrons or less where alcohol is sold and/or consumed on the premises (e.g. small bar, restaurant or café)
- Any other retail or business premises which operates after 10pm.

Note

1. Outdoor seating is included in the calculation of patron capacity
2. High and Low Impact categories do not include sex services premises and restricted premises. See Part C9 Sex services premises for separate controls.

3. Development controls

Explanation

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

Objective

1. Ensure that late night trading proposals are appropriate to the location in terms of nature and scale of operations
2. Ensure late night trading applications address the NSW Vibrancy Guidelines:..... (November 2025)

Controls

All DAs for late night trading premises must address the following matters:

- a) Specific nature of the proposal (e.g. pub, nightclub, restaurant etc)
- b) Proposed layout of the premises
- c) Current and proposed hours of operation
- d) Existing trading hours and nature of other late night trading premises operating within a 100m radius
- e) 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)
- f) Details on whether alcohol is to be sold and/or consumed on the premises and measures for responsible service
- g) Measures to minimise likely noise or other amenity impacts on adjoining properties
- h) The likely impact of the premises on the concentration of late night uses in the locality
- i) Details on any proposed entertainment and likely amenity impacts
- j) 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).

Table 1 is a guide to the range of hours of operation that may apply to DAs for late night trading premises in the Randwick City Council LGA. These hours of operation may only be granted following 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.

Note

Applicants should also refer to the NSW Vibrancy Guidelines: Late night hours of operation of food and drink premises (November 2025) when applying for additional hours of operation.

<https://www.planningportal.nsw.gov.au/sites/default/files/documents/2025>

Table 1: Guide to hours of operation

Trading zone	Centres	Trading hours – closing time
Zone 1	Kensington, Kingsford, Randwick Junction, Maroubra Junction, and Matraville town centres	<u>Indoor:</u> Monday to Wednesday: 12am Thurs to Saturday: 2am* Sunday: 11pm <u>Outdoor:</u> Monday to Wednesday: 11pm Thursday to Saturday: 1am Sunday: 10pm
Zone 2	The Spot, Maroubra Beach, Coogee and Frenchman's Road	<u>Indoor:</u> Monday to Wednesday: 11pm Thursday to Saturday: 2am* Sunday: 10pm <u>Outdoor:</u> Monday to Wednesday: 10pm Thursday to Saturday: 12am* Sunday: 9:30pm
Zone 3 Evening trading	All other evening trading areas e.g. La Perouse, Malabar, etc	<u>Indoor:</u> Monday to Wednesday: 11pm Thursday to Saturday: 2am* Sunday: 10pm <u>Outdoor:</u> Monday to Saturday: 10pm Sunday: 9.30pm
Late night premises located outside of business zones		<u>Indoor:</u> Monday to Saturday: 11pm Sunday: 10pm <u>Outdoor:</u> Monday to Saturday: 10pm Sunday: 9.30pm

*The extended trading hours do not apply to premises where patron entry/egress is onto a residential lane or residential zone.

4. Management plan

Explanation

In addition to addressing the relevant development controls, 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.

Objective

The objective for the management plan is to:

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

Controls

- a) Submit a Management Plan with a DA (for the purposes noted in Section 2. Objectives, application, trading categories, subheading Application) for high impact late night trading premises that addresses the general requirements for Management Plans outlined in Part B9 of the DCP, as well as the following specific requirements:
 - i. Onsite security arrangements including number of licensed security staff, details of any electronic surveillance systems and frequency and areas of security patrols inside and outside the premises
 - ii. Measures to minimise noise impacts from the use on residential and sensitive land uses
 - iii. Measures to manage large groups of patrons during peak trading periods (e.g. during weekends, special events, etc)
 - iv. 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)
 - v. Measures to monitor and manage patron behaviour within and outside the premises including when entering and leaving the premises late at night
 - vi. 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)
 - vii. An Incident Register is to be always kept with the Management Plan
 - viii. Designated smoking areas and measures to increase patron awareness of the responsible disposal of cigarette butts
 - ix. Actions to be undertaken to discourage drug use and manage drug related incidents
 - x. Overview of the accessibility and frequency of public transport and taxis during late night trading hours
 - xi. Measures to increase patron awareness and use of public transport and taxis

- xii. Measures to address other likely social impact because of the proposal (see note below)
- xiii. Outcomes of preliminary consultation between applicants and the NSW police.

Note

1. Information regarding the issuing of liquor licences should be directed towards the NSW Office of Liquor and Gaming.
2. A Social Impact Assessment (SIA) is required for new or significant expansion of licensed premises. Council may also require a SIA for other types of late night trading proposals as part of a merit assessment. Applicants are to contact Council to determine whether a SIA is required as part of the application. A SIA must address the following:
 - Proposed liquor licence type
 - Prevalence of proposed liquor license types within the suburb
 - Comparative NSW Bureau of Crime Statistics and Research (BOCSAR) over the past 10 years for the LGA and suburb
 - Community profile for the suburb
 - Relevant academic research in alcohol, security, social impact of late night trading and benefits.
3. 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
4. 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.
5. *Section 417 (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.

