

27 June 2022

Rodger Roppolo  
Department of Planning and Environment  
via Planning Portal

**State significant development:** 5 Hickson Road, THE ROCKS NSW 2000

**Our reference:** R/2016/19/F

**Your reference:** SSD-7683-Mod-3

**Subject:** Advice on Modification  
Overseas Passenger Terminal - Extension to Trading Hours

Dear Rodger,

Thank you for your correspondence dated 16 June 2022 inviting the City of Sydney Council (the City) to provide advice on the abovementioned Section 4.55(2) modification application.

The modification relates to a restaurant and micro-brewery in Tenancy 5 of the Overseas Passenger Terminal, known as The Squire's Landing.

The tenancy currently operates under the following base hours under Condition F1:

**Indoor**

- 6.00am to 12.00 midnight Sunday to Thursday
- 6.00am to 1.00am Friday and Saturday
- 6.00am to 2.00am New Year's Day

**Outdoor**

- 8.00am to 10.00pm Monday to Sunday

In addition to the above, Condition F2 permits the following use of outdoor areas under a trial period until 21 May 2022.

- 6.00am to 1.00am Monday to Sunday
- 10pm to 2am on New Year's Day

The proposal seeks to amend the base trading hours to 6.00am until 2.00am Monday to Sunday for both indoor and outdoor areas and remove the trial period for outdoor areas.

### Comments

It is acknowledged that Development Control Plans do not apply to State Significant Development, however the modification application makes reference to the Sydney DCP 2012 late night trading controls as a guide.

Under the SDCP 2012, the site is located in a Late Night Management Area and the proposed use is identified as a Category A premises. The DCP therefore permits the following trading hours:

- Indoor: 6.00am to 2.00 am, with extended 24 hour trading.
- Outdoor: 7.00am to 10.00pm, with extended hours to 1.00am.

While the proposal complies with the base indoor trading hours, concern is raised that the proposed permanent base hours of 2.00am significantly exceed the permitted base outdoor trading hours (10.00pm) by 4 hours, as well as the permitted extended outdoor trading hours by 1 hour.

Allowing outdoor trading until 2.00am on a permanent basis and without a trial removes the ability for the consent authority to continue to monitor the operation, management and amenity impacts of the premises and subsequently creates risk for the City and the community.

If trading until 2.00am indoors and outdoors is to be considered, it is recommended that this be undertaken under a trial basis to allow ongoing review.

Please contact Samantha Kruize on ph: 02 9265 9333 if you need to discuss your request.



Marie Burge  
A/Area Planning Manager