

14 October 2024

Rodger Roppolo  
Senior Planning Officer  
Department of Planning, Housing and Infrastructure  
via NSW Planning Portal

**Our reference:** R/2016/19/G  
**Your reference:** **SSD-7683-Mod-4**  
**Subject:** Advice on modification

Thank you for your correspondence dated 2 October 2024 inviting the City of Sydney Council (the City) to provide advice on the abovementioned Section 4.55(2) modification application.

The modification application 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 outlined by Condition F1:

**Indoor**

- 6.00am to 2.00am Monday to Sunday (inclusive)

**Outdoor**

- 7.00am to 10.00pm Monday to Sunday (inclusive)

In addition to the above, Condition F2 permits the following use of outdoor areas under a 2-year trial period from 4 October 2022.

**Outdoor**

- 6.00am to 7.00am Monday to Sunday
- 10.00pm to 1.00am Monday to Sunday
- 10.00pm on New Year's Eve to 2.00am on New Year's Day

The modification application seeks to adopt the trial hours as currently referenced in Condition F2 on a

parament basis and seeks a new 1-year trial period to operate the indoor area 24-hours per day Monday to Sunday.

It is noted that whilst the Sydney Development Control Plan 2012 does not strictly apply to State Significant Development Applications, Section 3.15 provides a basis to assess the proposed hours, ensuring consistency through the local government area and has been adopted by the applicant in their application. It should therefore be given weight.

The premises is a Category B premises. The existing hours that are subject of the trial period are defined as 'Extended Hours'. Consistent with Section 3.15.4(9) of the DCP, a further 5-year trial period may be supported. On this basis, Condition F1 should be retained and Condition F2 should be retained and amended to permit a further 5-year trial period from the date of determination of the subject modification application.

The proposed additional indoor hours to trade 24-hours per day are also defined as 'Extended Hours'. As proposed, these hours should be subject to a 1-year trial period initially.

The application of trial periods, including longer trial periods up to 5-years, enables the consent authority to continue to monitor the operation, management and amenity impacts of the premises. Approval of 'Extended Hours' without the application of appropriate trial periods creates risk for the City and the community.

The City also confirms that no complaints have been received in relation to the premises.

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



Christopher Corradi  
Area Planning Manager