

Vibrancy Guidelines: Late night hours of operation of food and drink premises





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Vibrancy Guidelines: Late night hours of operation of food and drink premises

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Sydney CBD

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1 Introduction

The NSW Government is committed to boosting NSW's night-time economy to allow venues to reach their full social, business and cultural potential. Part of the Government's Vibrancy Reform agenda is to support venues to create a thriving economy across NSW.

The guidelines will help consent authorities make decisions on new development applications or modification applications for the extended trading hours of a food and drink premises located 500 metres or more from homes.

These guidelines have been created under Schedule 8 of the *Environmental Planning and Assessment Act 1979* (NSW) and issued by the Secretary of the Department of Planning, Housing and Infrastructure.

These guidelines outline matters consent authorities should consider when assessing an application for extended trading hours. The aim is to balance the NSW Government's Vibrancy Reform agenda with other considerations such as noise and local amenity as part of the development assessment process. It does not stipulate when a consent authority should refuse or approve an application.

2 When this guideline applies

The guidelines will apply when a consent authority is assessing a development application or modification application where the application seeks to extend the hours of operation beyond 7pm on any night of the week for a 'relevant food and drink premises' (known as an 'extended trading hours application').

The premises must:

- not be located in a special entertainment precinct (as defined in section 202 of the NSW [Local Government Act 1993](#))
- or
- not be located within land zoned as residential
- and
- be situated on land which is 500 metres or more away from the nearest residential accommodation building or structure.

Appendix A defines the key terms used above and throughout the guidelines.

Under Schedule 8 of the *Environmental Planning and Assessment Act 1979*, consent authorities must consider the guidelines when assessing an extended trading hours application submitted from 1 November 2025.

Food and drink businesses and communities can use these guidelines to understand matters a consent authority should take into account when assessing an extended trading hours application.

Applications that do not meet the above criteria should be assessed as usual.

3 Considerations for consent authorities

This section outlines matters consent authorities should consider when assessing an extended trading hours application. Consent authorities can use the guidelines in conjunction with their local strategies, policies and development controls plans to support the night-time economy.

3.1 Venue and local context

When assessing an extended trading hours application, consent authorities should consider the proposed operation, the venue's characteristics and the local context.

Consent authorities should support an extended trading hours application where:

- operational matters are managed under other approvals, such as the venue's liquor licence
- the venue's extended trading hours are consistent with or not incompatible with other night-time uses in the local area
- nearby residents, businesses and other stakeholders support the extended trading hours

- the applicant can demonstrate the extended trading is appropriate to the place and context.

Consent authorities may also consider how the application addresses:

- the venue's proximity to residential accommodation and other sensitive land uses
- the venue operator's/owner's record of compliance with existing approvals and licences, including advice from Liquor & Gaming NSW, NSW Police and internal council teams
- accessibility to public transport, rideshare services and car parking during the extended trading hours
- the venue's liquor licence and the standard trading hours available.





3.2 Amenity impacts

Consent authorities should work with venues to minimise amenity impacts while supporting later trading in local areas.

Consent authorities should support an extended trading hours application where:

- there are no significant or unacceptable impacts on neighbours and/or the local environment
- the applicant has identified potential amenity impacts and demonstrated how they will be mitigated and controlled through a venue's plan of management
- the venue has appropriate waste management procedures in place.

Consent authorities may also consider how the application addresses:

- impacts on the local public domain
- crime prevention and the safety of staff, patrons and residents during the extended hours
- management of patron behaviour and/or vehicle movements while in and leaving the venue
- the balance of lighting to enhance patron safety while reducing light spill on neighbours and nearby ecological communities.

Consent authorities could consider the use of trial periods for extended trading hours applications to assess the venue's amenity impacts.

3.3 Noise management

Night-time venues can create entertainment-related noise as part of their normal activities. We encourage venues and consent authorities to collaborate to manage noise effectively, balancing the benefits of a night-time economy with local amenity.

Consent authorities should support an extended trading hours application where:

- there are no significant or unacceptable acoustic impacts on neighbours and/or the local environment
- existing conditions of consent to manage noise from the venue (noting that certain noise conditions cease to apply after 1 July 2024 for licensed venues) are adequately managing current impacts of the venue and will also be adequate to manage any potential impacts of the proposed extended trading hours
- surrounding late night businesses have similar extended hours of trading/operation.

Consent authorities may also consider:

- the patron capacity in indoor and/or outdoor areas
- the noise management of venue operations, including waste removal, deliveries and closing procedures during the hours of operation
- whether a licensed venue's entertainment noise is now regulated by Liquor & Gaming under the Liquor Act 2007, noting that certain conditions have ceased (visit the [Liquor & Gaming website](#) for more information).



3.4 Social and economic benefits

Late-night venues benefit local economies and provide social and cultural opportunities to residents, businesses and visitors. They are an important part of NSW's social fabric. Consent authorities should consider an extended trading hours application's social and economic benefits during its assessment.

Consent authorities should consider the extent to which an extended trading hours application demonstrates benefits, including that:

- The venue will contribute to the local night-time economy and provide employment opportunities
- The venue provides live music, entertainment or cultural performances
- The application aligns with the relevant council's night-time economy or cultural strategies or policies, where applicable
- The application aligns with the NSW Government's 24-Hour Economy Strategy for a vibrant night-time economy
- The application supports the viability of local businesses and their suppliers
- The application contributes to the local visitor economy.

4 Appendix:

Glossary of key terms

Term	Definition
Consent authority	<p>Typically, the council of the area in which the venue is located will be the consent authority for a development application or modification application.</p> <p>However, the consent authority will be determined in accordance with Division 4.2 of Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Food and drink premises	<p>Has the same meaning as in the Standard Instrument – Principal Local Environmental Plan.</p> <p>In general terms, it means premises used for preparing and retail selling of food or drink (or both) for immediate consumption on or off the premises, including:</p> <ul style="list-style-type: none"> • a restaurant or café • takeaway food and drink premises • a pub • a small bar. <p>See the Dictionary in the Standard Instrument – Principal Local Environmental Plan for individual definitions of the above terms.</p>
Night-time economy	Any business or social activities taking place between 6 pm and 6 am
Patron capacity	The number of people allowed within a venue as per the development consent and/or liquor licence
Plan of Management	A summary document that outlines the safety measures and operations of a venue
Residential accommodation	<p>Has the same meaning as in the Standard Instrument – Principal Local Environmental Plan.</p> <p>In general terms, it means a building or place used predominantly as a place of residence.</p> <p>See the definition of ‘residential accommodation’ in the Dictionary to the Standard Instrument – Principal Local Environmental Plan for a list of included housing types.</p>
Residential zone	<p>The following zones within the meaning of the Standard Instrument – Principal Environmental Plan:</p> <ul style="list-style-type: none"> • R1 – General Residential • R2 – Low Density Residential • R3 – Medium Density Residential • R4 – High Density Residential • R5 – Large Lot Residential.

