

6.9 Late Night Licensed Premises

6.9.1 Introduction

- a. This introduction is to assist the lay reader to understand how this sub-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. Sub-chapter 6.9 Late Night Licensed Premises relates to the management of late night licensed premises throughout the district. Objectives, policies, rules and matters of discretion provide for late night licensed premises, while managing the potential impacts of late night noise and traffic generation at the interface between residential and commercial zones.
- c. The provisions in this sub-chapter give effect to the Chapter 3 Strategic Directions Objectives.

6.9.2 Objective and policies

6.9.2.1 Objective - Late-night licensed premises

- a. Late night licensed premises are provided for in a manner that:
 - i. encourages [Central City](#) late night licensed premises to locate in entertainment and hospitality precincts to support [Central City](#) recovery and vitality;
 - ii. manages adverse effects from late night licensed premises located within, or in close proximity to, residential zones to a level consistent with the intended residential amenity within that environment.

6.9.2.1.1 Policy – Late-night licensed premises

- a. Provide for late night licensed premises in the [Central City](#) to support the economic success, continued investment and vitality of the area, by:
 - i. encouraging late night licensed premises to locate in identified entertainment and hospitality precincts; and
 - ii. requiring additional acoustic insulation for [sensitive activities](#) within, or in proximity to, entertainment and hospitality precincts.
- b. Discourage late night licensed premises from establishing, or operating in a manner, where adverse effects on late night amenity, including noise, would conflict with or undermine intended residential amenity within residential zones.

6.9.3 How to interpret and apply the rules

- a. The rules that apply to sale and/or supply of alcohol are contained in the activity status tables (including activity specific standards) in [Rule 6.9.4](#).
- b. Sub-chapter 6.9 applies to the sale and/or supply of alcohol in all zones, except for the Papakāinga/Kāinga Nohoanga Zone where sub-chapter 6.9 does not apply.
- c. Activities involving the sale and/or supply of alcohol are also subject to the rules in the relevant zone chapters.
- d. The activity status tables, rules and standards in the following chapters also apply to activities involving the sale and/or supply of alcohol (where relevant):
 - 4 Hazardous Substances and Contaminated Land;
 - 5 Natural Hazards;
 - 6 The other sub-chapters of General Rules and Procedures;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 9 Natural and Cultural Heritage; and
 - 11 Utilities and Energy;

6.9.4 Rules

6.9.4.1 Activity status tables

6.9.4.1.1 Permitted activities

a. The activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in [Rule 6.9.4.1.2](#), [6.9.4.1.3](#), [6.9.4.1.4](#), [6.9.4.1.5](#) and [6.9.4.1.6](#).

Activity		Activity specific standards
P1	Legal sale and/or supply of alcohol, except as specified in Rule 6.9.4.1.3 RD1.	Nil

6.9.4.1.2 Controlled activities

There are no controlled activities.

6.9.4.1.3 Restricted discretionary activities

a. The activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [Rule 6.9.5](#), as set out in the following table.

Activity		The Council 's discretion shall be limited to the following matters:
RD1	Sale and/or supply of alcohol between the hours of 11pm and 7am from any site located within 75m of a residential zone, other than the sale and/or supply of alcohol: a. to any person residing on the premises; b. for consumption off the premises; c. authorised by a special licence; d. accompanying a meal served by a guest accommodation premises; and e. in a Category 2 Entertainment and Hospitality Precinct (as identified on the Central City Entertainment and Hospitality Precinct Overlay Planning Map) where the restricted hours are 11pm to 7am along Victoria Street and 1am to 7am for other Category 2 precincts.	a. Amenity – Rule 6.9.5.1

6.9.4.1.4 Discretionary activities

There are no discretionary activities.

6.9.4.1.5 Non-complying activities

There are no non-complying activities.

6.9.4.1.6 Prohibited activities

There are no prohibited activities.

6.9.5 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the [Council](#)'s discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in [Rule 6.9.4.1.3](#), and as set out for that matter below.

6.9.5.1 Amenity

a. The extent to which late-night licensed premises:

- i. are of a character, duration, scale and intensity consistent with the anticipated residential amenity for the receiving environment, particularly with regard to:
 - A. on-site and off-site noise;
 - B. traffic generation; and
 - C. anti-social behaviour;
- ii. are consistent with other existing and/or permitted activities in the area;
- iii. can be managed in a way that mitigates adverse effects by means such as the provision of screening, buffer areas, local topography, site layout (including location of point of sale) or operational practices of activities.