

**Responses received to additional questions**

**Randwick City Council**  
Ms Stella Agagiotis

**1. What is your view of having the Small Business Commissioner co-ordinate night time economy policy?**

Development of policy for the night time economy should be the responsibility of local councils who understand their areas and can respond to local circumstances with community and stakeholder input. Randwick City Council has recently prepared a Night Time Economy Study based on research of best practice approaches, audits of town centres and public spaces, community perceptions and advice from industry through the Randwick Night Time Economy Advisory Committee. This approach has enabled the development of a comprehensive suite of initiatives and actions to strengthen and diversify the local night time economy. This Study, which will be reported to the October 2019 Council meeting will also contain recommended changes to the Randwick Local Environmental Plan 2012 and Randwick Development Control Plan 2013. Such a place-based approach is considered to be the most effective means of developing effective, robust and tailored night time policy at the local level. The range of actions outlined in Council's Study will require appropriate resourcing and funding. In order to assist councils to implement this important work, it is essential that a dedicated funding program be established by the NSW Government to support a range of night time initiatives that can benefit local communities such as harm minimisation and public safety campaigns, education, encouraging creative and cultural activities, undertaking public domain improvements to improve safety (e.g lighting) and local business support.

A one-size fits all approach to the night time economy is not considered to be an effective and practical approach. Night time policy needs to be multi-faceted and be responsive to the local strategic context. The Office of the Small Business Commissioner should be effectively resourced to provide advice and develop guidance material on small bar operations for councils and businesses to use, however not be responsible for setting or coordinating policy to apply at the local level. Any resource material prepared should be based on surveys and research/studies that are proven effective and should have built in flexibility to apply to different areas.

**a) Would this be best done stand alone, or in company with the Department of Premier and Cabinet?**

There would be benefit in collaborating and working with the Department of Premier and Cabinet, Department of Planning, Industry and Infrastructure, NSW Liquor and Gaming, local government and other relevant stakeholders to ensure consistency with broader government policy directions including the Regional and District Plans prepared by the Greater Sydney Commission.

**2. What other steps or regulatory changes could be taken to encourage small bars in NSW?**

It is suggested that a Small Bar Advisory Group be established with representatives from the Small Business Commission, local government (e.g the Night Time Economy Council's Committee, Local Government NSW), small business owners, Liquor Accords, NSW Police and relevant other stakeholders. The Advisory Group terms of reference might include licensing or safety issues, providing assistance to operators, practical advice and ways to improve the operation of small bars. It could operate on the model of the local liquor accords which have had success in this area and be appropriately funded. It could be established by the Department of premier and Cabinet to provide advice to Government.

One of the first Liquor Accords established in NSW in 1999 was the Eastern Beaches Liquor Accord. This group is driven and led by local licensees and is focused on crime prevention and harm minimisation through a voluntary partnership and membership arrangement. The partners

in this Accord employ a project officer to assist with coordinating initiatives. This cross agency group has played a key role in reducing alcohol related anti-social behaviour through ongoing monitoring, programs to raise public awareness of issues and enforcement actions, across the eastern suburbs.

Another option to encourage small bars is introducing amendments to the Codes SEPP (Exempt and Complying Development) to enable small bars to become complying development and therefore provide a streamlined approval process that can be undertaken by a council or a private certifier. Introduction of complying development provisions could allow existing restaurants/cafes to convert to a small bar or vice versa without the need for a development application as long as prescribed conditions are met.

Consideration should also be given to the need to streamline the approval requirements for outdoor seating associated with small bars. Currently under the Codes SEPP outdoor seating associated with small bars is not exempt development (Subdivision 20A – Footpaths, Outdoor Dining). To assist the establishment of outdoor dining associated with small bars, appropriate criteria should be investigated that addresses relevant operational matters including the potential amenity and safety impacts. Further to this, under the Roads Act, 1993 approvals granted for outdoor dining only run with the operator. This creates a level of regulatory burden for new operators who are required to seek a new approval for outdoor dining that is the same as existing.

The NSW Department of Planning's recent guidelines for establishing and managing night time economy uses and the NSW Government's 'Easy to do Business' program are positive changes that are assisting small bars and other night time businesses to establish in NSW.

Randwick City has received industry feedback that in some instances, it is not always commercially feasible for small bar operators to obtain a 'small bar' licence given the limit on patron capacity. Notably, restaurants and cafés with an 'on-premises' or 'general bar' license can operate in much of the same way as a small bar in terms of look and feel, and service of alcohol and food, but without the same restrictions on patron capacity as a 'small bar' licence. There is evidence that the number of small bars have been gradually increasing in number across the Randwick area recently, primarily through changes of use from restaurants.

### **3. What support could the State Government offer to support the NTE Councils Committee?**

The NTE Council's Committee could be supported in the following ways:

- Enabling open access to a range of data held by government on small bars including licensing and crime statistics. This would enable trends to be understood and recommendations to be made to councils.
- Providing a dedicated contact officer from NSW Liquor and Gaming to the Committee to assist with enquiries and information exchange
- Providing funding to support projects including the employment of a project officer.