

**Submission
No 770**

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Inner West Council

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INNER WEST COUNCIL

Inner West Council Submission to the NSW Government Joint Select Committee on Sydney's Night Time Economy

Please consider this letter Inner West Council's submission for the benefit of the Joint Select Committee on Sydney's Night Time Economy (NTE). Council appreciates the opportunity to assist the Committee with this submission by making them aware of the current situation with our NTE, describing Council's experience with the *Liquor Amendment Bill 2014* (Lockout laws), and the impact they have had on Inner West Council (IWC) NTE, as well as informing the Committee on current projects to enhance the Inner West NTE.

Please be aware that whilst considerable effort has been made to provide an accurate and informed submission, Council's data collection is limited at this time and much of the insight provided is anecdotal from a range of Council representatives who are actively engaged in working with the local community and business towards enhancing the NTE in the Inner West.

For the purposes of this submission, Council defines the night time economy as social or business activities that take place between 6pm and 6am the following morning.

Inner West's Night Time Economy

The Inner West night time economy is substantial and provides residents and visitors with a diverse offering of services including entertainment, business services, retail and hospitality. This creates considerable employment opportunities in the LGA, attracts investment and helps establish the identity of the Inner West as a creative community that people want to visit. Night time activity is not equally distributed across the Council area, instead being clustered in specific locations, including the more well-known Newtown, Enmore, Balmain, Rozelle and Marrickville areas, as well as other existing areas where activity is growing including Annandale, Leichhardt, Dulwich Hill and Summer Hill. Council has also identified other areas with emerging night time economies which present opportunity for further expansion, these include the area around Sydenham Station and the Parramatta Road corridor.

The diversity in uses in each of these centres varies greatly. Newtown, Enmore, Balmain and Rozelle have a large offering of traditional pubs, as well as dining and other hospitality uses and entertainment including live music and theatre.

Marrickville, Dulwich Hill and Summer Hill on the other hand are experiencing a growth in small bars and dining options. These centres are also well supported by local residents who rely on these centres for local services.

Emerging centres like the area around Sydenham Station offer other unique night time experiences. There are multiple live music venues scattered throughout this area, benefitting from the larger premises sizes. There are fewer amenity conflicts due to the few surrounding residential properties, industrial land zoning and constraints to future residential development due to the Sydney Airport flightpath location.

Quantitative data on the IWC NTE is quite limited. However, through August and September 2018, Council staff carried out a desktop survey of all the businesses with a shopfront along the IWC side of King Street, Newtown. This survey noted the type of business, as well as the advertised hours of each business. On a Friday evening/night, of the 182 business identified, 81 (44%) trade past 6pm, 46 (25%) past 9pm, 21 (12%) past 11pm and 4 (2%) past 2am.

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IWC only covers the western side of approximately three quarters of King Street, including all of the quieter southern end. Consequently this survey does not include the busier northern areas located within the City of Sydney Council and along the adjacent Enmore Road and Edgecliff Road which have significant night time economies. The number of businesses surveyed operating past 9pm, almost one in four, is substantial but is still likely to under represent the overall level of night time activity in the greater Newtown/Enmore centre.

The Inner West Council area is also host to a number of live music venues. The committee may be aware of larger venues like the Factory Theatre and Enmore Theatre, although there are numerous other venues throughout the Council area including the Red Rattler, Lazybones and Camelot lounge. Council's Culture and Recreation Unit estimate that roughly 60 live music venues are located within the LGA.

The night time economy operates in multiple other areas throughout the LGA and Council is keen to support its development. In this respect Council staff are working towards a proposal for a night time economy strategy as part of work being carried out on the new Inner West Local Environmental Plan. This is likely to identify the many benefits that can accrue to the Council area from the continuing development of the NTE in a coordinated way that also addresses the potential impacts of its development. This work will also examine how to address the numerous issues which create potential barriers to the continued sustainability and growth of the IWC NTE. These include;

- Amenity conflicts between night time uses and sensitive uses like residential,
- Encroachment of new residential development into areas of high NTE activity, specifically near noisy live music venues which are then adversely affected by noise,
- Disproportionate Building Code of Australia requirements for many small scale and low impact uses, such as smaller scale performance venues,
- Limited late night transport options (trains, light rail and buses), and
- High land prices and rents on Council's main shopping streets pushing out retail and other activities that can boost the local NTE.

Impact of lockout laws on the Inner West NTE

Council has noted a significant foot traffic increase along King Street and Enmore Road since the lockouts. This is a likely consequence of the lockout laws and the attractiveness of the late night entertainment offerings of many Newtown and Enmore venues. It has also had the effect of increasing the value of these land uses and sites suitable for such uses.

The specific impacts of the Sydney lockout laws on IWC are difficult to quantify. Council has limited data on how these laws have impacted our NTE. Much of the evidence we have on public safety is information taken from the Bureau of Crime Statistics (BOCSAR) and Research and NSW Police data. Apart from this, much of the information is anecdotal arising from engagement with the community, businesses and the experience of staff.

Statistics on crime related specifically to Newtown and the immediate surrounding neighbourhoods are limited in the years after 2015. Inner West crime statistics however are reported as being stable concerning non-domestic assaults.

In September 2015, the Newtown Liquor Accord agreed to self-impose lockouts at 3am, allowing pass-outs, but no new patrons to major venues after this time. Only one venue on Enmore Road exempted itself from

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this. The Accord also prohibited the serving of shots after midnight and set up a WhatsApp group between staff at each venue to alert each other to problem individuals.

It would be a concern for Council and the aim of supporting a strong local NTE if the lockout laws present an overall image for visitors and the wider community that the Sydney NTE is not an attractive feature of the city, and this could inhibit the ability of areas to which the lockouts have not been applied to generate a positive and successful NTE.

Council's NTE policy initiatives

As noted earlier Council is keen to support the development of the NTE throughout the LGA and Council staff are working towards a proposal for a night time economy strategy to further support this. This will include bringing together and building on a range of Council's current policy initiatives in a coordinated way that will also address the potential impacts of its development. Some of Council's currently policy initiatives and programs to increase community safety around and enhance the vibrancy of the Inner West NTE are briefly outlined below.

Live Music Planning Liaison Service

Launched in late 2018, this service provides tailored town planning advice to existing live music operators looking to expand their business, new proprietors who are planning to undertake a Pre-DA for a live music venue and existing business owners looking to incorporate live music into their operations. There has been a steady take up of this service.

Agent of change principle

Council staff are exploring how to implement an agent of change principle and controls as part of the new Inner West Local Environmental Plan which is being developed. This principle has the effect of placing the onus of mitigating the potential noise impacts of existing development on newly proposed development on the proponent of the new development. If a new residential development is proposed to be located adjacent to an existing live music venue, the developer must ensure that the apartments are adequately attenuated from the noise created by the adjacent venue. Likewise if a new live music venue is established adjacent to a residential use, it must attenuate noise so that it does not adversely impact on the amenity of the residential use.

Good neighbour policy

Originally adopted by former Leichhardt Council in February 2013, the *Live Music Venues Good Neighbour Policy* was recently extended across the entire Inner West LGA. The policy commits Council's compliance officers to resolving resident's noise issues created by nearby live music venues by ensuring:

- Regular meetings are held between live music venues licensees and neighbouring residents,
- Council's cultural and event officers are involved in resolving noise complaints,
- Noise complaints are weighed against the 'order of occupancy' provisions of the Liquor Act,
- Assistance is sought from music industry peak bodies and the Office of Liquor, Gaming and Racing prior to engaging legal action, and
- Support is given to the agent of change principle.



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Exempt and complying development for small scale cultural uses

Council is currently investigating possible simplified development approval pathways for small scale cultural uses and activities through the use of exempt or complying development. This will involve amending Council's Local Environmental Plans to provide a set of development standards against which varying uses could be assessed. If appropriate those applications would be able to utilise fast tracked exempt or complying development approvals. This is also being pursued to permitting certain commercial uses to trade later into the evening. It is becoming apparent that onerous Building Code of Australia (BCA) requirements associated with some small scale and low impact proposals are likely to present a major barrier to enabling these activities and this may necessitate associated changes to the BCA.

Late night trading management development control plan (DCP)

Council staff are currently drafting a new DCP for late night trading management across the Council area, with a particular focus on harmonising the late night trading controls in Newtown/Enmore with the City of Sydney Council late night trading DCP to support the development of the local NTE.

Sydenham Creative Hub

Recently Council adopted changes to the Marrickville LEP 2011 to permit additional uses to multiple industrial zoned lots fronting Marrickville Road between the Marrickville Road retail area and Sydenham Station. These additional uses include bars, restaurants, cafes and small bars and join other permitted uses in this industrial area including entertainment facilities, of which one exists along this strip.

This area is an important entertainment and employment precinct with a diverse NTE where traditional creative industries and general industry thrive alongside small bars, bars, cafes, restaurants and live music venues.

Conclusion

Council strongly supports any assistance that the Government can bring to help it develop the local NTE in a manner that enables Council to sensitively manage the impacts of this development and not impose unnecessary or disproportionate burdens on the development of the sector. Council staff will continue to work with the various State Government agencies involved in the development and regulation of the NTE and would be willing to explore the potential introduction of any new initiatives with Government that can support this work.

Council would be pleased to be able to attend the public hearings that the Committee has arranged to expand on its submission and discuss its experiences and how it can continue to grow the Inner West NTE in association with relevant Government agencies. In the meantime if any clarification on the points raised is required, please do not hesitate to contact David Birds at [REDACTED] or Jarrad Sheather at [REDACTED]