

ITEM 3. LATE NIGHT TRADING RESEARCH PROJECT**FILE NO: S055498****SUMMARY**

Late night trading retail venues – primarily restaurants, bars, clubs and pubs – are an important part of the City of Sydney's economic strength and cultural diversity. Such trading, however, has potential adverse impacts and requires special management to ensure it remains compatible with other commercial and residential land uses.

In 2007, Council initiated a research project to investigate how best to incorporate 'cumulative impacts' into its policies on late night trading. Two studies, conducted by Urbis and the National Drug and Alcohol Research Centre, were commissioned as a result, with the findings exhibited for public comment in July 2009. This report outlines the comments received in response to the public exhibition.

Thirty submissions were received from individual residents and resident, business and industry advocacy groups. Residents and resident groups were generally supportive of the research findings, and advocated a policy approach that discouraged late night trading, although this view was not universal. Business and industry groups were generally critical of the studies, and advocated a policy approach that focuses on poorly behaved venues and individuals rather than broad restrictions on trading.

Some submissions were critical of the studies, highlighting particular limitations or errors in the findings. Where accurate, these shortcomings were minor and did not undermine the studies' conclusions. Submissions also discussed the adverse impacts experienced in current late night trading precincts, the context of how they came about, and recommendations to improve the management of the precincts to reduce these impacts. The recommendations were generally in line with those of the National Drug and Alcohol Research Centre Study, which are being implemented by Council. These activities are summarised in the report.

One development of note, in line with the National Drug and Alcohol Research Centre Study's recommendations, is Council's successful request to the Premier for action on alcohol-related violence in the inner city in 2009. This request resulted in a 12 month freeze on liquor licences and development applications, and the establishment of the Sydney Liquor Taskforce, which reports to the Lord Mayor and Premier. The Taskforce is preparing strategies to better manage key late night trading precincts in the inner city.

Council will continue to work with the NSW government for ongoing reform to improve the quality, safety and diversity in our late night areas. The findings of the research project serve as a useful base from which to conduct further investigations and to advocate further legislative reform of the management of late night trading.

RECOMMENDATION

It is resolved that Council:

- (A) note the outcomes of the public exhibition of the Late Night Trading Research Project studies, as summarised in Attachment A to the subject report;

- (B) note work being done by the City in response to the research findings, as summarised in the subject report, and continue to use the findings to inform Council policy and action;
- (C) continue to use the findings from the late night trading research to advocate to the State Government for legislative reform to better manage the cumulative impacts of licensed premises;
- (D) continue to work with other stakeholders to improve the appearance, vitality, economic diversity, safety and management of late night trading precincts; and
- (E) monitor perceived changes to late night trading areas over time through future testing of public perceptions.

ATTACHMENTS

Attachment A: City of Sydney Late Night Trading Research: Summary of Submissions

BACKGROUND

1. The City of Sydney Council adopted the Late Night Trading Premises Development Control Plan (the DCP) in December 2007. Before the DCP there was no planning policy that applied to the entire Local Government Area (LGA) to regulate commercial operating hours and manage late night trading premises.
2. In 2006, an appeal against a Council development application (DA) refusal for a late night trading licensed venue was upheld by the Land and Environment Court (LEC). The DA was refused on the basis that the venue would lead to unacceptable "cumulative impacts" and that a "saturation point" had been reached in the Kings Cross area. However, the LEC concluded that there was no objective means to determine a saturation point and that Council provided insufficient evidence of unacceptable cumulative impacts.
3. In response to comments received during the preparation of the DCP and the direction of the LEC, Council initiated the City of Sydney Late Night Trading Research Project in 2007. The aim of the project was to:
 - (a) determine the cumulative impacts of night trading venues on alcohol-related crime in defined areas of the City of Sydney Local Government Areas (LGA);
 - (b) explore community perceptions of night trading venues in defined communities; and
 - (c) identify evidence-based strategies that local governments might reasonably implement to reduce the level of alcohol-related harms in their communities.
4. The Research Project commissioned two studies:
 - (a) 'Late Night Trading: Community Perceptions' (the Urbis Study), which was a social survey undertaken in Kings Cross and Darlinghurst by Urbis. The aim of the survey was to explore community perceptions of night trading premises in the study areas; and
 - (b) 'Alcohol Related Crime in the City of Sydney LGA' (the National Drug and Alcohol Research Centre Study), which was conducted in partnership with the National Drug and Alcohol Research Centre, an affiliate of the University of New South Wales. The aim of the study was to quantify cumulative impacts of night trading premises on alcohol-related crime and identify evidence-based strategies to reduce these impacts.
5. The National Drug and Alcohol Research Centre Study made six recommendations. These can be summarised as:
 - (a) to develop partnerships with NSW and Commonwealth Governments;
 - (b) to consider strategies supported by evidence of being effective;
 - (c) to develop a database of venues, DA consents, conditions and issues;
 - (d) to develop planning mechanisms to restrict the supply of alcohol where there are excessive cumulative impacts;
 - (e) to, in partnership with other governments, restrict alcohol advertising; and

- (f) to work with the community on the evaluation and development of policies.
6. The two studies were placed on exhibition for 60 days, to 31 July 2009. Thirty (30) submissions were made in response to the exhibition, from a variety of interested stakeholders. This report summarises the key themes of the submissions, along with a response outlining Council's position. A full summary of submitted comments is at Attachment A.
7. Some submissions raised concerns with the research studies. In some cases these queried the methods or the presentation of findings, in other cases there were more general concerns with the studies. While the submissions identified some minor errors, the overall findings and recommendations of the research remain valid, and Council will continue to use the research in the preparation of policies.
8. Many submissions outlined a number of acute impacts associated with existing commercial activity, specifically with late night trading licensed venues. Issues of particular concern were: the anti-social behaviour; noise; traffic capacity; enforcement limitations; and local commercial diversity. There was recognition that these impacts are caused by previous planning frameworks, that the DCP attempts to address these issues, and that planning controls can only provide long term solutions. In addition to implementing the DCP to improve conditions over the long term, Council is also working in a number of ways to address these acute impacts in the short term.
9. The submissions recommended a number of policy options. The broad focus of the policy options were consistent with the original recommendations of the National Drug and Alcohol Research Centre Study, being:
- (a) develop advocacy and partnership strategies;
 - (b) strengthen enforcement of existing laws, regulations and conditions;
 - (c) improve application and consultation procedures;
 - (d) amend existing policies; and
 - (e) develop new strategies and approaches.
10. In summary, Council is addressing the studies' recommendations and the submission comments as follows:
- (a) working through partnerships like the Sydney Liquor Taskforce, Mega Sydney Crime Prevention Partnership, Police Planning Committees, Business Partnerships and Chambers of Commerce and Liquor Accords to advocate and develop consistent policies with other stakeholders in late night trading in NSW;
 - (b) increasing the capacity of Council compliance teams to respond to problematic premises through the appointment of Specialist Licensing Compliance Officers, and a co-ordinated data exchange with other agencies;

- (c) developing an internal database of licensed premises conditions and compliance issues to improve assessment methods: the Licensed Premises Consent Research Project. This is being coordinated by Council's Safe City team, and involves researching the approvals for high impact licensed premises in the Kings Cross, Surry Hills and City Central Local Area Commands to assist Planning Assessment and the Licensed Premises Unit. A total of 235 high impact premises have been identified across the three areas, with a total of 407 consents reviewed (this is because many premises have more than one consent). To date consents have been confirmed for 48 of the 235 premises. Safe City has accelerated the research and expects to complete its research into the consents for high impact premises in these three areas by 30 June 2010.
 - (d) transferring footway assessment to DA teams to improve assessment consistency and, after releasing a discussion paper in 2007, preparing a new policy for footway dining. Currently, design considerations are being coordinated with the development of the Street Design Code. The new policy will also address amenity and access considerations, and will provide a consistent policy to assess footway licence applications against;
 - (e) improving internal complaints record management and co-ordination through the development of an improved system to coordinate complaints received by letter, email or phone calls, especially as it relates to licensed premises. This has included improved correspondence logging and assessment; updating the call centre knowledge database, preliminary complaint hotspot mapping and a review of categories in the customer service model to determine the appropriate way for complaints to be handled;
 - (f) developing City Plan, a comprehensive local planning instrument and supporting local development control plan, to better integrate all planning controls, and commencing an internal Project Control Group to better align Council policies on late night trading;
 - (g) working with and implementing proposals of the Sydney Liquor Taskforce, to better manage existing, high-impact venue activity in late night trading precincts; and
 - (h) researching and testing innovative approaches to improve the appearance, economic diversity, amenity and functioning, of late night trading precincts, to reduce crime and improve safety. This includes approaches like: incentives for extended retail trading; localised evening events; and better infrastructure (eg, garbage bins and taxi ranks). By addressing the unique demands of late night trading, Council seeks to create a diverse and lower-impact evening economy.
11. The research findings have also identified the scope and diversity of the issues and gaps in the existing data available to Council and other stakeholders. In this way, Council is using the findings to inform future investigations, such as the Late Night Trading Precincts Pedestrian Research and the ICLEI Oceania Alcohol-related Harms Data Inventory Toolkit. These two projects are in their early stages, and will further improve the evidence base for policy directions.

12. The findings will also benchmark future monitoring of changes in public perceptions of our late night trading areas. Council is committing to undertake periodic updates of the Urbis Study. Future studies could expand to include the CBD and the perceptions of a wider cross section of the community, and examine whether community perceptions have changed following recent NSW Government initiatives (including the Liquor Licence Freeze) and the introduction of Council's Late Night Trading DCP. The first follow up study is intended to take place after these NSW Government initiatives have been in place for a sufficient time to have an effect..
13. The research findings are also informing Council's preparation of a comprehensive proposal to the NSW Government on 'cumulative impact' controls, and other recommended improvements to existing NSW liquor legislation. Legislative reform aims to ensure a more diverse and vibrant night time economy. The broader scope of such reform also overcomes the limitations of the local planning framework, particularly as it enables interventions to apply equally to existing venues and potential new development. State legislative reform may also lead to improvements to local planning controls.

KEY IMPLICATIONS

14. Submissions and recommendations are consistent with current activities, particularly work in the Sydney Liquor Taskforce.

RELEVANT LEGISLATION

15. Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulations 2000; Liquor Act 2007; Liquor Regulations 2008; Protection of the Environment Operations Act 1997.

PUBLIC CONSULTATION

16. The two research studies were placed on public exhibition for 60 days, from 1 June to 31 July 2009.
17. The public exhibition was advertised in the local newspapers that cover the LGA. The studies were made available for viewing at all of Council's neighbourhood centres. They were also made available for download on Council's website.
18. Thirty six (36) individuals and organisations who demonstrated an interest in the policies of Council in relation to late night trading were individually notified of the public exhibition. This included the Police, State Government agencies, residents' groups, business groups and club and hotel industry organisations.
19. Thirty (30) submissions were received during the public exhibition of the two studies, with the majority coming from individual residents. Local resident groups and business groups also featured prominently, with a combined submission from the Liquor Accords representing the liquor industries.

20. Business and industry groups were generally critical of the studies' findings, and advocated a policy approach that did not restrict all venues and patrons, instead focusing on poorly behaved venues and individuals. Residents and resident groups were generally supportive of the research findings, and advocated a policy approach that discouraged late night trading, although this view was not universal. Most submissions focused on Kings Cross and Oxford Street late night trading areas, the subject of the studies.
21. The comments in the submissions fell into one of four broad categories, with a number of themes emerging for each:
 - (a) Background: with respondents offering commentary on how the current situation came about;
 - (b) Research Project: with respondents offering commentary on the research itself;
 - (c) Impacts of Venue Concentration: with respondents identifying key issues associated with high densities of late night trading licensed venues; or
 - (d) Policy Options: with respondents offering commentary on the limits and benefits of possible future strategies and policies.

Background

Changes to local character

22. A number of submissions highlighted that changes to the local character of Kings Cross and Oxford Street have contributed to the current concerns with noise, crime and nuisance. Submissions recognised the historical residential character, as well as the historical role as night-time entertainment destinations. Some residents took a 'we were here first' line, but generally there was recognition of both land uses coinciding for a long time.
23. The Potts Point and Kings Cross District Partnership believed the growth in the residential population of Kings Cross had increased pressure to curtail traditional night time activities. Some residents felt previous, more transient, demographics in Kings Cross and Oxford Street have slowly been replaced with an older, more permanent population, increasing demand for local services and amenity. The Chippendale Coalition Community Group stated the growing student population, and associated night entertainment, was reducing residential amenity around Sydney University.
24. Residents and resident groups believed the growth in late night trading venues had led to increases in anti-social behaviour and crime, and resulted in amenity impacts creeping into residential areas around Oxford Street and Kings Cross. Moreover, while previous entertainment catered to niche clientele, current entertainment is based on large 'common denominator' venues that further encourage anti-social behaviour. The Darlinghurst Business Partnership also felt there had been a decrease in retail diversity, and the Potts Point and Kings Cross District Partnership suggested this was due to late night trading venues in other commercial centres closing down.

Response

25. Council agrees that improvements to pre-existing crime rates, and subsequently the reputation, of inner Sydney have attracted both more residents and more patrons to the commercial centres. The parallel growth has, in most cases, been successfully managed through planning controls, but the expanding appeal and subsequent impacts of Kings Cross and Oxford Street as late night entertainment destinations were not adequately addressed in planning controls, resulting in LEC appeals being upheld.

Policy Context

26. A number of submissions identified a 'policy vacuum' that preceded the DCP. A number of residents and resident groups particularly noted that Council had refused a number of DAs, which were overturned by the LEC. One resident had particular criticisms of the LEC procedures – such as day time site visits, and the assumption that other government agencies would be able to manage impacts. One hotelier in the CBD also expressed opposition among existing licensed venues of policies at the time.
27. A number of submissions thought the introduction of the DCP was an important step to improve the policy framework, and that a number of the impacts currently experienced are from venues that predate the DCP's introduction. However, the Kings Cross Action Team felt that the DCP encouraged late night trading in Kings Cross and Oxford Street over other centres, resulting in reduced residential amenity around these centres. The Potts Point and Kings Cross District Partnership also thought the DCP had reduced the viability of late night trading in other areas, resulting in the increase in activity in Kings Cross and Oxford Street. The DCP was also seen as ineffective at improving existing venues, curbing the growth in new venues, assessing cumulative noise, and controlling venue consolidation and separation.
28. There was also concern that the DCP has not been consistently used in assessments and enforcement. The Darlinghurst Residents' Action Group believed Council had never refused an application under the DCP, while the Potts Point and Kings Cross District Partnership believed those that were refused were without reason.
29. Submissions cited the lack of integration between Council policies and liquor licensing and other services, such as public transport. This resulted in service provision falling behind the growth in activity. The Darlinghurst Residents' Action Group also supported Council's Compliance and Regulation of Licensed Premises Report to improve compliance and enforcement regulation, as well as NSW Government policies to address the acute impacts of the existing venue mix.

Response

30. The introduction of the DCP has gone some way to address, over the longer term, the land use conflicts that resulted from previous policy frameworks, but the acute impacts of the existing mix of commercial and residential are still a matter for concern. The DCP has made it clear to applicants what is expected in an application and what is likely to be approved. So, even though some applications have been refused, or withdrawn, or amended in light of concerns of assessment officers, the calibre of applications has improved.

31. Regarding the DCP's exceptional treatment of Kings Cross and Oxford Street, the intent was, and remains, to reflect the prevailing land uses. This way new venues are able to replace those that existed prior to the DCP's introduction. More prescriptive controls for those areas would only serve to entrench the existing, unregulated venues. There is no evidence that the DCP has reduced the viability of late night trading in other centres, to cause displacement of patrons into Kings Cross and Oxford Street.
32. As discussed below, Council is working to improve the current situation, as well as continually reviewing planning policies to ensure future land uses are well managed. The aim of any future planning policy is to ensure the continued success and appeal of inner Sydney as a residential and commercial destination. This means ensuring one land use does not preclude the possibility of any other.

Research Project

General Support

33. Most residents' submissions supported the research project and Council's efforts in general, and agreed that Kings Cross and Oxford Street are currently not operating in a sustainable way. The Darlinghurst Residents' Action Group implored Council to act to implement the recommendations. Support also highlighted the presentation of evidence from other jurisdictions in the National Drug and Alcohol Research Centre Study, which provides practical precedent for action in Sydney. The Darlinghurst Business Partnership also supported Council's intent, but had reservations about the Urbis Study methodology and some of the conclusions.

Purpose and Methods

34. As they were commissioned by Council, the Potts Point and Kings Cross District Partnership believed the Studies' *"terms of reference, presentation of data, and 'conclusions' have been deliberately arranged to support Council's previously stated position"*. The Combined Liquor Accords of the City of Sydney LGA was also concerned that studies prepared to defend court cases would be used to inform policy, not their intention.
35. One common criticism of the Urbis Study was that its conclusions were based on 'perceptions' elicited through interviews, which do not necessarily match the reality. To demonstrate this, one resident compared the finding in the Urbis Study of a perception that crime levels had gone up with the data in the National Drug and Alcohol Research Centre Study that demonstrated crime levels had gone down. Perceptions, they felt, should not be the basis of policy development.
36. Another criticism of the Urbis Study methodology was the exclusion of café users and non-residents from the survey. The Combined Liquor Accords of the City of Sydney LGA believed including these groups would show more support for the existing business/residential mix than the Urbis Study found. The Darlinghurst Business Partnership was also concerned that the Urbis Study did not clearly define 'community' but, as the study only included residents, implied 'community' excluded non-residents, such as business owners, workers and customers.

37. The Potts Point and Kings Cross District Partnership also wanted more information on the “*sample profiles or error margins*”, to demonstrate the statistical significance of the surveys. Further to this, it felt the use of sub-samples in some questions would also reduce the reliability of the findings. The Potts Point and Kings Cross District Partnership highlighted that the surveys also assumed all impacts on residents, such as noise, were due to late night trading, which may not be the case – either by perception or in reality – and should have been explored.
38. The primary criticism of the National Drug and Alcohol Research Centre Study was its finite scope. A number of factors are mentioned without exploration, such as cultural or social factors in patron behaviour, the role of illegal drugs, the nature of hard liquor consumption, other factors in alcohol-related hospital admissions, and the impacts of underlying local crime rates.
39. Further, the recommended solutions raise further questions, also not explored, like how to address the displacement of patrons when demand is not met, how to identify and address the minority of venues that are problematic, or how niche venues would change patron behaviour. Ultimately, the National Drug and Alcohol Research Centre Study was not thought to demonstrate how to make a direct connection between increase in patron numbers and an increase in harms: either for individual venues or for precincts. Other specific questions about the methods are outlined in Attachment A.

Response

40. Council does not agree with the contention that the studies are biased by being commissioned by Council, or that Council has a pre-determined position that studies are expected to confirm. Council has recognised the un-sustainability of current late night trading practices and is exploring a variety of ways to address this problem.
41. Council commonly consults with the community for its input on current issues and possible policy directions. The Urbis Study is one of a range of means by which the Council garners an understanding of community concerns – in this case impacts on local residents by late night trading. The research project is by no means the only information upon which Council is basing future directions, but it does provide crucial information for policy development.
42. The exclusion of people actually in cafes and restaurants was to reduce disruption to their operation. Residents who frequent venues did participate, but were only intercepted when they were in the public domain. The exclusion of non-residents was to ensure participants were able to respond to all the aspects of the survey, a number of which related to living in the area.
43. Council agrees that local business owners, staff and customers also form an integral part of the community. That the study was titled ‘Community Perceptions’, but did not include these sections of the community, is an oversight. ‘Resident Perceptions’ would be more accurate, but this does not undermine the usefulness of the findings.
44. The Urbis Study survey sample was representative of the existing residential population, and the findings presented were statistically significant.

45. The National Drug and Alcohol Research Centre Study had a finite objective, and did not seek to explore all aspects of alcohol-related harms. It specifically sought to identify the cumulative levels of harms in specific areas, and to identify strategies that address these harms. The Study provided this information, which further informs the development of future policies and strategies.

Findings and Recommendations

46. There was a common criticism that the conclusions of the Urbis Study were not supported by results of the survey. One example cited by the Combined Liquor Accords of the City of Sydney LGA was that while 42% had negative views on existing police presence, this was still a minority of respondents. Another example was the conclusion that 'a majority' wanted fewer pubs in Kings Cross, where the results showed only 11% wanted fewer pubs. Submissions also highlighted some specific errors in the graphs and images used to present the findings.
47. The Potts Point and Kings Cross District Partnership felt the findings suggested most residents recognised pubs were not the sole cause of anti-social behaviour because, while 54% in Kings Cross identified drunken behaviour as a negative aspect of the area, only 11% wanted fewer pubs. Further, if demographics were overlaid with the findings, an even smaller minority of the population would be found to want fewer pubs. The Chippendale Coalition Community Group also thought further research was needed in Chippendale.
48. The Combined Liquor Accords of the City of Sydney LGA and some residents were critical of how the National Drug and Alcohol Research Centre Study used the Bureau of Crime Statistics and Research data. More recent data is now available, making the National Drug and Alcohol Research Centre research out of date. The Combined Liquor Accords of the City of Sydney LGA also suggested the Bureau of Crime Statistics and Research data was from an atypical period of trade, so is not indicative of broader trends. The Darlinghurst Residents' Action Group noted that data was now available for the period of NSW Government intervention, so should also be analysed.
49. The Potts Point and Kings Cross District Partnership was critical of the National Drug and Alcohol Research Centre Study's use of international examples. It felt these examples are of little relevance as they have different cultural factors and different legislative frameworks to support their individual responses. Further, some parts of the Study, such as that examining chronic alcohol dependence, are of little relevance to policies seeking to address acute amenity impacts.
50. A third criticism was the failure to demonstrate an increase in 'impact per patron' in higher density areas. The Study suggests binge drinking and the 'minority of venues that are poorly managed' to be factors in impacts, which are factors irrespective of venue density. This suggests a greater number of smaller venues, more spread out, would have as many impacts. It also does not consider the benefits of zoning or clustering of late night trading, which enables more efficient response and management planning.

Response

51. The conclusions of the Urbis Study are based on prevailing trends. So, while a certain response may have been in a minority in some cases, there was still evidence of a particular trend. Those instances where data is erroneously presented are corrected in Attachment A. These incidents do not undermine the overall findings and conclusions of the Urbis Study.
52. The Urbis Study does not attempt to infer the reasons behind certain responses, as this would be speculative. The Potts Point and Kings Cross District Partnership's proposal to break down the findings by demographics would require additional work, particularly to determine if findings are statistically significant. At this stage no additional research is proposed, either in Kings Cross or Chippendale.
53. The National Drug and Alcohol Research Centre Study used the most reliable, complete data available at the time of the study – the Bureau of Crime Statistics and Research data – and any future studies will also do so. Council will continue to research methodologies and work with the relevant authorities to quantify cumulative impacts.
54. International case studies and other alcohol-use research cited in the National Drug and Alcohol Research Centre Study are informative, despite not being entirely applicable to local planning policies. Evidence of successful and unsuccessful interventions enables a refined approach to developing local strategies and responses.
55. The National Drug and Alcohol Research Centre Study does recognise a number of factors contributing to alcohol-related harms. Council is seeking to address these in various ways. One factor identified in the National Drug and Alcohol Research Centre Study is venue density, which increases the availability of alcohol. This particular factor in higher rates of alcohol-related harms was the focus of the research project.

Impacts of Venue Concentration*Enforcement capacity*

56. A number of submissions highlighted that a high density of venues places greater burdens on the police services, potentially beyond the existing capacity. One resident was concerned that police facilities are diverted away from other law enforcement to handle nuisance complaints related to drunken people.
57. East Sydney Neighbourhood Association and some residents felt there was insufficient enforcement and monitoring of responsible service of alcohol, liquor licence conditions and alcohol free zones. Darlinghurst Residents' Action Group and Potts Point and Kings Cross District Partnership felt there were insufficient police resources to handle the enforcement of all the venues in Kings Cross and Oxford Street.
58. A number of submissions also suggested Council rangers and compliance officers were not able to monitor all the conditions of consent and noise limits and that there were long delays when responding to complaints.

Response

59. Council recognises that the enforcement of existing laws and licence and development conditions is of concern. This is both an acute problem related to procedural limitations, and an ongoing strategic problem related to the mismatching of conditions on growth in the area and a capacity to enforce it. It is also worth distinguishing the Council enforcement on one hand through rangers and compliance, and NSW Government enforcement on the other, through the Police, the Department of Environment, Climate Change and Water, which enforces vehicle noise, and others.
60. Council is investigating its own limitations and is addressing these in a number of ways. First, Council has increased the number of compliance officers. Second, Council is compiling a database of licensed venues in the LGA, with details on DA consents. This will help to overcome limitations, which have stemmed from inconsistent conditions between venues, making enforcement difficult. This project is being led by the Safe City team, with input from other parts of Council. Thirdly, Council is reviewing internal processes to improve efficiency in compliance enforcement.
61. Council also works closely with the Police through Police Planning Committees and other compliance information exchanges, identifying ways to increase co-operation between the various enforcement agencies, and improving the ability to manage late night trading precincts. Council is also working to improve venue management, as discussed elsewhere, to reduce the need for greater enforcement capacity.
62. Regarding the longer term strategic problem, a number of conditions of consent have been standardised, improving the ease with which they can be enforced. As turnover in land uses increases the number of developments operating under the current controls, this will further improve. Through the DCP, venue management has also been improving, and the trial period framework of the DCP enables the activity of poorly managed venues, which are most draining on enforcement capacity, to be curtailed.

Anti-social behaviour and unwanted patrons

63. Many residents noted that the increase in anti-social behaviour of drunken people late at night has coincided with the growth in late night trading venues. Growth in venues around Kings Cross and Oxford Street has resulted in anti-social behaviour in surrounding residential areas. Similarly, charter vessels and the Star City Casino are affecting Darling Island in Pyrmont, and Abercrombie Street and Broadway venues are affecting Chippendale.
64. Anti-social behaviour identified by submissions comprises criminal activity and other nuisance behaviour, including breaking bottles and littering, urinating and vomiting, damaging buildings, gardens and other property, vandalism and graffiti, fighting and other violence, and making excessive noise.
65. Some residents suggested the character, management and size of venues contributed to the levels of drunkenness, and associated bad behaviour, while others felt it was due to the greater availability of alcohol, through extended hours and a high density of venues.

66. The Combined Liquor Accords of the City of Sydney LGA, along with two residents, noted high density areas like Kings Cross and Oxford Street also attract underage or 'pre-fuelled' (drunk before arriving in the area) people, who are not allowed into any venue. The Combined Liquor Accords of the City of Sydney LGA also highlighted that some patrons, who are well behaved in a venue, act inappropriately in the public domain. Those who are evicted from a venue for bad behaviour are also left in the public domain, without a means of leaving the area. Behaviour in the public domain, The Combined Liquor Accords of the City of Sydney LGA points out, is beyond the control of the venues.

Response

67. Closely related to the acute limitations of enforcement capacity discussed above, levels of anti-social behaviour are being addressed in a number of ways. Council is working with partners to address individual behaviour, as well as responding to issues of venue management that contribute to the levels of public drunkenness in late night trading areas.
68. Enforcement of individual behaviour in the public domain is difficult, as often the offence is not criminal. As outlined above, though, enforcement capacity is being addressed. Council and the Sydney Liquor Taskforce are also focusing on issues of public behaviour and amenity. Council is improving its understanding of the environmental and cultural queues that contribute to poor behaviour in the public domain through the Late Night Trading Precincts Pedestrian Research. As many anti-social and criminal incidents occur near licensed premises, Council will also run 'Safer Bars' training for venue door staff to reduce the risk of conflict. This has shown to improve the behaviour of patrons leaving venues.
69. Other initiatives are being implemented with Council's involvement to improve venue management, as outlined elsewhere. Also, where specific venues are associated with high levels of anti-social behaviour, particularly crimes, the NSW Government has the ability to curtail activity through the 'declared premises' controls. Planning controls cannot retro-actively curtail activity in this way, but for new developments granted consent under the DCP trial period provisions, permission for extended opening hours can be reviewed.

Road, footway and transport capacity

70. Several residents highlighted that late night trading has pushed local roads to their capacity. Late night trading is contributing to traffic congestion around Kings Cross and on Oxford Street. This has made access for locals and emergency services difficult. The congestion has also added to the noise levels in the area. In particular modified mufflers on private vehicles are a problem. Traffic also places additional constraints on parking availability. There are also insufficient buses and trains to accommodate patrons leaving late at night, and taxis are also poorly managed, and often not available.
71. In addition to roads, submissions suggested the number of visitors exceeded the capacity of footways. Outdoor uses, like queuing for entry or outdoor dining, reduces the available footway to use as a thoroughfare. Other uses also reduce public access, such as loitering around takeaway venues and busking. Outdoor dining areas are often used as smoking (not dining) areas, and their capacities have not been well enforced.

Response

72. The Sydney Liquor Taskforce is considering how to best respond to transport issues, with public transport options and taxi management as the key focus areas. Council's Late Night Trading Precincts Pedestrian Research will investigate pedestrian movements and behaviour, the likely impacts of other footway uses on footway congestion, and how best to address these. This project will also incorporate intercept surveys to understand transport usage patterns late at night. This will have implications for the type, location and level of transport infrastructure required to service active late night precincts.
73. As the established roads cannot increase capacity, managing demand into the future is increasingly important. Development applications are already expected to address impacts on traffic and vehicle management, curbing the growth in traffic congestion and associated impacts. Council has also standardised a number of conditions of consent regarding queuing and footway usage, and is currently reviewing its outdoor dining policy.
74. In December 2009, Council took over the trial road closure of Cowper Wharf Road, Woolloomooloo from Kings Cross Police in an effort to reduce noisy vehicles entering Kings Cross late at night. Whilst the trial is still underway, early indications suggest this measure has significantly reduced motor vehicle noise in this area.

Noise

75. Many residents and residents groups were particularly concerned with the amount of noise generated by late night trading. One resident noted that, unlike other impacts, cumulative noise permeates into surrounding residential buildings, so cannot be avoided. Submissions highlighted noise coming variously from outdoor dining areas, traffic, sirens and 'car hoons', buskers, and drunken people entering residential areas.

Response

76. Council is working with a number of stakeholders to address the various sources of noise pollution. Through an improved referral process to the Department of Environment, Climate Change and Water, noisy cars are being reported. As outlined above, anti-social behaviour is continuing to be addressed by the Police, which is expected to improve noise impacts. Improved venue management and management of road demand are also expected to reduce the noise impacts.
77. Council is also improving monitoring procedures of noise pollution from late night trading venues to enforce the existing regulations, not only through conditions of consent, but also under the Protection of Environment Operations Act 1997. Consideration is also being given to how planning controls and conditions of consent can better provide sufficient acoustic insulation in new residential developments near late night trading commercial centres.

Venue diversity and loss of local services

78. Another common observation in the submissions was that despite an increase in overall capacity there are fewer, but larger, venues. One resident estimated seven venues on Darlington Road cater to around 4000 people. The criticism is that such large venues cater for a single demographic (young people), not a diverse local population.
79. The contention is that this is more of an issue than overall capacity. A diversity of venues would be able to better service the local community at day and night. Some residents and the Potts Point and Kings Cross District Partnership pointed out that replacing few, large venues with many small bars will not reduce the number of patrons, so may not reduce the cumulative impacts.
80. In addition to late night trading licensed venues, some residents also highlighted the auxiliary growth in other late night trading venues, like take away food vendors. Combined, all these night uses are displacing premises that used to operate during the day, at the expense of day economies. Day economies provide local services, like banks, which are being lost. As such, Kings Cross and Oxford Street no longer function as local centres.

Response

81. There is actually very little evidence to correlate the loss of local services, like banks, with late night trading. Such services were lost in a number of local centres before the growth in late night trading with their venues being taken over by late night trading businesses. There is also little evidence that day economies of Oxford Street and Kings Cross are stagnating, with a majority of businesses, including many that operate late at night, open during the day as well.
82. Council recognises the homogenised nature of participants in the night time economy, and that many businesses currently seek to attract these consumers. This is difficult to manage as Council cannot insist that venues cater to particular demographics.
83. Council encourages greater commercial diversity, which in turn encourages niche marketing, outside the planning framework through events and grants. Council's involvement in the 'ICLEI Cities for Safe and Healthy Communities' project will also improve Council's understanding of commercial diversity throughout the night in key late night trading areas, and may identify ways Council can encourage more diverse businesses and events, day and night, that are not centred on alcohol consumption.
84. Minimising the impact on diversity of venues and services is also stated in the objectives of the DCP. In those cases where there is a direct contravention of these objectives, a development proposal can be refused.

Economic Drivers

85. Potts Point and Kings Cross District Partnership noted that there are a number of positive impacts of entertainment precincts, particularly economic benefits, like restricting the sprawl of late night trading through multiple centres, and more efficient provision of public transport, policing and services. Entertainment precincts also create economic drivers and diverse employment opportunities. One resident highlighted that the financial benefits of late night trading are reaped by few, but the costs are borne by many.

Response

86. Council recognises and encourages the important role night economies play in the cultural, social and economic growth and diversity in the LGA. The liquor industry is a significant contributor to the broader Australian economy, contributing \$15.7 billion to the Australian GDP. Council is currently working with ICLEI Oceania to develop indicators to measure the economic benefit of the night time economy and liquor industry in Sydney. Where possible, Council seeks to address the impacts of late night trading activities without having to reduce late night trading itself. Through the DCP, the requirements on management of individual venues are more clearly defined, and impacts reduced. There are, however, some impacts that are not attributable to a single venue, often in the public domain, requiring a broader government intervention to reduce activity more generally in order to eliminate or reduce that impact.

Policy Options*Advocacy and Partnerships*

87. The Combined Liquor Accords of the City of Sydney LGA believed Council should be working with other government agencies to improve service provision, such as more policing or more transport services. If services are at capacity, strategies should seek to increase the capacity rather than restrict additional trade. Council should also encourage education campaigns, which can improve behaviour of misbehaving patrons without restricting those who do behave.
88. The Darlinghurst Residents' Action Group noted the National Drug and Alcohol Research Centre finding on advertising, and urged Council to lobby the Federal Government to restrict alcohol advertising and venue promotions (such as 'happy hours' and other price discounting mechanisms). Venue signage, a form of advertising Council can control, should also be limited. Combined Liquor Accords of the City of Sydney LGA noted, however, there was no comparison between cigarette and alcohol advertising restrictions, as cigarette consumption is a health issue; alcohol consumption (insofar as it impacts others) is one of social responsibility.
89. Council should ensure any policies are consistent with, and do not duplicate, other government legislation. The Combined Liquor Accords of the City of Sydney LGA noted that many recommendations of the research, which seek to limit alcohol availability, are already in place under the Liquor Act 2007, the more appropriate legislation for this purpose. A number of submissions sought better integration of the licence application process with the DA process, to improve consistency. The Combined Liquor Accords of the City of Sydney LGA also pointed out that there would be implications for any policy that restricts commercial competition, so relevant legislation should be considered.
90. The Combined Liquor Accords of the City of Sydney LGA noted better co-operation of Council and the NSW Government would also reduce the need for Council's own database development, as recommended by the National Drug and Alcohol Research Centre Study. There are already databases of liquor licences. Council should, some residents countered, develop a database of venues, DAs and conditions.

91. Future policies will be most effective if they involved partnerships with businesses and business and industry groups.

Response

92. The need for different government agencies to work together on reforming pub and club management was one of the key recommendations of the National Drug and Alcohol Research Centre Study. The Sydney Liquor Taskforce has since been formed and, as outlined above, seeks to address a number of the key unresolved issues relating to late night trading precincts with particularly high impacts. The Taskforce is addressing a number of venue management issues, public domain issues, and personal responsibility issues, and a temporary licence and DA freeze has been enacted to enable these issues to be resolved.
93. It is expected that the forum will also improve the sharing of data and information to improve assessment and enforcement procedures. Council's database of DA consents will be co-ordinated with these efforts. It is also expected to enable a cohesive co-ordinated response regarding transport and service provision in these areas.
94. Council is constrained by a limited ability to restrict alcohol advertising but, via the Council of Capital City Lord Mayors, it is in a position to engage the Commonwealth Government to advocate a consistent approach on alcohol advertising. Additionally, Council may consider the development of a policy position on alcohol advertising and sponsorship, bringing Sydney into line with reforms proposed in 'Australia is the healthiest country by 2020: National Preventative Health Strategy 2009'. There are already a number of restrictions on venue signage, ensuring they are primarily for identification, not third party advertising.

Strengthen Enforcement

95. Several submissions wanted policies to focus on punishing perpetrators, not all patrons, by enforcement of existing laws. Similarly, responsible service of alcohol should be better enforced, and poorly-managed venues should be punished, not all venues in a precinct. Enforcement will help curtail activities of existing venues that are poorly managed, which planning policies cannot address. One resident also suggested the Summary Offenders Act be re-introduced to give the Police more powers.
96. The Combined Liquor Accords of the City of Sydney LGA noted that responsible service of alcohol has some limitations, as some badly behaved patrons have had little to drink: responsible service of alcohol and venue management cannot eliminate bad behaviour of all individuals. One resident stated that venues must be policed, as targeting individuals suggests venues can continue to get patrons drunk and dump them into the public domain. One resident also felt additional policing is costly and dangerous, so should not be solely relied upon, and another resident believed there should be a focus on reducing the numbers who visit the precincts in the first place.

97. Some residents suggested rangers have a stronger presence, and an increased capacity, to police noise and other breaches of DA consents, with others noting they should not just respond to complaints. In addition to highly visible policing, the Darlinghurst Residents' Action Group noted there is also a role for undercover rangers, to better enforce noise controls. Some submissions also raised concerns of residents that having rangers enter apartments to assess noise levels could result in retribution from venue patrons. It was also recommended enforcement be better co-ordinated with the Department of Environment, Climate Change and Water and the Police.
98. One hotelier and the Potts Point and Kings Cross District Partnership raised the potential use of user-pay policing/security. The hotelier indicated he had had success augmenting policing with private security, which provided a visual deterrent to anti-social behaviour. The Darling Island Executive Committee noted they had had limited results with private security, as they can only call the Police when people are behaving badly.

Response

99. The ways in which Council is seeking to improve the capacity and efficacy of enforcement resources is outlined above. The role of private security is also recognised, and Council is working with the Sydney Liquor Taskforce to deliver security training and investigating co-ordination of security staff of different venues and the Police.
100. Enforcement resources are also finite. As such, Council is also focusing on a more sustainable long-term management solution that reduces the need for compliance officers, rangers and the Police to control venue activity.

Improve Application and Consultation Procedures

101. There were several suggestions in various submissions on how to improve the licensed venue DA assessment process. A common recommendation was a more consistent and transparent assessment under the DCP, as it currently seems inconsistent. Other suggestions were:
- (a) additional information should be required from applicants, such as details of other venues in the area, and baseline data on pedestrians, traffic and noise;
 - (b) licensed venue DAs should also be widely notified and advertised;
 - (c) DAs for late night trading venues should not be assessed under delegation, so they are assessed consistently (not case-by-case): one suggestion was for independent panels to review DAs for licensed venues;
 - (d) impacts on traffic, noise, adjacent land uses, access to public space, and residential amenity should be considered;
 - (e) different DAs on one property should be assessed together; and
 - (f) the Land and Environment Court should not be able to override Council determination on late night trading.

102. Submissions also called for more consistency between DAs and footway licence applications, with footway licences including enforceable conditions. One resident suggested footway licences should not be permanent, but require renewal each year. The Darlinghurst Residents' Action Group also felt Council has a potential financial interest, so independent panels should assess footway licences, and that it is inconsistent to allow footway dining licences for late night trading venues adjacent to areas that are declared alcohol free zones.
103. Residents also recommended Council review its complaints system, and have a single process to handle and store complaints: the current experience is that complaints are not noted in subsequent applications. Another common suggestion was for a dedicated website that, it was variously suggested, could be used to advertise DAs and footway licence applications, publicise conditions of consent and plans of management, and be used to make complaints.
104. Submissions also called for greater consultation with stakeholders on late night trading policies. The Combined Liquor Accords of the City of Sydney LGA wanted greater consultation with the accords and industry groups, and wanted the views of the whole population considered, not just older people who complain. One resident also called for consultation on compliance issues to be in neutral locations, and the Darlinghurst Residents' Action Group called for Council to publicise Memoranda of Understanding with other stakeholders.

Response

105. The DCP had been in place for 18 months when the licence freeze was introduced, so Council had only received a small number of applications for extended hours of trading from venues whose first trial period was concluding. The process involved in assessing the operation of venues over the previous trial period is being refined as more applications are assessed. Improvements to complaints cataloguing are being made within Council more generally, which will assist in DA assessments. Council's new database of venues, conditions and breaches, as well as improving the use of Police data, will also improve assessment consistency. This data will also cover that proposed to be submitted by applicants.
106. The delegated assessment of late night trading venues is considered appropriate as it is consistent with the delegated assessment of other development applications. The existing delegations register allows applications to be determined by staff where objections and issues have been adequately resolved. Current advertisement and notification arrangements are also considered appropriate, as they are consistent with other development applications in the LGA. When coupled with the consultation required under the liquor licence application, the consultation process is comprehensive. All those issues proposed for consideration in applications – traffic, noise, adjacent land uses, access to public space, and residential amenity – are already considered.
107. Whilst the context of other developments can be considered when assessing development proposals, a new development application cannot revise other development approvals, even those granted consent on the same property. As such, a single property cannot be limited to one development consent for land use, particularly when there are multiple tenancies. The jurisdiction of the Land and Environment Court is not controlled by Council, so proposals to vary its role are not under consideration.

108. The assessment of footway licence applications has been transferred to the development assessment division to improve assessment consistency. Council's footway policy is also under review, including the application process, conditions and requirements, further improving the management of footway dining areas. Council's policy will also provide clarity on footway licences, so independent panels are not considered necessary. The enforcement of alcohol free zones is discussed elsewhere.
109. Council is currently undertaking an internal data management review, which includes improving the complaints storage system. This will ensure issues raised during a trial period are given appropriate consideration in subsequent applications. Council's preference is to retain DA information in a single part of the website, rather than develop a separate website for late night trading applications. The current level of on-line availability of information relating to applications and DA consents is extensive, and reviews of how it is accessed will form part of broader website updates. Other jurisdictions also have non-governmental web sites, such as New York City's <http://nyc.everyblock.com/liquor-licenses/>, to provide comprehensive information, and Council could provide information to a similar website for Sydney.
110. Council consults extensively with all stakeholders on all its policies. The newly formed Sydney Liquor Taskforce, Mega Sydney Crime Prevention Partnership, existing Police Planning Committees and Liquor Accords enable extensive consultation with government agencies and business groups. Communities are also extensively consulted, through public exhibitions, Council community forums and Council participation at other community events.

Amend Existing Policies

111. The Combined Liquor Accords of the City of Sydney LGA, the Potts Point and Kings Cross District Partnership and a number of residents noted that Kings Cross, Oxford Street and other late night entertainment precincts are important to Sydney's economy and reputation as a world city. Entertainment precincts support music and entertainment industries, as well as create a social scene for the global city and give the unique character to inner city communities that are considered desirable to many who live there.
112. Business groups want planning policies to balance the needs of residents with the reputation of the areas as entertainment precincts. A long term solution will either meet the local and visitor demand for late night trading entertainment precincts, or will have an economic cost. One hotelier noted that measures that reduce trade of certain venues, such as the 'Declared Premises', push the demand to other venues, so precinct-wide restrictions will push demand to other precincts. One resident believed the CBD is a more suitable place for late night trading precincts, and demand could be met there, not in suburban villages. The Darlinghurst Residents' Action Group also suggested planning policies include a statement/vision of night economies, including how impacts are to be mitigated.

113. One resident called for completely new planning controls to be prepared for Kings Cross and Oxford Street, as the current planning controls are failing. More common was the desire among residents to have any new planning controls reflect the changing character of Kings Cross and Darlinghurst, with residential amenity the focus of any new planning controls: they should not be defined as both entertainment precincts and as urban villages. Increasing residential density, one resident believed, should be a higher priority, so should be promoted even at the expense of late night trading.
114. One resident noted that late night trading often precludes residential uses, and so should not be permitted in mixed use zones. Similarly, mixed use buildings (in town centre zones) should have restrictions on late night trading, so non-residential uses are not at the expense of residential amenity. The Darlinghurst Residents' Action Group also suggested restricting landmark late night trading venues (ie, venues that are a 'main attraction' to an area), restricting land uses trading only at night, and restricting the change of use from local services to late night trading venues. This will enable planning controls to promote diversity of businesses that operate day and night.
115. The Darlinghurst Residents' Action Group also wanted heritage buildings and conservation areas to be protected from unsympathetic renovations and reuses and for open space to be protected for public uses. One resident also suggested reducing parking, to reduce the appeal to visitors. All planning policies should be regularly reviewed. One submission noted that different areas have different circumstances, so will need different policy solutions. Council should therefore tailor responses for different areas, and for different times/days.
116. More generally, there was a desire for Council to streamline its internal departments to ensure consistent policies on late night trading. One example, from the Darlinghurst Residents' Action Group, was to ensure Council properties are not leased to late night trading venues. Ensuring a consistent policy on small bars was also highlighted, and it was noted Council has refused small bars, whilst still promoting them. Some residents felt Council should not promote small bars in saturated areas, as it will increase patrons in already crowded areas. Others noted small bars would increase diversity in the late night trading mix of venues.
117. A number of residents recommended ways to improve the Late Night Trading DCP:
- (a) incorporate buffer areas around residential uses. Areas between late night trading areas should be particularly protected as they are prone to patron migration;
 - (b) reduce trial periods, and never give permanent approval to a venue;
 - (c) place greater restrictions on larger venues, as they have greater impacts; and
 - (d) mandate earlier closing times, in line with liquor licence limitations. Late night trading encourages excessive drinking, which is at the heart of the impacts. High density areas should have stricter hours, and footway licences and bottle shops should also close earlier. Business groups noted that earlier closing times will affect the financial viability of all new venues, not just badly-managed ones. They will also place new venues, whether they behave badly or not, at a commercial disadvantage to existing venues.

Response

118. Council is currently preparing a new suite of planning controls, with an expected release of the Draft City Plan for public exhibition in 2010. The future roles of Kings Cross and Oxford Street are expected to remain intact, as both entertainment destinations and commercial centres that service the surrounding residential populations. With better management of impacts, it is expected that the two land uses can better coincide. The Draft City Plan will provide greater clarity and consistency, as it will bring the entire LGA into a single set of planning controls.
119. The Draft City Plan will provide for heritage protection, open space planning and land use zoning. Some suggestions made during this consultation, such as the alignment of mixed use zones and late night trading precincts, will be passed on for consideration, but the exhibition of the Draft City Plan and associated consultation will provide more opportunity to comment.
120. Council also notes that there are limitations to planning controls. Planning controls cannot stop one permissible use replacing another permissible use and they cannot insist retailers remain open during all permissible operating hours. Most notably, planning controls cannot be applied retrospectively, so they cannot address acute impacts of the current activities in a short timeframe.
121. Many of the suggestions regarding the Late Night Trading DCP are already in place, with large venues already required to undertake more rigorous plans of management, and all venues are required to re-apply for ongoing trial periods for extended operating hours.
122. Time limited consents undermine the ability of property owners to invest in development, leading to more poorly managed commercial activity, so permanent consents will continue to be issued. Consistent plans of management and conditions of consent, as well as time limited trials for extended trading hours, enable Council to better manage these land uses.
123. Buffer areas have been considered previously and incorporated into the DCP where possible – through lower intensity categories – but this is not always possible given the established land uses and historical locations of the commercial centres. The DCP enacts other measures, such as conditions on consent and plans of management, to restrict impacts in neighbouring residential areas. How buffers can be integrated into liquor licensing frameworks, like ‘special stress areas’ in parts of the UK, will be considered as part of Council’s reform proposal to the NSW government, regarding cumulative impact precincts.
124. Comments suggesting Council have an earlier standard closing time for all venues is not considered appropriate. Closing times outlined in the DCP reflect the prevailing operating hours in place now. Insisting new developments close earlier than existing venues will entrench the existing activities that cause the current impacts. Trial periods enable new development to compete with existing venues provided they are well managed, but enable Council to restrict late night trading if a venue results in unacceptable impacts. Over time, this creates a commercial disadvantage to poorly-managed venues, helping to reduce impacts without curtailing the level of activity.

125. To address the unacceptable impacts of current activities, a more broadly applicable set of restrictions that apply to existing poorly-managed venues is more achievable. This cannot be achieved through planning legislation, but Council is working with the NSW Government, through the Sydney Liquor Taskforce, to consider how such an approach might work. Additionally, Council is working to improve responses to unacceptable impacts in the public domain.

New Strategies and Approaches

126. The 2011 Residents' Association recommended Council set targets of reducing crime/anti-social incidents.
127. In light of the evidence presented in the research studies, the Darlinghurst Residents' Action Group, the Kings Cross Action Team and the 2011 Residents' Association believed Council's policies should be based on evidence from other jurisdictions. To that end, restricting alcohol sales, venue density, numbers and hours should be considered; responsible service of alcohol and management plans without enforcement, and education campaigns should not.
128. One resident wanted compensation for noise (like for the airport) considered in Potts Point, where overdevelopment has made sound proofing necessary.
129. Some residents recommended anti-clustering controls, like those currently in place for convenience stores, to prevent venue densities getting too high. An alternative scheme would define precincts, based on degrees of venue density, with greater trading restrictions in precincts of greater density. This would spread venues out. Anti-clustering could, one resident noted, result in greater patron migration through residential areas.
130. Some residents also recommended refining and adopting the Urbis Study methodology, or undertaking a resident petition, to determine if areas are 'saturated'. This process should be reviewed regularly. Another resident's suggestion was to declare the late night management areas in the DCP saturated. Once declared saturated, these areas would have different planning controls, such as prohibiting late night trading venues. Surrounding areas should also be protected in controls from venue displacement.
131. It was noted in some residents and business groups' submissions that a licence freeze will not remove existing bad venues, and will reduce competition from potentially better venues. This would, it was thought by some residents, entrench the existing mono-culture.
132. Submissions also referenced the 'declared premises' legislation, introduced by the NSW Government. It was suggested that similar restrictions should apply to all premises in zones of high density and high crime rates, as in those areas restricting one venue will only shift the business to other venues in the area. Lockouts would help reduce patron migration in the early morning, and 'get the party off the street', but enable venues to continue operating. One hotelier suggested that they be a last resort only, as they may unnecessarily restrict well managed venues.

Response

133. Targets for reducing the impacts associated with late night trading are supported and key indicators are currently being monitored by Council in conjunction with the Mega Sydney Crime Prevention Partnership. These indicators include crime levels, public transport uptake, traffic congestion and hospital referrals. Additionally, as part of the national indicators being developed by ICLEI Oceania for the LGA, a series of regular data sets will be provided to measure changes. These indicators will be reported to Council once available, which is expected to be by the end of 2010. Over time, targets can be considered. Compensation is not considered feasible or appropriate, when a more sustainable solution is to reduce the impacts on residential land uses as much as possible.
134. Council will seek to implement policies and procedures that are, wherever possible, backed by evidence of success from other jurisdictions, particularly the work of other global cities. While information campaigns will continue to be utilised to improve community understanding of personal responsibility (and legal penalties under the Liquor Act), they should not be the sole emphasis of Council's activities, due to their limited effectiveness.
135. Based on the findings of the National Drug and Alcohol Research Centre Study, the reduction of alcohol availability will be a key focus of Council policies: addressing high concentrations of late night trading licensed venues by creating opportunities for diverse, alternative businesses and limiting viability of non-compliance and mismanagement among existing venues. This will be undertaken in the context of broader environmental, economic and cultural factors affecting the functioning of the night time economy.
136. As noted above, there are limitations to how planning controls can address the impacts of late night trading licensed venues. Planning controls only apply to new development, so will not affect existing venues. Including reduced trading hours, anti-clustering controls and prohibitions in the DCP will remove the potential for new venues and therefore restrict growth in alcohol-related violence and other cumulative impacts on the public domain and resources. If, however, new, lower-impact venues are thought to contribute to a desired, diverse evening economy, such restrictions in the planning controls could have the adverse impact of reducing the potential for such developments too.
137. Council continues to support the introduction of new measures to reduce the impacts of late night trading venues. For the above reasons, and because a proportion of the cumulative impacts of late night trading occur in public spaces not affected by planning controls, Council's preferred approach is through broader legislative reform. That way, cumulative impact controls could apply to all venues and public spaces, not just new development.

138. Council will closely examine the impacts of policies in other world cities, such as Paris and New York, during 2010. Council will finalise the preparation of a comprehensive proposal for the NSW Government to expand and develop restrictions on late night trading licensed venues through legislative reform and improved co-management. Planning controls, like the DCP, can then continue to enable new, low-impact development to replace those existing activities that have been curtailed through any legislative reforms.

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