

ATTACHMENT A

## **ATTACHMENT A**

**CITY OF SYDNEY  
LATE NIGHT TRADING RESEARCH:  
SUMMARY OF SUBMISSIONS**

## City of Sydney Late Night Trading Research Project: Summary of Submissions

### Submission themes

#### **Background:**

Changes to local character.....	2
Policy context.....	3

#### **Research Project:**

General support.....	5
Purpose and methods.....	6
Findings and recommendations.....	9

#### **Impacts of Venue Concentrations:**

Enforcement capacity.....	13
Anti-social behaviour and unwanted patrons.....	14
Road, footway and transport capacity.....	15
Noise.....	16
Venue diversity and loss of local services.....	16
Economic drivers.....	17

#### **Policy Options:**

Advocacy and partnerships.....	18
Strengthen enforcement.....	20
Improve application and consultation procedures.....	22
Amend existing policies.....	24
New strategies and approaches.....	28

### Glossary

AFZ	Alcohol Free Zone
DA	Development Application
DCP	(The Late Night Trading) Development Control Plan
DECCW	Department of Environment, Climate Change and Water
LEC	Land and Environment Court
LGA	(City of Sydney) Local Government Area
NDARC	National Drug and Alcohol Research Centre
OLGR	Office of Liquor, Gaming and Racing
POEO	Protection of Environmental Operations
RSA	Responsible Service of Alcohol

### Submitters

1	STA	State Transit Authority
2	DIEC	Darling Island Apartments Owners Corporation
3	CCCG	Coalition Chippendale Community Group
4	Ind-1	<i>Individual submission</i>
5	ZAOC	Zenith Apartments Executive Committee
6	Ind-2	<i>Individual submission</i>
7	Ind-3	<i>Individual submission</i>
8	CLAS	Combined Liquor Accords of the City of Sydney LGA
9	Ind-4	<i>Individual submission</i>
10	Ind-5	<i>Individual submission</i>
11	ESNA	East Sydney Neighbourhood Association
12	PKDP	Potts Point and Kings Cross District Partnership
13	Ind-6	<i>Individual submission</i>
14	Ind-7	<i>Individual submission</i>
15	Ind-8	<i>Individual submission</i>
16	Ind-9	<i>Individual submission</i>
17	Ind-10	<i>Individual submission</i>
18	Ind-11	<i>Individual submission</i>
19	Ind-12	<i>Individual submission</i>
20	Ind-13	<i>Individual submission</i>
21	2011	2011 Residents' Association Inc.
22	Ind-14	<i>Individual submission</i>
23	Ind-15	<i>Individual submission</i>
24	Ind-16	<i>Individual submission</i>
25	DBP	Darlinghurst Business Partnership
26	Ind-17	<i>Individual submission</i>
27	KCAT	Kings Cross Action Team
28	Ind-18	<i>Individual submission</i>
29	DRAG	Darlinghurst Residents Action Group
30	Ind-19	<i>Individual submission</i>

**Background: Changes to local character**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
3.04	CCCG	Growing student populations create demand for night trading, creating challenges for other residents.	Any future growth in late night trading will be assessed under the DCP, so will be better managed than existing late night trading that predates the DCP.
4.02	Ind-1	Kings Cross has a long-standing residential population, while venues are mostly recent.	While there has been a growth in venues, Kings Cross commercial centre has a long-established reputation as an entertainment precinct.
4.14	Ind-1	Kings Cross venues cater for non-residents, to the detriment of residents.	It is not possible to require venues to cater to specific demographics. Council promotes diverse commercial centres through means such as events and grants for small businesses, and is exploring other ways to promote diversity, such as opening galleries later.
7.01	Ind-3	Most changes to local character of Kings Cross have been for the better, which has attracted more residents demanding better amenity.	Noted.
7.04	Ind-3	Kings Cross should not become a bland residential area, but residential uses should not be excluded by impacts of venues.	See 12.02.
11.05	ESNA	The high number of venues exceeds demands from locals and tourists, and so attracts people from other parts of Sydney.	Attracting visitors is considered a positive attribute of the LGA's commercial centres.
12.01	PKDP	Kings Cross has a unique history and it would be a loss if its character changed, so it is rightly designated an 'entertainment precinct'.	Noted.
12.02	PKDP	Kings Cross has had late night trading for nearly 100 years, and has always been an entertainment precinct.	Kings Cross, and surrounding Potts Point, Elizabeth Bay and Darlinghurst have historical residential roles, and Council's strategy is for these not to be precluded by Kings Cross commercial centre's entertainment role.
12.03	PKDP	Residents of Kings Cross are mostly happy to share their neighbourhood with other revellers.	This willingness, though, depends largely on the extent to which the visitors impede residents' privacy and amenity.
12.04	PKDP	Residents and visitors appreciate the vibrancy of Kings Cross, and Council has a responsibility to protect its international reputation for entertainment.	Council does seek to preserve the reputation of the Kings Cross brand by ensuring late night trading is sustainable.
12.06	PKDP	Historical photographs show Darlinghurst Road crowded with people for decades.	Noted.
12.32	PKDP	The Urbis Study identifies recent growth in residential uses in the area as causing tension, not changes to late night trading practices.	The land use conflicts are a result of various changes, including residential and commercial characteristics, in the area.
12.55	PKDP	Densely populated inner city suburbs must expect impacts from the extra services available.	It is reasonable to expect any impacts be proportional to the service provided, which is not necessarily the case for some late night trading impacts.
14.01	Ind-7	The quality of venues has increased, but the amount of alcohol-related disturbance has also increased.	Noted.

**Background: Changes to local character**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
16.01	Ind-9	I have seen many changes in Kings Cross over many years but none as drastic as the proliferation of large venues over the last few years.	Noted.
17.01	Ind-10	There has been a spread of venues around Kings Cross, so now the streets are busy into the early hours.	Whilst a number of new venues have opened in Kings Cross commercial centre, it has been contained by land use zoning, which control where venues are permissible. See 4.02.
19.03	Ind-12	Kings Cross residential uses predate the growth in late night trading.	See 11.05 and 2.02.
22.01	Ind-14	The ratio of patrons to residents has tipped to the point of impacting residential amenity.	See 2.02.
22.03	Ind-14	Alcohol-related nuisances are much greater now than in the past.	Council planned for growing residential population and services are continuously upgraded and improved. Reconciling conflicts between the growth in commercial and residential areas is an issue. Kings Cross commercial centre retains an important role in Sydney's entertainment industry. But see 12.02.
23.02	Ind-15	The residential population has changed in demographic and size, but services have not changed to meet these needs.	See 24.05 and 15.13.
23.04	Ind-15	The 'entertainment precinct' role has been replaced with a more permanent residential population, so licences should also be reduced.	See 23.03 and 11.05.
29.22	DRAG	Darlinghurst is the most densely populated area, and late night activities affect many residents. Darlinghurst should have a diverse economy, and support a diverse population.	Council works to meet the needs of all residents and businesses.
29.23	DRAG	Ten years ago Kings Cross and Oxford Street had few large venues, with most venues catering to a niche clientele. Now many venues are large and cater to thousands.	
30.03	Ind-19	Young populations like the convenience of inner city suburbs, but older residents are the only ones who react to its problems.	

**Background: Policy context**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
5.02	ZAOC	Many new venues have been approved around our residential building.	The Zenith building is located in a mixed use zone, where venues are permitted. See 11.03.
10.01	Ind-5	I opposed other venues opening around my venues, and complained about bad policy at the time.	Noted.
12.05	PKDP	Kings Cross has always catered for thousands, and any recent concentration of venues is due to Council policies leading to peripheral venues closing down.	There is little evidence that Council's policy has affected viability in other parts of the LGA.

<b>Background: Policy context</b>		<b>Response</b>
<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>
12.59	PKDP	The growth in trading has not been matched by a growth in services.
16.02	Ind-9	The DCP was implemented too late, as the LEC had used the 'entertainment precinct' description to overturn any refusals for large venues.
16.04	Ind-9	The Madam DeBiers case identifies many policy failings, like the lack of consultation of licensing and no recognition of adjacent residents in the DA.
16.05	Ind-9	The LEC ignored local planning instruments, and the court procedures, such as day time site visits, result in poor decisions.
16.06	Ind-9	The LEC's approval depended on management plans, but it did not outline who was to monitor and enforce this.
16.09	Ind-9	Sensitive DAs have been assessed under delegation.
19.04	Ind-12	The DCP removed buffer zones, so late night trading has expanded into areas previously protected for residents. Now Kings Cross and Oxford Street are a giant alcohol fuelled violent zone that affects residents.
26.05	Ind-17	Residents' objections are ignored at every stage: DA assessment, Council meetings, LEC and extension of late night trading.
26.07	Ind-17	Original submission to DCP exhibition (Nov 2006) attached: comments regarding: - general absence of planning controls during amalgamation period - amount of noise from late night trading venues - loss of residential services/amenities
27.06	KCAT	Residents opposed the DCP as it condemned Kings Cross and Darlinghurst to less amenity than other villages, and relied too heavily on management plans.
		Services have been increased to meet demand where possible, but in some cases there are constraints on adding additional services. See also 8.46.
		The DCP has made Council's expectations of new developments clearer and reduced the developer uncertainty that led to LEC decisions against Council.
		Council's DA assessment process is rigorous, transparent and consistent. The exhibition and notification is also comprehensive.
		Noted.
		Noted.
		Council's delegations register allows DA determinations to be made by the planning assessment teams where any issues raised in objections have been resolved.
		The DCP boundaries were set to reflect the prevailing land uses, and where possible the 'late night management areas' were 'buffered' by lower intensity classifications, but this was not always possible. Prior to this there were no 'buffer zones': the 'mixed-use transitional' precincts (Part F: 4.1 of SS LEP 1998) offered guidance on the desired neighbourhood characteristics, but did not control land uses or operating hours. See also 2.02.
		All matters raised in all submissions to DAs are given full consideration by Council.
		Noted, see report following exhibition of DCP.
		The DCP has the same requirements, in terms of management plans, in all late night trading precincts. The location of those precincts was based on prevailing land uses. Regarding venue management, see 8.09.

**Background: Policy context**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
29.16	DRAG	The DCP has had little effect, with Council not refusing any trial periods, and management plans not well enforced.	The DCP has improved venue management by providing clear guidance for new venues on Council's expectations, as well as an avenue to reduce trading where it results in unacceptable impacts.
29.17	DRAG	Council's policy on entertainment precincts and 'greater venue diversity' is counter to evidence on alcohol availability and density.	See 21.12 and 8.4.
29.18	DRAG	Patron numbers have increased, leading Council to undertake research.	Noted.
29.19	DRAG	Council's policies have not improved the situation, but have removed buffer zones and expanded low-impact sex-industry districts.	See 19.04 and 3.04.
29.2	DRAG	Residents' groups have organised to ensure their views are heard against well organised liquor industry lobbying.	Noted.
29.21	DRAG	The Declared Premises legislation has had mixed success, with crimes reduced in some areas, but displaced in high density areas. The data used in the legislation has also changed, making it difficult to compare and draw conclusions.	See 10.07.
29.39	DRAG	We support Council's Compliance and Regulation of Licensed Premises Report.	Noted.

**Research Project: General support**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
2.01	DIEC	Council is commended for undertaking research.	Noted.
4.01	Ind-1	I agree with the findings of Council's research, and that action is needed in Potts Point.	Noted.
9.01	Ind-4	I agree with the findings of Council's research, and that action is needed in these areas.	Noted.
13.01	Ind-6	I live in Kings Cross and support the findings of the research.	Noted.
14.02	Ind-7	I agree with the research that Kings Cross has reached a saturation point of venues, and Council should seek to reduce high-capacity venue concentrations.	Noted.
15.01	Ind-8	I recognise the complexity of the problem, and support Council's research, but do not agree with all the conclusions.	Noted.
19.01	Ind-12	The NDARC Study is well researched; I agree with its recommendations and encourage Council to act on them.	Noted.
21.01	2011	Council's research offers in depth analysis and potential for Council to implement evidence-based policies, so it is supported.	Noted.

**Research Project: General support**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
22.02	Ind-14	Council now has evidence of the impacts of late night trading venue concentrations, and I hope they act upon the recommendations.	See 29.15.
23.06	Ind-15	The Liquor Taskforce is an excellent initiative.	Noted.
27.01	KCAT	We welcome the two studies, although the Urbis Study methods raises concerns, which suggest Kings Cross and Darlinghurst have reached a licensed venue saturation point.	Noted.
29.02	DRAG	We support the findings and recommendations of the NDARC Study.	See 29.15.
29.04	DRAG	Council should act to implement the NDARC Study's recommendations.	Noted.

**Research Project: Purpose and methods**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
8.01	CLAS	Individual perceptions, which can be 'off-the-cuff', often don't match actual situations, so the Urbis Study is fundamentally flawed.	The Urbis Study, by examining residents' perceptions, is one of a range of means by which Council garners an understanding of community concerns – in this case the impacts on local residents of late night trading.
8.02	CLAS	The Urbis Study should not have excluded café patrons, as it will skew the results against café users.	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.
8.11	CLAS	Because of the limited scope of the Urbis Study, it should not be used to dictate policy. Industry expertise must be incorporated into policy decisions.	See 25.08 and 8.23.
8.13	CLAS	The Urbis Study indicates residents seem to want pubs replaced with small bars. This will not reduce the number of licences and may even have more impacts.	See 18.07. See also 8.4.
8.15	CLAS	The Urbis Study needs a wider sample that includes venue patrons as this may show more positive perceptions of the current business and residential mix.	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. See also 8.02.
8.18	CLAS	The NDARC Study was commissioned to inform Council's response to a LEC result, not to inform policy.	See 29.15.
8.2	CLAS	The NDARC Study does not demonstrate that an increase in numbers leads to an increase in problems, so 'saturation' cannot be defined. This is the LEC's position, and Council should accept it.	The NDARC 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.

**Research Project: Purpose and methods**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
8.21	CLAS	Perceptions of residents cannot determine saturation, and should not dictate policy.	See 25.08 and 8.01.
8.36	CLAS	The NDARC Study does not address personal responsibility or the role of illegal substances.	The NDARC Study was primarily concerned with alcohol-related crime, so did not examine illegal drug use. Regarding personal responsibility, see 8.09.
8.43	CLAS	The two studies do not address the fact there is demand for late night trading venues, or the fact limiting new venues does not affect existing venues.	The two research studies had limited scope, which did not include an analysis of the nature of market demands for the evening economy. Generally Council's policy is for late night trading to continue, but in a sustainable, well-managed way, which will minimise the impacts on surrounding areas.
12.09	PKDP	The Urbis Study states the obvious: people don't like anti-social behaviour. Perceptions don't necessarily reflect actual impacts, so shouldn't be the basis for policy.	See 25.08 and 8.01.
12.11	PKDP	The research is not objective, and results are arranged to confirm Council's position.	The research was independently carried out by reputable experts in social surveys and alcohol related harms. See also 18.01.
12.12	PKDP	Community is not defined in the Urbis Study: only residents were surveyed, but 65% of those approached lived outside the area. Businesses were also excluded.	See 8.15.
12.21	PKDP	The Urbis Study sampling was not representative of the community as it excluded visitors and businesses, and patrons of businesses.	See 8.15. 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.
12.22	PKDP	A sub-sample was asked some questions in the Urbis Study, making statistics skewed.	That a sub-sample felt there had been change, and were therefore asked what they believed that change to be, does not mean that sub-sample was skewed.
12.23	PKDP	Statistical profiles and error margins are not defined in the Urbis Study. Also, the 'mention' data collection method may enable skewed results.	The sample is representative of the population, and was large enough for the findings to be considered statistically sound. The responses were unprompted for the questions where responses are counted as 'mentions' rather than 'respondents'. See also 12.27.
12.25	PKDP	The Urbis Study showed perceptions of safety increased, and the NDARC Study showed actual incidents increased. This shows the limits to perceptions and that residents are not likely to be involved in incidents.	See 8.01.
12.28	PKDP	The Urbis Study assumes all noise, amenity, etc. impacts are related to late night trading.	The Urbis Study did not seek to distinguish the perceived source of certain impacts, only that there was a perception of change in the level of these impacts.

**Research Project: Purpose and methods**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
12.29	PKDP	That perceptions of safety were worse further from the actual incidents highlights the limits of perceptions.	See 8.01.
12.33	PKDP	Which stakeholders were at the inception meeting for the Urbis Study?	The inception meeting involved Council staff and members of the research team at Urbis.
12.34	PKDP	The responses in the Urbis Study were not unprompted; there are options on the survey.	For those questions that were unprompted, the options on the survey were not read out. It was only used to collate the unprompted responses.
12.43	PKDP	Aspects of the NDARC Study are not supported by research and are pure commentary, such as the claim that 'the relatively large number of low dependent drinkers...cause the majority of harm'.	The discussion and conclusions of the NDARC Study are based on an extensive literature and policy review. This quotation should be understood as: the majority of harms are caused by people in the large population of 'binge drinkers' (as opposed to the small population of chronic alcoholics), not that the majority of binge drinkers cause harms. As noted by the submitter, the latter is not demonstrated.
12.44	PKDP	The NDARC Study states adverse impacts of alcohol will be higher in areas with underlying crime, like Kings Cross, but this is not examined.	See 12.42 and 8.2.
12.45	PKDP	The NDARC Study states the impacts of high strength alcohol, but does not explore if they are due to the demographic that drinks such beverages, such as homeless people.	See 8.37 and 8.2.
12.47	PKDP	The NDARC Study does not consider the extent of other factors in emergency department cases involving alcohol.	See 8.2.
12.51	PKDP	Low impact and niche places are not defined in the NDARC Study.	The NDARC Study discusses such venues in the context of 'premises where alcohol consumption is either ancillary to their primary use or may not be consumed'.
12.6	PKDP	Council's research is neither rigorous nor randomly sampled.	The Urbis Study's sample was collected through street intercept, so is considered random. The findings of the survey are analysed and conclusions drawn in a rigorous and transparent way.
18.02	Ind-11	By limiting surveys to residents not using venues, the Urbis Study has skewed results.	See 8.02 and 8.15.
18.05	Ind-11	Police data suggests perceptions in the Urbis Study are inaccurate, as crime has decreased while perceptions are that it has gotten worse.	See 8.01.
25.01	DBP	We support the intent of the research, but are concerned with how the limited methodology will shape policy.	See 25.08.
25.04	DBP	The decreased diversity in recent years is a concern, but calling it 'saturated' based only on resident perceptions, undermines the rest of the community.	See 12.21 and 19.02.

**Research Project: Findings and recommendations**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
3.01	CCCG	Council should undertake similar research in Chippendale.	This is not being considered at this time.
8.03	CLAS	That 3 in 5 surveyed felt the areas had changed means little, as some of these could think the change is for the better.	There is nothing in the Urbis Study to imply otherwise. The recognition of change (positive or negative) is highlighted as significant.
8.04	CLAS	The Urbis Study does not distinguish anti-social behaviour due to venues or otherwise; and often venues are not responsible.	The respondents in the Urbis Study often do not make this distinction. There was a perception of a correlation between levels of alcohol consumption and levels of anti-social behaviour.
8.05	CLAS	Some findings of the Urbis Study, such as the claim respondents wanted a ceiling on venues, are presented out of the interview context in which they are found.	The survey asked participants what they felt 'could or should be done to improve the area'. In both locations, restricting venue numbers or hours was in the three most frequently made suggestions.
8.07	CLAS	Results and conclusions in the Urbis Study are sometimes inconsistent, such as 'this is supported by the majority' not being supported by 50%.	This is true. The claim that a majority wanted fewer venues (on p2 of the Urbis Study) is not supported by the data. It should read that more people wanted fewer venues than wanted more venues.
8.12	CLAS	The Urbis Study should overlay demographics with the findings.	The purpose of the Urbis Study was not to profile different sub-sections of the resident population. Such representations of data may also not be statistically significant.
8.14	CLAS	The Urbis Study ignores the positive and neutral findings that are often in the majority, which may result in poor policy decisions.	The conclusions are based on prevailing trends. So, while the 'negative' response was not an absolute majority in some cases, there was still evidence of a 'negative' trend, in that there were more negative responses than positive. See also 25.08.
8.16	CLAS	Concluding that more transport is needed is not in line with the findings, and is not helpful unless the reasons transport infrastructure is insufficient are examined.	While public transport was considered acceptable in the Urbis Study (pp 18 and 30), improving transport/parking management (more generally) was a highly mentioned suggestion for improvement (pp 19 and 31). The Urbis Study's scope does not include examining the reasons for the perceived need for better management.
8.17	CLAS	The NDARC Study focuses on overseas case studies and outdated statistics.	Regarding the statistics, see 8.3; regarding the case studies, see 21.05.
8.28	CLAS	The only commonality between Shoreditch and Sydney is the belief that binge drinking is acceptable.	The Shoreditch and Ealing case studies identify tested mechanisms for addressing excessive levels of alcohol-related violence through licensed venue management, which is central to problems currently experienced in parts of the LGA. See also 21.05.
8.29	CLAS	The NDARC Study suggests a 37% increase in licences, which can only be attributed to restaurants becoming licensed.	The actual number of new licences is 85, as listed on p33. The figure is from the OLGR, and does include restaurant licences.
8.3	CLAS	The NDARC Study compares BOC SAR data with deficient earlier figures, does not use the latest data, and does not consider crime associated with illegal drugs.	The data used in the NDARC Study was the most complete and up-to-date data available at the time. Regarding illegal drug use, see 8.36.

**Research Project: Findings and recommendations**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
8.31	CLAS	The NDARC Study makes broad statements that are not supported by the evidence, such as 'the greater the number of outlets the greater the harm', and such statements suggest we should have no late night trading.	The evidence base referred to is that outlined in the previous section's literature review, which is comprehensive. The NDARC Study identifies the correlation, but does not make value judgements regarding how much harm a society should accept to enjoy the benefits of late night trading.
8.37	CLAS	The NDARC Study looks at chronic alcohol issues, which are not relevant to late night trading policies.	Chronic alcohol issues may not be directly related to Council's policies, but Council does seek to align its efforts with those of other governments, which do seek to address chronic alcoholism.
8.41	CLAS	Any relationship between late night trading and alcohol-related violence must be proven, both for the LGA and individual venues.	There is ample evidence of a correlation between these two issues. Council is working to adequately manage late night trading venues so as to minimise the extent to which they contribute to levels of alcohol-related violence.
8.44	CLAS	The NDARC Study must be reviewed as it presents information misleadingly, by aggregating licence types, for example.	The NDARC Study is rigorously researched and clear in its findings. No review is proposed. Accounting for all licensed venues in the analysis does not undermine its findings.
12.1	PKDP	The conclusions in the Urbis Study do not reflect the statistics: the majority felt either character had not changed or changed for the better, the study concluded there was demand for change.	See 8.14.
12.13	PKDP	The NDARC Study does not examine how the LEC reached its conclusions that concentrating late night trading venues is desirable.	The benefits of confining late night trading to commercial centres are recognised, however such centres require greater management, which Council is seeking to improve.
12.14	PKDP	Only data up to 2006 is used, and does not distinguish between licence types.	See 8.3.
12.15	PKDP	There is no data to show venues together create greater levels of harm than the same number of venues separated.	It may not be possible to be so precise as to quantify harms in this way, but data does identify trends. Specifically, that higher densities increase the overall availability of alcohol, which in turn increases alcohol-related harms.
12.16	PKDP	The statistics quoted indicate the LGA is actually safer, as the rate of incidents per venue is lower.	It is unclear where this statistic is found in the two studies.
12.17	PKDP	The conflation of tipping points and saturation points undermines the credibility of the NDARC Study.	The equating of a saturation point and a tipping point reflects the fact that both terms are used in different literature for the same, or similar, concepts. The NDARC Study defines what it means by saturation point on p2.
12.19	PKDP	The Urbis Study suggests the demand for a limit to the number of venues, but that limit is not defined.	The Urbis Study identifies that more people want fewer pubs than want more, and that a number suggest limiting new venues is a possible way to improve the area. It does not seek to extrapolate as to what that limit might be (see also, 8.05).

**Research Project: Findings and recommendations**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
12.24	PKDP	Findings in figures 20 and 21 of the Urbis Study are inconsistent, and need to be clarified. This suggests a lack of rigour in the study.	This is correct: figure 20 does have some incorrect numbers. Specifically, the 'Nett Worse' for 'General amenity' and 'Cleanliness' should be 28 and 40, respectively. The 'Nett Better' for the same two categories should be 72 and 60, respectively. This is consistent with figure 21. This error does not undermine any conclusions.
12.26	PKDP	The Urbis Study focuses on the negative impacts of late night trading on residential land uses.	The Urbis Study only set out to examine perceptions of the impact of late night trading on residential amenity. This was shown to be largely negative. More positive aspects of late night trading are recognised, but did not form part of this study.
12.27	PKDP	The statistics do not support the conclusions: the highest 'negative' was identified by 12% of those surveyed, and some questions allowed double counting.	Regarding negative trends, see 8.14. Regarding 'double counting', this method of counting 'mentions', not people, is an appropriate way to represent unprompted responses to a question.
12.3	PKDP	In figure 20 of the Urbis Study a category is alternatively referred to as drug use and drug abuse. Also, what is the '40% mention'?	This is correct: the category should consistently be read as 'alcohol/drug use'. The '40% mention' refers to the blue bars in figure 21, which for those categories was greater than 40%. That is, more than 40% of the times those categories were mentioned by respondents, they were considered 'much worse'.
12.31	PKDP	The Urbis Study conclusion that residents believe a saturation point has been reached is not supported by data.	See 8.05.
12.35	PKDP	The Urbis Study found the majority either felt safe or unsure about safety at 1am.	See 8.14.
12.36	PKDP	The Urbis Study found the more people felt pubs and clubs were either a positive or neutral influence than felt they were a negative influence.	See 8.14.
12.37	PKDP	The Urbis Study found more people thought noise at 10pm was more neutral or acceptable than unacceptable.	See 8.14.
12.42	PKDP	The NDARC Study states binge drinking is a national problem that causes much alcohol-related harm, regardless of venue density.	The NDARC Study recognises a number of factors contributing to alcohol harms. This includes venue density, which increases the availability of alcohol. Council is seeking to address these in various ways.
12.46	PKDP	The NDARC Study states most harms occur outdoors, suggesting venues are well managed.	See 8.09.
12.49	PKDP	International examples cited focus on transport gaps, which is not explored in the NDARC Study. How relevant are the comparisons?	See 21.05.
12.52	PKDP	2.4.5 of the NDARC Study states the density of venues has increased, but Table 2 states the number has dropped.	Density of venues and number of venues are different figures, so these two parts of the NDARC Study are not inconsistent.

**Research Project: Findings and recommendations**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
12.53	PKDP	Much data in the NDARC Study is inconsistent: such as the position that a small number of venues are responsible for incidents contradicting the position that the density of venues is relevant.	See 12.42.
12.54	PKDP	The NDARC Study erroneously uses the Urbis Study statistics.	This is correct, the NDARC Study should note (on pp x, xi and 44) the Urbis Study found more than 60% of respondents 'felt the late night trading areas had changed' (not 'become worse' or 'were experiencing increasing rates of alcohol-related harm').
12.56	PKDP	Despite a lack of services, many surveyed were positive or neutral about late night trading.	See 8.14.
12.58	PKDP	Kings Cross incident rates are higher, but consistent when considering the higher patronage.	The study did not seek to normalise the number of incidents against figures of patronage.
18.01	Ind-11	The research does not support Council's agenda to restrict late night trading.	Council does not have an agenda to restrict late night trading. Council seeks to manage late night trading to ensure it is sustainable and has minimal impacts on surrounding land uses.
18.03	Ind-11	The data for the NDARC Study was taken from an atypical period of low trading.	See 8.3.
18.04	Ind-11	The NDARC Study ignores recent data that contradicts its conclusions, with crime trends improving since 2006 even though patron capacity has increased by 3000.	See 8.3.
18.06	Ind-11	Other Urbis Study findings, not highlighted in conclusions show a majority do not want fewer venues or want venues restricted, or think the noise is unacceptable.	See 8.14 (and 8.05 and 12.54 about some of those specific statistics and passages cited).
18.07	Ind-11	54% of respondents to the Urbis Study do not like drunkenness in Kings Cross, but only 16% want more venue restrictions, suggesting the majority recognise the role of the area as an entertainment precinct.	The Urbis Study does not attempt to infer the reasons behind certain responses, as this would only be speculative. The questions were also asked in different contexts: as the 16% were unprompted it cannot be inferred that 84% do not want restrictions.
18.08	Ind-11	Case studies used in the NDARC Study are of limited relevance, as the context of Kings Cross is quite different.	See 21.05.
18.1	Ind-11	The NDARC Study recognises specific venues may cause problems (as in Manly and Coogee), rather than venue concentrations.	See 12.42.
18.11	Ind-11	Figures cited by the Lord Mayor suggest crime per venue decreases in the LGA, where density is expectedly high.	Noted.
25.03	DBP	The NDARC Study's data is quite old so it offers a snapshot of the past, but cannot help dictate future policy.	The research identifies a number of potential strategies to address the current and recent problems experienced in late night trading areas. See also 8.3.

**Research Project: Findings and recommendations**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
25.06	DBP	The research has a limited scope, and basing policies on its findings will result in poor policy.	See 25.08.
26.01	Ind-17	The NDARC Study only uses data to 2006, and would be strengthened if it included more up to date data.	See 8.3.
27.08	KCAT	The data in the NDARC Study was limited. The connection between crime and late night trading should be more rigorously explored within Council.	See 21.24.
29.01	DRAG	We note the results of the research, and also that it does not cover the period of state government intervention.	See 8.3.
29.15	DRAG	The NDARC Study offers practical advice on how to improve amenity and safety.	The NDARC Study made clear recommendations, which Council is incorporating into its ongoing strategy to improve the management of late night trading commercial centres.

**Impacts of Venue Concentrations: Enforcement capacity**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
2.03	DIEC	Policing has been augmented with private security, but it has limited power/effectiveness.	The role of private security is distinctively different to that of police, and it can never fully replace the need for police. Council is also working with venue security and door staff through the Safer Bars program, to better manage patron behaviour in the public domain.
4.07	Ind-1	RSA does not appear to be enforced.	Noted.
4.09	Ind-1	DA consent conditions regarding queuing on footways are not enforced.	Historical DA consents have various conditions regarding queuing. While it is more consistently regulated now, some established venues have different permissions. Where possible, queuing controls are enforced.
4.11	Ind-1	Council rangers can take too long to respond to complaints.	Council has recently expanded its compliance team, employing Specialist Licensing Compliance Officers, to increase capacity in the enforcement of noise and DA condition violations. Council is also improving the efficiency of compliance enforcement with improved internal coordination (see 27.04) and a knowledge database (see 8.34).
6.01	Ind-2	Police and government are not doing enough to reduce impacts of late night trading.	See 2.02.
11.09	ESNA	There is a lack of enforcement of RSA and licence/DA compliance.	Noted. See also 4.11.
11.1	ESNA	There is a lack of enforcement of AFZs.	There are limits to what Council rangers and police can do to enforce AFZs. There have recently been changes to this, though, and Council is monitoring the effectiveness of the new powers.
11.11	ESNA	Directing limited police resources to anti-social behaviour limits the ability to police other serious crime.	Council works with police to ensure new development is within policing capacity.

**Impacts of Venue Concentrations: Enforcement capacity**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
12.38	PKDP	The NDARC Study highlights the lack of police to enforce RSA.	The RSA program has recently been reviewed by OLGR and Council made a submission outlining its position.
28.04	Ind-18	AFZs, RSA and anti-social behaviour are not adequately policed.	See 11.1, 11.09 and 2.02.
29.41	DRAG	Council cannot logistically monitor all the trial periods and management plans.	The DCP had only been in place for 18 months when the venue freeze was introduced by the Liquor Taskforce, so Council had only just begun assessing trial periods that were up for renewal/extension. This process is being refined as more trial periods are reviewed.

**Impacts of Venue Concentrations: Anti-social behaviour and unwanted patrons**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
2.02	DIEC	Star City Casino and charter vessel disembarkation result in violence, verbal abuse, vomit, urine and nuisance in adjacent residential areas of Pyrmont.	Council is working with other stakeholders to provide additional infrastructure and improve venue management to support visitors and limit impacts of commercial activity on residents.
3.02	CCCG	Larger venues on Broadway and Abercrombie Street result in violence and nuisance in adjacent residential areas of Chippendale.	See 2.02.
4.06	Ind-1	New venues result in violence and nuisance in long established adjacent residential areas of Kings Cross.	See 2.02.
8.06	CLAS	Kings Cross and Oxford Street attract people that are already intoxicated. Such people are not permitted into venues but add to anti-social behaviour.	This phenomenon is recognised, and is being addressed by Council and police through improved enforcement. The extent to which this contributes to overall alcohol-related harms is not clear, so is not the sole focus of Council's policies.
8.09	CLAS	RSA laws cannot restrict people behaving anti-socially once they are out of a venue, which is an issue of personal responsibility.	There is a correlation between levels of drunkenness and levels of anti-social behaviour in the public domain, and RSA laws and venue management are intended to ensure people do not drink to that point of drunkenness.
8.24	CLAS	Kings Cross and Oxford Street attract people that are already intoxicated. This is an issue of personal responsibility, not venue management.	See 8.06.
8.38	CLAS	Removing drunken patrons puts them in the public domain where their behaviour is not managed.	This is why Council is working with venues to reduce patrons drinking to the point of drunkenness, through RSA laws and management plans.
9.05	Ind-4	Late night trading venues result in violence, noise, rubbish, vandalism and nuisance in the area.	See 2.02.
11.01	ESNA	Saturation point of venues has been reached in East Sydney and anti-social behaviour is impacting residential amenity.	See 2.02 and 19.02.

**Impacts of Venue Concentrations: Anti-social behaviour and unwanted patrons**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
11.06	ESNA	The character of venues encourages anti-social behaviour.	Council is working with partners to improve venue management and RSA. If the issue of 'character' is believed to relate to the venues' clientele, see 4.14.
23.03	Ind-15	The impacts on residents, including broken glass, vomit, damage to plants, and sirens from the various service units, are caused mostly by outsiders.	Most visitors to the LGA are well behaved, so are welcomed. See also 11.05 and 2.02.
28.01	Ind-18	It is common for alcohol-related nuisance to occur outside my property.	Noted.
28.05	Ind-18	A submission to a police inquiry is attached and relates similar details to the main body of the submission.	Noted.
29.24	DRAG	Government data shows alcohol-related crime increased with increased trading hours and alcohol availability.	This is consistent with the NDARC Study findings.
30.01	Ind-19	Safety of residents is compromised and property threatened by visitors to the area.	See 23.03.

**Impacts of Venue Concentrations: Road, footway and transport capacity**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
4.04	Ind-1	Footway licence applications are not well publicised, and many outdoor uses are incompatible with other pedestrian uses.	Council is developing a new footway dining policy, and assessments are now being undertaken by the DA assessors to improve consistency.
4.08	Ind-1	Venue queues and barriers, buskers and pedestrians compete for limited footway space and contribute to noise.	Council is undertaking Late Night Trading Precincts Pedestrian Research to investigate footway bottlenecks and volume capacities. This will inform future policies and strategies.
4.1	Ind-1	Roads are often congested, which could be a hazard if there is an incident requiring emergency access or egress.	Emergency vehicles do have strategies to address congested roads. That they are congested late at night, however, is an issue: see 7.03.
12.07	PKDP	Recent growth in patrons hasn't been matched with a growth in transport: public transport ends at 1.31am and taxis are fought over.	Council is working with other government agencies to ensure growth is planned and serviced with infrastructure like policing and public transport.
12.08	PKDP	Cars create noise and traffic congestion, particularly loud music and modified mufflers, which isn't properly policed.	Council and police are working with the government agency responsible for vehicle noise levels (DECCW). See also 7.03.
16.11	Ind-9	Traffic noise is a problem, enforced by the DECCW, which does not monitor Darlinghurst Road late on weekends.	See 12.08 and 7.03.
17.02	Ind-10	The roads are congested from 11pm, making it difficult for locals returning home.	See 7.03.
20.01	Ind-13	Footway licences, such as the proposed market on Springfield Avenue, is often at the expense of public access.	Public access on public land is not compromised through other activities. See also 4.04 and 4.08.

**Impacts of Venue Concentrations: Road, footway and transport capacity**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
29.48	DRAG	Private transport is often used to transport visitors into Kings Cross late at night, but inadequate public transport is available to help them leave.	See 12.07.
29.6	DRAG	Footway licences are often used primarily for drinking not serving food, which is at odds with adjacent AFZs, and often at the expense of pedestrian access.	Licensed dining areas must be demarcated from AFZs, and are managed separately. See also 20.01.

**Impacts of Venue Concentrations: Noise**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
5.01	ZAOC	Late night noise from venues, particularly outdoor spaces, is intolerable in our residential building. Sound proofing has not helped.	See 4.05.
7.03	Ind-3	Traffic noise and anti-social behaviour are a growing problem.	Council is working with partners to reduce traffic congestion (such as recent road closures), and thus noise levels, particularly in surrounding residential streets. Regarding the anti-social behaviour, see 2.02.
16.08	Ind-9	There is a lot of noise late at night on Darlinghurst Road, with double glazing proving useless.	See 4.05.
17.03	Ind-10	The noise from venues, patrons and cars now extends into residential streets.	See 7.03 and 4.05.
26.03	Ind-17	While residents can avoid the nuisance on the street they cannot avoid noise, so this is an important issue.	See 4.05.
30.02	Ind-19	There is much noise in residential areas early in the morning.	See 2.02.

**Impacts of Venue Concentrations: Venue diversity and loss of local services**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
1.01	STA	Individual venue capacity needs limits, not the number of venues.	The DCP places greater requirements on larger venues, in recognition of the greater impacts such venues can have. Reviewable DA conditions regarding venue capacity have also been recently introduced.
4.03	Ind-1	Many local services have been lost to late night trading venues.	Services are being lost in many smaller commercial centres so it is difficult to attribute this to late night trading alone, although extended trading does increase the value of floor space. This is addressed by ensuring there are commercially zoned areas in centres that are not late night trading areas.
7.02	Ind-3	Kings Cross is over-serviced by large venues that cater for visitors to the area, making it one-dimensional.	See 4.14.

**Impacts of Venue Concentrations: Venue diversity and loss of local services**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
8.4	CLAS	Replacing pubs with small bars, for example, will not reduce the number of licences and may even have more impacts.	Smaller venues or, more specifically, a greater number and diversity of venues are intended to attract a more diverse clientele and in turn create a more diverse evening economy, one not based solely on high levels of alcohol consumption. Council also considers it desirable to increase the number of venues assessed under the DCP, which is likely to improve venue management.
9.03	Ind-4	Late night trading venues are taking over other retail shops, so such expansions should be restricted.	See 4.03.
11.02	ESNA	Clusters of late night trading venues have driven out neighbourhood services.	See 4.03.
13.02	Ind-6	Recently other retail uses, like banks, have been lost to late night trading venues.	See 4.03.
15.03	Ind-8	A greater diversity of venues is needed, that operates at day and night and supports the needs of residents.	See 4.14.
15.04	Ind-8	Currently venues only cater for a specific demographic: young people, mostly from outside the area.	See 11.05 and 4.14.
15.06	Ind-8	Venue size is an issue, as it results in limited diversity; so any restrictions should be on venue size.	It is not possible to prohibit land ownership consolidation, but see 1.01.
16.07	Ind-9	There are now seven very large venues in a small space that cater to around 4000 patrons.	Noted.
23.01	Ind-15	Kings Cross does not act as a local village.	The Kings Cross-Potts Point commercial centre incorporates a number of facilities and businesses servicing the local community.
24.05	Ind-16	Reducing the number of licences will also reduce the amount of ancillary late night trading activities, enabling a better mix of businesses.	Commercial diversity is desirable, but this includes diversity in the night economy. See 8.4.
25.05	DBP	Saturation is not so much the issue, but rather a lack of diversity in venues.	See 4.14.
28.03	Ind-18	The venues exceed what is needed by local residents, and the character of some venues promotes bad behaviour.	See 11.05 and 11.06.

**Impacts of Venue Concentrations: Economic drivers**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
15.11	Ind-8	The financial benefits of late night trading are reaped by few, but the costs are borne by all.	The economic benefits of late night trading are the same as any commercial activity; and creating economic growth and diversity are worth encouraging. Council recognises that late night trading requires specific strategies to manage the potential impacts of this commercial activity.

**Impacts of Venue Concentrations: Economic drivers**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
18.09	Ind-11	There are benefits to an entertainment precinct, like reducing impacts in primarily residential areas, and better public transport, enforcement and services.	This is accepted, but some precincts about established residential areas, so need to be well managed. See 12.02.

**Policy Options: Advocacy and partnerships**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
8.22	CLAS	Council must consider legal implications of limiting commercial competition or trade.	Noted.
8.27	CLAS	The NDARC Study compares cigarette and alcohol advertising, but cigarette consumption is a health issue, not one of social responsibility.	While Council's interest in restricting alcohol consumption is related to social order, aligning Council's efforts with other public health campaigns will improve the outcomes of both.
8.32	CLAS	Policy must balance both the needs of residents and the role of entertainment precincts in an international city.	See 23.04.
8.33	CLAS	The recommendations have no regard to existing local demand for late night trading venues.	Much of the demand is not local, but see 11.05. See also 6.02.
8.34	CLAS	A database of licensed venues would duplicate existing resources.	Council will work with other agencies to reduce duplication; however the proposed database will contain information relating to DAs and other permits that Council is responsible for enforcing.
8.39	CLAS	The NDARC Study recommends planning mechanisms limit the availability of alcohol, duplicating a mechanism under the Liquor Act.	Council will work with the OLGR and the Department of Planning to ensure the each agency's responsibilities are clearly demarcated. Alcohol consumption has an impact on Council's resources and local infrastructure, so there it is appropriate for local planning controls to seek to manage land uses associated with it, such as the DCP.
8.45	CLAS	The Liquor Act is the only place liquor availability should be controlled.	See 8.39.
8.46	CLAS	Capacity of transport and policing should be increased to meet the demand generated by land uses as important to Sydney's economy as entertainment precincts.	Council works with other agencies to effectively manage and enable late night trading, where the late night trading has sufficient benefits to the local economy or community.
10.03	Ind-5	Late night trading is needed for Sydney's entertainment, music and social scenes, enjoyed responsibly by the vast majority.	See 6.02.
10.07	Ind-5	The '48' policy will not work if extended to all venues, as other venues were able to absorb the patrons left out of the 48. Other venues are also quite different to the '48'.	The 'declared premises' restrictions are determined by the NSW Government, and are designed to discourage poor venue management. Council has supported these measures to date, although commercial centres with multiple venues may need a tailored response, and Council is working towards this.
10.09	Ind-5	Increased high visible signage in Hot Spots including mobile big screens	Council's signage policy is consistently applied to all commercial developments and has controls to limit third party advertising, and light pollution is also considered as part of DAs.

**Policy Options: Advocacy and partnerships**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
10.13	Ind-5	Discount drinks and alcohol advertising should be cut back, and streets should be made alcohol free.	Pricing and advertising are not within Council's jurisdiction, but through the Council of Capital City Lord Mayors it is able to engage the Commonwealth Government to align policies. Regarding AFZs, see 11.1.
10.15	Ind-5	There will always be demand for late night trading venues, so solution must be long term and address this demand.	This is Council's aim, but see 12.02.
12.18	PKDP	Reducing density won't reduce harms, it will just shift them elsewhere: there are benefits in containing late night trading venues for transport and security purposes.	The research indicates a reduction in density, through a subsequent decrease in alcohol availability, will result in an overall reduction in harms. The efficiency of service provision in clustering are noted, provided it is within the capacity of the infrastructure. See 21.12.
12.2	PKDP	Entertainment precincts are key economic drivers for Sydney, so any imperative to reduce alcohol must recognise the economic cost.	See 6.02.
12.39	PKDP	Reducing trading because of a lack of services is not a solution: services should be increased.	See 8.46.
12.57	PKDP	Council should increase services, not reduce trading.	See 8.46.
18.12	Ind-11	Increasing police presence and transport options, even under user pay systems, are supported.	See 8.46 and 2.03.
21.07	2011	Council's policies need to be consistent, not only between venues and areas, but with other legislation.	Noted.
24.06	Ind-16	A late night trading district should be in the CBD away from residential land uses.	Residential land uses are equally permissible in the city centre, so it is not considered appropriate to concentrate all the LGA's late night trading there.
25.02	DBP	Council must note the unique character of inner city suburbs, that community comprises more than residents, that there is demand for night trading in global cities, and that the research is limited in scope.	Noted. (See also 12.21 and 8.43).
29.7	DRAG	Alcohol advertising should be restricted on venues, as well as restrictions of lighting and venue identification.	See 10.09 and 10.13.
29.72	DRAG	DAs and licence applications should be consistent and integrated. Council should advertise licence applications on website, and notify like DAs.	The DA and Liquor Licence application processes are quite distinct, and Council does not have any authority on liquor licensing and a limited period to make comments on proposals, so is not in a position to notify and advertise these applications to the community for comment. See also 8.39.
29.73	DRAG	Council should work with federal government to improve alcohol advertising regulation and the relative pricing of non-alcoholic drinks.	See 10.13.

**Policy Options: Advocacy and partnerships**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
29.74	DRAG	Council should work with NSW Government on alcohol-related initiatives.	Council requested such co-ordination, resulting in the Sydney Liquor Taskforce, which reports directly to the Premier and Lord Mayor. See also 8.39.

**Policy Options: Strengthen enforcement**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
6.02	Ind-2	Policy to reduce the anti-social behaviour of the minority should not restrict social activity of the majority, but should instead focus on perpetrators.	Council's preferred approach would have minimal impacts on all late night trading. Where impacts are linked to specific venues or venue types, though, managing or, as a last resort, curtailing the activity of those venues is necessary. See also 10.1.
8.08	CLAS	Disruptive people do need to be controlled, but this should not be at the expense of all late night trading venues, which are an important part of an international city.	See 6.02.
8.25	CLAS	The NDARC Study states that most incidents are outside venues, and then only a minority of venues, suggesting most venues are well managed. Council should focus on the minority of venues at fault.	See 6.02.
8.26	CLAS	RSA cannot replace customer responsibility, a point lost in the NDARC Study.	See 8.09.
10.08	Ind-5	Highly visible policing, including user-pay security, reduces incidents on the streets, and most venues are happy to contribute to this. Around 50 extra personnel per precinct (weighted to Saturdays) would be best.	Council does encourage, and in some cases require, venues to adequately staff venues, including with security. But see 2.03.
10.1	Ind-5	Education campaigns that emphasise personal responsibility will alter bad behaviour without restricting everyone.	Ensuring venues are well managed, and that anti-social behaviour will not be condoned by venues, will also improve patron behaviour without restricting well behaved patrons.
10.11	Ind-5	The majority of people behave responsibly in and around the venues, so should not be punished: stiffer penalties for perpetrators are more appropriate.	See 8.09 and 10.1.
10.12	Ind-5	We have had success with extra security guards.	See 10.08.
10.14	Ind-5	Highly visible security guards who interact well with patrons help reduce incidents.	See 10.08.
12.4	PKDP	The NDARC Study recognised that communities must accept some alcohol-related harm. Harm is also associated with a minority of venues, which Council should focus on.	See 12.55 and 8.09.
12.41	PKDP	The NDARC Study states some who drink little have alcohol-related problems, limiting the effect of RSA.	RSA, when properly enforced, is effective at reducing the levels of drunkenness in the majority of the population, so is supported.

**Policy Options: Strengthen enforcement**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
15.07	Ind-8	More police should not be part of the solution as it is costly and dangerous.	There is a distinct role for policing, to both discourage and respond to breaches of the law. It is essential that police services are not stretched, and are able to operate efficiently.
15.08	Ind-8	Policing individuals also suggests venues can continue to be poorly managed and profitable, and pass problem patrons onto the public domain for police to deal with.	Venue management is an important part of Council's strategy.
15.09	Ind-8	Any policing should be to enforce RSA, as pre-fuelled patrons should not be served.	See 15.07 and 8.06.
16.1	Ind-9	Rangers should police noise pollution, and there should be limits on when music can be heard outside venues.	See 4.05.
24.04	Ind-16	Extra policing should not be the focus of future policies, which should discourage people from coming in the first place.	See 11.05, 23.03 and 15.07.
26.04	Ind-17	Strengthening the DCP will not restrict those premises that already have approval to operate late, management conditions should be enforced.	There are limits to planning controls, like the DCP, as they only affect new development, not existing activity. Council has therefore engaged the NSW Government to achieve broader reforms, and is preparing a comprehensive proposal on 'cumulative impact precincts', which will include a range of legislative and policy mechanisms to address the impacts in these areas.
29.38	DRAG	Noise conditions should be standardised and enforced: limit noise levels audible from neighbouring buildings, prohibit outdoor music broadcasts, and 'seal' venues during late hours. Also work with DECCW on vehicle noise, and peer review acoustic reports.	Conditions of consent have been standardised (and see 3.04 and 4.05; and 12.08, regarding vehicle noise).
29.42	DRAG	Council should boost the capacity of compliance rangers.	See 4.11.
29.43	DRAG	Council rangers should be both a visible presence and undercover (for noise).	Noted.
29.46	DRAG	Council rangers should proactively police noise infringements, and respond to complaints without requiring a specific perpetrator.	See 4.11.
29.47	DRAG	There are issues with rangers entering buildings, with some residents fearing reprisals from venues and patrons.	Council's rangers are aware of this issue, and where it is an issue are responding appropriately and according to the circumstances.
29.68	DRAG	Council should enforce requirements for footway licences to be cleaned by the venue.	See 4.11.
30.04	Ind-19	The Summary Offenders Act could be revised to give police more powers.	Noted.

**Policy Options: Improve application and consultation procedures**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
2.04	DIEC	Council should implement a website with a complaints register.	Where a complaint relates to an incident requiring immediate action, a web-based portal does not enable as prompt a response from Council as the existing phone services. The website does outline avenues for making less urgent complaints.
8.1	CLAS	The views of older residents (who don't use late night trading venues) are not representative of the whole community, particularly the younger generation.	Council considers the views of the whole community, regardless of age.
8.23	CLAS	The two studies ignore the role of personal responsibility, a fact the industry would have highlighted had it been consulted.	Council works with industry stakeholders in a number of ways, such as the liquor accords and the recently established Sydney Liquor Taskforce. Regarding personal responsibility see 8.09.
8.35	CLAS	Working in partnership with the community must include industry groups.	See 8.23.
8.42	CLAS	The Liquor Accords need to be included in any consultation process.	See 8.23.
8.47	CLAS	The Liquor Accords have expertise lacking in the research and should be included in policy development.	See 8.23.
13.05	Ind-6	Stakeholders should plan the retail mix in Kings Cross.	Planning controls allow for a broad retail mix, which allows for different market demands to be met.
16.13	Ind-9	Residents were not included in the research project.	No aspect of the research itself required input from specific residents. The Urbis Study's methods were aimed at achieving a representative sample through random selection.
19.05	Ind-12	Footway licences should require annual applications with consultation and enforcement of conditions.	See 4.04.
21.11	2011	Council should consider DAs for one site together.	Whilst the assessment of a DA considers the context of a proposal, different tenants in subdivided (or subleased) buildings cannot be treated as one development. Subsequent DAs for different tenants also cannot make changes to previously granted consents.
21.15	2011	Council should require an assessment of harms for DAs and footway applications involving alcohol.	Social impact assessments are already required and assessed both under the liquor licensing application and under DAs. Council is currently reviewing its footway dining policy (see 4.04).
21.17	2011	Council should place plans of management and DA conditions on a dedicated website.	Council's website provides information about new developments and footway licence applications. The preferred approach is to incorporate this into the relevant parts of Council's website, rather than establish a separate dedicated one. See also 29.4.
21.19	2011	Council should consult regularly with stakeholders to amend its policies.	Council already reviews its policies regularly, and updates them as appropriate. This includes consulting widely with community stakeholders.
21.2	2011	Council should assess footway applications like DAs.	See 4.04.

**Policy Options: Improve application and consultation procedures**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
21.21	2011	Council should advertise footway applications and DAs more widely, including on a dedicated website.	Council's notification and exhibition policy is already extensive. See also 21.17.
21.23	2011	Council should follow the research with new DCPs, and the community should be consulted about this.	Many of the recommendations coming from the research studies are not appropriate for planning controls, but see 29.15.
25.07	DBP	Council must undertake more rigorous consultation with the whole community (not just residents) and analysis (not just limited research) to ensure policy meets the needs of all the community. Council should also finalise its economic development strategy.	Council is continually improving its economic development strategies, in line with Sustainable Sydney 2030. Regarding policy development and review, see 21.19.
25.08	DBP	More debate is needed for policies to avoid unintended consequences.	Council recognises the diversity of views and concerns of stakeholders, so is not intending to shape its policies solely on this research project. See also 21.19.
27.04	KCAT	Council should streamline different activities internally to improve policy directions.	Council has established a Project Control Group to better coordinate its policies and procedures related to the evening economy.
29.08	DRAG	Licensed venue DAs should not be assessed under delegation, as case-by-case assessment cannot incorporate cumulative impacts.	The DA assessors are qualified and equipped to assess applications, including their compatibility with, and potential impacts on, surrounding areas. More sensitive DAs can be assessed by Councilors in accordance with Council's delegations register, but see 16.09.
29.12	DRAG	Any database needs to be independently reviewed by panels incorporating public advocacy groups, but not industry groups.	The database Council is preparing will collate known information about late night trading, making independent verification unnecessary. It will be reviewed and updated regularly, making the information more accessible and useful to all stakeholders.
29.13	DRAG	Different Council complaints processes need to be centrally collated, to enable response to licence applications and consideration in DAs.	Council is addressing this issue more broadly (than late night trading), and internal document management processes are being reviewed to better maintain complaints and issues.
29.3	DRAG	DAs should outline existing venues and impacts, and argue how a new venue will not add to them. Details of licence application should also be included in DA.	Council's proposed database will incorporate information about existing venues, so DA applicants need not provide it. Council will assess the potential impacts of a DA, but is not proposing to refuse new venues because they are in an area with poorly managed venues. Applications for new venues will be assessed on their individual merits, and only granted consent if they represent an improvement on existing development. See also 3.04.
29.31	DRAG	Independent panels that include residents, health and church groups, but exclude the liquor industry, should review all DAs for licensed venues.	Council already refers DAs to internal departments to assess social impacts and the like, and the existing exhibition policy gives external stakeholders opportunity to comment on proposals.
29.4	DRAG	Council should make public any memoranda of understanding with other government agencies, as well as information received from those agencies.	In line with its Freedom of Information requirements, Council has a policy of transparency and makes as much information available to interested stakeholders as possible.

**Policy Options: Improve application and consultation procedures**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
29.44	DRAG	Plans of management, DA consent conditions (and breaches) should be placed on a dedicated website and available in hard copy.	See 21.17 and 29.4.
29.45	DRAG	Different Council complaints processes need to be centrally collated, to enable response to licence applications and consideration in DAs.	See 29.13.
29.5	DRAG	Council should consider impacts on traffic, noise, adjacent land uses, access to public space, and residential amenity before approving venues.	These aspects are already considered as part of all development applications.
29.59	DRAG	Licensed venue DAs, including restaurants, should not be assessed under delegation, and should be more broadly advertised and notified.	See 29.08 and 21.21.
29.61	DRAG	Any assessment methodology should not be case-by-case, but consistent and incorporate cumulative impacts.	Assessment methods are necessarily case-by-case, with consistency and comprehensiveness in assessment ensured through adherence to planning policies and local plans.
29.63	DRAG	Footway licences should be treated like DAs, and must be compatible with other footway uses.	See 4.04.
29.66	DRAG	Compliance issues should be mediated at neutral locations.	Noted.
29.67	DRAG	Independent panels should also assess footway licences to avoid conflicts of interest.	See 29.31 and 4.04. These transparent policies and procedures ensure footway licence applications are not liable to conflicts of interest.

**Policy Options: Amend existing policies**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
3.03	CCCG	The DCP has been ineffective at limiting new landmark venues and existing ones in residential areas.	Greater management plans are required of larger venues under the DCP, but this does not apply to existing venues, unless a new development application is submitted and approved.
4.05	Ind-1	The DCP does not adequately account for cumulative noise from venues.	Venue noise restrictions are outlined in the POEO Act and through conditions of consent. Council does monitor and enforce noise restrictions. See also 4.11.
8.19	CLAS	Council has refused smaller venue DAs, which is inconsistent with other policies, a problem for applicants.	While Council encourages new small bars, these venues must still comply with Council's planning controls to minimise impacts.
9.04	Ind-4	Earlier closing times should be mandated, to make the DCP consistent with other policies.	Having the DCP replicate restrictions in the Liquor Act (namely the 6-hour closure period required since 2008) would have no additional effect. The current ranges in the DCP allow for those circumstances where a licensee has a change in the 6-hour closure approved by OLG.OLGR.
10.02	Ind-5	Different precincts have different circumstances, so need different solutions.	Noted.

**Policy Options: Amend existing policies**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
10.05	Ind-5	Early closing times will affect the financial viability of many venues.	The importance of late night trading to venues is recognised, so Council works towards having late night trading continue in a better-managed way with fewer impacts. But where those extra hours have a disproportionately adverse effect on the public and local communities, it may outweigh any commercial benefit.
10.06	Ind-5	Saturday night may need special policies.	Council and other stakeholders recognise this and dedicate more resources to those nights with higher activity. A long term strategy of improving venue management, though, would apply at all times.
11.03	ESNA	Late night trading venues are not appropriate in mixed-use zones, where they are so close to residences.	In the upcoming Draft City Plan Council will consider the appropriateness of, and any possible changes to, land use zones.
11.04	ESNA	The DCP has not been used to limit new venues opening late.	Some new venues were given trial extended periods to limit any disadvantage against venues predating the DCP. Unlike those earlier venues, new venues can have the extended hours reduced if there are unacceptable impacts.
11.07	ESNA	Late night trading encourages extended drinking periods.	This is consistent with the NDARC Study findings.
12.5	PKDP	Council has not 'rewarded' good management, and the trial period performance must be consistently assessed.	See 29.41.
13.03	Ind-6	In the early hours it looks like schoolies outside my window: venues need to close earlier.	Council works towards having late night trading continue in a better-managed way with fewer impacts, rather than have to close all venues early.
13.04	Ind-6	LEC should not be able to overturn Council's decisions.	Such a move would have ramifications beyond late night trading and would require extensive changes to state legislation, which is beyond the powers of Council and therefore not being considered.
14.03	Ind-7	Whilst the area has a role beyond serving locals, meeting the needs of changing local demographics and maintaining local amenity should be a greater priority.	See 23.04.
15.1	Ind-8	Operating hours should be reduced, so patrons will arrive earlier and be less likely to pre-fuel before arriving.	See 19.06.
15.12	Ind-8	A new town plan is needed for Kings Cross, developed with community consultation, and enforced through planning controls.	The Draft City Plan is currently being prepared for this purpose for the entire LGA, and will include Kings Cross.
15.13	Ind-8	Increased residential density improves sustainability, so is more important than conflicting late night trading land uses.	Both commercial and residential desirability are important for a sustainable city, and Council's planning policies seek to ensure a balanced mix of land uses.
16.03	Ind-9	Longer hours and more venues in a given area will lead to more drinking and more alcohol-related incidents.	This is consistent with the NDARC Study findings. See 19.06 and 21.12.

**Policy Options: Amend existing policies**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
16.12	Ind-9	Operating hours should be reduced, with rotating late night trading among venues.	A temporary/rotating permit for late night trading is not considered appropriate, because this would remove competition, and patron choice, at those times. See also 19.06.
19.06	Ind-12	Council should reduce alcohol-related violence by changing policy and trading hours.	Trial periods enable Council to reduce trading hours of poorly managed venues. Any overall restrictions on operating hours should also be applicable to existing venues. This is currently done by OLGR. See also 26.04.
21.06	2011	Promoting small bars will increase the number of patrons, so should be reconsidered in Kings Cross.	See 8.19.
21.08	2011	The DCP should be applied to all DAs for late night trading and should incorporate saturations zones.	Any development that incorporates late night trading and requires a DA is assessed under the DCP. Regarding saturation zones, see 19.02.
21.09	2011	The different impacts of different venue types should be incorporated into the DCP assessment.	The DCP currently identifies the greater potential for larger venues to impact the surrounding area, and requires additional management strategies as appropriate.
21.13	2011	Council should consider venue capacity when assessing DAs.	This is already a consideration, particularly in regard to traffic, noise and egress concerns. See also 1.01.
21.14	2011	24-hour licences should not be considered in saturated areas.	See 19.06.
21.16	2011	Council should establish a database of venues.	This is already underway, being led by Council's Safe City team.
21.24	2011	Council should regularly review any new policies coming from the research.	See 21.19.
23.05	Ind-15	A reduction of parking would help reduce the appeal of the area to visitors.	Council does discourage using private cars when visiting its commercial centres by restricting on street parking. The Ward Ave car park reduces constraints on residents in the area.
24.02	Ind-16	24 hour operations should end, and the number of venues should be reduced.	See 13.03.
24.03	Ind-16	Promoting small bars will increase the number of patrons, so should be reconsidered in Kings Cross.	See 8.19.
26.06	Ind-17	I hope Council will revise the DCP to be more resident friendly.	The DCP seeks to manage venue impacts so as to be more compatible with neighbouring land uses, including residential uses.
27.02	KCAT	Council should review the DCP to decentralise venues away from Kings Cross and Oxford Street.	See 9.02 and 21.12.
27.03	KCAT	Council should amend planning controls to reflect the changing character of Kings Cross.	Planning controls are intended to shape development, not reflect existing conditions. City Plan, once prepared, will be a new, consolidated, comprehensive set of planning controls for the LGA.
27.07	KCAT	Planning controls are inconsistent, defining Kings Cross as both an urban village and an entertainment precinct. The entertainment precinct should be removed.	There is nothing inconsistent in these two aspects of the Kings Cross character. See also 11.05.
28.02	Ind-18	Late night trading should not be permitted in mixed use zones.	See 11.03.



<b>Policy Options: Amend existing policies</b>		
<b>Comment</b>	<b>Submitter</b>	<b>Response</b>
29.58	DRAG	Council's properties should not be leased to venues in saturated zones.
29.64	DRAG	City Plan should seek to activate spaces at night with uses other than venues.
29.65	DRAG	Footway licences should cease trading earlier, and controls should make owners responsible for reducing patron noise.
29.71	DRAG	City Plan should follow the Melbourne Plan and include a statement addressing the pros and cons of night economies.
<b>Policy Options: New strategies and approaches</b>		
<b>Comment</b>	<b>Submitter</b>	<b>Response</b>
4.12	Ind-1	Compensation for noise (like for the airport) could apply in Potts Point, where overdevelopment has made sound proofing necessary.
4.13	Ind-1	Venue lockouts should be considered, as they remove patrons from the streets, enable venues to keep trading, and mean patrons return to the street over time.
9.02	Ind-4	Restrictions on concentrations of late night trading venues, like those currently used for convenience stores, should be included in the DCP, to reduce saturation.
10.04	Ind-5	The existing demand for venues will not be quelled by curfews and lockouts, so will lead to drinking away from venues. They should be a last resort option.
11.08	ESNA	The absence of lock outs enables patron migration, and anti-social behaviour, late at night through residential areas.
12.48	PKDP	Lockouts and staggered closing times are incompatible, and in any case ignore the absence of transport in early morning.
15.02	Ind-8	Placing a ceiling on liquor licence numbers won't fix the problems, as it will only entrench problem venues that already exist.
15.05	Ind-8	A licence cap will prohibit new smaller venues, and leave us with the current mono-culture.
17.04	Ind-10	No more venues should be allowed.

**Policy Options: New strategies and approaches**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
19.02	Ind-12	Council should declare Kings Cross saturated, and implement evidence-based policies in the NDARC Study.	Council recognises the unacceptable impacts in Kings Cross and Oxford Street, stemming from late night trading. Whether or not the areas are dubbed 'saturated', they require special attention and bespoke solutions. Council is working to address this, including assessing evidence and appropriateness of approaches in other jurisdictions. See also 26.04 and 21.12.
21.02	2011	Council should use the NDARC Study definition of saturation, and apply this definition in planning controls.	See 21.03, 19.02 and 26.04.
21.03	2011	Defining saturated areas should be undertaken consistently and regularly, to increase the acceptance among stakeholders.	Boundaries of any 'cumulative impact precinct' or similar, will be determined in consultation with stakeholders, and will seek to align with other applicable controls under the Liquor Act and/or local planning controls.
21.04	2011	Council should review the Urbis Study method as means to defining saturation areas, and declare Kings Cross saturated.	See 21.03.
21.05	2011	Council's policies should be based on evidence from other jurisdictions, as outlined in the NDARC Study.	Council considers evidence of successful interventions in other jurisdictions when preparing all policies, but also considers how appropriate or 'transferable' these policies are to the context of the LGA.
21.1	2011	Council should also have policies that prevent areas becoming saturated.	See 3.04.
21.12	2011	Council should consider venue density when assessing DAs.	Venue density, as it is related to alcohol availability, is a factor in alcohol-related harms. Council seeks to address areas of high venue concentration by both promoting alternative commercial activity (see 4.14) and stringently managing compliance in areas of higher density (see 4.11). See also 19.02.
21.18	2011	Council should set targets for reduction of alcohol-related crime.	Key indicators are being measured and assessed through the Mega Sydney Crime Prevention Partnership and the work being undertaken by ICLEI Oceania. Targets for improving these indicators can be developed over time.
21.22	2011	Council's policy aims should include avoiding concentrations of high-impact venues.	See 3.04 and 12.07.
24.01	Ind-16	The two studies offer evidence of increased impacts caused by increased alcohol availability, and should be acted upon.	Noted.
26.02	Ind-17	Cumulative impacts of late night trading exist before 'saturation' is reached, and policies should seek to prevent them.	See 12.07.
27.05	KCAT	Council should base policies on evidence from other jurisdictions.	See 21.05.

**Policy Options: New strategies and approaches**

<b>Comment</b>	<b>Submitter</b>	<b>Summary of comment</b>	<b>Response</b>
27.09	KCAT	Council's policies should be based on evidence. Claims of the importance of night trading are not supported by the research.	See 21.05, 23.04 and 12.02.
29.03	DRAG	The areas in the DCP should be declared saturated.	See 19.02 and 21.03.
29.06	DRAG	Planning controls should include targets for reducing venue density and reducing violent incidents.	See 21.18.
29.07	DRAG	Council should determine saturation points through a petition of residents, and review this annually.	See 19.02 and 21.03.
29.09	DRAG	Council should assess when an area becomes saturated, and apply different controls in those areas.	See 19.02.
29.14	DRAG	Evidence should support Council's policies: restricting alcohol sales, venue density, numbers and hours does work; RSA and management plans without enforcement, and education campaigns do not work.	See 21.05.
29.25	DRAG	Planning controls should be amended to reflect the evidence in the NDARC Study: restricting alcohol sales, venue density, numbers and hours.	See 21.12 and 19.06.
29.26	DRAG	Council should set targets for reduction of alcohol-related crime.	See 21.18.
29.27	DRAG	No new venues should be permitted in saturated areas.	See 17.04.
29.36	DRAG	In high density areas the Declared Premises restrictions should apply to all venues.	See 10.07.
29.54	DRAG	If a saturation area is declared, surrounding areas should also be protected from venue displacement.	Venue displacement is a potential outcome of land use prohibitions, which is why Council is addressing high concentrations of late night trading venues in alternative ways (see 21.12). See also 19.04, regarding buffer areas.
29.62	DRAG	Council should implement a freeze on footway licences, and declare all public space AFZ, so outdoor areas are only used for dining, and drinking does not migrate to other areas.	Noted.
29.69	DRAG	Council should introduce anti-clustering measures, as late night trading precincts result in migration through residential areas.	Clustering activity in commercial centres generally reduces migration through surrounding areas. Patron migration between the Oxford St and Kings Cross commercial centres (primarily along Darlinghurst and Victoria Roads) is difficult to manage, but greater diversity within each commercial centre will help reduce migration between the two.