



Night Time Economy Policy

Adoption Date:	[date] by Council Resolution
Review Date:	
Version:	
Division/Department:	Strategic Planning/Planning and Development
Responsible Officer:	Fiona Aghili
HPE CM Record Number:	19/101042

1 Purpose

This Policy sets out Woollahra Council's position on the night time economy with a particular focus on the activities and impacts of licensed premises.

This Policy has been prepared in response to Council's notice of motion (NOM) adopted on 26 November 2018:

THAT Council as a matter of urgency develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs (noting additional points to be explored in the development of the formal policy include plans of management, renewable conditions and enforcement mechanisms).

The NOM sought to reflect the concerns of some residents and Councillors about night time economy activities in the Double Bay Centre, particularly those associated with licensed premises.

2 Application

What is the night time economy?

The NSW State Government identifies that the night time economy involves social and business activities that take place from 6pm to 6am.

These activities include retail, theatre, film, culture, education, service industries, restaurants, hotels, clubs, cafes, small bars, markets, sport, live music, concerts, festivals and other participatory events. However, it is generally accepted that the night time economy is driven by three core areas: entertainment, food and drink.

The night time economy can be identified by discrete time periods:

- Twilight economy:
 - Early Evening 6pm-9pm
- After dark economy:
 - Evening 9pm-11pm
 - Night 11pm-2am
 - Late-night 2am-6am

The twilight and after dark economies are generally characterised by different age groups and activities. The role of alcohol and impacts of the activities associated with licensed premises can also change significantly through the night.

What are licensed premises?

Licensed premises are businesses licensed to serve alcohol under the *Liquor Act 2007*.

Licensed premises, such as pubs, small bars, restaurants, and clubs etc. are a fundamental part of the social fabric of the community and provide venues for social interaction and entertainment for a large cross section of the community.

Licensed premises contribute to the night time economy and the business community derives a broad range of benefits. These include the operation of venues, employment in hospitality, entertainment and tourist industries, the supply of food, drink and other related services. Licensed premises are also venues for artistic expression for musicians and other artists.

While licensed premises can make positive contributions they can also be the source of neighbourhood disturbance and anti-social behaviour, particularly within the night and late-night periods (i.e. 11pm to 6am). This becomes more problematic when the licensed premises are located near residencies.

For a successful night time economy, it is important to realise the economic and social benefits from licensed premises while minimising and managing potential negative impacts.

3 Policy statement

Woollahra Council supports an active and safe night time economy that contains a diverse range of uses and appeals to different age groups. As part of this diversity Council recognises the important role of licensed premises and the sector's contribution to the vitality and vibrancy of the centres at night.

In the Woollahra Municipality night time economy businesses generally operate in centres comprising a mix of commercial and residential uses. Redevelopment within these centres is resulting in increased residential uses, and Council anticipates this will continue.

It is therefore important that businesses operating at night do so in a manner that is responsible and complementary to Council's policy of encouraging mixed uses within centres.

Council acknowledges that residents living in centres will generally experience a higher outdoor ambient noise environment than those living in low density residential areas. However Council does not condone intrusive and unreasonable noise levels associated with the night time economy, particularly between 10pm to 7am. Noise from patron activities, live and amplified music, waste collection and other delivery and service vehicles requires specific consideration having regard to the need to balance the operations and functions of businesses with the amenity of nearby residential uses.

The use of public footpaths for outdoor dining contributes to vibrant streets. Outdoor dining is to be for genuine dining purposes where the serving of liquor is ancillary to meals, and the use of footpaths for dining should not interfere with pedestrian activity or diminish public amenity.

Council works collaboratively with other agencies including NSW Police and Liquor & Gaming NSW to regulate activities in the night time economy and to ensure that businesses, including particularly licensed premises, support the ongoing viability and vibrancy of the centres whilst respecting the public amenity and liveability of adjoining and nearby residences.

4 Where the policy applies

This Policy applies to land in the Woollahra Municipality where licensed premises and other night time economy businesses are currently operating, or where such uses are permissible under *Woollahra Local Environmental Plan 2014* (Woollahra LEP).

Most night time economy businesses are located in centres i.e. land zoned B2 Local Centre, B4 Mixed Use and B1 Neighbourhood Centre under Woollahra LEP. However there are night time economy businesses, including restaurants and pubs, which operate on residential zoned land, particularly in heritage conservation areas.

Within the Municipality the primary night time economy precinct is the Double Bay Centre which contains numerous licensed premises including pubs, bars, nightclubs, cafes and fine dining restaurants and the InterContinental Hotel. Other areas with a night time economy businesses include the Rose Bay Centre; Oxford Street, Paddington; William Street, Paddington; Five Ways, Paddington; and Queen Street, Woollahra.

5 How the policy will be implemented

This Policy will inform Council plans and policies that contain detailed controls and requirements for licensed premises and other development and activates within centres. These include, but are not limited to:

- Woollahra Development Control Plan 2015 (Woollahra DCP) and associated documents such as the DA Guide and standard conditions of consent
- Woollahra Footway Approval Policy.

In considering the nature and scope of any proposed changes Council will also have regard to other existing adopted policies and resolutions, specifically:

- Double Bay Place Plan 2014
- Oxford Street Paddington, Placemaking Roadmap 2014
- NOM 18/200266 adopted 10 December 2018:
 - That Council staff investigate, examine and report to Council on the “agent of change” provisions in the Victorian planning legislation, which require buildings erected near existing entertainment venues to include sound attenuation features.
- NOM 18/92734 adopted 18 June 2018:
 - A. THAT Council immediately instate a presence in the Double Bay commercial centre to enforce the conditions of consent related to noise, particularly arising from licensed premises. This noise includes but is not limited to amplified music
 - and the smashing of glass bottles after closing time, which emanates from numerous sites.
 - B. THAT Council immediately assess the numerous private contractors that pick up garbage from the centre overnight, up to 7 nights a week, sometimes working as early as 3 am and cause sleep deprivation to local residents living in the centre on an ongoing basis.
 - C. THAT Council monitor its own garbage trucks in the Double Bay commercial centre to make sure that the pick-up times, every morning are consistent and meet its own obligation to control noise and produce liveable environments for residents.

- D. THAT a formal procedure for reporting of noise complaints be prepared.
- NOM 18/59326 adopted 23 April 2018:
 - That Council develop a mechanism to streamline the process for businesses in Double Bay and Rose Bay to facilitate footway dining. This mechanism to specifically include an approach whereby outdoor dining is “pre-approved” through a ‘global’ application in designated locations such that businesses have to simply and easily register the activity prior to commencing. The appropriate mechanism to be developed in consultation with businesses and relevant business organisations.
 - That Council review its fee for the hiring of public footpaths in order that there is a greater incentive for small business owners to activate their street frontages in front of their restaurants and cafes by the inclusion of footway dining. Council Fee for Footway Application and rental being discussed in the forthcoming report.

Any changes proposed to the Woollahra DCP or Footway Approval Policy will be publicly exhibited in accordance with relevant statutory requirements and reported back to Council for consideration before changes take effect.

6 Community Strategic Plan, Delivery Program and Operational Plan

This Policy relates to Themes, Goals and Strategies outlined in Council’s Community Strategic Plan Woollahra 2030 and Priorities outlined in Council’s Delivery Program and Operational Plan, specifically:

Theme: Quality places and spaces

- Goal 4 Well planned neighbourhoods
 - Strategy 4.5 Enhance the form and function of the local business centres
 - Strategy 4.6 Ensure that planning and building requirements are complied with
- Goal 5 : Liveable places
 - Strategy 5.5 Enhance the physical environment of our local suburbs, neighbourhoods and town centres

Theme: Local prosperity

- Goal 9: Community focused economic development
 - Strategy 9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy
 - Strategy 9.3 Maintain a high quality public domain to support and promote local business

7 Relevant Legislation

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Liquor Act 2007*

8 Documentation/References

	HPECM Reference
NOM 26 November 2018	18/192049
NOM 10 December 2018:	18/200266
NOM 18 June 2018	18/92734
NOM 23 April 2018:	18/59326

9 Related Policies and Procedures

	HPECM Reference
Woollahra Development Control Plan 2015	SC2432-01
DA Guide	15/65848
Woollahra Footway Approval Policy	18/144417
Double Bay Place Plan 2014	15/93180
Oxford Street Paddington, Placemaking Roadmap 2014	15/57361

This Policy will be reviewed every year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to this Policy must be by way of a Council Resolution.

Policy Amendments

Date	Responsible Officer	Description