



# Night Time Economy Policy

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Responsible Officer:	Manager - Strategic Planning & Place
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# 1 Purpose

This Policy sets out Woollahra Council's position on the night time economy.

It reflects the wider community's support for a vibrant and active night time economy, while acknowledging that some residents are concerned about the negative external impacts of the night time economy, and particularly the impacts of licensed premises in the Double Bay Centre.

## 1.1 Background

On 26 November 2018, Council adopted the following Notice of Motion (NOM):

*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.

A draft policy was prepared and reported to the Environmental Planning Committee on 6 May 2019, and on 13 May 2019 Council resolved to exhibit the Draft Night-time Economy Policy along with the following suite of associated documents: Draft Footway Dining Guidelines, Draft Footway Dining Policy, proposed amendments to Woollahra Development Control Plan 2015 (Woollahra DCP 2015 Amendment No. 8) and proposed additions to the DA Guide.

Over 400 people responded to the exhibition, representing a wide range of people who live, work and/or visit centres across the Woollahra Municipality. The submissions identified support for an active and vibrant night time economy. However, the submissions also identified that for some residents living in, or adjacent to centres, there is concern with the night time management of licensed premises, including their patrons.

At its meeting on 26 November 2019, the Strategic & Corporate Committee considered a report on the public exhibition (including all the submissions). Subsequently on 9 December 2019 Council resolved to adopt the suite of documents (with some amendments) including the *Night Time Economy Policy*.

## 2 Application

### 1.2 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 the impacts of the activities associated with licensed premises can also change significantly through the night.

### 1.3 What are licensed premises?

Licensed premises are businesses licensed to serve alcohol under the *Liquor Act 2007*. The liquor licenses, including conditions, are issued by Liquor & Gaming NSW.

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 in 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.

Council recognises the significant role of licensed premises and the sector's contribution to the vitality and vibrancy of the centres at night, but also identifies that it is important to encourage a diverse range of night time activities including retail, entertainment, arts and cultural experiences. Activities in the night time economy should contribute to the amenity of community life and not detract from it.

In the Woollahra Municipality night time economy businesses generally operate in centres comprising a mix of commercial and residential uses. Redevelopment in 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 in 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. The community values the use of footways by restaurants, cafés, small bars and pubs and sees footway activity as an important part of the social fabric and streetscape. Council also recognises the role of footway activities in placemaking and is committed to maintaining the safety, accessibility and appearance of the footways and balancing the needs of all users.

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, particularly licensed premises, support the ongoing viability and vibrancy

of the centres whilst respecting the public amenity and liveability of adjoining and nearby residences.

Council supports the establishment of a Liquor Accord for the Double Bay Centre. The Liquor Accord will act as a framework for Police, licensees, local businesses, community groups and other stakeholders to work together to develop practical solutions to address anti-social behavior, traffic management and other alcohol-related issues. By creating a Liquor Accord this will be done in a coordinated and centre-wide approach.

Council, through the Double Bay Working Party, Oxford Street and Paddington Working Party and in partnership with other business, community and cultural groups, will also continue to identify ways to improve and broaden the range of night time economy activities beyond those relating to licensed premises. Council supports the development of a cinema and other placemaking initiatives such as improved lighting and public art, which collectively contribute to an active and safe night time experience which attracts a diverse range of people to the centres.

#### **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 2014).

Most night time economy businesses are located in centres i.e. land zoned E1 Local Centre and MU1 Mixed Use under Woollahra LEP 2014. However, there are night time economy businesses, including restaurants and pubs, which operate on land zoned for residential uses, particularly in heritage conservation areas.

In the Woollahra 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 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 activities in centres. These include, but are not limited to:

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

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 2019 to 2023
- Oxford Street & Paddington Place Plan 2019 to 2023
- Notice of Motion 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.*

- Notice of Motion 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.*
- Notice of Motion adopted 23 April 2018:
  - A. *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.*
  - B. *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.*



Any changes proposed to the Woollahra DCP 2015 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 Related Policies and Procedures

	HPECM Reference
Woollahra Development Control Plan 2015	SC2432-01
DA Guide	15/65848
Woollahra Footway Dining Guidelines 2019	19/208284
Woollahra Footway Dining Policy 2019	19/208221
Double Bay Place Plan 2019 to 2023	18/180646
Oxford Street & Paddington Place Plan 2019 to 2023	20/17120



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
8 June 2023	Executive Planner - Strategic Planning & Place	Administrative amendments to update the names of the Woollahra LEP land use zones referred to in the Policy