

ITEM-67 CCL 22/09/20 - NIGHT-TIME ECONOMY TRIAL - DPIE PUBLIC EXHIBITION

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER COMMUNITY STRATEGY AND INNOVATION

PURPOSE

To report the outcome of the NSW Department of Planning, Industry and Environment's (DPIE) public exhibition of a proposed State Environmental Planning Policy (SEPP) to amend the Newcastle Local Environmental Plan (LEP) 2012 to temporarily extend trading hours for select small bars and restaurants.

RECOMMENDATION

That Council:

- 1 Receives the report on the outcome of DPIE's public exhibition of a 'Proposed SEPP to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in small bars and restaurants'.
- 2 Supports a controlled trial of amended late-night trading hours of operation conditions on specific and targeted low-impact and low-risk venues in the Newcastle City Centre to promote the activation and recovery of the Newcastle night-time economy, as proposed in the approved Newcastle After Dark Strategy 2018-2022.
- 3 Endorses the temporary amendment to the Newcastle Local Environment Plan to facilitate the trial, as requested by the Minister for Planning, and following the public exhibition for a period of 14 days, which concluded 17 September 2020.

KEY ISSUES

- 4 The Newcastle After Dark: Night-time Economy (NTE) Strategy (Strategy) was unanimously endorsed by Council in 2018 following extensive community and stakeholder consultation. The Strategy outlines a strategic approach to growing a safe, diverse and vibrant night economy in Newcastle. Importantly, the Strategy highlights that the growth of venue diversity is paramount to increasing the safety and appeal of the NTE to broader demographics who are not catered for by current night-time offerings.
- 5 COVID-19 has disrupted the Hospitality and Creative Industries with significant job losses, income and revenue reduction as a result of Public Health Orders from March to June, social distancing restrictions affecting venue capacity and general reluctance of patrons to attend public places. The relaxation of operating conditions will provide businesses with additional trading opportunities which may help to preserve their sustainability during the disruption caused by COVID-19.

- 6 City of Newcastle (CN) is participating with the NSW Government in a controlled trial (Trial) of relaxing conditions on certain low impact and low risk venues in the NTE.
- 7 Together with Liquor and Gaming NSW (L&GNSW), Independent Liquor and Gaming Authority (IL&GA), Newcastle Tourism Industry Group and NSW Police, CN is part of the *Committee for Night-time Jobs and Investment* (Committee); chaired by Mark Latham MLC, and including the State Member for Newcastle, representatives from the Independent Bars Association and local small bars sector, and a community member representing Newcastle East.
- 8 The Committee has agreed on a framework to implement a trial relaxation of the current conditions for licenced venues regarding operating hours and restrictions on alcohol sales. The Trial will enable venues to operate in accordance with standard operating hours of the relevant liquor licence category as defined in the NSW Liquor Act 2007.
- 9 The Trial was open to 127 designated 'low impact' venues classified as "small bar" and "on premise" licensees within Newcastle East, Newcastle (including Honeysuckle), Newcastle West and Cooks Hill. Twenty four venues have self-nominated to opt-in to the Trial; vetted by NSW Police and L&GNSW.
- 10 CN in collaboration with L&GNSW have designed a framework to measure and assess performance to enable the assessment of outcomes and evaluation of the broader impacts upon the city economy and community.
- 11 Following an Extraordinary Meeting of Council held on 1 September 2020, Council resolved to request DPIE to amend the Newcastle LEP to temporarily extend trading hours in small bars and restaurants for a period of six months.
- 12 DPIE publicly exhibited the proposed amendment for a period of 14 days from 4 September 2020 to 17 September 2020. The community and interested parties had the opportunity to comment on the proposed amendment.
- 13 The proposed amendment is for an exempt development provision to bridge the different trading hours between those on a venue's development consent and the standard closing hours for these venues permitted under the Liquor Act 2007.
- 14 The Newcastle LEP would be amended to facilitate the following changes to trading hours for:
 - **For participating small bars:** extend trading hours until 2am (as per the Liquor Act 2007).
 - **For participating restaurants:** extend trading hours until 12am (Monday – Saturday) or until 10pm on Sunday (as per the Liquor Act 2007).
- 15 A total of 142 submissions were received. Seventy-two percent of submissions were in support of the Trial and 27% raised objection. The weight of the positive submissions indicates strong general community support for the Trial.

- 16 The following themes were raised in the submissions received by DPIE that raised an objection to the trial:
- Amenity impacts on city residents
 - Insufficient detail on the trial
 - Objections to the process
 - The role and operation of the Committee for Night-time Jobs and Investment
 - Suitability of the venues in the trial
 - Strata laws restricting post-midnight activity.
- 17 CN's response to these matters submitted to DPIE is at **Attachment A**.
- 18 The following themes were raised in the submissions received by DPIE in support of the trial:
- Low impact venues are a good strategic direction for Newcastle
 - The Trial is in accordance with adopted Strategy for Newcastle
 - Economic benefits to the city
 - Creating venue diversity will attract broader demographics
 - Venues in the trial are not associated with antisocial behaviour
 - Venues in the trial are not the cause of issues that created the lockouts
 - Trial will improve safety in the city
 - Extended hours during COVID-19 is a means of supporting struggling small businesses.
- 19 In addition, there were both supportive and objecting submissions that requested an extension of the trial to 12 months. The consistent rationale for proposing an extended duration of the trial, irrespective of sentiment for or against, was to allow greater data collection informing evaluation, particularly during periods of restricted trade due to Public Health Orders (PHO) associated with COVID-19. It is currently unknown when the PHO will be lifted.
- 20 The outcomes of the exhibition are being summarised by DPIE for consideration by the NSW Government's Executive Council. This package includes:
- The proposed State Environmental Planning Policy Amendment (Newcastle Restaurants and Small Bars) 2020
 - Parliamentary Counsel's opinion
 - Explanatory note for the proposed SEPP
 - Newcastle Exhibition Submissions Summary.
- 21 DPIE will publish all submissions received as part of the exhibition through its planning portal.
- 22 If endorsed, the Trial will commence on 1 October 2020 and conclude on 31 March 2021.

FINANCIAL IMPACT

- 23 The project will be administered within existing resources and operational budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

24 **Vibrant, Safe and Active Public Places**

- 3.1 Public places that provide for diverse activity and strengthen our social connections.
- 3.2 Culture, heritage and place are valued, shared and celebrated.
- 3.3 Safe and activated places that are used by people day and night. Inclusive Community.

Inclusive Community

- 4.1 A welcoming community that cares and looks after each other.

Smart and Innovative

- 6.2 A culture that supports and encourages innovation and creativity at all levels.
- 6.3 A thriving city that attracts people to live, work, invest and visit.

Open and Collaborative Leadership

- 7.1 Integrated, sustainable long-term planning for Newcastle and the Region.

IMPLEMENTATION PLAN/IMPLICATIONS

- 25 The Trial is being implemented in partnership with organisations represented in the *Committee for Night-time Jobs and Investment*. In order to facilitate the Trial, two key mechanisms have been identified:

26 **Temporary modifications to development consents**

CN is responsible for enforcing conditions of approval placed on development such as permitted types and times of land use. In order to enable later openings for participating venues, a time-limited provision will temporarily amend the Newcastle LEP to override related conditions of approval. Other enforceable conditions of approval will not be affected.

27 **Publication of a Statement of Regulatory Intent (SRI)**

The NSW Government will issue a SRI that describes the compliance approach for certain conditions on liquor licences for the period of the Trial. This is an agreement from regulatory and compliance entities not to enforce certain liquor licence conditions during the Trial for participating venues.

- 28 In collaboration with partnering organisations, CN is responsible for collecting data to assess the Trial outcomes. Data will be collected from a variety of sources including Trial venues, stakeholder including NSW Police and IL&GA, community and patron surveys, and other sources. The data will measure growth in participation and diversity, economic indicators and impacts including incidents of violence and liquor licence breaches.

- 29 The Trial will be overseen and monitored by the *Committee for Night-time Jobs and Investment*.

RISK ASSESSMENT AND MITIGATION

- 30 Trial venues have been vetted by NSW Police and L&GNSW as not being the subject of any recent licence breaches or anti-social behaviour incidents.

RELATED PREVIOUS DECISIONS

- 31 At an Extraordinary Council Meeting held on 1 September 2020, Council resolved to support the Trial and endorse the temporary amendment to the Newcastle LEP to facilitate the Trial. Part C of that resolution required that this report be prepared in order to communicate the outcome of the DPIE public exhibition period.
- 32 A number of previous decisions have been made by Council that have supported development of the Strategy and influenced its strategic focus. These include the following resolutions:
- i. The Newcastle After Dark: Night-time Economy Strategy was unanimously adopted by Council at an Ordinary Council meeting of 27 November 2018.
 - ii. At an Ordinary Council Meeting on 25 September 2018, Council resolved to receive a costed proposal for a Night Tsar (night time economy mayor).
 - iii. At an Ordinary Council Meeting on 27 February 2018, Council endorsed the recommendation to support the local live music industry including the creation of a Live Music Strategy to compliment the Strategy.
- 33 At an Extraordinary Council Meeting held on 23 January 2018, Council unanimously endorsed CN's submission to the review of liquor licence conditions in Newcastle, being undertaken by the NSW IL&GA. The key recommendation was that low risk venues be exempt from lock out laws.

CONSULTATION

- 34 DPIE exhibited the Explanation of Intended Effect for a SEPP to amend the Newcastle LEP to facilitate the Trial from 4 September 2020 to 17 September 2020 on their website <https://www.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>.
- 35 The Trial is in alignment with strategies and initiatives outlined in the Strategy. It identifies a strategic approach to growing a safe, diverse and vibrant night economy in Newcastle. Importantly, the Strategy highlights that the growth of venue diversity is paramount to increasing the safety and appeal of the NTE to broader demographics who are not catered for by current night-time offerings.
- 36 The Strategy was unanimously adopted by Council in 2018. Development of the Strategy encompassed an extensive program of community consultation and stakeholder engagement. These activities are outlined in the Strategy (p17-18). The community consultation process included community surveys, community precinct night walks, community workshops and roundtables with stakeholders

across key sectors. Collectively, this consultation program received input from over a thousand individuals and eighty organisations.

- 37 The draft Strategy was placed on public exhibition for six weeks over April to May 2018. The exhibition was supported by an online engagement program. A further 227 submissions were received during this time. Community feedback informed the revision of the draft Strategy and is detailed in Council Report: CCL 27/11/18 - Adoption of the Draft Newcastle After Dark Strategy 2018-2022.
- 38 CN currently has a community survey open to assess current community views as a baseline for the Trial. The survey has received more than 650 responses since being opened on 15 September 2020 and remains open until 30 September. Early indications are that the community are supportive of CN's strategic direction to diversify the night-time economy and broadly supportive of Trial. This survey will be repeated at the conclusion of the Trial as part of the evaluation process.

BACKGROUND

- 39 The Trial was open to 127 'low impact' "small bar" and "on premise" licensed venues within Newcastle East, Newcastle (including Honeysuckle), Newcastle West and Cooks Hill. Of the 127 eligible venues, the following 24 venues have been vetted for participation by NSW Police and L&GNSW:

Venue Name
Babylon Newcastle
Basement on Market
Big Poppys
Blue Kahunas
Coal & Cedar
Civic Theatre
Grain Store
Harbour Bar & Grill
Honeysuckle Social
Itch Social (Koutetsu)
Kitami Japanese Restaurant
Milky Lane Newcastle
MEET Restaurant
Moneypenny Newcastle
Scratchleys on the Wharf Restaurant
The Beehive Honeysuckle
The Dockyard
The Edwards Parry Street
The Falcon Restaurant
The Newcastle Signal Box
The Landing
Three Bears Kitchen
Valerie's Pizza Parlour

Zinc on Darby (Beach Burrito)

OPTIONS

Option 1

40 The recommendation as at Paragraph 1 - 3. This is the recommended option.

Option 2

41 Council does not receive the report on the outcome of the NSW DPIE public exhibition on a proposed SEPP to amend the Newcastle LEP 2012 to temporarily extend trading hours in small bars and restaurants. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Summary of Key Issues Response.

Strategy and Engagement.NB
Phone: 02 4974 1393

21 September 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Meaghan Kanaley, Director Codes and Design

Dear Mr Betts

Newcastle Local Environmental Plan 2012 (Newcastle LEP)

I refer to the public exhibition of the Explanation of Intended Effect (EIE) for a proposed State Environmental Planning Policy (SEPP) to facilitate an amendment to the *Newcastle Local Environmental Plan 2012 (Newcastle LEP)* to enable a six-month trial of extended trading hours for 24 participating small bars and restaurants in the Newcastle CBD (The Newcastle trial (the trial)). The trial is proposed to commence on 1 October 2020.

The EIE was publicly exhibited for 14 days from 4 September to 17 September 2020. A total of **142 submissions** were received with **70% in support** of the trial and **26% raised objections**.

The weight of the positive submissions reflects a majority community support for the trial. The relaxation of restrictions on low impact venues is an initiative of City of Newcastle's **Newcastle After Dark - Night Time Economic Strategy** (2018), that was developed with wide public consultation and unanimously approved by Council, for guiding the development of a safe, diverse and vibrant night-time economy.

City of Newcastle has provided (attached) detailed responses to specific issues raised on the EIE.

Should you require any further information on this matter, please do not hesitate to contact me at ceo@ncc.nsw.gov.au.

Yours faithfully



Jeremy Bath
CHIEF EXECUTIVE OFFICER

City of Newcastle

Explanation of Intended Effect for proposed State Environmental Planning Policy Response to Public Issues

This paper outlines City of Newcastle's responses to issues raised by the community to the public exhibition of the Explanation of Intended Effect (EIE) for the proposed State Environmental Planning Policy (SEPP) to facilitate an amendment to the *Newcastle Local Environmental Plan 2012 (Newcastle LEP)* to enable a 6-month trial of extended trading hours for 24 participating small bars and restaurants in the Newcastle CBD (The Newcastle Trial (the trial)). The trial is proposed to commence on 1 October 2020.

The EIE was publicly exhibited for 14 days from 4 September to 17 September 2020. A total of **142 submissions** were received with **72% in support** of the trial and **27% raised objections**.

The weight of the positive submissions reflects a majority community support for the trial. The relaxation of restrictions on low impact venues is an initiative of City of Newcastle's **Newcastle After Dark - Night Time Economic Strategy** (2018), that was developed with wide public consultation and unanimously approved by Council, for guiding the development of a safe, diverse and vibrant night-time economy.

A detailed response to the issues raised are outlined below.

Amenity

Issue 1 Noise, litter, smoke, violence, will be managed

Impacts on amenity will be monitored and reported as part of the agreed trial evaluation framework. Nevertheless, it is considered that any 'potential' impacts will be minimal as a result of:

- Geographical context
- Land use planning controls & regulatory instruments
- Nature and performance of participating venues.

Geographical context

The trial area has been restricted to locations within and immediately adjoining the Newcastle Central Business District (CBD); Newcastle, Newcastle East, Newcastle West and Cooks Hill.

Land use planning controls & regulatory instruments

The trial will result in 24 low impact venues, which are permissible in the land use zone, under the Newcastle LEP, to operate in a consistent manner with the NSW Liquor Act 2007. Considering this, the proposed trial changes to the licences of participating venues is both in keeping with

the *Newcastle After Dark – Night Time Economy Strategy* and consistent with local resident's expectations of the legal operations of these venues.

The trial area and participating venues are all located with land use zones that encourage the establishment of commercial uses, owing to their location within or directly bordering the Newcastle CBD, where a level of activity within the street and associated public domain precinct is an expectation.

The majority of the CBD is zoned B4 Mixed Use. The objectives of the B4 zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The trial supports these objectives and the intent of the zoning. It is noted that while the zoning is mixed use, no specific references to residential development is listed as permissible, whilst permanent residential occupancy is not prohibited, the objectives clearly support the integration of uses of which the participating venues have already been considered appropriate.

In addition, the venues hold a restaurant or small bar licence and are required to operate in accordance with the terms of that liquor licence. The *Liquor Act 2007* defines the following:

restaurant means premises (however described) in respect of which the primary purpose is the business of preparing and serving meals to the public.

Small bar means the premises to which a small bar licence relates. Note: a small bar licence is limited to a capacity of 120.

In review of the above definitions, the proposed venues are considered to be 'low impact' and of a magnitude smaller in capacity than a standard 'pub' use carrying a hotel licence for example.

Accordingly, it is considered that not only are the venues already compatible with the surrounding context, including established residential uses, the very nature of these premises lean toward the most appropriate type of land use, carrying a liquor licence, for a trial of this nature, as anticipated impacts would inherently be less.

Nature and performance of participating 'low impact' venues

Low Impact refers to the potential degree of impact a venue may have on the community. The kinds of impacts a venue might have relate to many factors including patron capacity, liquor licence type, whether it offers food, and types of permitted activities. Examples of low impact venues identified in the *Newcastle After Dark – Night Time Economy Strategy* include small bars,

restaurants, cinemas, theatres, galleries, microbreweries and comedy clubs. These types of venues have not historically been associated with negative social impacts in Newcastle. Only venues with Small Bar and On-Premises classes of liquor licences have been included in the trial.

Based on the small and controlled nature of the trial venues, all with exemplar police records, it is considered unlikely that there would be any additional amenity impacts in terms of litter, smoke or violence.

The majority of proposed venues have existing development consent conditions relating to noise control, which will continue throughout the trial, pursuant to proposed Clause 6.8(1) © which states:

'the use does not contravene a term or condition of the development consent that applies at times other than during the late trading period, not including a term that specifies or restricts the trading hours of the restaurant or small bar'

Further, the venues are required to operate in accordance with the NSW Environmental Protection Authority (EPA)- *Noise Policy for Industry 2017*. The use and occupation of the premises, including all plant and equipment, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* and should City of Newcastle consider that offensive noise has emanated from any premises, the matter will be investigated.

Additionally, venues are required to operate in accordance with site-specific plans of management relating to their liquor licence conditions. This requires premises to be operated in a respectable manner, including all practical steps to ensure the quiet and orderly departure of patrons, in addition to complying with Responsible Service of Alcohol requirements.

Management and enforcement of littering and smoking breaches in accordance with statutory requirements remain. As such, there is no reason to suspect these offences would increase as a result of a trial that relates only to operating hours.

There does not appear to be any reason to suspect that there will be an increase in anti-social behaviour given the low impact nature of the venues; which are in fact more compatible with the principles of *Crime Prevention through Environmental Design*. This is particularly evident considering the increased patronage at currently unoccupied times will contribute to additional surveillance, access control, territorial reinforcement and space management in the immediate surrounds and public domain in general. Accordingly, there is no reason for any additional opportunistic crime (eg common assault, vandalism) as a result of the trial.

Finally, the NSW Licensing Police were involved in the design of the trial and the assessment of venues. Of the 128 venues pre-eligible for the trial, only one venue was removed due to its regulatory compliance.

Issue 2 Additional anti-social behaviour around the King Street McDonald's

It is not considered that that trial will increase anti-social behaviour at or in the vicinity of the King St McDonalds. The closest participating venue is 500m from the King St McDonald's. Moreover, under the liquor licence categories of the participating venues, food service is required to be available at all times. Therefore, extending the operating hours may decrease the current overdependence on food premises, like McDonald's, for late night consumption of food. However, it is unlikely that there would be a demographic overlap between the patrons of participating venues and McDonald's.

Issue 3 Will Compliance Officer(s) be reinstated and what is proposed for additional policing / security and general complaints management

This is not considered to be an issue based on the performance of the proposed venues and the existing procedures for registering incidents with Liquor and Gaming NSW, NSW Police and City of Newcastle. In addition, NSW Police have reviewed and vetted proposed venues based on their performance and compliance.

Issue 4 Public health risk for COVID and increased alcohol consumption

This is not considered to be an issue with proposed venues required to adhere to all NSW Public Health Orders regarding COVID 19 and obligation to comply with Responsible Service of Alcohol requirements.

Insufficient detail on the trial

Issue 5 Lack of justification on the trial – economic recovery argument not considered adequate particularly during COVID.

The trial has empirical strategic and economic justification. The *Newcastle After Dark - Night Time Economy Strategy* was unanimously endorsed by City of Newcastle based on extensive qualitative and quantitative research into the Newcastle night time economy. The Strategy was informed by national and international case studies to determine best practice for the planning and delivery of a vibrant night-time economy. Research showed that encouraging a range of experiences, other than the large pubs and clubs, along with a wider cohort of visitors, made for a safer city at night.

The Newcastle night-time economy is significant on a national scale employing 13,280 people and generating \$1.58B in economic activity (2018). Prior to the disruption of COVID-19, City of Newcastle was aware that action was required to make the city more vibrant and active at night in order to grow the city's economy. Since COVID-19, venues not only were closed during the lock downs, they have also experienced subsequent and significant reductions in business.

There is empirical economic justification to reduce restrictions on venues to allow greater opportunity to generate revenue and extend working hours. The economic justification is underpinned by a long-term strategic vision for the sector.

Issue 6 *Lack of public consultation on the trial*

There have been and will continue to be, a range of opportunities for the community to provide feedback on the night time economy and the trial.

A trial was outlined and communicated to the community as part of the *Newcastle After Dark - Night Time Economy Strategy* for guiding the development of a safe, diverse and vibrant night-time economy. One action within the Strategy states:

2.2: Enable later closing time for low impact venues to 2am through a trial and comply method with appropriate controls

The *Newcastle After Dark - Night Time Economy Strategy* was unanimously adopted by City of Newcastle in 2018. Development of the Strategy included extensive community consultation and stakeholder engagement. The consultation process included community surveys, community precinct night walks, community workshops and roundtables with stakeholders across key sectors. Collectively, this consultation program received input from over a thousand individuals and eighty organisations.

The draft Strategy was on public exhibition for six weeks during April - May 2018; supported by an online engagement program. City of Newcastle received 227 submissions that was used to inform the revision of the adopted Strategy (Council Report: CCL 27/11/18 - Adoption of the draft Newcastle After Dark Strategy 2018-2022).

As part of the trial's establishment, the Explanation of Intended Effect was publicly exhibited by NSW Planning, Industry and Environment. City of Newcastle actively promoted the opportunity for the community to comment through its various digital and social media channels. During the two-week public notification period, 142 submissions were received.

City of Newcastle has opened a community survey to collect baseline data, including community attitudes towards the trial. The survey has received more than 650 completed responses to date and will remain open until 30 September. Early indications are that the community are supportive of City of Newcastle's strategic direction to diversify the night time economy and are broadly supportive of the trial. The survey will be repeated at the conclusion of the trial as part of the evaluation process agreed with stakeholders.

Issue 7 *Objections to the process – short circuiting resident’s ability to review the LEP amendment and Statement of Regulatory Intent.*

The process to facilitate the trial has been undertaken in accordance with relevant legislation. The community has had opportunity to comment on the proposed amendment to the LEP via the public exhibition of the EIE.

Issue 8 *What data will be collected and how will this be used, will there be independent evaluation - concern the trial will be used as a justification to lift the broader restrictions in Newcastle venues - six months is inadequate to base these decisions on.*

A framework for the monitoring and evaluation of the trial has been developed and agreed by stakeholders including Liquor and Gaming NSW. A wide range of data sources will be monitored to inform the evaluation of the trial, including:

- Business turnover and employment
- Police data – assaults and infractions
- Community participation

The data design for the trial has been made publicly available as an attachment to Council Report CCL 01/09/20 - Activation of the Newcastle After Dark Strategy. The data collected include a range of measures, including business sustainability, public safety and venue operation, participants numbers and demographics. In addition, broader contextual data will be collected and evaluated including economic growth, community perceptions and attitudes, visitor economy and city engagement.

It is the intention to provide reporting to the public at regular intervals throughout the trial to ensure transparency.

The City of Newcastle has publicly supported the extension of the trial to 12 months.

Involvement of the Committee

Issue 9 *Community / public health representation*

A community representative has been included following representation from City of Newcastle.

There is no public health representation, however it is not considered necessary as the nature and scope of the trial is limited to ‘low impact’ venues that do not have any recent history of linkages to alcohol-related violence and liquor licence infractions.

Issue 10 Transparency of decisions

This issue is considered to be addressed by the recent appointment of a community representative following representations from City of Newcastle.

Issue 11 Industry bias of members providing a predetermined outcome rather than considering the public interest.

This issue is not supported by facts. The members of the Committee overseeing the trial include the NSW Police, the Independent Liquor and Gaming Authority, Liquor and Gaming NSW, Department of Planning Industry and Environment and City of Newcastle. These organisations all have a legislated requirement to consider and preserve the public interest. Industry representation on the Committee is limited to the Independent Small Bars Association and a business owner. A community representative has been added to the Committee at the request of the City of Newcastle.

The objective of the Committee is to address the impact of COVID on the night time economy and the examination of restrictions on low impact venues. The 142 submissions received suggest that the majority of the community consider the trial to be in the public interest. Public interest will be monitored closely throughout the trial.

Suitability of the venues / management**Issue 12 Issues regarding compliance breaches and poor response from venue managers – will venues be removed from the trial if there are problems and how will this be determined?**

NSW Police are a key stakeholder as a member of the Committee providing input including the review and vetting of proposed venues, and shaping the data collected as part of the trial. The Committee reserves the right to remove venues from the trial for infringements against compliance requirements.

Issue 13 How have the venues / use been determined to be ‘low impact’ - particularly when a cluster under the Boardwalk residential block and when L&G has refused additional venues/licences due to high density of existing venues in the area.

Venues have been determined to be “low impact” on the basis of liquor licence type and compliance liquor licence condition and/or police action.

The trial will not increase the density of venues as only existing venues were eligible to participate.

Issue 14 Address the perceived conflict of interest for Council owned venues.

City of Newcastle is supportive of the trial as it is consistent with its endorsed strategy supported by the community and unanimously adopted by the Council in 2018. City of Newcastle is supportive of its venue (Civic Theatre) participating in the trial as it is considered both low risk and impact for the community and is a significant community asset.

Strata Laws

Issue 15 Hours of operation in the Strata Laws for bars in the Boardwalk Apartments – midnight restriction.

City of Newcastle understands that the strata law within the Boardwalk complex permits trading up to 12 midnight. Participating venues participating in the vicinity of the Boardwalk Apartment complex will not operate past 12 midnight.

The venues are also required to operate in accordance with existing development consent conditions, plans of management and amenity/noise requirements which will continue to apply throughout the trial period.