

ITEM 8 POST EXHIBITION - WOLLONGONG CBD NIGHT TIME ECONOMY COUNCIL POLICY

At the meeting of 21 September 2020, Council resolved to exhibit the draft Wollongong CBD Night Time Economy (NTE) Policy for a period of 28 days from 23 September to 20 October 2020 (inclusive) to seek community feedback. A total of 26 submissions were received, considered and amendments to the policy have been recommended.

The majority of submissions received were supportive of the policy intent of extending trading hours to encourage a more vibrant, inclusive and diverse CBD. Many respondents linked the policy to the need to further support Wollongong's CBD night time economy as the sector emerges from the COVID-19 pandemic.

RECOMMENDATION

- 1 Council adopt the Wollongong CBD Night Time Economy Council Policy.
- 2 Council note work is currently underway to investigate any implications and opportunities for Wollongong's Night Time Economy, arising from the NSW Government's Liquor Amendment (24-hour Economy) Bill 2020, subject to it becoming law. Further, Council staff are reviewing the detail of additional night time economy announcements and will consult with the NSW Government on implementation of these initiatives.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Cultural + Economic Development
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Wollongong CBD Night Time Economy Council Policy
- 2 Wollongong CBD Night Time Economy Council Policy - Engagement Report
- 3 Wollongong CBD Night Time Economy Council Policy - We Asked You Said We Did

BACKGROUND

The Wollongong CBD has evolved significantly over recent years with ongoing growth in the number of new cafes, restaurants and small bars, adding to the cosmopolitan lifestyle within the CBD. At the same time alcohol related crime has continued to fall, whilst increased venues and significant public and private investment has resulted in increasing residential and employment opportunities in the city.

Currently the majority of businesses that comprise the NTE require approval from Council with operating conditions largely dictated through the development assessment process. Within Council's current development control plan there is no formal framework for the assessment of appropriate hours of operation, acoustic impacts or guidance as to appropriate clustering of like businesses as they relate to Wollongong CBD.

The Wollongong CBD NTE Policy has been prepared to provide clarity to local operators regarding operating hours permitted in the CBD and development application requirements for these businesses, whilst encouraging a diverse NTE and supporting low impact businesses. The policy applies only to the assessment of new development applications and modifications for specified low impact businesses and does not automatically extend existing business hours.

The policy applies to land zoned B3 Commercial Core, B4 Mixed Use and SP3 Tourist within the Wollongong City Centre, as defined by the Wollongong Local Environment Plan 2009 (LEP).

The policy effectively permits certain businesses to operate until 2am on Thursday, Friday and Saturday nights, provided they meet zoning and residential interface criteria. This aligns with the current NSW Liquor and Gaming Small Bar licensing provisions and the defined 'Night' period provided in the NSW Government's (2018) 'Guide for Establishing and Managing Night Time Economy uses'. The policy

provisions would be considered in the assessment of a development application and approval conditioned accordingly.

The policy introduces the new land use term, 'Cultural Venue' for consideration in the assessment of operating hours. The term refers to a venue or business which offers additional services beyond the service of food and drink. Extended hours of operation are potentially available to these businesses, on the basis that they provide a cultural contribution to the Wollongong CBD. The intent of this inclusion is to incentivise the further diversification of the NTE, not solely based on liquor-oriented activity.

While the initial focus has been on small licenced venues, it is envisaged the policy will support and encourage appropriate later trading for non-liquor-based activities (including retailing) in the Wollongong CBD. This will help to broaden and diversify the CBD's night time offer, as well as support the growing inner-city population's access to services.

The policy also clarifies development application requirements, provides a framework for trial periods, defines residential interface requirements and provides criteria for venue plans of management review.

Whilst the policy applies to certain land uses listed in the LEP, it excludes pubs and registered clubs due to potential for high patron numbers and established impacts associated with these uses. The hours of operation for pubs and clubs would be considered on merit with consultation with the Wollongong Police District. Instead, the policy seeks to enable those businesses which have been the catalyst for the evolution of the NTE in recent years.

The policy delivers on action items contained within Council's Economic Development Strategy 2019-2029 and Creative Wollongong 2019-2024. Specifically, within both strategies is the following action item; '*Develop a planning and policy framework to support the ongoing evolution of Wollongong's evening economy.*' Creative Wollongong 2019-2024 also includes actions to review hours of operation for small bars in the CBD and an investigation of incentives to encourage later trade of retail and other businesses beyond 5pm.

Liquor Amendment (24-hour Economy) Bill 2020

At its meeting of 21 September 2020, Council resolved 'Council investigate the potential implications and opportunities for Wollongong arising from the Liquor Amendment (24-hour Economy) Bill 2020'.

At the time of writing, the NSW Parliament is still considering the Liquor Amendment (24-hour Economy) Bill 2020, which aims to amend the Liquor Act 2007 and Liquor Regulation 2018 to establish an integrated incentives and sanctions system for licensed venues, provide a framework to help manage and assess liquor licence applications through cumulative impact assessments, enhance the regulation of same-day alcohol delivery, and support small bars by making it faster and easier to begin trading and to offer more diverse family-oriented services. It also makes a range of other miscellaneous changes, including making it easier for venues to obtain approval to offer live music and entertainment.

Under the Bill, Liquor & Gaming NSW will no longer deal directly with complaints made by local residents about live entertainment sound and other noise emanating from within venues. Residents will complain directly to local councils and police. Councils and police will be able to refer complaints to Liquor & Gaming NSW if capacity or capability concerns mean they are unable to address the complaint themselves.

Whilst there are various aspects to the Bill, Council staff are continuing to investigate and explore any opportunities for Wollongong's NTE that may arise from the Bill, subject to it becoming legislation.

Other NSW Government initiatives

The NSW Government has recently announced new NTE policy initiatives including the state-wide expansion of a trial to accelerate outdoor dining permit processes (from 1 December 2020); the introduction of a 'pop-up' liquor licence aimed at supporting established industry, entrepreneurs, creatives and other businesses to operate small-scale pop-up bars and events. Council staff are reviewing the detail of the announcement and will consult with the NSW Government on implementation of these initiatives.

PROPOSAL

This report seeks Council's adoption of the Wollongong CBD Night Time Economy Policy.

CONSULTATION AND COMMUNICATION

At the meeting of 21 September 2020, Council endorsed the policy for public exhibition, which occurred between 23 September - 20 October 2020 (inclusive). A total of 26 submissions were received, including 20 submissions via Council's online engagement platform and six submissions via email or letter. Further detail on the engagement method and results can be found at Attachment 2.

The online engagement site included a map indicating the zoned areas that the policy applies to and a survey to provide written comment on the policy.

The majority of respondents supported the policy intent and direction, describing it as being essential to continue supporting Wollongong's CBD NTE and vibrancy. There were statements of support regarding the Wollongong CBD, enhancing the city's culture, increased city living, lowering of crime rates, boosting business and employment opportunities.

Some respondents felt the policy would help the NTE sector during the post COVID-19 recovery given the challenges the sector has faced as a result of the pandemic. Another respondent highlighted how the evolution of the NTE would contribute to attracting young professionals from Sydney. This supports other Council strategic objectives such as achieving the jobs target within the Economic Development Strategy 2019-2029.

Among the respondents were numerous operators of local small bars all of whom were strongly supportive. The following feedback was provided by one operator who owns a number of venues within the Wollongong CBD:

"Our nightlife is world class, lacking only in the ability for it to "stay awake" past midnight. If Wollongong dreams of being a truly world class city, a thriving nightlife in the CBD past midnight is crucial: adding jobs, culture and heart into the city".

"BOSCAR stats show alcohol related crime (ex domestic) dropping 8% year on year, and as an operator speaking first hand, we can say that this will only continue if the smaller bars and eateries are able to trade past 12; as we are more social options for people, and less 'nightclub".

"In summation, we strongly support the inception of late night trading in the CBD."

Several organisations also provided formal letters of support including Wollongong Police District, the Illawarra Business Chamber, Property Council of Australia and BBC Consulting Planners on behalf of the GPT Group.

'We Asked, You Said, We Did' (Attachment 3) provides an overview of the feedback received and how feedback was responded to.

Summary of changes to the policy following exhibition

All feedback received from the exhibition period has been considered and minor amendments to the policy have been recommended. Key changes to the policy, include:

- Adopting Wollongong Police District recommendations to include trial periods up to 24 months for all extension of trading hours beyond midnight and to include the issue of queuing within all venue plans of management not just liquor venues.
- Clarifying the operating hours table, noting trade up to midnight from Sunday to Wednesday.
- Including an explanatory sentence relating to 24-hour operation in special circumstances to be assessed on merit (gyms, supermarkets etc).
- Clarifying the definition of 'residential interface', specifically where physical location does not result in direct interface or impact.

The following table outlines each amendment to the policy that has been made.

CHANGE	RATIONALE
SCOPE (pg. 2)	
‘Retail premises’ definition deleted from Scope section.	This section has been amended to remove ‘retail premises’, avoiding duplication with already included sub definitions (for example, ‘Shop’). Further, the umbrella land use term ‘Retail Premises’ included some sub definitions that were determined to not be aligned with the policy objectives.
POLICY (pg. 2 & 3)	
Included word ‘most’ businesses.	The policy has been expanded to comment on other land uses.
Removed ‘Trial Period’ requirement from table.	Addressed within the trial period section of the policy as per Wollongong Police District request.
Added additional paragraph regarding Sunday – Wednesday, allowing up to midnight operation.	Providing clarity regarding operating hours on other days of the week. This is consistent with current DAC / Police approach.
Added paragraph regarding 24-hour operation.	Providing clarity regarding unique 24-hour proposals. Consistent with current DAC/Wollongong Police District approach.
RESIDENTIAL INTERFACE (pg. 3)	
Reword ‘residential interface’ section.	The policy has been amended to clarify application of ‘residential interface’ controls, whilst allowing for variations to requirements in instances where application would be clearly onerous and counterproductive.
TRIAL PERIOD (pg. 3)	
Amended to require all trade beyond midnight subject to trial period.	Response to Wollongong Police District comments and review of DAC processes to remove ambiguity.
VENUE PLAN OF MANAGEMENT (pg. 4)	
POM amended replacing “should” with “must” be developed in consultation with Police.	Response to Wollongong Police District submission, removing ambiguity.
POM requirements amended so all businesses seeking to trade beyond midnight (not just licensed premises) address queuing and leaving patron behaviour	Response to Wollongong Police District submission, appropriate as some businesses (e.g. takeaway food) may be subject to queuing and large numbers of patrons entering or exiting business.

Significant internal communication has been undertaken as part of this project including consideration of community feedback.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal two “We have an innovative and sustainable economy”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2020-21
Strategy	3 Year Action	Operational Plan Actions
2.3.2 Continue to build Wollongong as a vibrant, modern city with a revitalised city centre and an active evening economy.	2.3.2.1 Market and promote events in the city centre.	Implement a range of pilot projects and activation strategies across the city centre precincts

SUSTAINABILITY IMPLICATIONS

The policy contributes to sustainable economic outcomes for local businesses, offering an opportunity to trade longer and encouraging a greater diversity of NTE activity, both of which support employment outcomes. This is crucial during the post COVID-19 recovery period, given the challenges faced by businesses within the NTE sector.

Further, the policy will assist Council’s Development Assessment and Certification team processes, in that it provides clarity through a framework for assessment where there are no development controls for operating hours or the night time economy.

RISK MANAGEMENT

The primary risk associated with the policy relates to community acceptance of new venues operating beyond midnight.

Constructive engagement had already been undertaken prior to public exhibition with relevant stakeholders, including Wollongong Police District and Council’s Community Safety Officers, both of which have been broadly supportive of the policy. Wollongong Police District during the engagement period confirmed its support, with only minor amendments suggested, all of which have been accepted and further mitigate the risk. This includes the adoption of a trial period for trade beyond midnight as a condition of consent for up to 24 months.

The support received during the public exhibition process is encouraging regarding the risk of acceptance from Wollongong CBD business owners and residents.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of the policy.

CONCLUSION

Council is committed to ensuring a vibrant NTE in the Wollongong CBD.

The policy responds to the action items contained in Council’s Economic Development Strategy 2019-2029 along with Creative Wollongong 2019-2024 and provides the opportunity to increase economic and activation outcomes for the city in the night time realm and supporting the sector’s post COVID-19 recovery.



WOLLONGONG CBD NIGHT TIME ECONOMY COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

Council determines the operating hours for businesses seeking to trade at night in the Wollongong CBD through the development assessment process.

Whilst businesses trading at night have the potential to create environmental and social impacts, this policy recognises that many businesses are low impact premises that make an important contribution to the diversity and vitality of Wollongong's Night Time Economy.

This policy seeks to provide clarity regarding appropriate locations and hours of operation for these businesses.

POLICY INTENT

- Establish appropriate hours of operation for businesses in the Wollongong CBD.
- Concentrate low impact businesses which trade at night in appropriate locations.
- Provide clarity to proponents, regulatory bodies and the community regarding trading at night.
- Mitigate potential impacts of businesses trading at night on residents and other business.
- Establish requirements for development applications for businesses seeking to trade at night.

The main objectives of this policy are to:

1. Enable the ongoing cultural evolution of the Wollongong CBD Night Time Economy.
2. Provide a consistent, clear and transparent assessment process for proponents.
3. Encourage a safe Night Time Economy that is comprised of vibrant and diverse businesses.
4. Foster good relations between residents of the Wollongong CBD and businesses which trade at night.
5. Concentrate appropriate venues within Wollongong LGA's established night trading precinct.

WOLLONGONG 2028 OBJECTIVES

This policy supports the following Wollongong 2028 objectives:

- We have an innovative and sustainable economy
- We have a creative, vibrant city

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

SCOPE

This policy applies to land zoned B3 Commercial Core, B4 Mixed Use and SP3 Tourist within the Wollongong City Centre, as defined by the Wollongong Local Environmental Plan 2009.

This policy applies to businesses seeking to operate beyond 10pm, including the following land uses; Amusement centre, Cultural venue, Entertainment facility, Function centre, Information and education facility, Kiosk, Markets, Recreation facility (indoor), Recreation facility (major), Restaurant or café, Shop, Small bar and Take away food and drink premises. See APPENDIX 1 – DEFINITIONS for explanation of the applicable land uses.

This policy also applies to temporary and mobile land uses, including; special events, pop-up venues and mobile food and drink outlets.

This policy does not supersede the provisions of the Liquor Act 2007 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 with regard to hours of operation.

POLICY

1 OPERATING HOURS

Most businesses may operate within the maximum operating hours listed in Tables 1 and 2, subject to development assessment.

Table 1: Operating Hours – General

LAND USE ZONE	INDOOR HOURS	OUTDOOR AREA WITHOUT RESIDENTIAL INTERFACE	OUTDOOR AREA WITH RESIDENTIAL INTERFACE
B3 Commercial Core	2am <i>Thursday Friday Saturday only</i>	2am	12am (midnight)
B4 Mixed Use SP3 Tourist	2am <i>Friday and Saturday only</i>	12am (midnight)	10pm

Table 2: Operating Hours – Cultural Venue

LAND USE ZONE	INDOOR HOURS	OUTDOOR AREA WITHOUT RESIDENTIAL INTERFACE	OUTDOOR AREA WITH RESIDENTIAL INTERFACE
B3 Commercial Core	2am	2am	2am
B4 Mixed Use SP3 Tourist	2am	2am	12am (midnight)

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

On the days not listed in the tables, operating hours will be generally limited to 12am (midnight), or 10pm where an outdoor area has a residential interface.

In some unique circumstances, non-licensed uses requiring extended access and operation may be permitted to operate outside these hours, up to 24 hours a day, where assessed as appropriate e.g. 24-hour gyms, emergency services etc.

2 RESIDENTIAL INTERFACE

A site is considered to have a residential interface where there is a clear physical, visual or acoustic interface with residential accommodation located on the subject lot, on an adjoining or adjacent site, or where the development site adjoins a residential zone. This includes instances where an interface is interrupted by a road.

There may be instances where the physical characteristics of the site or built form clearly interrupt such an interface. In these instances, a variation to the residential interface controls may be considered.

An acoustic report may be required where an application proposes to operate until or beyond 12am (midnight) and has a residential interface.

The report must be prepared by a member of the Australian Acoustic Society or the Association of Australian Acoustic Consultants and be submitted with the development application. The report must assess the noise both indoor and outdoor and recommend a suitable attenuation plan to meet applicable noise criteria provided by the NSW Environmental Protection Agency, Independent Liquor & Gaming Authority and Liquor & Gaming NSW.

3 TRIAL PERIOD

Where trade beyond midnight is approved, a condition of consent will be placed on any consent issued limiting the operation within proposed hours up to 24 months. At the cessation of the trial period the hours will revert to reduced hours.

The applicant may apply to modify the consent to extend the trial period or to remove the condition permanently. The assessment of the trial period will be based on:

- Site inspections by Council officers during the trial period.
- Consideration of formal customer complaints to Council.
- Submissions made during exhibition period.
- Consultation with Wollongong Police and Liquor & Gaming NSW.
- Relevant crime statistics.
- Other relevant planning considerations.

4 DEVELOPMENT ASSESSMENT

The businesses to which this policy applies generally require development consent and an application made under Part 4 of the *Environmental Planning and Assessment Act 1979*. Part 4 of the Act provides the matters for consideration in the assessment of such an application.

In addition to the hours provided in Tables 1 and 2, the assessment of operating hours will be based on:

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

- Proximity to residential development, sensitive land uses and other late trading premises.
- Impact on acoustic amenity.
- Scale of proposal and patron capacity.
- Suitability of Venue Plan of Management.
- Safety, security and crime prevention impacts on site and the public domain.
- Accessibility of transport options.
- Potential Social impacts.
- Submissions made during exhibition period.
- Consultation with Wollongong Police.
- Cultural contribution to the Night Time Economy.

5 VENUE PLAN OF MANAGEMENT

A Venue Plan of Management will be required to be submitted with the development application which seeks to operate until or beyond 12am (midnight).

The Venue Plan of Management must be developed in consultation with the Wollongong Police and must include information that addresses the following matters:

ALL LAND USES

- Description of the primary use of the premises as well as any secondary or ancillary use.
- Hours of operation for all indoor and outdoor areas.
- Maximum patron capacity.
- Staff numbers.
- Security measures, including security, CCTV, visual surveillance and lighting.
- Noise management measures, including internal and outdoor areas.
- Waste management, including storage and disposal procedure.
- Emergency procedures.
- Consultation undertaken in development of this venue plan of management.
- Management of queuing outside the premises, including measures to mitigate impacts on local amenity and use of the footpath.
- Management of patron behaviour when leaving the premises, including measures to preserve local amenity.

LICENCED VENUES ONLY

- Incident management system.
- Complaint management system.
- Current or proposed liquor licence details.
- Management of patrons whom are intoxicated, violent, refused service or asked to leave.
- For venues operating beyond midnight, consideration of 12am or 1am last entry policy.

Council may request further information regarding the management of premises if it is considered that the proposal will adversely impact on the amenity of the area or as required by the Wollongong Police.

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

The Venue Plan of Management is to be reviewed on an annual basis in consultation with the Wollongong Police. The consultation is to be commenced at least three months before the end of the annual period.

ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
Development Assessment and Certification Development Project Officer	Consider provisions of policy in assessment of development applications.

RELATED POLICIES AND PROCEDURES

A City for People
Environmental Planning and Assessment Act 1979
Liquor Act 2007
NSW Government - Guide for Establishing and Managing Night Time Economy Uses
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Wollongong Development Control Plan 2009
Wollongong Local Environmental Plan 2009

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

APPENDIX

1 DEFINITIONS

Note: With exception of ‘cultural venue’, the listed land use definitions are consistent with those contained in the Wollongong Local Environmental Plan 2009.

Amusement centre	means a building or place (not being part of a pub or registered club) used principally for playing— (a) billiards, pool or other like games, or (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.
Business premises	means a building or place at or on which— (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.
Cultural venue	means a venue or premises otherwise listed in this policy, that provides an offering that contributes to the cultural diversity of the Wollongong CBD, beyond the service of food and drink. This can include art, museum, recreation, live music, theatre, entertainment and alike.
Entertainment facility	means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.
Function centre	means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.
Information and education facility	means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.
Kiosk	means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.
Market	means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
Recreation facility (indoor)	means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley,

WOLLONGONG CBD NIGHT TIME ECONOMY

COUNCIL POLICY

	ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.
Recreation facility (major)	means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.
Residential accommodation	means a building or place used predominantly as a place of residence, and includes any of the following; (a) attached dwellings, (b) boarding houses, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers' dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, but does not include tourist and visitor accommodation or caravan parks.
Restaurant or cafe	means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.
Shop	means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.
Small bar	means a small bar within the meaning of the <i>Liquor Act 2007</i>
Take away food and drink premises	means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

APPROVAL AND REVIEW		
Responsible Division	[Name of Division]	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	

OUR WOLLONGONG

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Wollongong CBD Night Time Economy Policy

ENGAGEMENT REPORT

October 2020

Table of Contents

Executive Summary.....	3
Background.....	4
Stakeholders.....	5
Methodology.....	5
Results.....	5-6

Executive Summary

We sought the community's ideas and comments on the draft Wollongong CBD Night Time Economy Policy. The draft policy seeks to provide clarity regarding appropriate locations and hours of operation for businesses that make an important contribution to the diversity and vitality of Wollongong CBD Night Time Economy (NTE).

The draft policy was exhibited from Wednesday 23 September to Tuesday 20 October 2020 [inclusive]. Key stakeholders were emailed information on the policy in addition to the draft policy being exhibited on Council's engagement website.

26 submissions were received, 20 submissions via an online survey and six by email. Feedback was received from community members, the Wollongong Police District, industry groups, businesses and retail groups.

The submissions received provided ideas to improve and build on the draft policy. The draft policy was generally seen as a great initiative to enliven the CBD, increase diversity, reduce alcohol related crime and antisocial behaviour and improve Wollongong's social environment.

Respondents described the draft policy as being essential to continue supporting the NTE of Wollongong's CBD. Statements included that it was the right policy for the Wollongong CBD and will lower crime rates, boost business turnover and increase employment and economic activity.

Respondents praised the capacity of smaller bars and venues to cater for customers safely and manage intoxication levels of patrons. There were comments confirming statistics that incidents of assaults and anti-social behaviour have been decreasing.

It was suggested to extend opening hours seven days a week and that the broader context of retail operation and visitation, along with access and movement of people and traffic in the CBD needs to be considered.

There were comments that more could be done in the draft policy, including; relaxing restrictions around alfresco dining and street side alcohol consumption, removal of fees for outdoor dining and use of the mall space, increased window glazing requirements for new CBD residential developments, presentation of music and performance in open spaces and extension of the policy to cover venues over different zoning types.

Despite majority support for the draft policy there was some concern over noise created by patrons in residential areas. It was questioned why businesses should be allowed to operate until 2am in quiet residential areas and suggested that venues need to be discreet and contain noise.

Background

Council determines the operating hours for businesses seeking to trade at night in the Wollongong CBD through the development assessment process.

Whilst businesses trading at night have the potential to create environmental and social impacts, this policy recognises that many businesses are low impact premises that make an important contribution to the diversity and vitality of Wollongong's NTE.

The draft policy seeks to provide clarity regarding appropriate locations and hours of operation for these businesses.

The Wollongong CBD NTE has evolved significantly over recent years with ongoing growth in the number of new cafes, restaurants and small bars, adding to the cosmopolitan café style of Wollongong as it is today. At the same time, alcohol related crime has continued to fall, whilst increased numbers of venues and significant public and private investment has resulted in increasing residential and employment opportunities in the city.

The NSW Government has also continued to evolve its NTE policy settings over recent years and local operators are seeking more clarity from Council around planning matters, particularly hours of operation for smaller licensed venues. NSW Liquor and Gaming already provides default operating hours until 2am for small bar licences, subject to local development consent. Given this sector has been severely impacted by COVID-19 restrictions and closures, this project has the potential to contribute to the city's recovery post COVID-19.

An article published in the Illawarra Mercury 15 September 2020

Home / News / Latest News

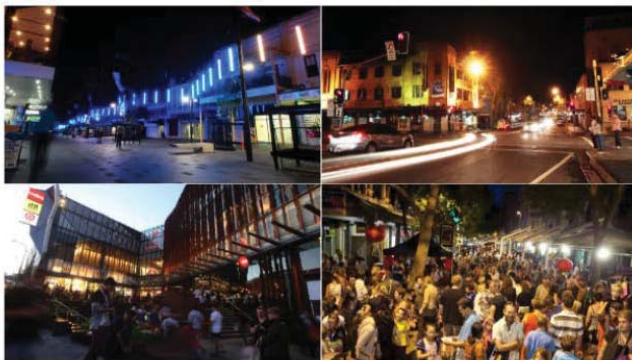
SEPTEMBER 15 2020 - 10:03AM

Wollongong eateries, bars to stay open until 2am to boost nightlife economy

Kate McIlwain

Latest News

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Night time economy: The new Wollongong council policy will make it easier for small bars, restaurants, entertainment venues and other cultural hubs with the CBD to stay open late on Thursdays, Fridays and Saturdays.

Midnight markets, late-night art shows or cinema showing that goes until the wee hours could all be possible under a new Wollongong council policy to

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Stakeholders

Stakeholders identified prior to the commencement of the engagement period included:

- Residents
- Businesses
- Community groups
- Neighbourhood Forum NF5
- Illawarra Industry Groups
- Emergency Services
- Local schools

Methodology

Engagement with the community was conducted from 23 September to 20 October 2020 [inclusive].

Residents, businesses and other key interested members of the community were informed of the engagement through direct mail, emails, social media posts and information on the Council website.

All communications directed the community to the Join The Conversation website for more information. The site included a map indicating the zoned areas that the policy applies to, and a survey for the community to provide written comment on the policy.

Results

Submissions were received through the online survey, emails and phone calls.

Engagement Participation Results

Details of the number of participants for each engagement activity are presented in Table 1.

Table 1: Engagement Activity

Activity	Participation
Online submissions	20
Email submissions	6

Online Engagement Results

A total of 20 submissions were received online. Table 2 presents the usage statistics for the project page on Council's website.

Table 2: Summary of online participation

Measure and Explanation	Usage
Unique Site Visits – Total number of visits to the project page	530
Aware – Total number of users who viewed the project page	467

Informed – Total number of users who opened a hyperlink or read a document	75
Engaged – Total number of users who have actively contributed to the project via the project page (including online survey and Q&A tool)	20

Submission Results

The intent of the draft policy to extend hours, create vitality, innovation and diversity, reduce crime and create a vibrant and inclusive CBD drew majority support from respondents.

Comments included that it was the right policy for the Wollongong CBD and will lower crime rates, boost business turnover, increase employment opportunity and economic activity.

CBD Businesses

There was praise given to smaller bars and venues for their success in catering for customers safely and their management of intoxication with evidence that assaults are decreasing. This success was compared to some past concerns that small venues would not be able to manage Responsible Service of Alcohol and patron behaviour.

Respondents described the draft policy as essential to improve small business flexibility, economic success and increase employment in the CBD. The draft policy was seen to provide a platform not only for business but a vibrant nightlife, supporting live acts, music, arts and food and beverage. One business confirmed that the draft policy would allow a 100% increase in staff.

Comments outlined that the success of small bars and other small businesses is essential in making the CBD more welcoming, inclusive and enjoyable at night.

Some respondents felt the draft policy would help the NTE sector during the post COVID-19 recovery given the challenges the sector has faced as a result of the pandemic.

Suggestions were offered on how the draft policy could be enhanced. These included:

- Increase the scope to apply seven days per week
- Provide consistency across different zones particularly B3 and B4
- Address parking demand
- Continue advocating for public transport at night
- Relax restrictions around alfresco dining and street-side alcohol consumption
- Remove the outdoor dining fee
- Subsidise concert performances

Residents

Despite majority support for the policy there were some concerns raised from residents. A respondent outlined that venues need to be discreet and contain noise, and another questioned why businesses should be allowed to operate until 2am in quiet residential areas.

One respondent expressed concern in allowing venues in more residential areas to operate longer as this would increase noise created by music and alcohol affected patrons in residential areas. Another respondent questioned why businesses should be allowed to operate until 2 am in quieter areas.

One respondent outlined shrinking retail, citing shops and bank branches closing nationally, and suggested that the plan not to allow more residential development in the CBD be reconsidered. Another resident requested that increased window glazing requirements need to be applied to new residential developments.

Organisations, Business and Industry Groups

The Wollongong Police District reviewed and supported the draft policy, along with recommendations for minor amendments.

Recommendations included proposed consultation with Wollongong Police District on the development of the Plan of Management, outlining queue management, behaviour management and complaint management guidance and that a trial period be attached to all consents for businesses.

Feedback from key businesses and industry groups offered support to the policy. Suggestions were made for Council to further look to reduce red tape, restrictions, fees and charges to provide opportunities for small businesses. Other feedback included a request to differentiate between applicable land uses and to consider a merit-based approach to applications to allow for flexibility in the controls for land uses which may have minimal impacts.

We asked... for your feedback on the Wollongong CBD Night Time Economy Council Policy

Here is a snapshot of what you said and what we did with your feedback.

You Said	We did
<p>Wollongong Police District suggested minor amendments:</p> <p>2.1 The Plan of Management Wollongong Police seek to have the wording change to: “The Plan of Management must be developed in consultation with Wollongong Police and must include information that addresses the following matters” (page 3 document No. 200604/20552)</p> <p>2.2 Wollongong Police recommend that All Land Uses not just Licenced Venues be required to include in their Plan of Management how they will address the following:</p> <p>“Management of queuing outside the premises, including measures to mitigate impacts on local amenity and use of footpath.”</p> <p>“Management of patron/customers behaviour who are intoxicated, violent or asked to leave or attempt to gain entry (as it is envisaged that the incidents of customers seeking to access or entry non licensed premises who may be showing signs of intoxication may increase)”</p> <p>“Management of patron/customers behaviour when leaving the premises, including measures impacts on local amenity and use of footpath.”</p>	<p>Council accepted all three amendments suggested by Wollongong Police District with the policy being updated accordingly.</p>

3. A Trial Period

A condition of consent be placed on all consents issued limiting the operation within the proposed hours to between 12-24 months. Should complaints be received during the trial period, Council has the ability to revoke the trial and the hours revert to reduced hours.

Concerns around noise and/or anti-social behaviour impacting on residents as a result of extended trading.

Specifically, a concern was raised about the potential for later trading around the Novotel and another in relation to East Loftus street.

Whilst these are valid concerns, the policy has been carefully drafted with consideration of 'residential interface' and consultation has been undertaken with Wollongong Police District, who support the current policy.

One of the intents of the policy is to strike the right balance in dealing with these issues by concentrating low impact businesses which trade at night into appropriate locations and to mitigate potential impacts on residents and other businesses.

As per the policy, in relation to operators with a residential interface, the policy recognises this through reduced hours for outdoor areas and requires the submission of an acoustic report in most cases if an operator wishes to trade until or beyond midnight.

As highlighted previously, the policy is not retrospective and it does not automatically extend trading hours for any operator, with all operators proposing to extent their hours required to go through the development assessment process (as either a modification to an existing approval or a DA for a new operation).

This ensures that Council can consider individual circumstances and the community is given the opportunity to provide feedback on specific proposals. With a view to monitoring the impact of extended trading, the policy has been amended to require that all approved trade beyond midnight will be subject to a trial period.

In relation to the concern raised in regard to later trading around the Novotel precinct, the policy is only applicable to the specific block of the Novotel (that is, the area bound by Bourke Street, Kembla Street, Blacket Street and Cliff Road), being land zoned SP3 – Tourist. This area shares the same land use objective as other included SP3 sites such as the WIN Entertainment Centre. Any businesses trading within other areas directly surrounding the Novotel, including the southern side of Bourke Street, are outside the scope of the policy as this area is zoned R1 General Residential.

	<p>In relation to the concern raised in regard to East Loftus Street, the southern side of the street bound by Darling Street and Denison Street is currently zoned B3 Commercial Core.</p> <p>Please note that zoning within the Wollongong City Centre is proposed to be changed as a result of Council's current Wollongong City Centre Planning Review.</p> <p>The proposed changes affect the area in question (between Darling Street and Denison Street), rezoning from B3 Commercial Core to B4 Mixed Use.</p> <p>Should the rezoning proceed, reduced operating hours provided for the B4 Mixed Use zone would then apply.</p>
<p>Clarification around 'residential interface', specifically where a venue does not have a direct interface.</p>	<p>Noted.</p> <p>The policy has been amended to clarify application of 'residential interface' controls, whilst allowing for variations to requirements in instances where application would be clearly onerous and counterproductive.</p>
<p>Further clarification around specific land uses, including 24-hour operations.</p>	<p>Noted.</p> <p>The policy has been amended to clarify in what instances 24 hour operation may be considered.</p>
<p>There are different policy outcomes for venues along Keira St as a result of the B3 and B4 zoning boundary.</p>	<p>Noted.</p> <p>Zoning within the Wollongong City Centre is proposed to be changed as a result of Council's current Wollongong City Centre Planning Review.</p> <p>On 21 September 2020, Council adopted the Wollongong City Centre Urban Design Framework (UDF), which is a guidance document that recommends future land use planning objectives and directions within the Wollongong City Centre. Specific to this concern about different outcomes as a result of the mix of B3 and B4 zoning along Keira St North, the UDF proposes a boundary adjustment, changing the eastern side of Keira Street (between Smith Street and Market Street) from B4 to B3 Commercial Core.</p> <p>If approved as part of a planning proposal process, this would ensure consistent policy outcomes in this location. Until such approval, the policy will relate to the existing zoning.</p>
<p>That waterfront venues along Endeavour Drive within the Wollongong Harbour precinct should be included.</p>	<p>Noted.</p> <p>A key part of the policy intent is to concentrate late night activity into key areas within the Wollongong CBD as per the B3, B4 and SP3 land use zones.</p>

<p>Clarify operating hours table for days of the week explicitly listed in the Operating Hours Table (Sunday – Wednesday).</p>	<p>Noted.</p> <p>The Operating Hours Section has been amended to provide greater clarity on the days not listed in the table. Hours of operation on these days will be up until 12 midnight, or 10pm where an outdoor area has a residential interface.</p> <p>During the consultation process, Industry did not indicate a demand for extended trading hours across the early part of the week.</p>
<p>Suggestion that Council require additional glazing on residential apartments to reduce the impact of entertainment noise from venues and ensure operators can meet the current noise standards set by Liquor and Gaming NSW.</p>	<p>Noted.</p> <p>Clause 6.13 of Chapter D13 of the Wollongong Development Control Plan 2009 already requires that all residential apartments within a mixed use development should be designed and constructed with specified acoustic protection measures (double glazing etc) to provide satisfactory acoustic privacy and amenity levels for occupants within the residential or serviced apartments.</p> <p>As an action achieved under the Cultural Plan 2014-18, Council introduced Planning Certificate notation to alert future residential property purchasers within the Wollongong City Centre that they are moving into an area with an active evening economy, which may involve additional noise, odour, traffic and longer hours of operation.</p>
<p>Council consider a ‘midnight lockout’ to reduce late night pedestrian movements between venues.</p>	<p>Noted.</p> <p>The policy requires all operators wishing to extend their hours beyond midnight to submit a Plan of Management (POM), which will be reviewed on an annual basis in consultation with Wollongong Police District.</p> <p>For licensed venues, the POM requires consideration of a 12am or 1am ‘last entry’ policy.</p>
<p>Consider a merit based approach to allow flexibility controls for land uses which may have minimal impacts.</p>	<p>Noted.</p> <p>The policy seeks to target low impact business that contribute to the NTE whilst providing clarity regarding operating hours.</p> <p>The policy establishes assessment criteria for considering applications for late trading, whilst allowing for a merit assessment (as part of a DA) for those application which sit outside the policy.</p>
<p>Considerations around further activation (including encouraging outdoor dining) in the Mall.</p> <p>Suggestions included:</p>	<p>Noted.</p> <p>Council has waived outdoor dining fees from March – December 2020, as noted in Council’s Delivery Program 2018-2021.</p>

<ul style="list-style-type: none"> • Council consider current alfresco dining arrangements in CBD (including reducing fees) and reducing limitations on street side liquor consumption. • Focus alfresco dining on the lower end of the Mall. • Encourage Council to support the efforts of the state government and explore other opportunities and projects as part of the COVID Summer Safe Program • Council should provide further support for live music and additional activation activities in the Mall. 	<p>Council’s City Centre and Property teams are currently providing a concierge service to expedite advice and assistance in applying for an outdoor dining license. This includes a focus on the lower Crown Street Mall and broader Wollongong CBD.</p> <p>Council is actively supporting live music across the Wollongong CBD and musicians within the LGA through several initiatives aligned within Council’s Delivery Program 2018-22 and 2020-21 Operational Plan. These include live music at lunchtimes, matching musicians with Crown Street Mall F&B businesses and a Friday night live music program in November (In line with current Public Health guidelines) within Crown Street Mall and Globe Lane.</p>
<p>Council continue to advocate for improved public transport to the Wollongong CBD at night.</p>	<p>Noted.</p> <p>Council continues to advocate for public transport at night in the CBD being an ongoing action under Council’s Delivery Program 2018-22 and Operational Plan 2020-21.</p>
<p>The Illawarra Business Chamber recommended that Council monitor and report on indicators during implementation.</p>	<p>Noted.</p> <p>Council will review the policy in two years’ time post adoption. The report will consider a range of indicators.</p>
<p>Council provide a map within the policy to clarify the affected area or ‘night trading precinct’.</p>	<p>Noted.</p> <p>Council’s zoning map, which is subject to change, is already publicly available on Council’s website.</p>