

In response to the state government’s “Bring the Fun Back to NSW” (“Fun SEPP”) initiative, which is all about modifying regulations in order to support a 24 hour entertainment industry, NewWest Community Group, Newcastle West’s resident network, has agreed upon a “compromise proposal”.

In essence, the “Compromise Proposal” includes:

1. We object to any suggestion that the initiatives suggested under the “Fun SEPP” initiative be considered as permanent. A temporary extension of provisions would be more appropriate than a permanent change.
2. We believe that having a significantly enhanced police presence on the streets in entertainment and hospitality areas during the late evening and early morning hours will reduce anti-social behaviour. It is a safe and simple solution. The challenge for our society is how to make this happen.
3. Our society needs entertainment, alcohol and food providers to pay a levy to fund an additional, targeted police presence on the streets where crowds are likely to congregate (including on foot and bicycle patrols).
4. Hotels should be permitted to trade until 3.00 am, restaurants until midnight and small bars 2.00 am. No shots after 10.00 pm.
5. Hotels and small bars should offer food suitable to mitigate the effects of alcohol consumption. Additional food and coffee providers should be encouraged to lessen alcohol impacts, but only in targeted precincts that are not in close proximity to residential premises after midnight.
6. Public toilets (sole use variety to enhance safety) should be open and available throughout the night.
7. Footpaths are public thoroughfares, and we object to any suggestion that licensed premises should be able to take over these public assets.
8. When cities and towns are safer as a result of a regular, visible police presence, we expect more people to come out and enjoy the night-time economy. This will be a win for traders and will justify the levy cost.
9. No justification has been given as to why permanent changes need to be made to provide temporary assistance to the recovery of the entertainment and alcohol industries. A temporary extension of provisions would be more appropriate than a permanent change.

Solution and Rationale

Our submission is principally related to the city of Newcastle but is relevant to all of NSW. It is important that the Fun SEPP initiative and recent moves to wind back the Newcastle lockout laws will not lead to an escalation in violence and anti-social behaviour.

Why focus on Newcastle? The latest Liquor & Gaming NSW live data below indicates that the rates of alcohol related non-domestic assaults in Newcastle CBD are significantly higher than the NSW average.

Table 10: Late-night alcohol-related non-domestic assault (per 100,000 residents) in Newcastle, Newcastle LGA, Major Cities of Australia (NSW) and NSW (September 2018 to September 2020)

Year	Newcastle		Newcastle LGA		Major Cities of Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2020	11	355	91	55.5	23.9	27.6
2019	32	1032.6	163	99.3	71.5	39.4
2018	22	709.9	130	79.2	75.8	41.8

We believe that drunkenness in the community leads to problems and occasionally even death.

1. We object to any suggestion that the initiatives suggested under the “Fun SEPP” initiative be considered as permanent. A temporary extension of provisions would be more appropriate than a permanent change.

No justification has been given as to why permanent changes need to be made to provide temporary assistance to the recovery of the entertainment and alcohol industries.

Any results from the outdoor dining trial for pubs and small bars that ran from 16 October 2020 until 31 October 2021 in The Rocks area of Sydney are not automatically applicable to areas with different residential to commercial use mixes. The Rocks is not an area with a high permanent residential population. It is highly likely that applying this policy to other areas will result in more noise disturbance to permanent and pre-existing residents than may have been

encountered in this extremely limited scale trial. Making regulatory decisions based on such a limited small scale trial seems arrogant and not in the best interests of impacted residents. The results would impact on not just thousands, but potentially millions of citizens.

2. We believe that having a significantly enhanced police presence on the streets in entertainment and hospitality areas during the late evening and early morning hours will reduce anti-social behaviour. This includes police foot and bicycle patrols.

What about Responsible Service of Alcohol (RSA)? With police on the ground, we might get more than lip service. For every inebriated person on the street there has been a breach of RSA. These measures will help the music industry, the small bars and the restaurants, not to mention the thousands of residents who live in our inner city. We can co-exist. Our cities have changed, with providers of the night-time economy now integrated within the residential community and closely surrounded by thousands of residential homes. Residents do have a right to get a decent night's sleep, so planning needs to factor their rights into the equation. These rights include the ability to safely move about the local streets around their homes.

With police regularly visible on the streets in the early hours of the morning, businesses will be able to trade more safely and there will be fewer drunks on our streets disturbing local residents. The heightened police presence will also deter speeding and noisy cars and burnouts. Pedestrian traffic will consequently be safer.

We believe that having police on the streets will reduce anti-social behaviour. It is a safe and simple solution. So the challenge for our society is how to make this happen.

3. Our society needs entertainment, alcohol, and food providers to pay a levy to fund an additional, targeted police presence on the streets where crowds are likely to congregate (including on foot and bicycle patrols).

In this day and age everything is about the economy, and we know there is only so far policing budgets can stretch. The escalation of crime in our society is significant and police have many urgent priorities, all of them important. This proposal is about providing additional funding which can be targeted to address the late-night / early morning trading problems we know are already impacting our cities.

We propose that all entertainment and hospitality businesses which open after midnight pay a small levy based on each hour after midnight they are open, and dependent on their size. McDonald's and any other food businesses that draw groups of patrons to their premises should be included. It is the group factor that equate to problems in the early hours of the morning. This levy will be used to fund more police patrols and police on foot and on bicycles. Although it is an added cost, it has the potential to reduce the cost of current security measures.

We assume that Council would apply the levies. In our city, we believe that the Newcastle Liquor Accord might be willing to organise a system to get a trial underway. Monies would go directly to local police to cover the cost of additional police resources. If these ideas could be incorporated into the "Fun SEPP" plan, residents, revellers, and the industry providers would all benefit. They would also help grow and strengthen local economies.

We also call on the State Government to play their part and fund a significant increase in police numbers throughout the state. We believe they should regulate to ensure that police are present and visible in entertainment and hospitality areas during the late hours of the evening and early morning, not just in the Sydney CBD, but in cities and towns throughout the state.

4. Hotels should be permitted to trade until 3.00 am, restaurants until midnight and small bars 2.00 am. No shots after 10.00 pm.

Hotels should be permitted to trade until 3.00 am, restaurants until midnight and small bars 2.00 am. A small minority of our members believe that trading should cease earlier, but most accept the current hours. None of our members believe trading hours should be extended.

Outdoor dining and drinking raise significant late night and early morning noise issues. At the very least, the Development Application process is essential to ensure the rights of surrounding residents to raise legitimate concerns during a normal planning process.

We believe that after midnight, businesses that continue to trade should do so within sound-proofed walls. The only exemptions would be in areas where there are no residential premises in close proximity. We call on regulators and planners to consider the basic right of citizens to some hours of uninterrupted sleep at night when considering applications for outdoor dining and residential development.

The noise made by late-trading businesses is not the only impact on residents. Inebriated patrons making their way to transport hubs after closing time can be an ongoing noise issue.

Should Councils designate “entertainment precincts” in their LGA’s, they should be prepared to ensure proper controls are in place. A system of compliance staff should be working during the hours those precincts are operating and this responsibility needs to be included in regulations and legislation.

- 5. Hotels and small bars should offer food suitable to mitigate the effects of alcohol consumption. Additional food and coffee providers should be encouraged to lessen alcohol impacts, but only in targeted precincts that are not in close proximity to residential premises after midnight.

Late night trading providers need to serve food to help avoid inebriation. There is also a need for more food outlets in the early hours of the morning, be they food carts or bricks and mortar. There used to be many more late night providers of food in Newcastle city, but most now close at midnight, to avoid putting their staff at risk. This needs to be addressed. Our proposal to have more police on the streets addresses this risk.

The requirement that food and coffee providers should be located only in targeted precincts that are not in close proximity to residential premises after midnight is imperative.

We therefore reject the proposal to “allow food trucks to operate on any land, at any time, subject to landowners’ consent” and “increasing the hours a food truck can operate” “on land adjoining a residential zone.” No consideration appears to be given to likely noise disturbance issues. Again, No justification has been given as to why permanent changes need to be made to provide temporary assistance to the recovery of the entertainment and alcohol industries. A temporary extension of provisions would be more appropriate than a permanent change.

A way to spread the crowds and the impact on residents would be strategically sited food and coffee carts. In Newcastle, more providers will diffuse hotspots (currently McDonalds). We suggest some sections of Honeysuckle and Civic Park as suitable precincts as they can be insulated from residential areas.

- 6. Public toilets (sole use variety to enhance safety) should be open and available throughout the night.

Councils need to be committed to the changes and contribute by providing sole-use toilets that can safely remain open throughout the night in key locations. After late-night trading venues close inebriated patrons regularly use local streets as toilets. This is unacceptable and appropriate resourcing need to be factored into planning.

- 7. Footpaths are public thoroughfares, and we object to any suggestion that licensed premises should be able to take over these public assets.

Footpaths are public thoroughfares and the encroachment of licensed premises onto these public spaces represents inappropriate provision of public goods to private enterprise for that enterprise's financial benefit. This puts public space under the control of licensees. It also represents a loss of amenity for pedestrians and carries high-risk of leading to conflict by different users. Such widespread consumption of alcohol in such visible outdoor spaces will expose children to the negative behavioural outcomes of human alcohol consumption and only lead to further normalisation of alcohol consumption in a nation which already suffers significant societal and health impacts from alcohol use. In conclusion, we believe that when cities and towns are safer as a result of a regular, visible police presence, more people will come out and enjoy the night-time economy. This will be a win for traders and will justify any levy cost.

No justification has been given as to why permanent changes need to be made to provide temporary assistance to the recovery of the entertainment and alcohol industries. A temporary extension of provisions would be more appropriate than a permanent change.

Yours sincerely

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