



## 2011 RESIDENTS' ASSOCIATION INC.

ABN 78 862 101 665  
PO Box 183 Potts Point NSW 1335  
**Phone** 0448 406 610

### **Contacts**

[2011rai@gmail.com](mailto:2011rai@gmail.com)

### **Committee**

Sacha Blumen, Annette Nevin, Pam Morris, Suzanne O'Connor,  
Kama Harding, Cameron Herbert, Malcolm Duncan

---

Friday 31 July 2009

Ryan van den Nouwelant  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

e-mail: [rnouwelant@cityofsydney.nsw.gov.au](mailto:rnouwelant@cityofsydney.nsw.gov.au)

### **RE: Submission to the City of Sydney Late Night Trading Research Project**

Dear Ryan,

The 2011 Residents' Association Inc (2011RA) is pleased to present this submission to the City of Sydney for its Late Night Trading Research Project. This submission has been prepared following consultation with residents of Kings Cross and nearby suburbs.

2011RA is a residents association for the 2011 postcode suburbs: Kings Cross, Potts Point, Elizabeth Bay, Rushcutters Bay and Woolloomooloo; some residents of Darlinghurst are also our members. Along with many local residents, we are very interested in the City's Late Night Trading Research Project and commend the City for its work leading to the two "cumulative impact" reports.

We consider that the reports offer the City a valuable way forward to address the harms resulting from the availability of alcohol in Kings Cross, and commend the NDARC report's recommendations to the City for adoption.

Please find our submission in relation to the two cumulative impact reports at Attachment 1 to this letter.

If Council would like to discuss any matter relating to this submission with a representative of the Association, please contact Sacha Blumen, President, at first instance on 0448 406 610.

Kind regards

Dr Sacha Blumen  
President  
2011 Residents' Association Inc.  
E-mail: [2011rai@gmail.com](mailto:2011rai@gmail.com)

## Attachment 1

### 2011 Residents' Association Inc - Submission to the City of Sydney in response to the Cumulative Impact Reports

#### Overview

The two reports (Cumulative Impact Reports) are important pieces of work that the City should use to inform its work in reducing alcohol-related violence.

The City should adopt evidence-based policies wherever possible. The NDARC report provides evidence about changes in alcohol-related violence in the City and describes evidence-based policies for the City's consideration. It gives a good overview of the literature and uses what appears to be an appropriate methodology to assess whether alcohol-related violence increased in Darlinghurst and Kings Cross between 2001 and 2006. It also describes policies available to Local Government that are likely to have most chance of success in reducing alcohol-related violence.

The 2011 Residents' Association Inc (2011RA) supports the recommendations in the NDARC report and recommends they be implemented as soon as possible. Some of the NDARC report recommendations can be implemented by the City reasonably readily; others require the City to interact with other parties, while others involve the City lobbying state and federal governments.

We strongly support the submission from the Darlinghurst Residents' Action Group (DRAG) to the City of Sydney on the Cumulative Impact Reports and endorse its recommendations. We draw the City's attention to the fact that DRAG's submission includes a great deal of detail about suggested policies to implement the NDARC report's recommendations. We would welcome working with the City to implement the NDARC report recommendations and look forward to doing so.

In this submission we touch on the most important elements of the Cumulative Impact Reports.

For completeness, we include the NDARC Report recommendations, findings of the data analysis and literature review in an Appendix to this attachment.

#### Concept of a "saturation point"

The NDARC report states that the concept of a *saturation point* is not data-based, but instead a point considered by the majority of residents of an area that an unacceptably high rate of alcohol-related incidents has been reached, such that steps ought to be taken to attempt to restrict any further increases in the rate at which these incidents occur.

We consider that the concept of a saturation point to be useful, and that the report's definition of a saturation point appears reasonable. In effect, the concept of a saturation point allows planning controls in an area to be better tailored to meet the needs of the community.

#### Our recommendation

The concept of an area reaching a saturation point should be incorporated into Council's planning instruments. Council should apply different planning requirements for areas that are saturated. These different planning requirements would apply to DAs and applications for footway usage licences for licensed premises in the saturated area. The planning provisions should be constructed to reflect the need for

Council to reduce the negative impacts associated with the area having reached a saturation point. (We give further details about this later.)

Council should use the definition of a saturation point in the NDARC Report as the starting point in creating the definition of a saturation point to incorporate into its planning instruments.

### **Assessing whether an area is “saturated” and whether a saturated area remains saturated**

In using the concept of a saturation point, Council needs to be able to assess whether an area has reached a saturation point and whether a saturated area remains saturated. These processes must be rigorous and meaningful, and able to be substantiated to stakeholders including residents, businesses, the NSW Government and the Land and Environment Court.

#### Our recommendation

Council should:

- assess whether an area has reached a saturation point (a saturated area) on the petition of residents of that area (which could be defined as one or more suburbs or parts of suburbs), and
- assess whether a saturated area remains saturated using annual independent surveys of those areas.

The assessment instruments should be rigorous and developed through an open consultative process and subject to periodic review.

### **Kings Cross has reached a “saturation point”**

The NDARC report states that a primary finding of the Urbis report was (p. v):

“...a majority of randomly selected respondents stated that they would prefer less pubs and nightclubs operating within the confines of their precincts (including Kings Cross and Darlinghurst), which suggests a community saturation point for pubs and nightclubs has been reached.”

The Urbis report stated (p. 2):

“Respondents believed that authorities should determine a ceiling in the maximum number of liquor licenses that can be granted within both the Oxford St and the Kings Cross precincts and should ensure strict enforcement. The findings from this study also indicated that residents of both Oxford Street and Kings Cross believe that the saturation point has been reached and indeed exceeded.”

The most reasonable interpretation of the survey data is that Kings Cross has reached a saturation point. However, Council should carefully review the survey methodology with a view to ensuring that it was rigorous and able to be substantiated.

## Our recommendation

Council should:

- review the survey methodology with a view to ensuring that it is rigorous and defensible,
- accept that Kings Cross has reached a saturation point, and
- apply the new planning policies that are to be applied to saturated areas to Kings Cross until it is no longer saturated.

In doing this, it is important to carefully define the area of Kings Cross that is saturated for planning and investment reasons. 2011RA does not make a particular suggestion for the definition of the saturated area, but considers that it should include the “late night management area” in Kings Cross as defined in the DCP at the least. From our members’ experience, it should also include the area within 250 metres of that late night management area.

## **General response to NDARC Report**

We consider that evidence-based policies should be the focus of the City’s response to the Cumulative Impact Reports. This is supported by pp. vii-viii of the NDARC report, which is particularly important:

“The principle findings relating to strategies to reduce alcohol related harm (be they initiated by local authorities, State or Federal Government), or at the grass-roots level) include:

- Those strategies that have the most evidence for their success and are most available to local government are likely to be those aimed at reducing the supply, or availability, of alcohol (rather than manipulated price or advertising). Local governments and licensing authorities are able to influence availability of alcohol by limiting the density of alcohol outlets, managing the mix of different types of alcohol outlets in a defined area and restricting the trading hours of licensed premises.”

Section 2.2.3 (Summary of likely effective strategies that local authorities could implement) lays out specific strategies available to local government that have the most evidence for their effectiveness:

- the net availability of alcohol ought to be restricted as much as possible,
- the density of alcohol outlets in a defined area should be restricted,
- there is a clear relationship between trading hours and harms, and
- RSA training should only be supported and encouraged if authorities have the capacity and the desire to enforce and monitor it.

The City should particularly draw on these strategies when it reviews its planning instruments.

We also draw the City’s attention to the fact that the net availability of alcohol increases with increasing permitted numbers of patrons, and that it may be appropriate to recognise this in the City’s response to the NDARC report.

## **Impact of NDARC recommendations on the City's promotion of small bars**

We note that recommendation 2 of the NDARC includes the following:

“Net availability of alcohol ought to be restricted as much as possible. A desire to increase the mix of types of licensed premises in a defined area would ideally be balanced by a reduction in the existing types of licensed premises, rather than adding to them (which increases net availability of alcohol).”

Implementing this recommendation implies that the City must review its promotion of small bars. Opening small bars has the potential to increase the mix of types of licensed premises in an area, but it will also almost certainly increase the net availability of alcohol in that area.

### Our recommendation

The City reviews its promotion of small bars to the extent that opening new small bars in saturated areas and areas that may become saturated will tend to increase the net availability of alcohol in those areas.

### **Particular policy responses to the NDARC report**

As a general point, we recommend that any changes to planning instruments to implement the NDARC report recommendations should result in transparent and predictable planning decisions.

In addition, Council should acknowledge that its policies must take account of the mobility of people and that applying particular policies to particular venues, as opposed to classes of venues or geographic areas, may have limited impact.

Furthermore, Council's policies must be developed in light of relevant State and Federal legislation.

We suggest that the policy response to implement the NDARC report recommendations includes the following:

#### Changes to the City of Sydney Late Night Trading DCP 2007 (DCP)

##### *Application of the DCP*

The DCP should apply to all late night trading premises whenever a DA relating to the site is submitted to the City. This is because the DCP may not currently apply to DAs for which there would be no intensification of an existing use, even if the existing operation of the premises would be impacted by the DCP if it applied, e.g. through permitted operating hours.

##### *An area reaching a saturation point*

The concept of an area reaching a “saturation point” should be incorporated into the DCP as previously discussed. An area could include the whole or part of one or more suburbs or localities.

##### *Application of saturation area policies to premises with different impacts*

The planning policies in force in a saturated area should take into account that different licensed premises will have different impacts in terms of harms on the community. For example, pubs and bars might have a much higher impact on the

community than restaurants. Where appropriate, policies may be targeted towards high-impact premises. However, the details of this type of approach would require detailed development.

#### *Acting to reduce the likelihood of areas becoming saturated*

Incorporating the concept of a saturation point into planning instruments will allow Council to apply different planning policies to saturated areas. However, it would not assist Council in acting to reduce the likelihood that an area will become saturated.

Council should have a policy aim of preventing areas becoming saturated and planning policies should include provisions to allow the City to act to achieve this. For example, Council should take the density of licensed premises into account when assessing DAs relating to licensed premises in areas that are likely to become saturated.

#### *Assessment of DAs relating to multiple sites in a single venue*

We consider that Council should jointly consider DAs relating to multiple sites within the one venue wherever appropriate. For example, the Piano Room and Trademark Hotel in Kings Cross are part of the one venue but have separate development consents, and currently submit separate DAs, often at the same time. It makes more sense for such DAs to be jointly considered wherever possible and appropriate.

#### Policies applicable to saturated areas

##### *Policy aim of decreasing the density of licensed premises*

Council should consider the densities of existing licensed premises and late night trading licensed premises in a saturated area when assessing a DA for licensed premises in that saturated area. Such DAs would be assessed against a policy aim of reducing the density of licensed premises and late night trading licensed premises in saturated areas.

##### *Numbers of permitted patrons*

The permitted number of patrons in licensed premises should be one of the criteria against which DAs relating to licensed premises in saturated areas are assessed. The criterion should be directed towards seeking to reduce the net availability of alcohol in a saturated area.

##### *24 hour trading*

DAs seeking 24 hour trading of licensed premises in saturated areas should be assessed against a policy aim of reducing the net availability of alcohol in those areas. This should be operationalised by not giving any development consents allowing 24 hour trading of licensed premises in saturated areas.

##### *Requirements on DAs relating to licensed premises to demonstrate no increased harms*

The City should require all DAs and applications to use footways relating to licensed premises in saturated areas to demonstrate how those DAs will not lead to greater harms from the availability of alcohol in that saturated area. Council should assess those DAs and applications with a view to reducing the harms from the availability of alcohol in the saturated area.

### Comprehensive database of alcohol trading premises (NDARC report recommendation 3)

We recommend that the City implement this recommendation as soon as possible, which may not require any changes to planning instruments.

### Public availability of Plans of Management and Development Consents

The City should make the Plans of Management and Development Consents for all licensed premises throughout the City publically accessible and able to be downloaded from a dedicated City webpage.

### Policy aim to reduce the extent of alcohol-related violence

The City should adopt aims of reducing alcohol-related violence in the Kings Cross and Oxford St precincts by 40% by one or two years time, with potential changes to policy if such reductions do not occur.

### Review of policies for saturated areas

The City should conduct an open, consultative and integrated review of policies for saturated areas at least every two years involving local residents, businesses, police and other interested parties.

### Applications by licensed premises to use footways for restaurant purposes

Applications to use footpaths by licensed premises throughout the entire City should be assessed against the policies and DCPs applying to a DA submitted by the applicant as if the application was a DA for that site, in addition to any particular policies relating to the use of footpaths. For example, if an application for the use of a footpath would result in an additional 50 patrons for a hotel, the application should be assessed under Council policies as if a DA had been submitted for 50 additional patrons for the hotel in addition to any particular policies applicable to applications to use footpaths.

Council should only give approval for licensed premises to use footpaths for no more than one year in saturated areas and two years in non-saturated areas (after which the premises could make a new application to Council to use the footpath).

### Notification of DAs and applications to use footpaths by licensed premises

All DAs and applications to use footpaths from licensed premises throughout the entire City should be notified to all businesses and residents within a 100m radius of the site and advertised on a dedicated Council webpage.

### General policy aim relating to concentrations of high-impact licensed premises

There should be a policy aim of not having concentrations of high-impact licensed premises (e.g. bars and pubs) throughout the City of Sydney.

### Mechanisms to involve the community in decision making and evaluation (NDARC report recommendation 6)

We recommend that Council go beyond its existing consultation processes to involve the community in decision making and evaluation for its policy response to the NDARC Report. We recommend that the City publish the following for public exhibition (and submissions) in relation to its response to the NDARC Report at the earliest opportunity:

- A scoping paper detailing the City's initial thoughts, followed by

- A draft policy paper and DCP to implement the City's response to the NDARC Report, followed by
- A final policy paper and DCP.

Submissions on these documents should be published on Council's website, subject to privacy concerns.

Council staff should also meet with stakeholders (including residents and community groups) to discuss policy development and implementation.

**Regular review of policy and implementation of policy**

Council should regularly review the effectiveness and implementation of its policy responses to the NDARC report at least every four years using an open and consultative process.

## Appendix

### Alcohol-related crime in City of Sydney Local Government Area – National Drug and Alcohol Research Centre

#### Recommendations

1. That the City work in partnership with state and federal governments, and with community groups, to implement and evaluate mutually agreed strategies, especially those that focus on restricting the supply of alcohol and prioritising those areas where there is clear indication of excessive cumulative impact.

2. The following specific strategies currently have the most evidence for their effectiveness and should be considered for implementation in defined areas of the LGA:

- Net availability of alcohol ought to be restricted as much as possible. A desire to increase the mix of types of licensed premises in a defined area would ideally be balanced by a reduction in the existing types of licensed premises, rather than adding to them (which increases net availability of alcohol).
- The density of alcohol outlets in a defined area should be restricted, which is of particular benefit for residents who live in the immediate area of licensed premises.
- The number of late night trading venues, including 24-hour licenses, should be restricted to reduce the availability of alcohol.
- RSA obligations should only be supported and encouraged if authorities have the capacity to enforce and monitor it.

3. That the City develop a comprehensive database of alcohol trading premises within the LGA. The database should report a bi-annual snapshot of the City of Sydney to allow for the monitoring of cumulative impact of late night and other alcohol trading premises over time. The database should include such information as:

- locations of late night trading premises (including non-licensed premises that operate late at night);
- conditions of consent for late night trading premises;
- capacity, size and approved and actual hours of operation of individual late night trading premises;
- conditions of liquor licences for late night trading premises;
- crime data, including crime that occurs in the public domain and crime that occurs on
  - individual late night trading premises;
  - NSW police linking data;
  - community perceptions in areas with a high concentration of late night trading premises;
  - visitor numbers;
  - transport availability indicators;
  - traffic indicators;
  - relevant demographic data;
  - relevant locational data relating to defined areas of the LGA (such as parking spaces);
  - sales data for late night trading premises with a liquor licence;
  - complaints about and from individual alcohol trading premises;
  - compliance infringements of individual alcohol trading premises; and
  - hospital admittance data where harm has occurred that may be attributed to alcohol use. It should be noted that much of these data are not currently available to local government. The City should work in partnership with state

and federal authorities to improve data collection techniques, which would directly inform the database.

4. Based on these key indicators, it is recommended that the City develop planning mechanisms to contain the supply of alcohol where there is clear indication of excessive cumulative impact.

5. The City should work in partnership with state and/or federal authorities to introduce mandatory measures that restrict the advertising of alcohol, similar to those on tobacco. This reflects public health evidence that restricting supply, increasing price and restricting advertising are likely to result in the biggest reductions in harm across the whole community.

6. The City should endeavour to establish mechanisms to work in partnership with the community, involving them in the decision making and evaluation process.

### **Findings of data analysis**

The principal findings of the data analysis include:

- Kings Cross has statistically significantly more alcohol-related harm than Darlinghurst and alcohol-related crime in both areas increased substantially from 2001-2006 (about 40% in Kings Cross and 20% in Darlinghurst).
- In attempting to explain high rates of alcohol-related harm in different local areas, it is critical to identify that these are most likely linked to the specific combination of factors associated with higher rates of harm in each area, as identified in the literature: the number of alcohol outlets, their density, their type and their trading hours. For example, the higher rates of alcohol-related harm in Kings Cross, relative to Darlinghurst, most likely reflects its higher proportion of late night trading venues (86% of hotels/clubs vs 60%), while the increase in alcohol-related harm in Darlinghurst over time most likely reflects its increase in alcohol outlets (37% increase in 2001-2006). The crucial point here is that levels of alcohol-related harm in each local area reflect the different combinations of explanatory factors in each area, so that cost-effective interventions need to be tailored to each defined precinct.
- Within the LGA, Glebe has the lowest rate of alcohol-related crime (and easily the lowest proportion of 24 hour and late night venues at 17%); Pyrmont has the highest rate of alcohol-related crime (and substantial increases in the raw number of licensed premises and population growth).
- Outside the LGA, Manly and Coogee both have higher rates of alcohol-related harm, while Bondi is comparable, relative to both Kings Cross and Darlinghurst. While Manly and Coogee both have lower rates of licensed premises per 1,000 population than either Kings Cross or Darlinghurst, they have hotels that are consistently associated with high rates of alcohol-related harm, reflecting evidence that a small number of hotels are often associated with a large proportion of harm.

### **Literature review**

This report examines existing research relating to 'cumulative impacts' of late night trading premises on alcohol related harm in the community.

The principal findings of the literature review include:

- There is a documented link to criminal and anti-social behaviour associated with the operation of night premises where alcohol is consumed.
- The greater the *density* of night trading premises in a defined area, the greater the number of incidences of alcohol related harm, especially in areas of close geographical proximity to night trading premises. This has been

demonstrated in the City of Sydney Local Government Area (LGA) where a strong positive relationship exists between higher density of licensed premises and higher rates of assault.

- International studies show bars are more strongly associated with alcohol-related harm, including assaults, than other types of licensed premises, such as restaurants. This has been further refined in Australian studies that show nightclubs, hotels and taverns are more strongly associated with alcohol-related harms than restaurants and registered clubs.
- The majority of alcohol related harm occurs in outdoor areas (not in the licensed premises themselves) and that the majority of alcohol-related harm is associated with a minority of premises.
- The majority of premises most associated with alcohol related harm have a 24 hour licence.
- A study conducted in Perth shows that compared to hotels with no change to their trading hours, hotels granted extended trading hours were associated with a 70% increase in the level of monthly assaults, between 1991 and 1995. There was also a dramatic increase in the wholesale purchase of alcohol by hotels with extended trading hours compared to a modest increase for hotels without extended hours.