

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 8 September 2020 2:01:30 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 8 September 2020 1:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 08/09/2020 - 13:52  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: New Lambton  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support the 6-month trial of extended trading hours for participating small bars and restaurants.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 9 September 2020 9:36:45 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 9:33 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 09:33  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Mayfield  
Submission file: [webform\_submission:values:submission\_file]  
Submission: This is a welcome development and aligned with Newcastle's evolution. Small bars and restaurants are venues that foster conversation, celebration, connection and a sense of belonging. Take a moment to reflect on the happy occasions and progress which can occur in these intimate settings where the vibrancy of life and community can shine.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 9 September 2020 11:37:44 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 10:55 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 10:54

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: We are residents of residential units, The Boardwalk, at Honeysuckle Drive, Newcastle and have four of the trial venues situated directly beneath our apartments. As well there is a large public foreshore area directly out the front of the apartments. These extended hours and relaxing of liquor laws in Newcastle will greatly affect our quality of life and devalue our properties. This increased drinking will lead to more anti social behaviour when these patrons leave the venues at midnight fuelled up on stronger alcohol. Once the patrons leave the venues, the venue then has no responsibility for them and they gather out the front of our premises yelling and yahooing till all hours. These four venues have on premise licences and are currently more restaurants than bars but this extended trading and relaxing of drinks served after 10pm will turn them into swill houses. We have had no say or community consultation at all and have been advised by Newcastle City Council that the trial will go ahead regardless. We strongly object.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 9 September 2020 1:37:36 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 11:46 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 11:45  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle West  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I am OPPOSED to any ANY CHANGES to any existing Trading Laws As a resident of Newcastle West I Have a LEGAL RIGHT UNDER THE EPA " to get a good night's Sleep .... Extended Trading Hours takes away my Rights

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 9 September 2020 4:30:53 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 4:17 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 16:16  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2291  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support the trial and removal of lockout laws

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 8:58:18 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 7:47 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 19:47  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: North Lambton 2299  
Submission file: [webform\_submission:values:submission\_file]  
Submission: This is a great initiative and I support implementation of this amendment.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 8:58:49 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 9 September 2020 5:19 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 09/09/2020 - 17:19

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: As a Honeysuckle apartment owner and resident for the past 13 years in The Boardwalk building in close proximity to four of the venues selected for the extended trading hours trial I am deeply concerned (Harbour Bar, Moneypenny, Dockyard and The Landing). In the case of The Landing our apartment is immediately above the venue. The venues are at present regulated not only by Planning Consents but also by Strata by-laws. There has been no consultation at all with The Boardwalk residents. Thus 20% of the venues selected as restaurants for the trial were therefore selected without any prior consultation with residents or notification to them. Each of these venues and in particular Moneypenny, Harbour Bar (as Silo) and The Landing has been the subject of complaint from residential owners. The residents are in the same building as the venues, and directly above them. Such a consultation, for instance, would have shown that in the past 12 years of its operation The Landing and its predecessor, Isobar, have been the subject of continual complaints by many residents and the site strata management about noise, crowd behaviour, adherence to strata by-laws, health concerns particularly around smoking, staff testing the edges of closing hours, and major breaches of planning consents. Regarding low impact criteria as cited by the City of Newcastle Council paper and by all the councillors who spoke at the Extraordinary City of Newcastle Council meeting 1st September 2020, it is hard to imagine a venue with a greater impact than one directly below residents in the same building. In October 2019 when residents complained about excessive noise from The Landing the licensee's response was to threaten to "amend the DA" to allow "an increase in permissible noise levels" (Greg King email 15th October 2019). My concern is shared by many owners, ratepayers and residents of The Boardwalk residential apartments. It has resonance wherever in our city there are residential buildings with mixed use approvals. At the very least those responsible for the evaluation of the trial should proactively seek response from residents who have such close contact with the trial venues.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 9:06:14 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 9:01 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 09:01  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name:[REDACTED]  
Last Name:[REDACTED]  
Name Withheld: No  
Email:[REDACTED]  
Suburb/Town & Postcode: Cooks Hill  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I am fully supportive of the proposed SEPP provisions to enable small bars and restaurants to trade under their licence conditions rather than be limited by their development consents.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 9:54:44 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 9:49 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 09:48  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle East 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: 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 under 10pm on Sunday (as per the Liquor Act 2007).

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 12:28:58 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 11:48 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 11:47  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Mayfield 2304  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support the trial to deregulate especially focussed on small bars and venues which hopefully shouldn't elicit the perverse behaviours previously found in larger establishments

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 12:29:20 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 12:08 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 12:08  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2289  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support the proposed amendments to the Newcastle LEP.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 1:22:25 PM  
**Attachments:** [submission.txt](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 1:15 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 13:13  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Islington  
Submission file:  
[submission.txt](#)

Submission: Totally in support of this. Lock-down laws can cause as many problems on the streets involving spurned patrons as those leaving, later.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 4:43:24 PM  
**Attachments:** [letter-in-support-of-trial.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 4:38 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 16:36  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [neilslater@me.com](mailto:neilslater@me.com)  
Suburb/Town & Postcode: Newcastle 2300  
Submission file:  
[letter-in-support-of-trial.pdf](#)

Submission: Submission in Support of temporary amendment to Newcastle LEP2012 to enable trial for Small Bars & Restaurants

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

Scratchleys

Dept of Planning Industry & Environment

Public consultation supporting temporary amendment to Newcastle LEP 2012 to enable trial to be undertaken.

I am writing this letter of support for the proposed amendment to the LEP to enable a trial for participating Bars & Restaurants within the suburbs of Newcastle East including Honeysuckle, Newcastle West and Cooks Hill.

These venues are all low risk venues – ours for example has never had a breach in over 20 years of being licensed, with an additional 10 years previously as a BYO restaurant.

The trial, though very welcome is over too short a period given the economically compromised trading climate we are operating in as a result of Covid-19.

I would ask that the trial be lengthened to 12 months (for our venue we are utilising our Bar space as part of the restaurant in an attempt to maximise our restaurant operation with the limitations of 4 square metres/guest & social distancing that is required at this time).

This will hopefully ensure financial survival in these extremely difficult times. When trading terms return to normal pre-covid regulations, we would resume our bar trading as we did prior to Covid-19. All other venues would also be experiencing similar constraints to normal operations that would reflect differently on the trial results at this point in time.

As Newcastle is the 6<sup>th</sup> largest city in Australia & the capital of the Hunter Valley, our guests & locals alike have a right to a more sophisticated, grown up city experience. Our collective venues could offer this customer focused experience, allowing them the choice & opportunity to enjoy a cocktail or nightcap in the safe orderly environment of a small bar/restaurant after midnight as is possible in ANY great city of the world.

Newcastle has changed dramatically in the last 12 years, both physically & in terms of visitors & local expectations. The trial will reinforce the fact that we have progressed & moved on from the days that brought to bear the lock-out laws. This has happened in many other major entertainment precincts throughout the country, and the same would be the case here.

The trial MUST be extended to provide adequate & realistic information.

Yours sincerely

[Redacted Signature]

– Scratchleys Restaurant & Battlesticks Bar

Scratchleys Pty Ltd  
P.O.Box 186  
Newcastle 2300

Accounts Department Ph: 02 49631540 Fax: 02 49633817  
ABN 29 927 142 398

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 5:07:34 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 4:50 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 16:50  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Wallsend 2287  
Submission file: [webform\_submission:values:submission\_file]  
Submission: analyse the crime, violence, assaults, and drunken admissions to hospital during lockdown and compare them to when the laws are relaxed. if the rates stay the same, keep the pubs open. if they increase, lock down the closing times again

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 10 September 2020 5:07:54 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 4:52 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 16:52

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2302

Submission file: [webform\_submission:values:submission\_file]

Submission: As residents in Inner city Newcastle West, my husband & I are concerned that extended licensing hours will substantially increase the already existing amount of late night noise and antisocial behaviour from patrons exiting venues. These behaviours include graffiti, theft of plants, broken glass/bottles, litter, shopping trolleys thrown into the adjacent canal, as well as loud, drunken Street confrontations. The growing increase of high density living in this area is not a compatible environment with the extension of late night venues.

Although the majority of patrons may adhere to courteous behaviour, many do not and will significantly impact on the quality of our neighbourhood and well being. I urge you to reconsider this licensing extension.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 10:46:24 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 9:06 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 21:05  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support extended trading hours to revitalise the local community and boost the local economy.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 10:47:01 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 8:14 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 20:13

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Mayfield 2304

Submission file: [webform\_submission:values:submission\_file]

Submission: I'd love to see small bars open later as there is generally still somewhere open if people are desperate, but those options aren't the bastion of Newcastle nightlife. It'd be great to have a post-midnight drink when we choose it without having to resort to Fannys. no matter how many times they Rename it, it's still terrible.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 10:47:11 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 10 September 2020 7:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 10/09/2020 - 19:53

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Honeysuckle Newcastle 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: As owner's of apartments in The Boardwalk and Lee Wharf we have grave concerns that the extension of trading and liquor licences in such close proximity to residential living is beyond belief with no consultation with the residents involved. It seems that the time frame given to respond does not seem fair or allow for comments or give the strata's much time to respond or contact relevant owners to be able to submit concerns. We already experience alcohol ,smoking and noise problems and breaches of DA which we have addressed with council and directly with the venue involved and were treated with contempt with no resolution to our problem by the venue Our concerns were going to be raised again in our Annual General Meeting with strata .We strongly oppose any changes to current trading and liquor licences extension times.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 3:09:51 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 11 September 2020 12:00 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 11/09/2020 - 12:00

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Carrington

Submission file: [webform\_submission:values:submission\_file]

Submission: Thoroughly support this trial to rejuvenate the night time economy. This is what Newcastle and its small businesses need at such a hard time in the impacts of COVID-19. Please give this a fair trial and ensure that this remains in place in the longer term.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 4:10:33 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 11 September 2020 3:22 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 11/09/2020 - 15:22

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West 2302

Submission file: [webform\_submission:values:submission\_file]

Submission: I am a resident of Newcastle West, living less than 50m opposite the King Street Hotel (nightclub), 100m from The Family Hotel, approx 200m from The Star Hotel, approx 200m from the NEX Wests Leagues Club, and between two of the invited participants of the trial, The Edwards and Subo Restaurant. Since relocating to Newcastle in 2017, I have experienced alcohol-fuelled noise, violence and anti social behaviour on such a scale that as a single woman I would not even contemplate venturing outside my apartment after dark. The closure of the King Street Hotel due to Covid restrictions has improved the situation as far as the numbers of drunken patrons and loud reverberating DJ music is concerned in my immediate locality, but the problems still exist. I have noticed that Newcastle appears to have a significantly high number of pubs and licensed premises with a resultant large number of incidents of alcohol-related assault, domestic assault, non-domestic assault and malicious damage to property that are all above the State average. This was the reason for the introduction of the Newcastle alcohol control provisions, or "Lock Out Laws", in the first place. I am sure that Hunter New England Health would have data available to confirm a higher than average level of alcohol attributable deaths and hospitalisations for the years prior to the introduction of the "Lock Out Laws" which would by the reason they are also opposing this weakening of these laws. Newcastle City Council is very much in support of this trial weakening of the Lock Out Laws, perhaps because Council is the landlord of Queens Wharf Brewery, and there has been no publicity by Council asking residents for community input on the proposed SEPP, but I must ask the following questions - \* Is a 6-month trial period during Covid restrictions going to give a true evaluation of the success or otherwise of the relaxation of the Lock Out Laws? \* Is a 6-month trial period which involves only selected and invited small restaurants and bars going to give a true picture of the success or otherwise of the relaxation of the Lock Out Laws? These small restaurants and bars are not the venues that are the biggest or most troublesome venues in Newcastle. Indeed, they are amongst the smallest and least troublesome in the city. \* If Council and its hand-picked Steering Committee, led by Mark Latham who has already publicly called Novacastrians 'a pack of wowsers', going to use the data collected over the next 6 months, which happens to be during Covid restriction time, as the basis for extending the trading hours of all hotels and nightclubs in Newcastle? Newcastle City Council has approved the construction of numerous high-rise apartment buildings in the Newcastle West area, in fact throughout the entire Newcastle city area, there are 9 separate apartment developments either completed or under construction within my immediate neighbourhood. Whilst actively supporting development, Council appears however to have no regard to current criminal incidents and the public safety of the residents who have invested between \$700,000 and \$2.5m each in purchasing their apartments and who continue to support the Newcastle supermarket, business, entertainment and retail sectors. The Independent Liquor & Gaming Authority, with the backing of NSW Police, recently rejected an application (No. 1-7515777455) for a

'packaged liquor licence' on the basis that "the premises is situated in an alcohol-related hotspot, that the non-domestic assault rate in Newcastle was over 9 times the State average, that there are a significant number of licensed premises situated within a 5 kilometre radius of the premises, and that adding another packaged liquor licence to this already highly populated alcohol dense area would only increase the level of anti social incidents in Newcastle." For 3-1/2 years now, I have met with and communicated my concerns and those of 42 other residents in my apartment building in relation to alcohol-fuelled noise, violence and anti social behaviour, to the proprietor of the King Street Hotel and the manager of the 24-hour King Street McDonald's across the road from the Hotel (nightclub) where drunken patrons congregate until 6.30am on weekend mornings. If you allow the removal of existing planning controls to weaken the Newcastle alcohol control provisions, there is a real risk that the existing alcohol-related problems in this community will be exacerbated and, over time, will contribute to an increase in alcohol-related crime, health and other social and amenity issues in my local and broader Newcastle communities. Regards, [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 11 September 2020 4:55:52 PM  
**Attachments:** [re-proposed-amendment-to-trial-extended-licensing-hours-in-newcastle.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 11 September 2020 4:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 11/09/2020 - 16:48  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle 2300  
Submission file:  
[re-proposed-amendment-to-trial-extended-licensing-hours-in-newcastle.docx](#)

Submission: Re: Proposed Amendment to trial Extended Licensing Hours in Newcastle We recognise the State Government, Department of Planning, Liquor and Gaming, and Newcastle City Council's efforts in examining opportunities to rejuvenate growth generally, and specifically, via this trial - the night time economy. We are owners and reside in The Boardwalk Apartments. All successful modern liveable cities around the world need the multiple stakeholders, Council, Residents, Business Operators and Patrons, to work together to improve the amenity for every ones enjoyment. This balance of needs and wants, requires all stakeholders to respect each other, to ensure a cohesive relationship is developed and protected. Over the pasted 25 years we have been involved in the Liquor and Hospitality industry, holding numerous licences and being involved with multiple businesses. We have seen the good, the bad, and the downright ugly side of late night trading. Melbourne, Sydney, and Newcastle have all, in the past, witnessed horrendous, violent, antisocial behaviour, largely fuelled by excessive alcohol consumption requiring intervention and arrests by the Police. Hunter New England Emergency Departments at both the Calvary Mater and John Hunter Hospitals, have had to deal with the aftermath of the violence, assaults, and alcohol poisoning when things go wrong. Drinking multiple Shots of straight spirit, or Cocktails containing 3 or 4 different nips of spirits or Liqueurs generally end up in, excess noise, arguments, fights, and/or a trail of vomit for some else to clean up. "The Honeysuckle Precinct" 26 July 2017 Vol.13 No.6 describes in detail the multi-billion dollar development that is the Honeysuckle Precinct. It highlights the Precinct as a friendly cultural gathering place, with a collection of restaurants, cafes, and public space to be enjoyed by visitors, tourists, and residents. Increase in the residential population of Newcastle City, the Honeysuckle Precinct and the surrounding fringes, will be the key factor in the revitalisation of ALL commercial ventures. The current, once in a lifetime building boom is seeing, Breakwater, The Boardwalk, Lee Wharf, Lume, and under construction, Huntington and Horizon residential developments, as highly desirable places to live. The extension of trading hours and any variations to DA's or Licenses that result in a negative impact on the residents, or breaches Strata Bi-Laws, and/or increases anti-social behaviour will once again show Newcastle in a negative light; this must be avoided at all cost if we are going to become one of those successful, modern, liveable cities we all want. Lastly, within the Government's Document "Explanation of Intended Effect" (of the trial), the following statement is made; "It is proposed that neighbourhood amenity, safety and potential impacts caused by late night trading hours (such as noise) will continue to be managed and enforced under existing licensing requirements and conditions of consent." We would hope that as the Trial involves 26 venues around Newcastle City and the Honeysuckle Precinct, it would warrant supervision by

Newcastle City Council Senior Management and Compliance Officers, to see and hear what is occurring say, between 10pm and 2am. Let's not leave the Trial dependent upon complaints, calls to the Police and increased visitations to the Emergency wards of our hospitals to measure its success or failure. Let's not return to the bad old days. [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:21:17 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 13 September 2020 6:38 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 13/09/2020 - 18:38

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2230

Submission file: [webform\_submission:values:submission\_file]

Submission: I am aged in my 70's and visit my daughter frequently in Newcastle. I cannot believe how dull the city is at night. I come from Cronulla, a suburb South of Sydney and enjoy popping down to the town area for dinners and drinks. When I'm in Newcastle I always stay in the CBD and it feels unsafe to go out in the evening due to how quiet the streets are. This is such a positive step forward for Newcastle and rejuvenating the city. It has all the bones of being an amazing city which will attract residents and tourists alike. Currently it lacks that spark and main draw card but this trial is sure to improve the area drastically.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:21:47 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 13 September 2020 6:34 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 13/09/2020 - 18:33

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: Having lived in the Newcastle CBD for the last 8 years I have seen the area significantly deteriorate. There are a large number of rental vacancies and beyond 5pm the area is completely deserted. If Newcastle is to actually operate as a city as opposed to a regional suburb then revitalising the nightlife is essential. As a tourist or individual considering moving to the area a vibrant nightlife is integral. There are bound to be complainants regarding the trial. But it does beg the question that why these individuals would even consider living in a CBD area. Affording too much weight to these individuals will jeopardise the progression of the city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:21:58 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 13 September 2020 6:29 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 13/09/2020 - 18:29

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: The proposed trial is a significantly progressive step forward to rejuvenating Newcastle City. Currently the CBD is a ghost town with the streets feeling more dangerous due to being so deserted. Offering the trial to small bars and restaurants is a relatively low risk option given the demographics and target audiences of these venues. Generally these are all sophisticated venues with higher staff to customer ratios. These are not venues that inherently experience behavioural issues or violence. If Newcastle City is to be placed on the map again the CBD needs to evolve. This is a step in the right direction.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:22:49 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 13 September 2020 12:12 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 13/09/2020 - 12:11

Submitted by: Anonymous

Submitted values are:

Submission Type:I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Cooks Hill 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: Dear Madam/Sir, I would regard it as a retrograde decision if the suggested new alcohol arrangements are allowed to be trialled for 6 months. The Newcastle lockdown arrangements were very satisfactory as regards the diminution of alcohol related violent incidences. The police support the retention of the present lockdown arrangements So please listen to those folk who have to clean up the bad behaviour when it Occurs. Yours sincerely [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:23:02 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 13 September 2020 11:30 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 13/09/2020 - 11:29

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Maitland 2320

Submission file: [webform\_submission:values:submission\_file]

Submission: This is a fantastic initiative. Newcastle early closing times have inhibited the ability for visitors from the greater Hunter to support these venues, especially for those who work in hospitality themselves and may finish work later. The liquor and gaming stipulated closing times are there because these types of smaller venues have proven to be low risk and beneficial for the night time economy in other areas. A commendable effort by all involved, I hope the smaller Councils will follow suit.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:23:35 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 7:50 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 19:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Hamilton 2303

Submission file: [webform\_submission:values:submission\_file]

Submission: I am looking forward to seeing Newcastle develop a safe and healthy nightlife. I have many friends that do shift work, mainly in the health industry. Many finish work at 10 or 11 at night as afternoon shift is the most popular shift. So they miss out on weekend "drinks with the girls" etc. At that time of night, we don't want to go to a pub with 100+ already drunk people. We want to go somewhere smaller, more intimate and a little more classy. Small bars or late opening restaurants are perfect for that. The clientele at these venues are usually a bit nicer too, less about getting drunk quick and more about enjoying a fancy drink in a nice atmosphere. As a woman, these places often feel safer too. It will be great to catch up for drinks with the girls again.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:23:47 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 6:50 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 18:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2316

Submission file: [webform\_submission:values:submission\_file]

Submission: I am against extended hours. Statistics show a decrease in alcohol fuelled violence and nuisance. Alcohol destroys so many lives. Extended hours will increase the risk of crime, not something I want for our great city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:24:01 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 5:07 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 17:06

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2302

Submission file: [webform\_submission:values:submission\_file]

Submission: I have been a hospitality professional for over 16 years. I wholeheartedly agree with the extension of trading hours. I'm positive that the benefits will outweigh the negatives

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:24:19 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 4:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 16:20

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: I think this is critical not only for our local businesses but for tourism. Now we've got more transport options with ride share services I don't think the problem will be as great.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:24:34 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 3:09 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 15:09  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I also would like this to happen

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:24:44 AM  
**Attachments:** [extendedtradingsubmission.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 1:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 13:51  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle (Honeysuckle) 2300  
Submission file:  
[extendedtradingsubmission.docx](#)

Submission: Please see attached file

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

My wife and myself are residents of the Boardwalk apartments which are above several of the bars/restaurants that will be allowed to trial extended trading hours. Presently, most of these facilities close well before midnight due to lack of patronage. Only occasionally are there any rowdy disturbances late at night. My concern is that once it becomes known that these facilities can remain open until 2am many younger people may be attracted to these bars. This may well result in much more frequent noisy disturbances and anti-social behaviour.



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:24:56 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 11:39 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 11:39

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: Extending the hours to 3am seems ridiculous in the middle of a very large mainly residential area. This would go all night with the Macdonalds across the road being a 24 hour one and no none in the surrounding blocks of apartments would get any sleep. You only have to look at the development going on around Newcastle West to realise the area is changing, and we must change with it. A night club of that type was ideally placed in the old Newcastle West not the new one The increase in trading hours for this licenced premises would only increase alcohol related crime within the Newcastle CBD precinct. This increase would have a negative impact on the largely residential area.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:25:07 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 11:22 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 11:21

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Mayfield East 2304

Submission file: [webform\_submission:values:submission\_file]

Submission: The perception of violent individuals heading to a cocktail bar or restaurant isn't based in reality (the places they are more likely to frequent are already trading until 3am.) Newcastle is living in the '80's. Time to switch the mullet for a more sophisticated do & allow the nightlife to boom.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:25:34 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 8:55 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 08:55

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: I think the idea of later trading times for small bars and restaurants is great, as it allows you to have more Variety of safer places that treat you like an adult and gives you more employment options during these challenging times.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:26:11 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 8:29 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 08:29  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I am happy and excited to see a positive change in the night time culture in Newcastle.  
Diversification of late night trading of smaller and boutique offerings such as cocktails bars and restaurants.  
Creating equal rights for restaurants and small bars as per the rest of the state is very important for the second biggest city in NSW.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:26:20 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 12 September 2020 8:29 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 12/09/2020 - 08:29

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2293

Submission file: [webform\_submission:values:submission\_file]

Submission: I am excited to see our city grow into a vibrant and prosperous place that welcomes & accomodates tourism, culture & nightlife.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 8:26:38 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 11 September 2020 8:04 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 11/09/2020 - 20:04

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Mayfield 2304

Submission file: [webform\_submission:values:submission\_file]

Submission: Bars are small businesses. Small businesses should have the same opportunities as large corporations (such as casinos). Allowing later trading and licensing hours for bars in Newcastle will revive the inner city nightlife and draw business into the city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:**  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 14 September 2020 12:24:17 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 9:54 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 09:54

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: [REDACTED]

Email: [ethan@coalandcedar.com](mailto:ethan@coalandcedar.com)

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: Overwhelmingly support an even playing field for small bars in Newcastle. Jobs and tourism will flourish. Small bars will not survive Covid restrictions without trying even with those in Sydney. Trial should be extended to 12 months as 6 months doesn't allow for the Covid environment.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:31 AM  
**Attachments:** [alison-ziller-submission-sepp-amendment-newcastle-lep.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 4:01 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 15:57  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]@mq.edu.au  
Suburb/Town & Postcode: 2109  
Submission file:  
[\[REDACTED\]-submission-sepp-amendment-newcastle-lep.pdf](#)

Submission: Please find my submission attached

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



DEPARTMENT OF  
GEOGRAPHY AND PLANNING  
*Faculty of Arts*  
Macquarie University  
NSW 2109 Australia

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CRICOS Provider No 00002J



**MACQUARIE**  
University  
SYDNEY · AUSTRALIA

14 September 2020

NSW Department of Planning, Industry and Environment  
<https://www.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**Re. Explanation of Intended Effect, proposed SEPP amendment to Newcastle LEP**

Please find following my submission setting out my concerns regarding the Explanation of Intended Effect for a proposed exempt development provision to bridge the difference in trading hours between those on a venue's development consent and the standard trading hours for these venues in other locations.

Yours sincerely

[REDACTED]

[REDACTED]

Lecturer in Social Impact Assessment  
**Macquarie School of Social Science, Faculty of Arts**  
Macquarie University, NSW 2109, Australia  
E: [REDACTED]@mq.edu.au

# Submission re. Explanation of Intended Effect to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in small bars and restaurants

## Context

Division 3.4 of the NSW Environmental Planning and Assessment Act 1979 No 203 [EP&A Act], concerns the ‘making of environmental planning instruments for local areas (LEPs)’.<sup>1</sup>

Section 3.32 (5) states that ‘(5) Two or more relevant local authorities may together exercise the functions under this Division of a planning proposal authority in connection with the making of a single principal or amending instrument in relation to the whole of their combined areas.’

Section 3.33 requires the Planning proposal authority to prepare explanation of and justification for the proposed instrument—the planning proposal. Specifically this section requires:

- (1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **planning proposal**).
- (2) The planning proposal is to include the following—
  - (a) a statement of the objectives or intended outcomes of the proposed instrument,
  - (b) an explanation of the provisions that are to be included in the proposed instrument,
  - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1).

These requirements (a, b & c) in effect require an impact assessment, namely a statement about what is intended to be achieved, how it is intended to be achieved and whether there is adequate justification to indicate that

- i the proposed amendment will achieve the objectives, and
- ii the objectives are in the public interest and consistent with the objective of the Act to promote the social and economic welfare of the community (s1.3(a)).

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<sup>1</sup> <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-1979-203#pt.3-div.3.4>

## Submission

The [Explanation of Intended Effect](#) [EIE] says the reason for the trial period of exempt development status for 26 licensed premises in Newcastle CBD is to

assist participating businesses to recoup lost income from the temporary closures and reduced customer capacity due to COVID-19. (EIE p1)

And that

The trial is only open to venues with an existing small bars licence or on-premises restaurant licence that have been approved by the council, NSW Police and Liquor and Gaming NSW. The Department has not been involved in this process. The trial excludes larger venues (such as clubs and hotels) and certain 'high risk' venues. (EIE p2)

For the reasons I set out below, in my opinion, the EIE does not provide justification for the proposed exempt development status, as required by s3.33(2)(c) of the Act.

- 1 The proposal is contrary to S2.20B (f)(i) of the State Environmental Planning Policy Exempt and Complying Development Code 2008 [the SEPP] which specifically excludes food and drink premises from exempt status.

'The standards specified for that development are that...

(f) the new use must not be any of the following—

(i) food and drink premises,...

The exclusion of food and drink premises in the SEPP is longstanding. Setting it aside should require a well-documented and empirically researched basis. This has not been provided.

- 2 Under current provisions, food and drink premises seeking a change to their development consent conditions must apply individually to a council. The proposed amendment would treat all 26 premises as a group, collectively extending their trading hours. Because all 26 premises are in Newcastle CBD, this will have an area, as well as a cumulative impact – which the EIE says is an intended outcome<sup>2</sup>.

However, in NSW premises are licensed and regulated on an individual basis by the Independent Liquor and Gaming Authority [ILGA] via Liquor and Gaming NSW. It appears that the amendment to the LEP will over-ride individual assessments by both ILGA and the City of Newcastle. The basis for this override appears to be that individual assessment will not be required because the 26 premises have been 'selected',

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<sup>2</sup> The change is proposed 'to facilitate the rejuvenation of Newcastle's night time economy', Explanation p1

The EIE accepts the City's statement that these premises have not had 'any recent breaches of their liquor licences or incidents of anti-social behaviour.'<sup>3</sup> However, 'recent' is not defined. The City's Report relies on recommendations of a Committee for Night-time Jobs and Investment, but not on a social impact assessment of these recommendations. There were no community representatives on the Committee. Owners of two of the selected small bars were members of the Committee.<sup>4</sup>

- 3 The amended LEP would affect the nominated 26 businesses in the following ways:
- i 6 small bars would be able to trade till 2.0 am, an additional 2 hours per day
  - ii 20 restaurants would be able to trade until midnight (Monday-Saturday) or until 10pm on Sunday (an additional 2 hours per day)
  - iii All 26 premises would be able to serve high strength alcohol (cocktails and whisky) whenever they were open<sup>5</sup>.

The proposed change increase both the strength of liquor for sale and the trading hours of the selected venues.

- 4 Increasing the trading hours of 26 premises by 2 hours a day is proposed on the grounds that these premises will increase their income through the sale of alcohol. No justification is provided for using increased sale of alcohol as a recovery strategy for businesses.

Although the Committee's brief was to encourage night time jobs, there is no suggestion that this amendment will increase jobs and, indeed, that is unlikely. The EIE contains no consideration of the public health consequences of extending trading hours. There were no public health experts on the Committee. As a comparator, it seems unlikely the Department would permit use of the exempt development provisions so that businesses could recoup lost profit by selling cigarettes.

- 5 The EIE says that the Department 'has worked closely with the City of Newcastle to develop these changes'. However, it also says that 'the Department has not been involved' in the process of identifying the 26 premises selected. This does not absolve the Department from its responsibilities under s3.33(2)(c) of the Act, including by taking account of directly relevant, likely social impacts.

In this case, the proposal is to allow business to recoup income lost during the lockdown by sale of alcohol during extended trading hours in an area which is a hotspot of significant alcohol-related harm.

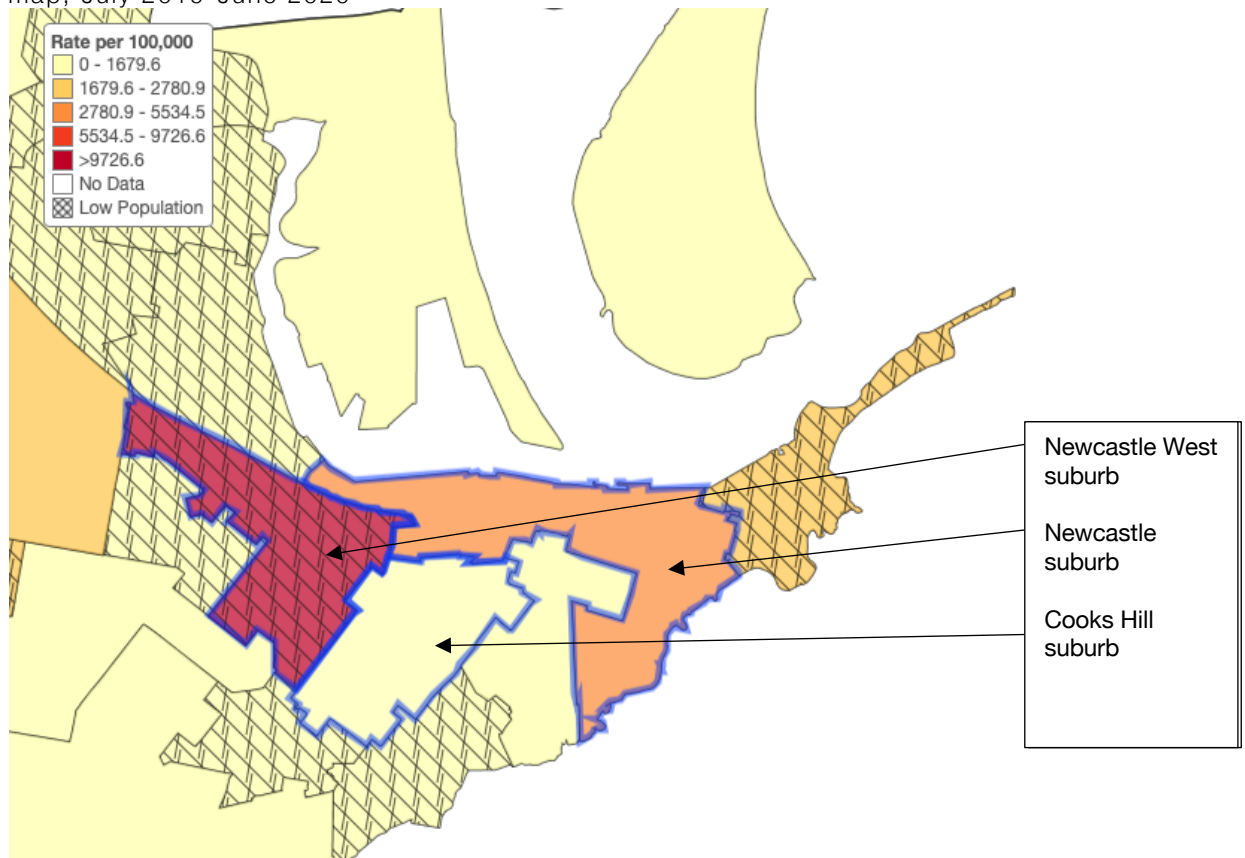
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<sup>3</sup> City of Newcastle, [Report to Extraordinary Council meeting on 1 September 2020: p2](#)

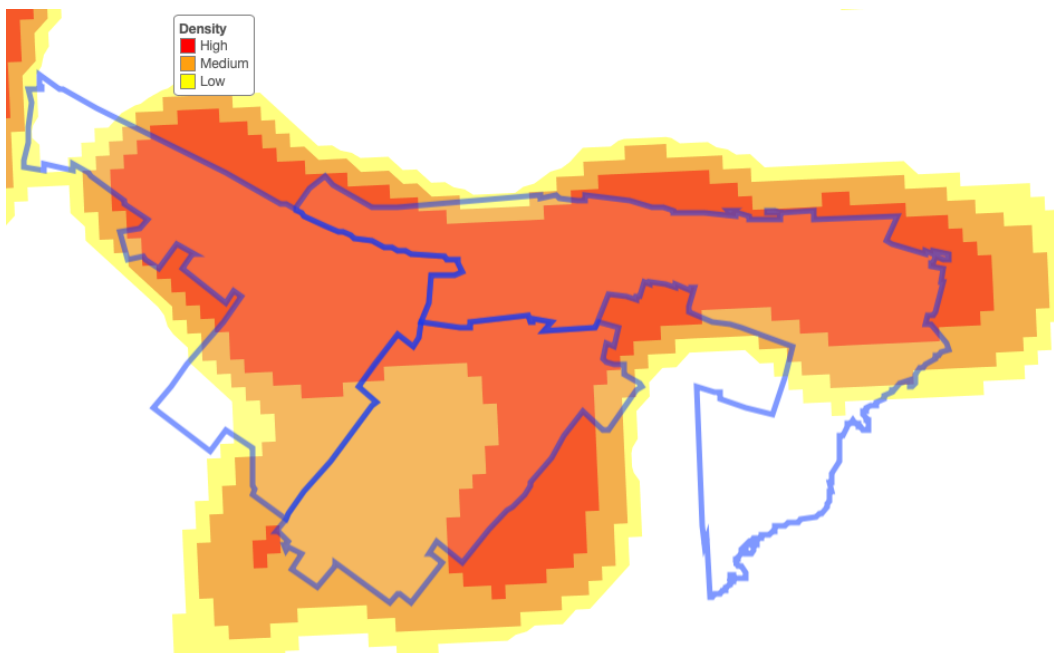
<sup>4</sup> City of Newcastle, [Report to Extraordinary Council meeting on 1 September 2020: p2](#)

<sup>5</sup> City of Newcastle, Report to Extraordinary Council meeting on 1 September 2020: p3

Map 1: Newcastle, Newcastle West and Cooks Hill Suburbs: non-domestic assault rates map, July 2019-June 2020



Map 2: Newcastle, Newcastle West and Cooks Hill Suburbs: hotspot map, non-domestic assault, July 2019-June 2020



Source Maps 1 and 2: BOCSAR

Newcastle CBD has a long history of high rates of non-domestic assault and alcohol-related harm. In 2008, the NSW Liquor Administration Board imposed trading hour restrictions on licensed premises in the area resulting in an immediate and significant reduction in assaults.<sup>6</sup> Even so, this CBD has consistently recorded high non-domestic assault rates as seen in Maps 1 and 2 and as shown in Table 1 (below).

The recent history of recorded non-domestic assault in these suburbs is listed as 'stable' by the Bureau of Crime Statistics and Research. However, 'stable' only means that fluctuations in the rate are not statistically significant.<sup>7</sup>

The rate for Newcastle West is not calculated because the resident population is less than 2000.<sup>8</sup> This does not mean that incidents were few – as the data shows.

Table 1: Incidents of Non-domestic assault from July 2016 to June 2020

Year	To June 2020	Year to June 2017	Year to June 2017	Year to June 2018	Year to June 2018	Year to June 2019	Year to June 2019	Year to June 2020	Year to June 2020
Suburb	Trend 4 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate
NSW	Stable	32093	411.4	32183	405.9	31812	398.2	30086	376.6
Cooks Hill	Stable	27	697.2	30	752.2	28	691.2	32	789.9
Newcastle	Stable	121	4063.2	97	3163.4	117	3775.4	97	3130.0
Newcastle West	n.c.	85	n.c	96	n.c	111	n.c	100	n.c

If only those assaults recorded, by an attending police officer, as alcohol-related are used (Table 2). it appears that there has been a reduction in incidence. However, as BOCSAR has advised on more than one occasion, recorded rates of alcohol-related assault are unreliable<sup>9</sup>. There are a number of reasons for this including that recording an assault as alcohol-related is at officer discretion,<sup>10</sup> and perceptions of intoxication vary, often inaccurately.<sup>11</sup>

<sup>6</sup> Kypri K, P McElduff & P Miller 2014, Restriction in pub closing times and lockouts in Newcastle, Australia five years on, Drug and Alcohol Review, 33,3 DOI: <https://doi.org/10.1111/dar.12123>

<sup>7</sup> BOCSAR Glossary of Terms: Trend Test: [https://www.bocsar.nsw.gov.au/Pages/bocsar\\_crime\\_stats/bocsar\\_glossary.aspx#T](https://www.bocsar.nsw.gov.au/Pages/bocsar_crime_stats/bocsar_glossary.aspx#T)  
The rate for Newcastle West is not calculated because the resident population of that suburb is less than 2000,

<sup>8</sup> Email advice from BOCSAR

<sup>9</sup> Weatherburn D 2011, Uses and abuses of crime statistics, Crime and Justice Bulletin, *Contemporary Issues in Crime and Justice*, No 153, November. NSW Bureau of Crime Statistics and Research; Fitzgerald J, 2019, Report on proceedings before the Joint Select Committee on Sydney's Night time economy, 9 August 2019, p 75

<https://www.parliament.nsw.gov.au/ladocs/transcripts/2200/Joint%20Select%20Committee%20on%20Sydney%20s%20night%20time%20economy%20-%20corrected%20transcript%20-%209%20August%202019.pdf>

<sup>10</sup> BOCSAR Glossary: Alcohol related: Shows offences which the NSW Police Force choose to flag as 'alcohol related'

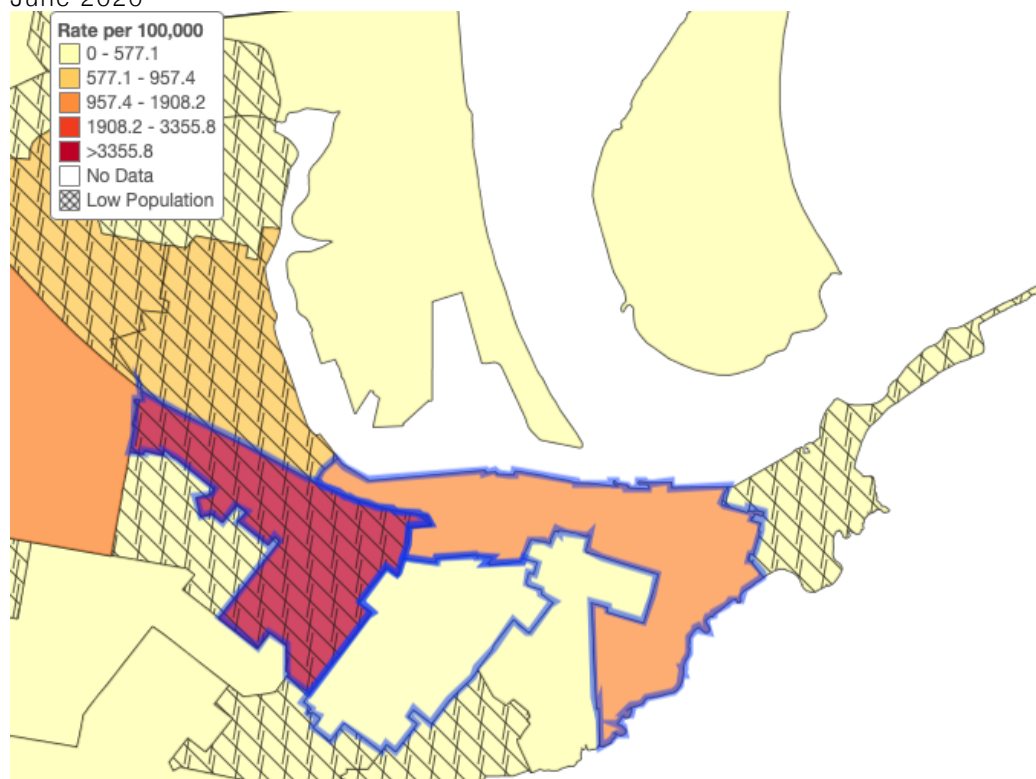
<sup>11</sup> J Brick and CK Erickson, "Intoxication Is not Always Visible: An Unrecognized Prevention Challenge" (2009) 33 *Alcoholism: Clinical and Experimental Research* 1489; N Donnelly, "Young Adult's Experience of Responsible Service Practice in NSW: 2011 Update" *Crime and Justice Bulletin, Contemporary Issues in Crime and Justice* (April 2012) 162 <<https://www.bocsar.nsw.gov.au/Documents/CJB/cjb162.pdf>

Table 2; Incidents of Alcohol Related Assault (non-domestic assault) from July 2016 to June 2020

Year	To June 2020	Year to June 2017	Year to June 2017	Year to June 2018	Year to June 2018	Year to June 2019	Year to June 2019	Year to June 2020	Year to June 2020
Suburb	Trend 4 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate
NSW	Down 9.7% per year	10295	132.0	9922	125.2	9415	117.9	7760	97.1
Cooks Hill	n.c.	9	233.0	15	376.8	13	320.9	9	148.1
Newcastle	Down 15.6% per year	72	2415.0	51	1662.7	68	2194.3	45	1452.1
Newcastle West	n.c.	45	n.c.	54	n.c.	67	n.c.	42	n.c.

Source: Tables 1 and 2, BOCSAR

Map 3: Incidence of Alcohol-Related Assault (Non-domestic assault) from July 2019 to June 2020



Source: BOCSAR

The EIE does not mention or assess the import of assault rates in this locality.

- 6 Epidemiologists are already signalling that increased availability and supply of alcohol during a pandemic is a public health risk.<sup>12</sup> The EIE acknowledges current health risks associated with COVID-19, saying

... eligible venues will be required to adhere to the strict requirements of the COVID-19 Public Health Orders for hospitality venues throughout the trial. (EIE p 2)

<sup>12</sup> Jim Un Kim et al. Effect of COVID-19 lockdown on alcohol consumption in patients with pre-existing alcohol use disorder, The LANCET Gastroenterology & Hepatology 4 August 2020: DOI: [https://doi.org/10.1016/S2468-1253\(20\)30251-X](https://doi.org/10.1016/S2468-1253(20)30251-X); Colbert S, C Wilkinson L Thornton & R Richmond, 2020, COVID-19 and alcohol in Australia: Industry changes and health impacts, Drug and Alcohol Review, 39, 5: DOI: <https://doi.org/10.1111/dar.13092>

However, it does not mention the problematic relationship between COVID-19 social distancing restrictions and alcohol consumption<sup>13</sup>

- 7 The proposal to introduce extended trading hours via a trial period is not the same as a trial with a careful evaluation. The Statement says

Once the trial has ended, the proposed exempt development provisions will no longer apply. (EIE p 1)

There is no information regarding whether or how an evaluation of this trial will be undertaken.

- 8 Introducing changes in an unusual situation, namely a situation of continuing COVID lockdown, or requirements for social distancing and / or population reluctance to socialise in enclosed spaces, will not provide a sound basis for making permanent change. These factors may result in less footfall and fewer intoxication events than might occur when these pandemic restrictions are not present, allowing licensees to argue that the only impact has been an improvement in their profits and that extended trading hours should continue.
- 9 Once the selected 26 venues are able to trade later, it is likely that the remaining venues will lobby for the same or equivalent increase in hours (and removal of drink controls) on the grounds of competitive parity. The remaining venues have apparently been defined as high risk in terms of alcohol-related harm. There is no information in the EIE regarding this likelihood, nor any assessment of the public health risks which would result from yielding to this lobbying.
- 10 There is no apparent mechanism to end the trial earlier and/or cancel the participation of any individual premises should any negative social impact emerge.

## Summary

The EIE is inadequate because it fails to provide reasonable justification for:

- i Departing from an established provision of the SEPP which excludes food and drink premises from being treated as exempt
- ii Permitting extended trading as an exempt development in an area with a long history of high rates of alcohol-related harm.
- iii Using extended trading as a profit recovery strategy for businesses which have now resumed trading, in a location with a long history of high rates of alcohol-fuelled violence and related disturbances.
- iv Failing to take account of research which has established that increasing availability and supply of alcohol during a pandemic is very problematic.
- v Permitting a trial exempt development provision without ensuring that an adequate independent evaluation will be made.

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<sup>13</sup> ITV news, 'Crystal clear' drunk people will not stick to social distancing rules, 6 July 2020 <https://www.itv.com/news/2020-07-05/crystal-clear-drunk-people-will-not-stick-to-social-distancing-rules>



The EIE fails to address the fact that the intended effect (recoupment of profit) may not be the only effect of the proposed amendment to the LEP. Given the locality within which it is proposed to apply, a number of other likely or potential effects should have been identified and addressed. These have not been mentioned in the EIE which therefore does not appear to meet the requirements of s3.33 of the EP&A Act or the general purpose of the Act which is to promote social wellbeing.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:37 AM  
**Attachments:** [proposed-amendment-to-trial-extended-licencing-hours-in-newcastle.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 5:48 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 17:43  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle West/2302  
Submission file:  
[proposed-amendment-to-trial-extended-licencing-hours-in-newcastle.docx](#)

Submission: Objecting to the Proposed amendment to trial extended licensing hours in Newcastle. As a concerned resident an owner of an apartment in Newcastle West; I wish to convey my strongest objections to the above proposal. • I object to the proposed changes to the SEPP and Newcastle LEP to weaken the effect of Newcastle's package of licensing conditions via a "trial" and associated "evaluation". I am absolutely against the proposed amendments to the planning laws to allow the trial to succeed. • To personalise my objection; let me explain why. My wife and I have bought an apartment in King Street; Newcastle West and have been here for just over a year. During that period we have witnessed a plethora of issues that the Newcastle City Council must address. There have been countless issues of drug and alcohol induced noise, damage and violence and theft within our immediate area. Included also are speeding motorists who have absolutely no respect for the law or the courtesy of others whatsoever. I hasten to add that these issues were there in pre Covid -19 and present Covid -19 times. To effectively weaken Newcastle's alcohol controls would be giving these people "carte blanche" to keep on doing what they're already doing for a longer period. I can still remember what happened just down the road on the 19th September 1979. We definitely don't want a repeat of that when the Star Hotel closed it's doors. • DPIE's EIE for Newcastle Council must be withdrawn without hesitation. • It is contrary to the public interest and SAFETY and makes no sense to initiate and hasten a very questionable trial and partial evaluation of weakened alcohol controls for 26 smaller bars concentrated in our CBD whilst Covid restrictions on businesses remain in force. As far as alcohol (and drugs) are concerned; there should be absolutely NO weakening of controls whatsoever. • The EIE identifies the reason for the trial of weakened conditions is about profits "to recoup lost income from temporary closures and reduced customer capacity due to Covid -19. THIS IS DEFINITELY NOT IN THE PUBLIC INTEREST. I can feel for those people without hesitation. But; I am a self funded retiree and I to have taken a big hit. I will just have to wear it. • The EIE also fails to acknowledge a July 2020 decision of the NSW Independent Liquor and Gambling Authority when refusing a license application in the CBD (the location of many of the 26 licensed premises covered by the proposed trial) that; Licence Density -: The Authority notes that, compared to the NSW state average: (a) Newcastle suburb has a significantly higher density of packaged liquor, full hotel and club licenses (all of which are authorised to sell packaged liquor by retail) (b) Newcastle LGA has a moderately higher density of packaged liquor and club licenses, and a significantly higher density of full hotel licenses. Crime Data -: The relevant BOSCAR data indicates that, for the year to September 2019, compared to the NSW state average: (a) Newcastle suburb recorded significantly higher rates of alcohol - related assault

(domestic and non - domestic), malicious damage to property and alcohol – related disorderly conduct. (b) Newcastle LGA recorded moderately higher rates of alcohol – related domestic assault and alcohol – related disorderly conduct, and significantly higher rates of alcohol – related non – domestic assault and malicious damage to property. • Included in the list of licensed premises for the proposed trial is the “Civic Theatre” which may be owned by the Newcastle City Council itself. We understand that the council may also own a number of other licensed premises in the CBD. If this is so; the council’s failure to publicly identify this conflict of interest is of great concern, particularly if it also derives any revenue/income from the sale of alcohol from this licensed venue. Kind Regards, [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## Objecting to the **Proposed amendment to trial extended licensing hours in Newcastle.**

As a concerned resident an owner of an apartment in Newcastle West; I wish to convey my strongest objections to the above proposal.

- I object to the proposed changes to the SEPP and Newcastle LEP to weaken the effect of Newcastle's package of licensing conditions via a "trial" and associated "evaluation". I am absolutely against the proposed amendments to the planning laws to allow the trial to succeed.
- To personalise my objection; let me explain why. My wife and I have bought an apartment in King Street; Newcastle West and have been here for just over a year. During that period we have witnessed a plethora of issues that the Newcastle City Council must address. There have been countless issues of drug and alcohol induced noise, damage and violence and theft within our immediate area. Included also are speeding motorists who have absolutely no respect for the law or the courtesy of others whatsoever. I hasten to add that these issues were there in pre Covid - 19 and present Covid -19 times. **To effectively weaken Newcastle's alcohol controls would be giving these people "carte blanche" to keep on doing what they're already doing for a longer period.** I can still remember what happened just down the road on the 19<sup>th</sup> September 1979. We definitely don't want a repeat of that when the Star Hotel closed it's doors.
- DPIE's EIE for Newcastle Council must be withdrawn without hesitation.
- It is contrary to the public interest and **SAFETY** and makes no sense to initiate and hasten a very questionable trial and partial evaluation of weakened alcohol controls for 26 smaller bars concentrated in our CBD whilst Covid restrictions on businesses remain in force. **As far as alcohol (and drugs) are concerned; there should be absolutely NO weakening of controls whatsoever.**
- The EIE identifies the reason for the trial of weakened conditions is about profits "to recoup lost income from temporary closures and reduced customer capacity due to Covid -19. **THIS IS DEFINITELY NOT IN THE PUBLIC INTEREST.** I can feel for those people without hesitation. But; I am a self funded retiree and I to have taken a big hit. I will just have to wear it.
- The EIE also fails to acknowledge a July 2020 decision of the NSW Independent Liquor and Gambling Authority when refusing a license application in the CBD (the location of many of the 26 licensed premises covered by the proposed trial) that;  
**Licence Density -:** The Authority notes that, compared to the NSW state average:
  - (a) Newcastle suburb has a significantly higher density of packaged liquor, full hotel and club licenses (all of which are authorised to sell packaged liquor by retail)
  - (b) Newcastle LGA has a moderately higher density of packaged liquor and club licenses, and a significantly higher density of full hotel licenses.**Crime Data -:** The relevant BOSCAR data indicates that, for the year to September 2019, compared to the NSW state average:
  - (a) Newcastle suburb recorded significantly higher rates of alcohol - related assault (domestic and non - domestic), malicious damage to property and alcohol – related disorderly conduct.
  - (b) Newcastle LGA recorded moderately higher rates of alcohol – related domestic assault and alcohol – related disorderly conduct, and significantly higher rates of alcohol – related non – domestic assault and malicious damage to property.
- Included in the list of licensed premises for the proposed trial is the "Civic Theatre" which may be owned by the Newcastle City Council itself. We understand that the council may also own a number of other licensed premises in the CBD. If this is so; the council's failure to publicly identify this **conflict of interest** is of great concern, particularly if it also derives any revenue/income from the sale of alcohol from this licensed venue.

Kind Regards,

[REDACTED]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:38 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:39 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:39

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Mayfield

Submission file: [webform\_submission:values:submission\_file]

Submission: Working in small bars and being a part owner, I truly believe this is the future for Newcastle's hospitality. I think it will greatly benefit the city, and community, being a novocastrian and growing up inside the lockout and strict liquor licensing, we can only improve on Newcastle's hospitality and night life.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:38 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:44 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:44

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Mayfield

Submission file: [webform\_submission:values:submission\_file]

Submission: It needs to happen to rejuvenate night life in Newcastle and stimulate the economy. As a forensic pathology specialist, it is evident in day to day practice and historical data that the correlation with traumatic and accidental deaths and Newcastle lockout laws is not significant. Bring life back to city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:39 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:45 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:44  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Islington 2296  
Submission file: [webform\_submission:values:submission\_file]  
Submission: This will be an amazing step forward for the night time economy which so rudely ground to a halt so many years ago. The extra jobs that will be created are sorely needed in these uncertain times. Lets make these trading hours and a lively night time city economy the new normal.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:44 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:49 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:48

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2282

Submission file: [webform\_submission:values:submission\_file]

Submission: Working in hospitality myself I feel like I miss out on going out with friends. So the extended hours will let us have the privilege to join in and experience the nightlife with everyone else.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:52 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:51 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:51  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Merewether 2291  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I want more respectable places to drink late that are safe and close to home

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:12:58 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 7:58 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 19:58  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: cooks hill  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I believe Newcastle night time culture has evolved over the past few years & would thrive safely and successfully with late night trading for small low risk venues. It is worth trialing & capturing the evidence.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:07 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 8:02 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 20:02

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Islington 2296

Submission file: [webform\_submission:values:submission\_file]

Submission: Growing up with lockout laws I feel we have missed the opportunity for social interactions in an intimate setting, it would be preferred to drink in a smaller bar or pub rather than a club and to do so in a safe environment until 2pm. Midnight is too early to suit the majority , it puts an unfair cap on Small business' that are not part of the problem.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:14 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 8:15 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 20:15

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: New Lambton

Submission file: [webform\_submission:values:submission\_file]

Submission: Both my husband and I moved to Newcastle 3 years ago. We welcomed the idea of living in a vibrant, vital and alive city where live music, events and venues would be the norm. We have found that's great if your family is child based. We have passed that stage in our lives. What we were hoping for were late night venues I.e jazz bars, late night food choices, and mostly where we could sit and enjoy good music, wine and food aimed at mature patrons. We don't all want to go to club type venues. Sadly it is possible the ugly side of youth drinking habits has hijacked the vibrancy of this beautiful city. Maybe a blanket approach is not the one to adopt. My husband and I looked forward to our move to Newy over thirty work years ago. I hope that the excitement for our choice can be regained very soon. [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:22 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 8:57 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 20:56

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Charlestown 2290

Submission file: [webform\_submission:values:submission\_file]

Submission: As a frequent visitor of small bars in the Newcastle area over the last 6 years, I have never felt uncomfortable, or threatened by other patrons nor have I witnessed any altercations. Unfortunately I can not say the same for the larger venues and night clubs in Newcastle which are able to trade late, including King St Hotel, The Argyle, The Green Roof, Cambridge Hotel, The Hamilton Station and so on. All these listed venues breed and fuel aggressive and inappropriate behaviour generally by younger crowds. Small bars are all inclusive spaces to enjoy quality alcohol and good company. Please help us support these venues who provide such strong foundations for the world of hospitality

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:28 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 9:02 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 21:01

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle, 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: As a 21 year old women, being able to feel safe at night is really important to me. Having a space available to enjoy spending time with my friends while feeling safe would be amazing. I would like to see these small businesses benefit from the night economy in the same fashion that larger businesses do!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:36 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 9:07 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 21:07

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: I really value going to small venues as they really make me feel safe. Newcastle as an economy thrives on its night culture and it is always such a shame when at 12pm we are forced to go home. I love relaxed nights at small bars drinking nice liqueur and would live for the opportunity to do this until the early hours of the night. This will be great for the Newcastle bar scene and the safety of young people

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:13:45 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 9:37 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 21:36  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2321  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Would love to see the licensing extended for small bars and restaurants. I've always felt Newcastle is one of the best cities in the country with its only limiting factor being nightlife. It would be great to see a slow reopening and rejuvenation of the night time economy.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:14:04 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 10:51 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 22:50

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: NEWCASTLE

Submission file: [webform\_submission:values:submission\_file]

Submission: I am recommending that post this trial we document now that Newcastle re-introduce having a 'Compliance Officer' to record any Newcastle night economy incidences. This would provide an ongoing review and ensure Newcastle stays 'safe' and doesn't relapse to the pre 2008 era and the current situation as it now exists following the Compliance Officer being removed in about 2016. Minister Dominello, Tim Crakanthorp, Mayor (Nuatali Nelmes), et al are all talking about public 'safety' ... therefore having a 'Compliance Officer' would give a chronological documentation (data) of all events / incidences (noise, etc), would be a 'one stop shop' for incidences, should not be just confined to 'venues' but be utilised for any 'street alcohol fuelled violence', etc. This documentation should keep the complaint originator's name noted but secure from 'publication' thus eliminating harassment, intimidation and threats, etc. This Officer MUST be given the 'power' to call a venue and instigate / initiate some reprieve to the cause of the complaint. They are not to be just a 'telemarketer type' recorder to give a 'bureaucratic office' a record the next morning or on the Monday. Currently you can't ring the Council, the EPA, etc after 5pm Friday so complaints fall to the Police, who are often too busy to react to any matter as they are busy acting on other matters. The attention must be focused on safety, be 'in real time' and have the power to fix the problem 'in real time', it must be a 'transparent' chronological data gathering of ALL 'events' through this one (1) source. The Compliance Officer phone number must be 'community wide' clearly advertised (paper, TV, Council website, etc) ie. be a well known number to ring community wide (with perhaps even the Police events being incorporated to this phone line's data for a complete record purposes). The originator of any complaint should be specifically 'logged' / documented but would be kept 'at arms length', etc., which is a must as it is NOT happening currently and there are reprisals. There should be clear documentation for EVERY incident ... date, time, venue / street(s), type of incident (noise, anti-social behaviour, alcohol fuelled violence, break and entry, damage to property, graffiti, etc), number(s) involved, etc.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:14:10 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 14 September 2020 11:28 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Mon, 14/09/2020 - 23:28  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2293  
Submission file: [webform\_submission:values:submission\_file]  
Submission: On behalf of The Newcastle Hotel (Manager), I believe this change will bring a positive impact economically/socially to the community.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 9:14:33 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 1:27 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 01:27

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2303

Submission file: [webform\_submission:values:submission\_file]

Submission: I want to go out for longer pls. I don't understand why we, as the youth should have to suffer previous generations idiocy.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 11:03:24 AM  
**Attachments:** [extension-licensing.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 10:34 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 10:32  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2302  
Submission file:  
[extension-licensing.docx](#)

Submission: Please see the attached file.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

We wish to make a submission to the proposed amendment to extend licensing hours in Newcastle West with particular attention to the operations of the nightclub known as the King Street Hotel.

As residents in King Street Newcastle West, the current licensing of this nightclub amongst residential apartments and motels has been a regular disruption to our lives, and have to say, that residential high-rise developments and a late night nightclub are not an appropriate mixtures.

Before the restrictions of the COVID-19 period, we have been regularly woken up by patrons of the current King Street Hotel between midnight and 5am. It should be noted that, prior to the effects of the virus, little or no effort had been made then to regulate the behaviours of patrons under the influence of too much alcohol and possibly other substances, upon leaving the nightclub. These behaviours involved people swearing and screaming, vandalism, shopping trolleys being thrown in Cottage Creek, and lest not leave out the graffiti on a nearby building.

So, an extension to the current licensing hours can only result in more disruption to our lives.

This trial benefits only the owners and patrons of these establishments who are not representative of the Newcastle West residents.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 1:14:30 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 12:19 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 12:19

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: To Whom It May Concern, I'm more than happy with extending hours to boost Newcastle's nightlife, however, we have to be mindful on residential areas close to bars and clubs. One in particular, and a good example is the nightclub on Steel St, Newcastle West. There are far too many local residents in the area. When the club closes its doors, the chaos and noise begins across the streets and at takeaway restaurants close by. The next morning shows the mess and destruction with shopping trolleys thrown in the water, smashed bottles, vomit and litter. Who will be responsible for this clean up? Regards, [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 1:14:44 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 12:29 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 12:29

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2320

Submission file: [webform\_submission:values:submission\_file]

Submission: I absolutely support this extension, this could potentially benefit all of Newcastle, Lake Macquarie and the valley. It's time to reclaim our nightlife from the minority that seek to destroy live music etc.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 1:15:15 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 12:51 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 12:50

Submitted by: Anonymous

Submitted values are:

Submission Type:I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2302

Submission file: [webform\_submission:values:submission\_file]

Submission: Open the city. It's disgusting that the lockdown laws were ever instated. - The lockdown laws are VERY dangerous, they are the reason for fights because people are locked out onto the street and they are angry because they are locked out. Old people in government shouldn't dictate what younger people do on their nights out. Open the city - bring back the night Don't be a nanny or police state.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Tuesday, 15 September 2020 1:37:18 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 1:22 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 13:21

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: I absolutely support the longer trading hours, Newcastle should be a 24 hour city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:12:57 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 2:55 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 14:54  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Islington 2296  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I feel any relief to businesses contributing to the night time economy is beneficial to a safe and vibrant city. Extended trading hours would contribute to investment in employment and the cultural sector which is much needed!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:13:10 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 3:36 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 15:35  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: I support the trial and make the following points: 6-month trial is too short due to the following • COVID-19 has economically compromised the CN Hospitality and Creative Industries. • There have been significant job losses, income reduction and significantly less revenue 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 • Possibility that Public Health Orders may be extended given recent events in Victoria and NSW with second wave infection spike and hence entire trial could be under PHO • Therefore, trial should run for 12 months Trial limited to 26 small venues in the city centre suburbs of Newcastle East, Newcastle (including Honeysuckle), Newcastle West and Cooks Hill, only. Trial focusses on a mix of small bars and restaurants offering food and with small patron capacity 2 tier performance framework to evaluate the trial that will assess its success both in achieving safe venues, more sustainable businesses and increased participation and its impact on economic growth, sound impacts, perceptions/attitudes, visitor economy and city engagement Trial is endorsed by the Newcastle After Dark Strategy adopted unanimously by Council in November 2018. The Strategy proposed a trial of small bars operating until 2am. Venues must comply with their conditions of consent other than trading hours and with their Covid-19 Safety Plan Newcastle is 6th largest night-time economy in Australia accounting for over 5% of the total Newcastle economy

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:13:37 AM  
**Attachments:** [licensing-extension.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 3:40 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 15:38  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2302  
Submission file:  
[licensing-extension.docx](#)

Submission: Please see attached.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

I wish to object to the proposed amendment to extend licensing hours in Newcastle West with particular attention to the operations of the nightclub known as the King Street Hotel.

As a resident in King Street Newcastle West, the current licensing of this nightclub amongst residential apartments and motels has been a regular disruption to my life, and have to say, that residential high-rise developments and a late night nightclub are not an appropriate mixtures.

Before the restrictions of the COVID-19 period, we have been regularly woken up by patrons of the current King Street Hotel between midnight and 5am. It should be noted that, prior to the effects of the virus, little or no effort had been made then to regulate the behaviours of patrons under the influence of too much alcohol and possibly other substances, upon leaving the nightclub. These behaviours involved people swearing and screaming, vandalism, shopping trolleys being thrown in Cottage Creek, and lets not leave out the graffiti on a nearby building.

So, an extension to the current licensing hours can only result in more disruption to my life.

This trial benefits only the owners and patrons of these establishments who are not representative of the Newcastle West residents.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:14:34 AM  
**Attachments:** [submission.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 3:39 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 15:37  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: NEWCASTLE  
Submission file:  
[submission.pdf](#)

Submission: Please see attached document. I have no political affiliations and have not made any political donations.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## Submission re Explanation of Intended Effect (EIE) to amend the Newcastle Local Environment Plan (LEP) 2012 to temporarily extend trading hours in small bars and restaurants

I object to the proposed changes to the SEPP and Newcastle LEP. The basis for my concern is as follows:

### **1. Explanation of Intended Effect provides insufficient detail**

In relation to the *“proposed amendment to the Newcastle LEP”*, the EIE states that the “Minister for Planning and Public Space will make a State Environmental Planning Policy to amend the Newcastle LEP”, however, a draft of the proposed SEPP is not supplied making proper evaluation impossible.

### **2. Inadequate Notification Time**

The notification time provided by the NSW Department of Planning, Industry and Environment in relation to this matter is wholly inadequate. By way of comparison, the other draft plans and policies currently on exhibition by the department all have notification periods of 6 weeks or longer. Like much about this “trial” it appears vague, ill-prepared and rushed through without adequate oversight.

### **3. Mechanisms already exist for venues to vary their trading hours**

Under current legislation it is already possible for these 26 small bars and restaurants to apply for variations to their trading hours. For example, specifically in relation to The Newcastle Signal Box, one of the restaurants included in the proposed trial, on 18 Jan 2019 a determination was made on City of Newcastle DA2018/00886 (attached) with condition 26 stating hours of operation to cease at 10:00pm Mondays to Sundays, with outdoor trading to cease at 9:00pm because of its close proximity to a residential apartment building. On 5 December 2019 they were granted extended trading hours to 12:00am on Wednesdays to Saturdays, under the determination of modification application DA2018/00886.02 (attached).

The existing mechanisms allow for a transparent process which includes numerous important safeguards by way of public notification, provision of adequate information in Statements of Environmental Effect, opportunity for public comment and determinations made on an individual basis in accordance with statutory criteria and integrity requirements.

This proposed modification strips parties, particularly neighbouring residents, of these rights and protections without adequate justification for the change to an “exempt development”.

### **4. The EIE provides no details of trial**

The EIE discusses a “trial”. Presumably, this trial is intended to be used to decide on continuing a loosening of trading and licencing restrictions on an on-going basis. However, no details have been provided in relation to the administration of this trial.

- What are the inclusion criteria? This is extremely important to be documented precisely from the outset as it will presumably be used as the basis for any on-going access to weakened trading and licencing restrictions.
- What are the outcome measures, both positive and negative and how will they be measured? This should be outlined from the onset to ensure that impacts on all stakeholders are being included and the required data is collected.
- How will the assessment of the trial be conducted? Will there be expert and independent review? This is important so that there can be confidence in the results, especially given conflicts of interest (as outlined below) if the committee were to be assessing the trial.
- Are there provisions to end the trial early if negative impacts become apparent?
- What would be considered a success? What would be considered a failure?

Failure to include adequate detail in relation to the proposed “trial”

## 5. There has been an inadequate assessment of likely impacts

In the “Executive Summary” of the EIE, the document claims:

*“Where appropriate, the Government is responding by adapting the planning system to ensure continued productivity, investment and community wellbeing.”*

The only acknowledgment of the impacts that the proposed changes will have on the surrounding community is contained in the statement:

*“It is proposed that neighbourhood amenity, safety and potential environmental impacts caused by late night trading hours (such as noise) will continue to be managed and enforced under the existing licensing requirements and conditions of consent”*

However, this statement seeks to minimize the impacts and dismiss the current impacts as if they have been perfectly managed. I believe this is not the case and the residents affected by Basement on Market Street, whose noise disturbance issues are ongoing since the small bar opened, would agree. It was issued a licence in August 2015 and the first noise complaint occurred on 17 September 2015. The Section 79 disturbance complaint that was ultimately lodged with Liquor and Gaming NSW (L&GNSW) alone took 5 months for a decision (attached). Under this existing framework, there is a high probability that residents will not be protected during the trial period by current management and enforcement processes. Even the very inclusion of this venue in the proposed trial calls into question what undisclosed inclusion criteria the council, NSW Police and L&GNSW have used for this proposed trial given that this particular venue has been the subject of multiple noise complaints to L&GNSW and local police, the issue of a noise abatement order by police, the issue of four warning notices and one penalty notice by L&GNSW and a finding that they had caused undue disturbance with the issue of a warning in the section 81 decision issued by L&GNSW (see attached decision re file number A18/0014060, attached).

It also fails to address the fact that, in a case like the Basement on Market above, which is located only 20 metres from residential bedrooms, even if noise levels emanating from the venue do not increase, by virtue of the time of day involved (midnight to 2am daily) the potential impact, particularly in the form of sleep disturbance on a nightly basis, is extremely high.



**6. Current trading hours for individual premises vary for a reason.**

Each venue's impacts need to be individually assessed with opportunities for the voicing of opposition because each venue is different. A blanket approach to the changing of trading and licensing conditions is not appropriate. The above example of the Basement on Market Street illustrates the reasons for this. As stated, it is located only 20 metres from residential bedrooms with the order of occupancy in the residents' favour. Allowing this small bar to operate to 2am every night of the week carries far too high a risk of sleep disturbance on a frequent and recurring basis to these residents. For this reason, I feel that the generalized changes proposed in this LEP amendment should be rejected and each situation assessed on its individual merits.

**7. Conflicts of Interest Exist but have not been disclosed**

The only stated reason for these proposed changes that I can find in the document is *"to help facilitate the rejuvenation of Newcastle's night-time economy"*, and the proposed mechanism for this appears to be that it *"may assist participating businesses to recoup lost income from the temporary closures and reduced customer capacity due to COVID-19"*. This is to say that its intended impact is for the financial gain of the 26 involved venues. This is worrying when Newcastle City Council is the licence holder for one of these venues, Civic Theatre.

Many of the decisions regarding this trial seem to have been made by a committee convened by Mark Latham MLC. This committee seems to be responsible for establishing this trial, deciding on eligible venues and subsequently reviewing its outcomes, both negative and positive. On this committee, in addition to Nuatali Nelmes, Lord Mayor of Newcastle, sits Prudence Farquhar, co-owner of Blue Kahunas, which is another of the venues (a small bar), involved in the trial and set to gain financially. To date there has been no community representation on this trial.

There are clear conflicts of interest and yet these have not been divulged in the EIE notifications to the public. For the sake of avoiding corruption, the Department of Planning, Industry and Environment, L&GNSW and Newcastle Council have a public duty to address and prevent such issues and yet have failed to do so.

**8. The proposed LEP Changes will increase alcohol availability in an area of existing extreme alcohol-related harm**

As per Independent Liquor Gaming Authority quoted figures there are existing high levels of alcohol-related assaults (20 times the state average), property damage (5 times state average) and alcohol-related offensive conduct (13 times state average) in the Newcastle CBD. In this context, it is hard to see how increasing the provision of alcohol specifically in this small area can be justified in view of the extremely high current alcohol-related impacts. Any such changes in this geographic area should wait until after the existing problems have been addressed. If the state government desires to run such a trial, I am sure that far more suitable locations that do not already suffer high levels of alcohol-related harm would be more appropriate. It is hard to see how basing this trial in Newcastle CBD can be justified, given that COVID-19's impacts have been state-wide, and no reasoning to assist has been provided in the EIE.

# NOTICE OF DETERMINATION DEVELOPMENT APPLICATION

*Environmental Planning and Assessment Act 1979*



The Newcastle Signal Box Pty Ltd  
C/- Derive Design  
Po Box 221  
ISLINGTON NSW 2296

PO Box 489, Newcastle  
NSW 2300 Australia  
Phone: 4974 2000  
Fax: 4974 2222  
Email: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

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<b>Application No:</b>	DA2018/00886
<b>Land:</b>	Lot 4 DP 1226551
<b>Property Address:</b>	150 Scott Street Newcastle NSW 2300
<b>Proposed Development:</b>	Alterations and additions to signal box and change of use to food and drink premises

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## Determination:

The Development Application has been determined by granting of **CONSENT** subject to the conditions specified in the attached Schedule 1. Schedule 2 outlines the reasons for the decision and how community views were taken into account in making the decision.

**Consent to operate from:** 18 January 2019  
**Consent to lapse on:** 18 January 2024

## Review of determination:

- You have the right to request a review of this determination under the *Environmental Planning and Assessment Act 1979* provided that this determination is not made in respect of designated or crown development. The determination cannot be reviewed after a 6 month time period, from the date of determination or after an appeal to the Land and Environment Court is disposed of by the Land and Environment Court. To comply with these time frames any request for a review should be promptly made to Council.

## Rights of appeal:

- If you are dissatisfied with the determination of Council (including a determination on a review under the *Environmental Planning and Assessment Act 1979*) you may appeal to the Land and Environment Court within 6 months after the date on which you receive notice of the determination of the application or review. Otherwise the right to appeal is exercisable in accordance with the rules of the Land and Environment Court.
- The *Environmental Planning and Assessment Act 1979* does not give a right of appeal against this determination to an objector.

If you are considering exercising your rights of appeal or lodging a request for a review, it may be advisable to obtain legal advice regarding the interpretation of your rights in relation to such matters.

Ian Clark  
SENIOR DEVELOPMENT OFFICER

18 January 2019  
Date of Determination

## SCHEDULE 1

### APPROVED DOCUMENTATION

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Plan - A005	REF DD286	Derive - Architecture and Design	07/12/2018
Bin Enclosure Plan and Elevations - A010	REF DD286	Derive - Architecture and Design	03/12/2018
Service Trenching Plan - A100	REF DD286	Derive - Architecture and Design	03/12/2018
Ground Floor Plan - A110	REF DD286	Derive - Architecture and Design	13/12/2018
First Floor Plan - A112	REF DD286	Derive - Architecture and Design	03/12/2018
WC Plan - Internal Elevations - A150	REF DD286	Derive - Architecture and Design	03/12/2018
Proposed Elevations - A310 and 311	REF DD286	Derive - Architecture and Design	03/12/2018
Service Store Elevations - A320	REF DD286	Derive - Architecture and Design	07/12/2018
Proposed Sections - A 410 and A411	REF DD286	Derive - Architecture and Design	03/12/2018
Statement of Environmental Effects	n/a	Derive - Architecture and Design	August 2018
Heritage Council of NSW - General Terms of Approval Integrated Development Application IDA/2018/085	DOC18/637646	NSW Department of Environment and Heritage - Heritage Division	23/11/2018 and amended plans 20/12/2018
Traffic Report	P1215	Seca Solution	07/08/2018
Concept Stormwater Plan	Job No. 18271 Issue A	Skelton Consulting Engineers	09/08/2018
Statement of Heritage Impact	Project No. 18-19	Carste Studio	05/08/2018
Interim Environmental Management Plan	Project 81716.08	Douglas Partners	10/08/2018
Site Auditors Interim Advice Letter	n/a	Ramboll	13/08/2018
DA Access Report	n/a	BCA Access Solutions	09/08/2018
Plan of Management		Derive - Architecture and Design	Received 16/08/2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

#### NSW Office of Environment and Heritage – General Terms of Approval

Approval in accordance with the following plans:  
DD286 A000 Cover Sheet A (B)  
DD286 A005 Site Plan B

DD286 A010 Bin Enclosure Plan and Elevations · B  
 DD286 A100 Existing Ground Floor Plan B  
 DD286 A101 Existing First Floor Plan B  
 DD286 A105 Existing Roof Plan B  
 DD286 A110 Proposed Floor Plan C  
 DD286 A112 Proposed First Floor /Rooftop Platform B  
 DD286 A115 Proposed Roof Plan B  
 DD286 A150 Staff WC- Plan + Internal Elevations A  
 DD286 A300 Existing Elevations B  
 DD286 A310 Proposed Elevations B  
 DD286 A311 Proposed Elevations B  
 DD286 A320 Service Store Elevations A  
 DD286 A400 Existing Sections B  
 DD286 A410 Proposed Sections C  
 Drawing Number Title Issue Number  
 DD286 A411 Proposed Sections C  
 DD286 A600 Typical Details B  
 DD286 A610 Window Details B  
 DD286 A611 Window Details B  
 DD286 A615 Door Details B  
 DD286 A620 Service Penetrations B  
 DD286 A621 Service Penetrations B  
 DD286 A622 Service Penetrations (Condensation Canopy) B  
 DD286 A625 Awning Details A  
 DD286 A700 Proposed Internal Elevations B  
 DD286 A701 Proposed Internal Elevations B  
 Statement of Heritage Impact for Proposed Adaptive Reuse of the former Newcastle Railway  
 Signal Box, prepared by Stephen Booker, August 2018  
 Submissions to Public Notification of Development Application

#### ROOFTOP LANDSCAPE GARDEN

The proposed rooftop garden including planters is not supported. This component of the works must be removed from the project scope.

Reason: The proposed landscaping is incompatible with and contrary to the industrial character of the Signal Box site.

#### VIEWING PLATFORM

No permanent structures are to be installed on the rooftop viewing platform, with the exception of balustrading.

Reason: To minimise visual impact and ensure the conservation of the industrial heritage significance of the site.

#### DINING PAVILION STRUCTURE

The height of the proposed dining pavilion structure is to be reduced to match the height of the single storey component of the adjacent Signal Box building.

Reason: To better respond to the proportions and scale of the original Signal Box building.

#### COVERED WALKWAY

The glazed vertical bifold doors proposed along the southern side of the covered walkway (running east to west) are not supported. This component of the works must be removed from the project.

Reason: To ensure a visual and spatial barrier between the original building and the public domain is not created through the addition of a separate 'skin'.

#### MECHANICAL EXTRACTION HOOD

The proposed extraction hood is to be reduced in size.

Reason: To minimise visual impact and ensure the conservation of the industrial heritage significance of the site.

#### ADDITIONAL INFORMATION at Section 60 Stage

The following information must be provided to the Heritage Division at Section 60 stage:

- a) Further details of the bulkhead under the switch gear to understand impacts of the works of visual access to the exceptionally significant switch gear.
- b) Further details of the proposed treatment to the internal wall surface which must include details of original finish.

#### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the Stormwater Management Plan prepared by Skelton Consulting Engineers (Job No. 18-271, Drg. No. SW1, Issue A, dated 09/08/18). Full details are to be included in documentation for a Construction Certificate application.
3. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
4. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
5. The premises are to be provided with adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the National Construction Code. Full details are to be included in the documentation for a Construction Certificate application.
6. The Developer designing and constructing the following works in connection with the proposed development within the Wharf Road public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
  - a) Loading bay setout and associated signage

Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the *Roads Act 1993* (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
7. The design and construction of the proposed development is to be in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE**

8. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
9. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

10. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

11. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
12. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
13. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shadedcloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
14. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of Australian Standard 4674:2004 - Design, construction and fit-out of food premises.
15. All public trees potentially impacted by the proposal must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery

to be stored within the fenced area.

16. The following waste management measures are to be implemented during construction:

- a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
- d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW)

17. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed.

18. Plans of any proposed traffic management devices, linemarking and signposting (i.e. loading zones) works on existing or proposed public roads being submitted to Council and approved by the Newcastle City Traffic Committee prior to those works being undertaken.

19. Site preparation works are to be carried out in accordance with the report Interim Environmental Management Plan Proposed Signal Box Works - Market Street Public Domain Wharf Road, Newcastle prepared by Douglas Partners dated August 2018.

20. At the completion of remediation works and prior to use of the land, the following documentation is to be submitted to Council's Regulatory Services Unit:

- a) A validation report (prepared in accordance with the requirements of the approved RAP) by a suitably qualified consultant in accordance with the relevant NSW Environment Protection Authority Guidelines; and
- b) A 'part A' Site Audit Statement with the purpose of reviewing the completed remedial works and validation report to determine the suitability of the land for the proposed land use.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE**

21. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

22. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated October 2018. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

23. Prior to the issuing of the Occupation Certificate or occupation of the premises, a Long Term Environmental Management Plan to address ongoing management of the site following completion of contamination remediation works is to be prepared. Provisions of this Plan are to be implemented at the site. A copy of the Plan is to be submitted to Council's Regulatory Services Unit.
24. The approved plan of management incorporating security management and responsible service of alcohol being implemented at all times and updated in response to complaints lodged through consultation with Council and NSW Police. The plan shall additionally include the following measures required to be employed during operation of the business:
- Patrons in the outdoor area are to be monitored for rowdy behaviour and shall be removed from the premises if unreasonable noise impact on neighbouring residences is likely to occur.
  - Any person witnessed by licensed premises staff, drinking or in possession of alcohol prior to attempting to gain entry to their premises be refused entry.
  - Staff to assist in the dispersal of patrons from the immediate area of their premises at the close of trade. Staff to maintain a presence until all patrons have left the vicinity of the premises.
  - Alcohol may only be consumed at the seated tables within the outdoor dining area.
  - The licensee must contain a closed-circuit television (CCTV) system on the premises in accordance NSW Licensing Police requirements.
25. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agency, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*.

Notification is to be provided to Council by going to [www.newcastle.gov.au](http://www.newcastle.gov.au) and download a copy of the 'Council Food Business Notification Form' or contact Council's Regulatory Services on (02) 4974 2525.

## CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

26. The hours of operation or trading of the premises are to be not more than from:

DAY	START	FINISH
Monday	6:00am	10:00pm
Tuesday	6:00am	10:00pm
Wednesday	6:00am	10:00pm
Thursday	6:00am	10:00pm
Friday	6:00am	10:00pm
Saturday	6:00am	10:00pm
Sunday	6:00am	10:00pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

Outdoor trading is to cease at **9:00pm** daily

Goods deliveries to the premises are only to be made between 7am to 6pm.



27. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

28. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

29. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
30. All existing garden and lawn areas on the site are to be kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.
31. The noise management recommendations provided in Section 8 of the Noise Impact Assessment report prepared by Reverb Acoustics dated October 2018 are to be implemented at all times during use of the premises.
32. Musical entertainment is permitted in the ground level indoor seating area only.
33. All musical entertainment must cease prior to 10pm Monday to Saturday and 8pm on Sunday.
34. Incidental background music is permitted in outdoor areas only in accordance with the limits prescribed in the Noise Impact Assessment report prepared by Reverb Acoustics dated October 2018.
35. All south-facing bifold doors to the indoor seating area must remain closed when musical entertainment is taking place.
36. The maximum number of persons permitted in premise shall be restricted to a total of 126 persons. This shall consist of the following:
- Maximum of 126 patrons (64 indoor and 62 ground floor)
  - Maximum of 5 staff

A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

## ADVISORY MATTERS

- Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire and Rescue and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.4m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.6m AHD (Freeboard is 200mm above DFL)

c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 1.0m/s

**END OF CONDITIONS**

## **SCHEDULE 2**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The conditions in Schedule 1 have been applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.
- Ensure the development is undertaken in an orderly manner.

# Notice of determination of modification



05 December 2019

The Newcastle Signal Box Pty Ltd  
8 Thompson Street  
EAST MAITLAND NSW 2323

Dear Sir

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<b>Modification Application No:</b>	DA2018/00886.02
<b>Development Application No:</b>	DA2018/00886
<b>Land:</b>	Lot 4 DP 1226551
<b>Property Address:</b>	150 Scott Street Newcastle NSW 2300
<b>Development:</b>	Alterations and additions to signal box and change of use to food and drink premises

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Your application of 17 July 2019 has been considered, pursuant to the provisions of Section 4.55 of the Act. The application has been **Approved** and the details of development consent granted by Council as per Notice of Determination dated 18 January 2019 are hereby modified, as specifically outlined in the modification details below and in the modified Notice of Determination that follows.

## MODIFICATION DETAILS

### A. Amended conditions

#### Condition 1 – Approved documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site Plan – A005	REF DD286	Derive – Architecture and Design	07/12/2018
Bin Enclosure Plan and Elevations – A010	REF DD286	Derive – Architecture and Design	03/12/2018
Service Trenching Plan – A100	REF DD286	Derive – Architecture and Design	03/12/2018
Ground Floor Plan – A110	REF DD286 Rev. K	Derive – Architecture and Design	11/07/2019
First Floor Plan – A112	REF DD286 Rev. H	Derive – Architecture and Design	11/07/2019
WC Plan – Internal Elevations – A150	REF DD286 Rev. B	Derive – Architecture and Design	11/06/2019
Proposed Elevations – A310 and 311	REF DD286 Rev. G	Derive – Architecture and Design	12/06/2019
Service Store Elevations – A320	REF DD286	Derive – Architecture and Design	07/12/2018
Proposed Sections – A410 and A411	REF DD286	Derive – Architecture and Design	03/12/2018
Statement of Environmental Effects	n/a	Derive – Architecture and Design	August 2018
Heritage Council of NSW – General Terms of Approval S4.55 Modification Application s4.55/2019/019 (DA2018/00886.01)	DOC19/562269	NSW Department of Environment and Heritage - Heritage Division	15 August 2019
Heritage Council NSW – Email correspondence			
Traffic Report	P1215	Seca Solution	07/08/2018
Concept Stormwater Plan	Job No. 18271 Issue A	Skelton Consulting Engineers	09/08/2018
Statement of Heritage Impact	Project No. 18-19	Carste Studio	05/08/2018
Interim Environmental Management Plan	Project 81716.08	Douglas Partners	10/08/2018
Site Auditors Interim Advice Letter	n/a	Ramboll	13/08/2018
DA Access Report	n/a	BCA Access Solutions	09/08/2018
Plan of Management	Doc. ID 6035096 Version: 1	Andrew Macdonald	17/07/2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

#### APPROVED DEVELOPMENT

1. Development must be in accordance with:

wg. No.	Dwg. Title	Date	Rev
<b>Project Name: Alterations and additions to existing premises – Signal Box</b>			
A110	PROPOSED GROUND FLOOR PLAN	12/06/19	J
A112	PROPOSED FIRST FLOOR PLAN	12/02/19	G
A150	PUBLIC SHARED WC	16/05/19	F
A310	PROPOSED ELEVATIONS	12/06/19	F
A311	PROPOSED ELEVATIONS	12/06/19	G
A625	AWNING DETAILS	12/06/19	F
A626	AWNING DETAILS	12/06/19	F
A750	EXTERIOR BENCH DETAILS	12/06/19	A

a) Architectural drawings prepared by Derive Architecture & Design as listed below:

**EXCEPT AS AMENDED** by the following conditions of this approval:

#### LOW HEIGHT BRICK WALL

2. The proposed low height brick wall and planter box must be reduced in height to 600mm.

Reason: To minimise visual impact and allow the full height of steel framed windows to be discerned.

#### WINDOWS

3. A protective lining must be installed internally over the two window openings adjacent to the proposed cool room.

Reason: To ensure significant fabric is not impacted during the works.

#### SIGNIFICANT FABRIC

4. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Reason: To ensure significant fabric is not impacted during the works.

#### SECTION 65A APPLICATION

5. An application under section 65A of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

#### RIGHT OF APPEAL

6. If you are dissatisfied with this determination, section 70 of the Heritage Act 1977 gives you the right of appeal to the Minister for Heritage or, in the case of the determination of an application for approval, or application for modification of an approval, in respect of integrated development, to the Land and Environment Court.

#### Condition 22 – Acoustics reference

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated July 2019. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation certificate.

### **Condition 24 – Plan of Management**

The approved plan of management (dated 17/07/2019) incorporating security management and responsible service of alcohol being implemented at all times and updated in response to complaints lodged through consultation with Council and NSW Police. The plan shall additionally include the following measures required to be employed during operation of the business:

- Patrons in the outdoor area are to be monitored for rowdy behaviour and shall be removed from the premises if unreasonable noise impact on neighbouring residences is likely to occur.
- Any person witnessed by licensed premises staff, drinking or in possession of alcohol prior to attempting to gain entry to their premises be refused entry.
- Staff to assist in the dispersal of patrons from the immediate area of their premises at the close of trade. Staff to maintain a presence until all patrons have left the vicinity of the premises.
- Alcohol may only be consumed at the seated tables within the outdoor dining area.
- The licensee must contain a closed-circuit television (CCTV) system on the premises in accordance NSW Licensing Police requirements.

### **Condition 26 – Hours of operation**

The hours of operation or trading of the premises are to be not more than from:

Day	Start	Finish
Monday	6:00 am	10:00 pm
Tuesday	6:00 am	10:00 pm
Wednesday	6:00 am	12:00 am
Thursday	6:00 am	12:00 am
Friday	6:00 am	12:00 am
Saturday	6:00 am	12:00 am
Sunday	6:00 am	10:00 pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

- Outdoor trading is to cease at 10:00pm daily;
- The viewing platform is to be vacated by 10:00pm daily;
- Goods deliveries to the premises are only to be made between 7am to 6pm.

### **Condition 31 – Noise Management - acoustic reference**

The noise management recommendations provided in Section 8 of the Noise Impact Assessment report prepared by Reverb Acoustics dated July 2018 are to be implemented at all times during use of the premises.

### **Condition 34 – Acoustic reference**

Incidental background music is permitted in outdoor areas only in accordance with the limits prescribed in the Noise Impact Assessment report prepared by Reverb Acoustics dated July 2019.

### **Condition 36 – Maximum number of persons**

The maximum number of persons permitted in premise shall be restricted to a total of 216 persons.



A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

**B. Additional condition/s**

**Condition A**

The viewing platform on level one is to be vacated by 10:00pm daily. Full details are to be included within the Plan of Management dated 17/07/2019.

**Review of Determination:**

- (i) You have the right to request a review of this determination under the Environmental Planning and Assessment Act 1979 provided that this determination is not made in respect of designated or crown development. The determination cannot be reviewed after a 6 month time period, from the date of determination or after an appeal to the Land and Environment Court is disposed of by the Land and Environment Court. To comply with these time frames any request for a review should be promptly made to Council.

**Rights of Appeal:**

- (ii) If you are dissatisfied with the determination of Council you may appeal to the Land and Environment Court within 6 months after the date on which you receive notice of the determination of the application or review. Otherwise the right to appeal is exercisable in accordance with the rules of the Land and Environment Court.

If you are considering exercising your rights of appeal or lodging a request for a review, it may be advisable to obtain legal advice regarding the interpretation of your rights in relation to such matters.

**Ian Clark**  
**SENIOR DEVELOPMENT OFFICER**

05 December 2019  
**Date of Determination**

## **MODIFIED NOTICE OF DETERMINATION**

**Modified Application No:** DA2018/00886.02

### **SCHEDULE 1**

#### **APPROVED DOCUMENTATION**

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site Plan – A005	REF DD286	Derive – Architecture and Design	07/12/2018
Bin Enclosure Plan and Elevations – A010	REF DD286	Derive – Architecture and Design	03/12/2018
Service Trenching Plan – A100	REF DD286	Derive – Architecture and Design	03/12/2018
Ground Floor Plan – A110	REF DD286 Rev. K	Derive – Architecture and Design	11/07/2019
First Floor Plan – A112	REF DD286 Rev. H	Derive – Architecture and Design	11/07/2019
WC Plan – Internal Elevations – A150	REF DD286 Rev. B	Derive – Architecture and Design	11/06/2019
Proposed Elevations – A310 and 311	REF DD286 Rev. G	Derive – Architecture and Design	12/06/2019
Service Store Elevations – A320	REF DD286	Derive – Architecture and Design	07/12/2018
Proposed Sections – A410 and A411	REF DD286	Derive – Architecture and Design	03/12/2018
Statement of Environmental Effects	n/a	Derive – Architecture and Design	August 2018
Heritage Council of NSW – General Terms of Approval S4.55 Modification Application s4.55/2019/019 (DA2018/00886.01)	DOC19/562269	NSW Department of Environment and Heritage - Heritage Division	15 August 2019
Heritage Council NSW – Email correspondence			
Traffic Report	P1215	Seca Solution	07/08/2018
Concept Stormwater Plan	Job No. 18271 Issue A	Skelton Consulting Engineers	09/08/2018
Statement of Heritage Impact	Project No. 18-19	Carste Studio	05/08/2018
Interim Environmental Management Plan	Project 81716.08	Douglas Partners	10/08/2018
Site Auditors Interim Advice Letter	n/a	Ramboll	13/08/2018
DA Access Report	n/a	BCA Access Solutions	09/08/2018
Plan of Management	Doc. ID 6035096 Version: 1	Andrew Macdonald	17/07/2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

## NSW Office of Heritage - APPROVED DEVELOPMENT

A. Development must be in accordance with:

wg. No.	DWG. Title	Date	Rev
<b>Project Name: Alterations and additions to existing premises – Signal Box</b>			
A110	PROPOSED GROUND FLOOR PLAN	12/06/2019	J
A112	PROPOSED FIRST FLOOR PLAN	12/02/2019	G
A150	PUBLIC SHARED WC	16/05/2019	F
A310	PROPOSED ELEVATIONS	12/06/2019	F
A311	PROPOSED ELEVATIONS	12/06/2019	G
A625	AWNING DETAILS	12/06/2019	F
A626	AWNING DETAILS	12/06/2019	F
A750	EXTERIOR BENCH DETAILS	12/06/2019	A

- i. Architectural drawings prepared by Derive Architecture & Design as listed below:

**EXCEPT AS AMENDED** by the following conditions of this approval:

### LOW HEIGHT BRICK WALL

B. The proposed low height brick wall and planter box must be reduced in height to 600mm.

Reason: To minimise visual impact and allow the full height of steel framed windows to be discerned.

### WINDOWS

C. A protective lining must be installed internally over the two window openings adjacent to the proposed cool room.

Reason: To ensure significant fabric is not impacted during the works.

### SIGNIFICANT FABRIC

D. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Reason: To ensure significant fabric is not impacted during the works.

## SECTION 65A APPLICATION

- E. An application under section 65A of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

## RIGHT OF APPEAL

- F. If you are dissatisfied with this determination, section 70 of the Heritage Act 1977 gives you the right of appeal to the Minister for Heritage or, in the case of the determination of an application for approval, or application for modification of an approval, in respect of integrated development, to the Land and Environment Court.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the Stormwater Management Plan prepared by Skelton Consulting Engineers (Job No. 18-271, Drg. No. SW1, Issue A, dated 09/08/18). Full details are to be included in documentation for a Construction Certificate application.
3. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
4. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
5. The premises are to be provided with adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the National Construction Code. Full details are to be included in the documentation for a Construction Certificate application.
6. The Developer designing and constructing the following works in connection with the proposed development within the Wharf Road public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:  
  
Loading bay setout and associated signage  
Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
7. The design and construction of the proposed development is to be in accordance with the relevant requirements of the Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises. Full details are to be included in the documentation for the Construction Certificate application.

## CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

8. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

9. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

10. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

11. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

12. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater:

Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

13. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

- a) Restricting topsoil removal
- b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) Alter or cease construction work during periods of high wind and
- d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

14. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of Australian Standard 4674:2004 - Design, construction and fit-out of food premises.

15. All public trees potentially impacted by the proposal must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

16. The following waste management measures are to be implemented during construction:
- a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
  - b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
  - c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
  - d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW)

17. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed.
18. Plans of any proposed traffic management devices, linemarking and signposting (i.e. loading zones) works on existing or proposed public roads being submitted to Council and approved by the Newcastle City Traffic Committee prior to those works being undertaken.
19. Site preparation works are to be carried out in accordance with the report Interim Environmental Management Plan Proposed Signal Box Works - Market Street Public Domain Wharf Road, Newcastle prepared by Douglas Partners dated August 2018.
20. At the completion of remediation works and prior to use of the land, the following documentation is to be submitted to Council's Regulatory Services Unit:
- a) A validation report (prepared in accordance with the requirements of the approved RAP) by a suitably qualified consultant in accordance with the relevant NSW Environment Protection Authority Guidelines; and b) A 'part A' Site Audit Statement with the purpose of reviewing the completed remedial works and validation report to determine the suitability of the land for the proposed land use.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE**

21. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
22. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated July 2019. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted

to the Principal Certifying Authority and Council prior to the issue of an Occupation certificate.

23. Prior to the issuing of the Occupation Certificate or occupation of the premises, a Long-Term Environmental Management Plan to address ongoing management of the site following completion of contamination remediation works is to be prepared. Provisions of this Plan are to be implemented at the site. A copy of the Plan is to be submitted to Council's Regulatory Services Unit.
24. The approved plan of management (dated 17/07/2019) incorporating security management and responsible service of alcohol being implemented at all times and updated in response to complaints lodged through consultation with Council and NSW Police. The plan shall additionally include the following measures required to be employed during operation of the business:
- Patrons in the outdoor area are to be monitored for rowdy behaviour and shall be removed from the premises if unreasonable noise impact on neighbouring residences is likely to occur.
  - Any person witnessed by licensed premises staff, drinking or in possession of alcohol prior to attempting to gain entry to their premises be refused entry.
  - Staff to assist in the dispersal of patrons from the immediate area of their premises at the close of trade. Staff to maintain a presence until all patrons have left the vicinity of the premises.
  - Alcohol may only be consumed at the seated tables within the outdoor dining area.
  - The licensee must contain a closed-circuit television (CCTV) system on the premises in accordance NSW Licensing Police requirements.
25. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agency, under the Food Act 2003 and (for licensed food businesses) under the Food Regulation 2010.

Notification is to be provided to Council by going to [www.newcastle.gov.au](http://www.newcastle.gov.au) and download a copy of the 'Council Food Business Notification Form' or contact Council's Regulatory Services on (02) 4974 2525.

#### **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT**

26. The hours of operation or trading of the premises are to be not more than from:

Day	Start	Finish
Monday	6:00 am	10:00 pm
Tuesday	6:00 am	10:00 pm
Wednesday	6:00 am	12:00 am
Thursday	6:00 am	12:00 am
Friday	6:00 am	12:00 am
Saturday	6:00 am	12:00 am
Sunday	6:00 am	10:00 pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.



- Outdoor trading is to cease at 10:00pm daily;
  - The viewing platform is to be vacated by 10:00pm daily; and
  - Goods deliveries to the premises are only to be made between 7am to 6pm.
27. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997 (NSW).
- Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.
28. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the Protection of the Environment Operations Act 1997 (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.
- Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.
29. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
30. All existing garden and lawn areas on the site are to be kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.
31. The noise management recommendations provided in Section 8 of the Noise Impact Assessment report prepared by Reverb Acoustics dated July 2019 are to be implemented at all times during use of the premises.
32. Musical entertainment is permitted in the ground level indoor seating area only.
33. All musical entertainment must cease prior to 10pm Monday to Saturday and 8pm on Sunday.
34. Incidental background music is permitted in outdoor areas only in accordance with the limits prescribed in the Noise Impact Assessment report prepared by Reverb Acoustics dated July 2019.
35. All south-facing bifold doors to the indoor seating area must remain closed when musical entertainment is taking place.

36. The maximum number of persons permitted in premise shall be restricted to a total of 216 persons. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.
37. The viewing platform on level one is to be vacated by 10:00pm daily. Full details are to be included within the Plan of Management dated 17/07/2019.

## ADVISORY MATTERS

- Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire and Rescue and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

- Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.4m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.6m AHD (Freeboard is 200mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 1.0m/s

**END OF CONDITIONS**

## **SCHEDULE 2**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The conditions in Schedule 1 have been applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.
- Ensure the development is undertaken in an orderly manner.



**FILE NO:** A18/0014060

**COMPLAINANT:** [REDACTED]

**LICENSED PREMISES:** Basement on Market Street, Newcastle – LIQS220000039

**ISSUES:** Whether the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed.

**LEGISLATION:** *Liquor Act 2007*

## SECTION 81 DECISION

Under Section 81 of the *Liquor Act 2007* (the Act) I, Sean Goodchild, Director Compliance Operations, Liquor & Gaming NSW (L&GNSW) a delegate of the Secretary, Department of Industry, in relation to the complaint made in respect to Basement on Market Street, Newcastle – LIQS220000039 have decided to **issue a warning** to the licensee in the following terms:

*Under section 81(d) of the Liquor Act 2007, I, Sean Goodchild, Director Compliance Operations, Liquor & Gaming NSW, a delegate of the Secretary, Department of Industry, warn Jordan Mizrahi, licensee of the Basement on Market Street, that he must ensure that future disturbance caused by the operation of the venue, including the provision of amplified entertainment and patron noise, is minimised by adequate measures including the closure of doors and windows at appropriate times.*

## REASONS FOR DECISION

### Legislative framework

1. Section 79 of the Act provides that a prescribed person may complain to the Secretary, that the quiet and good order of the neighbourhood of the licensed premises is being

unduly disturbed because of the manner in which the business of the licensed premises is conducted, or the behaviour of persons after they leave the licensed premises (including, but not limited to, the incidence of anti-social behaviour or alcohol-related violence).

2. For the purpose of section 79 of the Act, a person who has standing to make a complaint includes a person who is a resident in the neighbourhood of the licensed premises and is authorised in writing by two or more other residents.
3. Section 80 of the Act enables the Secretary to deal with a complaint by way of written submissions from the licensee and any other person the Secretary considers appropriate. After dealing with the complaint, section 81 of the Act provides that the Secretary may decide to impose, vary or revoke licence conditions, issue a warning, or take no action.
4. In exercising functions under the Act, the Secretary must have regard to the Objects set out in section 3 of the Act and must have regard to the matters set out in section 3(2) which are:
  - a) the need to minimise harm associated with the misuse and abuse of liquor;
  - b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, services and consumption of liquor; and,
  - c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

#### **The Complaint**

5. On 19 November 2018, [REDACTED] (the complainant), of [REDACTED], lodged a section 79 noise disturbance complaint with L&GNSW alleging undue disturbance to the quiet and good order of the neighbourhood caused by amplified music and patron noise emanating from Basement on Market Street (the venue), located at 1/2 Market Street, Newcastle. The complainant lodged the complaint as a resident authorised by two other residents who reside in the [REDACTED] building (the residence) located at [REDACTED].
6. The complainant alleges disturbance is caused by excessive noise from both amplified music and patron noise. The complainant alleges the disturbance occurs on Thursday, Friday and Saturday nights, however the disturbance is not isolated to these nights. The disturbance forces the complainant to close doors and windows at their residence, which does not totally eliminate amplified noise, bass beats and patron noise from penetrating the walls of the residence.

7. The complainant seeks a variety of remedies, including adherence to the LA10 noise condition at all times, installing a noise limiter, making appropriate noise reduction additions to the venue, closing all doors and windows by 6:00pm, advising patrons about disturbance and respecting neighbours and returning furniture in a quiet manner when the venue is closing.
8. Between 21 November 2018 and 11 April 2019, various submissions were lodged by all parties.

**Statutory considerations of section 81(3) of the Act:**

9. The Act requires that the Secretary have regard to the following statutory considerations.
10. *The order of occupancy between the licensed premises and the complainant* – the venue has operated at its present site since 19 August 2015. The complainant has lived at the residence for approximately four years. The two authorising residents to the complaint have lived at the residence for approximately 17 and 20 years. The complainant's occupancy predates that of the venue, though not by a great deal of time. I also have regard to the authorising residents who have resided at their current address for a much greater period of time. I am satisfied that the order of occupancy is in favour of the complainant.
11. *Any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises* – the venue has been operated as a small bar since it commenced trading in August 2015. Throughout the submission process, the parties have argued about the additional outdoor area which the licensee was permitted to utilise as part of a council trial of outdoor trading in Market Street. The outdoor area in question was previously a parking area. The effect of this added outdoor area reduced the proximity of the boundary of the venue to the residence from 20 metres to 11 metres. The licensee advised in his submission of 9 April 2019 that the lease for this additional area ceased at the end of March 2019. The outdoor area is now confined to the footway just outside the venue.
12. *Any changes in the activities conducted on the licensed premises over a period of time* – The complainant submits the venue has varied its activities since opening in 2015. The venue hosts live amplified music events, parties and functions multiple times a week. These activities have the effect of transforming the venue from a small bar to a nightclub. The complainant alleges the addition of a 'happy hour' which advertises cheap drinks and food, will attract a 'university' or 'pub' style patronage. The licensee

disagrees and submits the venue's target demographic is patrons aged around 35 – 70 years old due to the food and live entertainment options on offer. The licensee also submits the promotional material for the venue is not targeted towards young people and he does not consider nearby nightclub venues as competitors due to the different demographics targeted.

## **Other Considerations**

### *Undue disturbance*

13. I am satisfied the material before me is sufficient to support a finding the venue has at times in the past, caused undue disturbance to the neighbourhood. In making this finding, I have balanced the submissions made by the licensee, the complainant, NSW Police and Council.
14. The venue holds a small bar liquor licence. Mr Jordan Mizrahi has been the licensee and business owner since the grant of the licence in August 2015. The venue is situated at 2 Market Street, Newcastle. It occupies the ground floor of a multistorey building, which houses both residential and commercial premises. In this part of Newcastle, there are a number of similar premises housed in both residential and commercial properties. Market Street is a no through road shared by pedestrians and vehicles and sits adjacent to Hunter Street Mall, which is housed in the Newcastle CBD. Within 300 metres of the venue there are numerous licensed venues including three large hotels, the closest being the Queens Wharf Hotel which is about 60 metres away. Also, a disused railway line has been transformed into the Market Street Lawn, which acts as a community space.
15. The venue is located [REDACTED] from the complainant's residence, however was only [REDACTED] from the complainant's residence when the outdoor area was in use. The venue faces Market Street, towards the back of the residence. The residence extends from the corner of Scott and Market Street and runs parallel to the venue. The residence also faces the Three Bears Kitchen, a café holding an on-premises restaurant licence which trades from 7:00am to 3:00pm (though is licensed to trade until 10:00pm). The residence is also subject to noise from other venues in the nearby area, including ambient noise which is common in a CBD, including traffic and urban hum. This is referenced in the acoustic response provided by Mr Ross Hodge dated March 2019, which is highlighted further below, and states 'the ambient noise in the vicinity of the bar and nearby residences is generally higher than the noise criteria due to the contribution of the various noise sources in the inner city area'.



16. The venue is open from 12:00pm to midnight seven days a week, with the outdoor area in use until 9:00pm. The venue hosts live jazz music events on most Thursday nights. Relevantly, the venue's licence is already subject to an LA10 noise condition, which was imposed at the grant of the licence. Other conditions on the licence include outdoor trading hours be ceased at 9:00pm, reduce noise to a background level 30 minutes prior to closure, and liquor can only be consumed outside at the seated tables within the outdoor dining area in conjunction with a meal.
17. The complainant and authorising residents have previously lodged complaints with L&GNSW, Police and Council. The complainant submits they have communicated with these government bodies over 100 times regarding noise disturbance in connection with the venue. L&GNSW records indicate that since 2016, there have been nine noise complaints in relation to the venue. All complaints have come from parties to this complaint. Each of these complaints relate to disturbance caused by patron noise, live or amplified music.
18. Between 2016-2019, L&GNSW have conducted a total of 34 audits of the venue, including remote desk audits and on-site inspections. Of these audits and inspections, five breaches have been identified on two occasions. One inspection identified minors in the venue and several breaches of licence conditions relating to service of beverages and seating of patrons. Four Warning Notices and one Penalty Notice have been issued to the licensee in relation to these breaches. Of the ten on-site inspections by L&GNSW Inspectors identified no undue noise disturbance. All inspections were tasked with the specific objective of monitoring and observing noise and disturbance levels at the venue.
19. Since the initiation of this matter, L&GNSW has received three submissions from the complainant about disturbance from the venue. This correspondence has been accompanied by photographs of the venue from different apartments within the complainant's residence. The complainant alleges disturbance is caused mainly by amplified music and excessive noise from patrons. The photographs highlight instances where windows and doors are open during live performances and at times they are meant to be closed, patrons standing outside the outdoor area, and patrons remaining within the outdoor area once closed.
20. Police provided a submission on 20 November 2018. Police submit that between 17 September 2015 and 20 October 2018. They have responded to two noise complaints and have conducted four business inspections relating to noise disturbance. Half of the inspections caused Police to speak with venue management regarding the noise, with

one instance resulting in Police issuing a noise abatement order. The two most recent inspections in 2018 record minimal noise being heard from the venue. Police also submit they object to granting applications to lift conditions on the liquor licence relating to the outdoor trading area and seating. Police disapprove of a change because it may unduly affect noise disturbance at the venue due to patrons being able to congregate in groups and in higher numbers.

21. Council provided their submission on 26 November 2018. Council submit that between 7 April 2017 and 5 October 2018 they have received eight noise disturbance complaints about the venue. Council did not provide any details regarding the outcome of these complaints. Council provided a copy of Development Application 2014/1322 which identifies permissible operating hours, confirmed there are no pending development applications and they did not consider any other matter relevant.
22. The DA and liquor licence indicate the venue must comply with the LA10 noise criteria between 7:00am and 12:00 midnight at the boundary of any affected residence, doors must be closed at 6:00pm and all external windows must be closed between 10:00pm and 12:00am during the provision of low level music. I also note there is some dispute as to whether the three bi fold doors are windows, and therefore are not required to be closed at 6:00pm. Further, drums and drum machines are not permitted for live performances.
23. The licensee has submitted two noise impact assessments and one acoustic response relating to the venue. The first noise impact assessment was obtained in December 2014 by Muller Acoustic Consulting when the venue was known as Zula Bar. The second noise impact assessment was obtained in January 2019 by Mr Ross Hodge of Spectrum Acoustics. The acoustic response, also by Mr Hodge, was obtained in March 2019 and was made to address relevant acoustic components found in the assessment of January 2019. To ensure the evidence and data for this decision is both current and relevant, I will only be discussing the two noise impact assessments from January and March 2019.
24. The licensee submits the venue operates within the permitted noise levels required by its liquor licence. The licensee had two recent noise impact assessments performed by Spectrum Acoustics in January 2019 and March 2019 in response to the complaint. Testing was completed both within the venue and at the boundary of the residence facing towards the venue. Following testing, the acoustic consultant recommended the following:

- a) Doors and windows to Market Street must be closed at all times while there is entertainment at the venue;
  - b) Performers, bands and speakers must be set up to face towards the bar and not towards the outdoor area;
  - c) A sound level meter be used to measure noise level at a location of three metres from the speakers on an hourly basis to ensure compliance;
  - d) The first measurement should be made within 10 minutes of the entertainment commencing on any given day;
  - e) Measurements be made by a responsible person who is adequately trained to take accurate and valid noise measurements. All readings must be entered into a register and signed off by this person with records kept up to three months;
  - f) The noise level measures at three metres from the speaker is to be limited to 80dB;
  - g) Outdoor areas to the venue must be closed at 10pm and all patrons moved inside the building;
  - h) Staff be instructed about potential consequences of noise exceedances and the level of noise that is appropriate to the residential area; and
  - i) Staff to move quickly to quieten down any patrons who are creating, or showing potential to create excessive noise.
25. The assessments indicate that noise from entertainment in the venue will comply with the LA10 provided the doors and windows are closed and the noise level is regulated by a sound level meter. Noise from patrons at the venue may also cause a negligible exceedance of the LA10 noise criteria, so long as the venue does not allow patrons to be in outdoor areas of the venue after 10pm. The assessment carried out in January 2019 notes, however that readings were affected by strong winds and from other ambient noises from within the Newcastle CBD.
26. I now refer to the complainant's response to the findings in the noise impact assessment and subsequent acoustic response. The complainant submits they agree with the findings that the venue be required to close all doors and windows during the provision of live or DJ music within the venue. The complainants however, do not agree that noise emissions from patrons may cause a negligible exceedance of the LA10 noise criteria, rather they submit that through their photographic evidence, the acoustic consultant's hypothesis and recommendations relating to patron noise are flawed and should be

discarded. The complainant goes further, questioning the times and days the venue was tested, which calls into question the validity of the findings.

27. The first test was conducted on the evening of Thursday 29 November 2018, which is normally when the venue hosts live jazz music. The second test, which was conducted regarding patron noise, was conducted on the evening of Friday 8 March 2019. These days are noted by the complainant as being two of the worst nights for disturbance. Testing was completed both inside and outside the venue at the boundary of the residence. The acoustic consultant made findings based on noise levels in the venue and noise at the residence which included all noise, bar noise and a worst case scenario noise reading. Both assessments found that the venue may exceed the LA10 noise condition, but referred to the impact of other noise sources within the CBD, including traffic and urban hum. Recommendations to avoid possible exceedances were made. Considering the above, I do not agree with the complainant's submission that the findings of the acoustic consultant are flawed and have determined the findings are relevant to the complaint.

28. I note that the standard LA10 noise condition, which was developed many years ago in consultation with the acoustic consultant industry, provides a useful technical benchmark which can assist in any determination as to whether undue disturbance has occurred. The condition only sets a requirement that noise from licensed premises not be audible in any habitable room in residential premises between midnight and 7:00am. The complainant alleges that because the venue may breach the LA10 noise condition, in line with the results of the testing, this implies that the venue has already been in breach and is thus causing undue disturbance. While the results of acoustic testing indicate there is potential for the venue to breach the LA10 noise condition if certain recommendations are not implemented, I am not satisfied that this must result in a finding of undue disturbance. Acoustic testing results which illustrate potential non-compliance with the LA10 condition are just one factor among a number of factors in determining whether or not there has been undue disturbance. Testing also in my view provides a snapshot of disturbance over a short period of time and cannot solely determine disturbance over a long period of time. I also note that the LA10 condition does not have any legislative basis.

29. Taken as a whole, the material indicates the venue may have at times in the past caused undue disturbance. I note particularly the evidence presented in the Police submission of historic issues. These instances occurred on 17 September 2015, when a noise abatement order was issued, 23 January 2017 and 29 April 2017. However, aside from these historic issues, the submissions from Police, Council and L&GNSW

inspection records all indicate a relatively low level of disturbance created by the venue. I note in particular the observations of Police contained in their submission. L&GNSW has previously committed substantial resources to resolve this issue, however has been unable to identify undue disturbance.

30. A level of disturbance from the normal operation of a licensed premises is to be expected, including noise from amplified entertainment, patrons, and pedestrian traffic caused by the venue. This may be compounded due to other licensed premises in the areas and disturbance commonly found in a busy town centre. The recommendations made by the acoustic consultant support the licensee's submission that they have not caused undue disturbance, but also provides practical solutions that the licensee can implement to further ensure compliance with the LA10 noise criteria.

*Action taken to mitigate disturbance*

31. Since the complaint was lodged, the licensee submits that he has implemented the following measures to control disturbance, including:
- a) Restructuring management policies to ensure a more hands on approach to the venue's obligations and responsibilities by the licensee and business owner;
  - b) Commissioning two noise impact assessments;
  - c) Removing the base sound system following initial noise complaints;
  - d) Reducing the live entertainment schedule;
  - e) Amending waste disposal hours to reduce noise impacts at the end of the night;
  - f) Windows and doors closed by 10pm in accordance with recommendations made by the three noise impact assessments;
  - g) Maintaining an incident register from August 2015;
  - h) Purchasing a Digitech QM-1589 noise monitoring device which was recommended by a construction engineer with a wealth of knowledge in the acoustic field;
  - i) Training led by acoustic consultant on the use of the above noise monitoring device to the licensee and staff. A video of which was included in the licensee's final submission;
  - j) Erecting signage at the venue's exit requesting respect for neighbours from departing patrons; and

- k) Voluntarily acquiescing the additional outdoor area, thereby ceasing the lease and reducing the proximity between the venue and residence.
32. The licensee strongly opposed remedies sought by the complainant in this matter. These remedies relate to implementing automatic monitoring devices and automatic closing devices, closing of all doors and windows by 6:00pm, employing security to manage patron egress, and limiting the variety of entertainment offered. The licensee has suggested additional remedies, including closing all windows and doors prior to and for the duration of any live music performance and leaving all outdoor furniture in place on the pathway after close of business to limit noise impacts when returning furniture inside the venue (subject to Council approval). Further, the licensee proposes to continue closing the main access entry at 6:00pm and the window at 10:00pm and setting the noise monitoring instrument at the outset of the evening and keeping it unchanged for the duration for the remainder of the night. This would include adjusting the employment induction pack to reflect acoustic requirements and demonstration of correct use of the noise monitoring instrument.
33. The licensee advised they have invited the complainant to refer any issues they have by contacting them on a separate phone line. This resulted in one of the authorising residents to the complaint to distribute her own correspondence to all neighbours at the residence to report all queries and complaints to L&GNSW and by-pass the alternative phone line. Further, the licensee organised for a cease and desist letter to be sent to this person as they were taking photographs of the venue and patrons both outside and inside the venue. While the licensee admits mediation would be the preferred option, it is clear that the relationship between the venue and complainants is poor and would not result in a productive outcome.
34. The licensee has also explored changing their liquor licence type from a small bar to an on-premises restaurant licence with a Primary Service Authorisation. The licensee has discussed this change with local liquor licensing Police. The licensee submits this would entail a restructure in the business, which in his view is already a food-oriented business. This change would enable the venue to transition to a family friendly venue, and would appease all parties in mitigating noise disturbance.
35. The licensee's submissions indicate that action has been taken to mitigate disturbance and the licensee proposes to close all windows and doors prior to and during live entertainment and using a noise monitoring device at the venue during hours of operation. The licensee needs to be vigilant in ensuring that undue disturbance is not caused by the operation of the venue or patron behaviour. I encourage the licensee to

continue to mitigate noise disturbance at the venue by implementing the recommendations suggested by the acoustic consultant.

### **Regulatory Response**

36. As I have found that there has been some historic instances of undue disturbance, I now turn to consider what, if any, regulatory action should be taken in response. In making my decision, I have considered the submissions of the complainant (authorised by two other affected residents), licensee, Police and Council.
37. I have taken the statutory considerations into account and acknowledge the order of occupancy is in favour of the complainant. Notwithstanding this, I find it reasonable to expect some form of noise will be generated from the ongoing operation of the venue, especially noting its position within the Newcastle CBD. The complainant must be aware that living in the inner city will result in noise disturbance given the commercial and residential mixed usages of the area. It is noteworthy that Council through its planning and DA process has permitted this mix to occur.
38. Considering the material presented by the parties to the complaint, I am satisfied that the imposition of licence conditions is not warranted in this instance. I note that the liquor licence is already subject to the LA10 noise condition. I take note of the noise impact assessments, particularly the acoustic report of January 2019 which indicates a possibility of minor exceedance which would be rectified by the closure of doors and windows.
39. I have determined to issue the licensee a warning in this matter. This decision reflects my conclusion that there is not sufficient evidence of recent undue disturbance, though I note that there has been some historical undue disturbance and measures which the licensee can implement to improve the management of disturbance. In issuing a warning I will provide the licensee an opportunity to implement the recommendations made by the acoustic consultant. In reaching this decision I have taken into account the absence of any recent evidence of undue disturbance and that the submissions of Police and Council support the licensee and the two noise impact assessments.
40. I again firmly encourage the licensee to continue to be proactive in the management of disturbance, in particular closing doors and windows prior to and during amplified entertainment and by monitoring and recording noise levels through the use of the sound level meter. The licensee should be aware that if fresh and direct evidence be presented demonstrating further undue disturbance or disregarding his responsibilities

in relation to mitigating noise, it is open for the matter to be reconsidered and for formal regulatory action to be taken.

**Decision Date:** 25 June 2019



**Sean Goodchild**

**Director Compliance Operations**

Liquor & Gaming NSW

Delegate of the Secretary of the Department of Industry

**Application for review:**

Should you be aggrieved by this decision, you may seek a review by the Independent Liquor & Gaming Authority by an application which must be lodged within 28 days of the date of this decision, that is, by no later than 23 July 2019. A \$500 application fee applies. Further information can be obtained from Authority Guideline 2 published at [www.liquorandgaming.nsw.gov.au](http://www.liquorandgaming.nsw.gov.au)

In accordance with section 36C of the Gaming and Liquor Administration Act 2007 this decision will be published on the Liquor & Gaming NSW website at [www.liquorandgamingnsw.nsw.gov.au](http://www.liquorandgamingnsw.nsw.gov.au)



**The Material before the delegate of the Secretary in making this decision comprises:**

1. Copy of the liquor licence dated 12 April 2019.
2. Section 79 Noise Disturbance Complaint lodged by the complainant on 16 November 2018.
3. Submission from NSW Police dated 21 November 2018.
4. Copy of an Approval to use Footway for Outdoor Trading Purposes from Council to the Venue dated 8 November 2018. A copy of this document was also annexed to the Licensee submission.
5. Copy of a Notice of Determination Development Application from Council to the Licensee dated 17 February 2015. A copy of this document was also annexed to the Council and Licensee submission.
6. Submission from Council dated 26 November 2018.
7. Submission from the Licensee dated 17 January 2019.
8. Noise impact assessment from Muller Acoustic Consulting dated 18 December 2014.
9. Noise impact assessment from Spectrum Acoustics dated January 2019.
10. Email correspondence between the Licensee and Inspector [REDACTED] of L&GNSW dated 2 November 2018.
11. Copy of an image of a Digitech QM-1589.
12. Eight photographs of [REDACTED] an authorising resident to the complaint.
13. Copy of a letter from Bilbie Dan Solicitors and Attorneys addressed to [REDACTED] dated 5 October 2017.
14. Copy of four incident register excerpts dated 10 March 2018, 15 June 2018, 21 June 2018, 29 June 2018 and 23 November 2018.
15. Copy of correspondence from [REDACTED] to [REDACTED] residents dated 18 May 2017.
16. Photograph of a sign outside the venue regarding noise.
17. Second submission from the complainant dated 13 February 2019.
18. Response from the complainant to the noise impact assessment dated 12 February 2019.
19. Second submission from the Licensee dated 25 March 2019.
20. Copy of a letter from Council to the Licensee dated 3 May 2017.
21. Noise impact assessment from Spectrum Acoustics dated 14 March 2019.
22. Additional information from the complainant dated 26 March 2019.
23. Final submission from the complainant dated 4 April 2019.
24. Response from the complainant to the Council letter of 3 May 2017 dated 2 April 2019.
25. Final submission from Licensee dated 9 April 2019.
26. Additional material to the final submission from the Licensee dated 10 April 2019.
27. L&GNSW compliance report.



CURRENT

**CIVIC THEATRE  
NEWCASTLE CITY COUNCIL**

No. LIQ0624005179

START:  
30/05/1995EXPIRY:  
N/A

## About

### ADDRESS



375 Hunter St, NEWCASTLE, NSW 2300

[View on map](#)

### CONDITIONS

Trading hours are as follows: a) for all areas from one (1) hour before and until one (1) hour after any performance, function or event but not in any case before 05:00 am on any day, or after 02:00 am Monday to Saturday or after 12:00 midnight on Sundays; b) for the section of the Wheeler Place/outside area south of the restaurant for a period of thirty (30) minutes before, and for twenty (20) minute periods at intervals during, any scheduled performance, function or event but not in any case before 05:00 am on any day, or after 02:00 am on Monday to Saturday or after 12:00 midnight on Sundays

START:  
12/06/2015END:  
N/A

The licence is to be owned by the Newcastle City Council and shall be held by such employee of the Council as may from time to time be nominated by the Council and approved by the Independent Liquor and Gaming Authority under the Liquor Act 2007. The licensed premises are defined as the area outlined on the plans filed with the Independent Liquor and Gaming Authority and includes the Civic Theatre complex, consisting of the ground and promenade floors and a section of Wheeler Place adjoining the complex but excludes the restaurant and outdoor dining area adjacent to the restaurant.

START:  
12/06/2015END:  
N/A

Liquor shall be supplied only to persons attending a bona fide function or event including meetings and seminars approved by the Newcastle City Council, or a performance in the theatre.

START:  
12/06/2015END:  
N/A

**Catering service** The business of providing the Catering Service must be for fee, gain or reward. Functions held pursuant to the Catering Service must be pre-booked. A Catering Service booking register must be maintained.

START:  
29/01/2016END:  
N/A[Feedback](#)[Feedback](#)[Feedback](#)[Feedback](#)

**Sale on other premises authorisation** The sale on other premises authorisation can only be utilised for functions, occasions or events, which are by invitation only.

START:	»	END:
29/01/2016		N/A

No drinks commonly referred to as shots, shooters, slammer, and/or bombs are to be sold or supplied.

START:	»	END:
29/01/2016		N/A

The licensed premises must always be operated and managed in accordance to the approved Plan of Management dated January 2016 as may be varied from time to time after endorsement by the Local Area Commander

START:	»	END:
29/01/2016		N/A

Liquor shall only be sold or supplied for consumption on the licensed premises and no liquor shall be carried away from the premises

START:	»	END:
1/07/2008		N/A

Consumption on premises - Catering Service Good Friday Normal trading Christmas Day Normal trading December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

START:	»	END:
1/07/2008		N/A

Sections 22(1) and (2) of the Liquor Act (relating to the primary purpose of the business or activity carried out on the premises) do not apply to the premises to which this licence relates.

START:	»	END:
1/07/2008		N/A

Consumption on premises - Theatre Public Entertainment Venue Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

START:	»	END:
28/10/2009		N/A

Consumption on premises - other public entertainment venue Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.

START:	»	END:
28/10/2009		N/A

The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the Liquor Act 2007.

START:	»	END:
8/09/2010		N/A

[Feedback](#)

[Feedback](#)

[Feedback](#)

[Feedback](#)

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:15:42 AM  
**Attachments:** [eie-submission.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 4:29 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 16:28  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle East  
Submission file:  
[eie-submission.pdf](#)

Submission: See uploaded file

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## **Submission re: Explanation of Intended Effect (EIE) of SEPP amendment to Newcastle LEP for Newcastle night time economy trial**

### **1. The EIE lacks a valid means of evaluation.**

That *Council and Liquor and Gaming NSW will evaluate the outcomes at the end of the trial* is valueless without any accompanying Key Performance Indicators (KPIs) against which to definitively measure and demonstrate how effective the trial is in achieving its objectives. The following vital points are missing:

- What is intended to be achieved?
- How it is intended to be achieved?
- Is there adequate justification to indicate the proposed amendment will achieve the objectives?
- Are the objectives in the public interest?
- Are the objectives consistent with the objective of the Act to promote the social and economic welfare of the community (s1.3(a)).


*Aims to support local businesses and rejuvenate the night time economy in Newcastle* is a totally inadequate KPI and consequently *any future changes will be subject to the evaluation results* is meaningless.

Without any accompanying KPIs there is no indication how *Council and Liquor and Gaming NSW will evaluate the outcomes at the end of the trial*. It becomes a valueless statement.

### **2. The EIE lacks rational grounds for:**

- Deviating from an established provision of the SEPP which excludes food and drink premises from being treated as exempt
- Allowing extended trading as an exempt development in an area with a long history of high rates of alcohol-related harm.
- Using extended trading as a profit recovery strategy for businesses which have resumed trading, in a location with a long history of high rates of alcohol-fuelled violence and related disturbances.
- Failing to take account of research which has established that increasing availability and supply of alcohol during a pandemic is very problematic - drunk people will not stick to social distancing rules
- Permitting a trial exempt development provision without ensuring an adequate independent evaluation will be made.

**3. The EIE lacks a disclosure** that the intended effect (recoupment of profit) may not be the only effect of the proposed amendment to the LEP. Given the locality within which it is proposed to apply, a number of other likely or potential effects should have been identified and addressed. These have not been mentioned in the EIE which therefore does not appear to meet the requirements of s3.33 of the EP&A Act or the general purpose of the Act which is to promote social wellbeing.

  
Newcastle East

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:15:42 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 5:10 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 17:09

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: I fully support the proposed amendment to trial extended licensing hours in Newcastle. This has been long overdue for such a progressive City. Small bars and restaurants are the future of Newcastle night life. Gone are the days where people want to hang out at a club all night. People want to sit back, relax and enjoy without having to be rushed out the door just before midnight. These types of venues are more sophisticated than your average pub and club. Having these options available will only bring a more diverse crowd into Newcastle at night. I hope this will end up being a permanent fixture. This is only going to benefit the people, economy and Newcastle!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:15:48 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 6:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 18:53

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: The proposed amendments to the planning laws enable a hasty trial of weakened alcohol conditions and raise multiple concerns. These concerns are inconsistent with good order and public safety, due process, open and accountable government and probity and integrity. Residents, of which I am one, are well aware of the potential impact and consequences hotel / nightclub activities have currently in the vicinity of Steel, King, Ravenshaw and Hunter Streets. The proposals may also impact on what happens in the surrounding streets. Once patrons leave venues they often assemble in the streets. Residents have a right to amenity – a decent night's sleep. As a resident of Newcastle West I have serious fears/risks and concerns with alcohol related issues/disturbances in my area. I will usually not leave my home at night and when I do not feel safe or secure. The proposed changes to the SEPP and Newcastle LEP weaken Newcastle's current licensing conditions. It makes no sense to initiate and hasten a questionable trial and partial evaluation of weakened alcohol controls in our CBD whilst COVID restrictions on businesses remain in force. I believe the proposed DA is contrary to the public interest.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:15:58 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 6:59 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 18:59  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle West. 2302  
Submission file: [webform\_submission:values:submission\_file]  
Submission: The extension of hours will be nothing of but a benefit to the nightlife of Newcastle.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:16:38 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:00 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 18:59  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Georgetown 2298  
Submission file: [webform\_submission:values:submission\_file]  
Submission: This is a great move for Newcastle!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:17:27 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:03 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 19:03  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Medowie 2318  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support extending the hours of trading till 2am for Newcastle CBD

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:18:08 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:03 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 19:03  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2016  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I strongly support the proposed the following amendments to trading hours in Newcastle restaurants and bars and feel it would benefit Newcastle business owners, customers and travellers to the area.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:18:32 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:09 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 19:08  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2302  
Submission file: [webform\_submission:values:submission\_file]  
Submission: This trial is essential for the people of Newcastle. Especially after the year we have had our friends in small business deserve a chance to operate later than midnight.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:18:57 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:15 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 19:14

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: As a resident of Newcastle West I have serious concerns with alcohol related issues/disturbances in my area. The proposed amendments to the planning laws enable a hasty trial of weakened alcohol conditions and raise multiple concerns. The changes are inconsistent with good order and public safety, due process, open and accountable government and probity and integrity. The Newcastle CBD and Newcastle West districts have changed significantly in the last few years. They have become high density residential precincts. Residents are already well aware of the potential impact and consequences of licensed premises in the early hours, currently restricted to Saturday and Sunday mornings. The proposed changes to the SEPP and Newcastle LEP weaken Newcastle's current licensing conditions. It makes no sense to initiate and hasten a questionable trial and partial evaluation of weakened alcohol controls in our CBD whilst COVID restrictions on businesses remain in force. The proposed DA has been rushed through during the pandemic and is contrary to the public interest.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:19:08 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 7:32 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 19:31

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: The hospitality industry, as well as business in general, should absolutely be allowed as much flexibility as reasonably possible to respond to market demands. I have no doubt that the City of Newcastle must do what it can to meet the standard of virtually any other city in the world and extend hours of trade.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:19:22 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 8:18 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 20:18  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2304  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please extend the licensing hours in Newcastle

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:20:45 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 9:22 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 21:21  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Wickham 2293  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I'd really appreciate it if the council allowed small bars to open late. Small bars are such a great part of the Newcastle culture, we need this to support the industry.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:20:59 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 9:23 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 21:23  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Wickham 2293  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please allow bars to stay open late so we can not be children

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:21:11 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 9:32 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 21:31  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2297  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please allow bars to stay open late so I can enjoy my night more

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:21:20 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 9:35 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 21:35  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2303  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please allow bars to stay open late as I am a slave to the sesh. I work full time, make a positive contribution to the community and would like to spend my personal time enjoying a nice alcoholic beverage past midnight.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:21:32 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 10:05 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 22:04  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Broadmeadow  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Do it

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:21:43 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 10:06 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 22:06  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Valentine  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Why not

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] [lla](#) on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:21:59 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 September 2020 11:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Tue, 15/09/2020 - 23:53

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2299

Submission file: [webform\_submission:values:submission\_file]

Submission: I declare the opening of a more vibrant and exotic nightlife to be the hallmark of any good city, and moving into a modern way of life, even those who wished for a retiree city can still find comfort in good food, greater atmosphere and generation of wealth and economic vibrancy, and a wholesome and safe drinking and eating culture to enjoy

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:22:14 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 8:09 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 08:09

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2318

Submission file: [webform\_submission:values:submission\_file]

Submission: I fully support this trial, I also hope that it eventually leads to a permanent and positive change for our hospitality industry.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:22:24 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 9:07 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 09:06  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: waratah  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please allow bars to stay open till 2am

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:23:01 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 9:18 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 09:17

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: I live in Newcastle inner city and have only just learned of this extension and relaxation of licensing applicable to the widespread small bars in the inner city. Among other things, this in itself is, if not a direct denial of procedural fairness, certainly an abrogation of such a requirement. The proliferation of small bars in the inner city with the auspices of state and local governments was poor decision making from the beginning. And now it seems governments are too willing to build on a poor foundation.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 10:50:20 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 10:47 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 10:47

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: There are many reasons that the proposed trail should move forward. 1. Both state & local governments have already created the framework for small bars trading after midnight. Through the creation of small bar license by the state government & the Newcastle 'after dark' strategy put in place by local council. With the idea of promoting late night business in a safe, low risk environment. 2. As a patron of small bars over the last decade and also a small bar operator for the last 6 years, I struggle to recall any experience in these smaller venues where I felt unsafe or experienced aggression from other patrons. I attribute this to the smaller number of patrons, if someone is acting antisocial it quickly becomes very obvious among peers and the staff. Quite often there is a higher degree of service and interaction with staff, including table service. This can reduce confrontations between patrons. Patrons are general out to socialise with there friends, drinking isn't the main focus, patrons spend but drink less, the focus is on the experience. 3. Allowing business to trade later, will increase employment and improve the financial health of the hospitality sector which has been one of the hardest hit by the pandemic. 4. There is currently very few options for Novocastrian's and tourists after midnight. Younger demographics are catered for by the nightclub's and some pubs after midnight have a more inclusive feel, but most patrons I have found feel uncomfortable in these larger setting after midnight. This leaves a large demographic under serviced. Being able to socialise after midnight shouldn't be left only to 'the kids'. Having more inclusive nightlife is a benefit to Newcastles amenity. 5. We have seen the impact of the lockout laws on the hospitality sector in Sydney. Which penalised both the small percentage of bad operators and the good operators, including restaurants. The change in consumer spending habits due to the changes caused many businesses to fail. The effect of these restrictions in Newcastle has been similar, only that they have hampering any new business from even getting off the ground, especially in the heart of the city. You only have to walk around to see the number of commerical premises for lease, pre-pandemic, to see the picture here. They can't all be coffee shops.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 11:02:04 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 11:00 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 10:59  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2294  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I think it's great with the extended hours and drinks menu available past the previous 10pm cut off.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 12:36:06 PM  
**Attachments:** [independent-bars-association-of-nsw---submission-on-extending-licensing-hours-trial-\(newcastle.pdf\)](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 12:21 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 12:19

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: NSW

Submission file:

[independent-bars-association-of-nsw---submission-on-extending-licensing-hours-trial-\(newcastle.pdf\)](#)

Submission: Please see attached

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



## **Submission on proposed amendment to trial extended licensing hours in Newcastle**

**17 September 2020**

**For more information on this submission, please contact:**

██████████, President, Independent Bars Association of NSW

██████████@iba.org.au

██████████

## **1. Introduction**

The Independent Bars Association of NSW welcomes the opportunity to make a submission on the proposed amendment to trial extended licensing hours in Newcastle.

## **2. About the Independent Bars Association of NSW**

The Independent Bars Association of NSW is a membership association with a vision to protect and promote the business interests of independent and small bars in NSW.

The association advocates on policy issues to improve the competitiveness and vibrancy of independent bars, advises members on key issues affecting bars, and promotes high standards of service and conduct in independent bars across NSW.

Our membership includes 51 of the state's most recognised and awarded independent and small bars.

## **3. Executive summary**

The Independent Bars Association of NSW commends the NSW Government for considering a trial to extend licensing hours in Newcastle, and fully supports this proposal.

The lockdown laws, originally introduced in 2008, were originally intended to address poor compliance and regard to community safety for a select few venues. While the intervention was arguably warranted for these venues, the scope of the scheme has grown over time to encompass all licensed venues in Newcastle. In turn, this has strangled the growth of low-impact, culturally diverse and inclusive venues, resulting in Newcastle's nightlife lagging far behind that of Sydney and other major Australian cities.

As this submission will outline, Sydney's night-time economy has benefited greatly from having more small bars to diversify the city's nightlife offering – a fact which has been consistently recognised by the NSW Government and Parliamentary Committees. As Australia's drinking habits change to preference experience-based and service-driven offerings, small bars are uniquely placed to respond to consumer demand.

However, the ongoing strain placed on small venues by COVID-19 means that it is now more important than ever to expedite regulatory changes that will support venues to survive the crisis. Extended trading hours are one such change that can offer immediate support to small bars and restaurants, whose venue capacity has been significantly reduced by social distancing requirements, by offering more time for them to trade and recover margin.

The Independent Bars Association of NSW encourages the Government to consider extending the trial to 12 months to offer greater certainty to small bars operating during these challenging times and offer them the greatest chance of success to make it through to the other side of the pandemic. The precedent for an extended trial period has already been set with the recently reversed lockout in Sydney's CBD also set for review in the 12 months post-implementation.

Newcastle already has some of the best day time attractions to rival the best in Australia. Now is the time to realise the city's potential for a safe, vibrant and diverse nightlife by encouraging small bars and restaurants to flourish. NSW's second largest city deserves no less.

#### **Summary of recommendations:**

1. Proceed with the planned trial of extended licensing hours for small bars and restaurants to stimulate the sector's COVID-19 recovery and provide a more vibrant night-time offering in Newcastle;
2. Extend the proposed trial to 12 months, consistent with the planned review of the reversal of lockouts in Sydney's CBD, to offer greater business certainty; and
3. To move immediately to make the extended licensing hours permanent, upon successful completion of the trial.

## **4. Submission**

### **4.1. Alcohol preferences have changed – and for the better**

Drinking trends across Australia have changed, and for the better. Findings from the 2019 Australian Institute of Health & Welfare's National Drug Household Survey<sup>1</sup> – the most comprehensive and independent set of data on Australia's drinking habits – recently confirmed a continuation of responsible drinking trends:

- the vast majority of Australians (83.2%) drink moderately or abstain from alcohol altogether;
- 20.9% of Australians abstain from drinking alcohol; and
- the youngest cohort of drinkers are drinking more responsibly than any generation before – with 62% reporting they drink within National Drinking Guidelines, and 22% abstaining from drinking alcohol altogether.

Australian Bureau of Statistics data also confirms Australia's per capita alcohol consumption is at its lowest in 50 years.<sup>2</sup>

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<sup>1</sup> Australian Institute of Health & Welfare, July 2020, 'National Drug Strategy Household Survey 2019', <<https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey-2019>>.

<sup>2</sup> Australian Bureau of Statistics, September 2020, 4307.0.55.001 – Apparent Consumption of Alcohol, 2018-18, <<https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4307.0.55.001Main%20Features62017-18?opendocument&tabname=Summary&prodno=4307.0.55.001&issue=2017-18&num=&view=>>>.

Increasingly, Australians are choosing to drink more premium products, less frequently, which has contributed to the growth of experience-based smaller licensed venues. Sydney has benefitted from the growth of over 200 smaller licensed venues, which has been recognised by the 2019 Joint Select Committee on Sydney's Night Time Economy<sup>3</sup> and Liquor & Gaming NSW<sup>4</sup>, as providing a lower-impact alternative to the traditional offering of pubs and clubs. Sydney's small bars have set a new standard for service and now rival some of the best bars in Melbourne and New York.

Crucially, small bars provide a genuine career path for NSW's world-class bartenders and support niche offerings from craft distillers and brewers, championing 'local' and supporting jobs and local economies throughout the supply chain.

#### **4.2. Regulatory change is needed to help small bars recover from COVID-19**

The hospitality industry has been devastated by the impact of extended venue closures and social distancing requirements necessitated by the COVID-19 pandemic. In June 2020, the Australian Bureau of Statistics reported that 84% of hospitality businesses reported decreases in revenue compared to June 2019. Of these businesses, 30% reported revenue declines of more than 75% compared to the same period last year, 33% reported declines of 30–75%, and a further 33% reported revenue declines of 25–50%.<sup>5</sup>

Similarly, research conducted in May 2020 by Alcohol Beverages Australia, the pan-industry body representing alcohol manufacturers, found that the hospitality sector lost close to 500,000 jobs at the height of the crisis.<sup>6</sup> Relevantly, this represents a \$8.5 billion loss to hospitality business sales for spirits, wine and beer producers – or 10% of their combined annual revenue.<sup>7</sup>

The Night Time Industries Association estimates approximately 30–50% of businesses in the hospitality sector are currently trading insolvent.<sup>8</sup> This statistic is likely to worsen over the coming months, as the industry braces for soft economic conditions and a significant decline in events and corporate parties over the December quarter – which accounts for up to 38% of the year's trade for some operators.<sup>9</sup>

The industry has demonstrated a willingness to comply with mandated social distancing requirements, implementing customer contact tracing protocols, increased hand sanitisation and hygiene standards, and reducing patron capacity in line with guidance from the NSW Government. The recently announced, '*Check, Check, Check*' campaign – a Night

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<sup>3</sup> NSW Parliament, September 2019, 'Joint Select Committee Report on Sydney's Night Time Economy', Report no. 1/57, < <https://www.parliament.nsw.gov.au/ladocs/inquiries/2519/Report%20-%20Sydney's%20night%20time%20economy.pdf> >.

<sup>4</sup> Liquor & Gaming NSW, September 2016, 'Review of Small Bars Legislation', report, p.6, < <https://www.liquorandgaming.nsw.gov.au/documents/public-consultations/small-bars-review/small-bars-review-report-sept-2016.pdf> >.

<sup>5</sup> Australian Bureau of Statistics, June 2020, 'ABS Catalogue 5676.0.55.003 - Business Indicators, Business Impacts of COVID-19', < <https://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/5676.0.55.003Main%20Features1June%202020?opendocument&tabname=Summary&prodno=5676.0.55.003&issue=June%202020&num=&view=>> >.

<sup>6</sup> Alcohol Beverages Australia, 2020, 'Impact of COVID-19 on the drinks industry', < <https://www.alcoholbeveragesaustralia.org.au/wp-content/uploads/ABA-Industry-report-on-coronavirus.pdf> >.

<sup>7</sup> Ibid.

<sup>8</sup> Night Time Industries Association, June 2020, 'Roadmap to Recovery', < <https://ntia.org.au/wp-content/uploads/2020/06/NTIA--Hospitality-Recovery--Topline-document.pdf> >.

<sup>9</sup> Ibid.



Time Industries Association initiative supported by the Independent Bars Association of NSW – will further encourage patron compliance with social distancing measures. The campaign seeks to normalise COVID-19 requirements among customers, such as checking in to venues, checking hand sanitisation and checking they are maintaining an appropriate social distance from other patrons.<sup>10</sup>

In the current climate, the extended licensing hours proposed for Newcastle will positively contribute to margin recovery for small venues operating with significantly reduced venue capacity, due to social distancing requirements. Now, more than ever, it is imperative that industry and Government work together to expedite the hospitality sector's recovery from COVID-19, whilst continuing to pursue our shared vision for a safe, vibrant and sustainable night-time economy.

#### **4.3. The 'Newcastle After Dark' strategy has already identified what needs to change and recognises the emergence of a more responsible nightlife culture**

Newcastle is both the second largest non-capital urban centre and the second oldest city in Australia. It is currently experiencing a resurgence as a place to live, work, visit and invest.

After extensive community consultation, the 2018–22 Newcastle After Dark Strategy<sup>11</sup> revealed that Newcastle residents have an appetite for more a more diverse and vibrant night-time economy, comprising a mix of late-night venues and in particular, small bars:

- People want more diversity – and a diversity of venues is considered a key contributor to a sense of vibrancy.
- People want the option of going out to a small bar – this finding was consistent across precincts (37% in the Civic-CBD area; 27% in the West End; 32% in Darby Street; and 29% in Honeysuckle) with the exception of the East End, which recorded that 51% of people already attend small bars at night.
- Further, a 2017 analysis of small bar licences in the Newcastle LGA showed that small bars only make up 1.4% of the licensed venue mix – indicating there is room for further growth of this sought-after type of venue.

The After Dark Strategy considers the role of greater diversity in licensed premises in terms of attracting a more diverse demographic to participate in nightlife activities and contribute to a safer nightlife culture. In effect, a venue trading under a small bar licence for an extra hour would be unlikely to contribute to more late night incidents by virtue of small bars attracting a different clientele, offering a different venue culture and management model.

Importantly, Police, emergency services and community advocates recognise that the growth of low impact venues in recent years – such as restaurants and small bars – has not been at the expense of community safety. In fact, the growth of these venue classes has

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<sup>10</sup> Night Time Industries Association, September 2020, 'Check, Check, Check', <<https://www.checkcheckcheck.org.au/>>.

<sup>11</sup> The City of Newcastle, March 2018, 'Night-time Economy Strategy: Newcastle After Dark Strategy 2018–2022', <<https://www.newcastle.nsw.gov.au/getattachment/Community/Health-Safety/Newcastle-After-Dark/Newcastle-After-Dark-Strategy-November-30-FINAL-WEB.pdf.aspx?lang=en-AU>>.

occurred without increased alcohol-related violence. Independent research has verified that a sustained decrease in alcohol-related violence, due in part to policy interventions such as the lockout, has contributed to the emergence of a more responsible nightlife culture resulting in fewer public assaults and presentations to emergency departments.<sup>12</sup>

Supporting small bars to contribute to the night-time economy and nightlife culture through extended licensing hours will also support the achievement of the 'Newcastle 2030 Strategy' recently re-endorsed by Council. This strategy articulates a vision to "plan for a night-time economy, characterised by creativity, vibrancy, safety, that contributes to cultural and economic revitalisation."<sup>13</sup>

#### **4.4. Amending licensing hours in Newcastle will align with the approach taken in the Sydney CBD and through the NSW Government's 24-Hour Economy Strategy**

Extending licensing hours in Newcastle will also offer greater alignment with the regulation of small bars in the Sydney CBD. On 14 January 2020, the Government implemented the Liquor Amendment (Night Time Economy) Regulation 2019 (NSW), which increased patron capacity for small bars from 100 to 120 and removed lockout, last drink and drink service restrictions, recognising that Sydney's nightlife culture had changed – and for the better.<sup>14</sup>

By aligning Newcastle's approach to small bar licensing hours with that of Sydney's CBD, residents and visitors will benefit from consistency in the regulation and experience offered in both cities. In turn, this will also assist venue operators running venues in both cities.

The vibrancy and diversity offered by small bars trading later into the evening will also support the objectives stated in the recently announced NSW Government '24-Hour Economy Strategy', which envisages: a unified approach to supporting a safe and vibrant nightlife, improving the way industry is regulated, increasing business certainty and viability and encouraging venues that provide safe environments for patrons.<sup>15</sup>

## **5. Conclusion**

The proposal to extend licensing hours for small bars in Newcastle is both timely and necessary, given the significant cultural shift that has occurred resulting in a more responsible drinking culture, and the significant challenges faced by industry in responding to COVID-19.

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<sup>12</sup> Ibid.

<sup>13</sup> The City of Newcastle, July 2018, 'Newcastle 2020: At A Glance', <[https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies,%20Plans%20and%20Policies/Strategies/CSP-At-a-Glance\\_August-2018.pdf](https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies,%20Plans%20and%20Policies/Strategies/CSP-At-a-Glance_August-2018.pdf)>.

<sup>14</sup> Liquor Amendment (Night Time Economy) Regulation 2019 (NSW).

<sup>15</sup> NSW Government, September 2020, 'Sydney 24 Hour Economy Strategy', p. 8, <[https://nswglobalstg.prod.acquia-sites.com/sites/default/files/2020-09/24hoursEconomyStrategy\\_FA-online.pdf](https://nswglobalstg.prod.acquia-sites.com/sites/default/files/2020-09/24hoursEconomyStrategy_FA-online.pdf)>.

As this submission has outlined, the proposed changes will help Newcastle to realise its nightlife potential, whilst providing residents and visitors with greater diversity in late-night venue offerings, which in turn will support a more vibrant night-time economy.

The Independent Bars Association of NSW encourages the Government to continue engaging with industry throughout the trial to better inform its long-term decision making for this area. We also urge the NSW Government to consider a longer trial period, consistent with the approach taken in Sydney's CBD, to enable small bars to recover margin as they operate with reduced capacity due to social distancing requirements necessitated by COVID-19. If the trial proves successful, we would also encourage the Government to move quickly to make these arrangements permanent to promote business certainty and encourage greater industry investment in establishing small bars.

We look forward to continuing to engage with Government and stakeholders throughout this process.

## **6. Contact information**

For more information on this submission, please contact:

██████████, President, Independent Bars Association of NSW

██████████@iba.org.au

██████████

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 12:59:34 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 12:41 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 12:40  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Charlestown  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Newcastle needs nightlife not to finish at 12 ! Think of the owners and employees!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 3:30:02 PM  
**Attachments:** [submit-to-prop-lep-amendment-2020.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 1:16 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 13:15  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle  
Submission file:  
[submit-to-prop-lep-amendment-2020.docx](#)

Submission: Submitted by [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## **Proposed amendment to trial extended licensing hours in Newcastle**

### **Proposed State Environmental Planning Policy to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in small bars and restaurants**

September 2020

I am voicing my concerns about the above amendments to the Newcastle LEP. I have problems with the changes on several fronts.

#### **1 REJUVENATING THE NIGHT-TIME ECONOMY**

The reason for exempt status being extended to 26 licensed premises in Newcastle CBD for the duration of the Small Bars Review Trial is to "help facilitate the rejuvenation of Newcastle's night-time economy" and it is stated that "The extended trading hours may assist participating businesses to recoup lost income from the temporary closures and reduced customer capacity due to COVID-19". It further states that the trial is only open to venues with an existing small bars licence or on-premises restaurant licence, approved by council, NSW Police and Liquor and Gaming NSW and excludes larger venues (such as clubs and hotels) and some venues classified as "high risk".

To assume that real financial gains will be made by allowing small bars and restaurants to serve high strength alcohol (cocktails and whisky) for an additional 2 hours per day is not a sound recovery strategy for businesses. Many of these venues began operation long after the imposition of restrictions on Newcastle venues in 2008 – presumably their business model took the restrictions into account and deemed it to be still a sound commercial proposition. All of these venues have had the opportunity to apply for amendments to their conditions individually and yet very few have previously done so.

Covid-19 has decimated the city's night-time economy, not existing, popular liquor laws – the pandemic has severely impacted the hospitality industry, sending the city's youth unemployment rate skyrocketing to 26.8%. Adhering to the current social distancing regulations means clientele for most of these venues is drastically reduced. The amendment states that "eligible venues will be required to adhere to the strict requirements of the Covid-19 Public Health Orders for hospitality venues throughout the trial" - how are 2 extra hours of trading under these conditions going to make a viable difference?

#### **2 BIAS OF EXISTING COMMITTEE**

The close involvement of the Australian Hotels Association's Hunter president Rolly de With in the leadup to the establishment of the Review Committee is a clear indication of the backing of the bigger players in the alcohol industry. The composition of the committee itself with no representation from the medical community, one representative from the police and only one representative for residents of the Newcastle LGA illustrates a clearly biased makeup. Given that the other representatives on that committee - the Newcastle Lord Mayor and the local member Tim Crakanthorp - touted as being representatives of the community, have already voiced their firm support for loosening the restrictions around the service of alcohol in Newcastle, I feel the committee is unfairly weighted towards an outcome which would suit the alcohol industry, not the local community. It's crucial that communities have their voice heard during the decision-making about alcohol availability in their neighbourhoods but the Newcastle community has not yet been meaningfully consulted.

Further, how can Nuatali Nelmes, as Lord Mayor of Newcastle, be considered a representative of the community when the Council itself owns several alcohol venues in Newcastle – this is a definite conflict of interest.

The Newcastle Solution, enacted in 2008, resulted in a sustained 72% reduction in night-time assaults. There is no question that it has been an effective and welcome solution for the Newcastle area, notwithstanding that Newcastle is still well above the average for alcohol related violence. The Committee as it stands already has a majority in favour of the loosening of alcohol restrictions before the trial is even run.

### 3 PUBLIC HEALTH

We are in the midst of a global pandemic which has, as I write, infected almost 27,000 and killed 816. Covid-19 will not be eradicated soon – we are in for a long haul. Is it really logical to increase the risk of community infection at this time? Many of the outbreaks we have experienced in recent months have been at alcohol venues. It is, after all, the reason that many people gather at a bar/pub/restaurant – to share a drink and a chat with friends in an intimate, close environment. A perfect infection scenario.

Public health specialists have warned that increased availability and supply of alcohol during a pandemic is a public health risk – not only in terms of spreading the virus but exacerbating issues of depression/stress and related violence. Permitting such a trial in an area with a long history of high rates of alcohol-related harm will not improve these issues.

### 4 RELIABILITY OF TRIAL OUTCOMES

How can we have an amendment to the LEP without any real justification for that amendment? Where are the figures to support the basis for such a trial? Where is the business case to justify this amendment?

Further, there has been absolutely no information on how the evaluation of this trial will be carried out. Are there parameters in place for data collection? What data is to be collected? Who will be responsible for the collection and comparison of such data? Who will it be reviewed by? What evidence-based criteria will be used to quantify outcomes? All of these questions should have been answered before any LEP changes were even contemplated.

### 5 USE OF COLLECTED DATA

I am concerned about the use of any data collected from this Trial. It seems likely that the timing is related to the intended passage of the 24 hr Economy Bill through parliament next year. It is also likely that the remaining venues not involved in the exemptions will lobby for an equivalent increase in hours (and removal of drink controls) on the grounds of competitive parity. Who will decide if the “evidence” supports any significant changes to the restrictions in place? I have no confidence that an adequate, independent valuation will be made.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 3:30:09 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 1:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 13:19  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2291  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Sounds great. More please.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 3:30:29 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 2:38 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 14:38

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2120

Submission file: [webform\_submission:values:submission\_file]

Submission: I personally believe a city without a responsible night life is a city that doesn't belong to our times. The amount of jobs and money injected to the various industries that will benefit from this project will help to support a more sustainable economy and society, especially in the current situation. My personal work has been as well jeopardized by the current limitations on the trade. All I can see is positive outcome and of course, will need authorities to work close with all involved.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 4:33:28 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:20

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED] r

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: As residents of an apartment building in the Honeysuckle area of Newcastle we feel that the proposed changes to the liquor laws is a backward step which would cause a deterioration in the quality of life for residents of the area. While we are aware that a vibrant restaurant and bar zone provides a great advantage to the city the extension of trading hours and changes to the type of drinks that can be served do nothing to improve the quality of that experience. Prior to liquor laws restricting hours and type of service the area was noisy and violent as drunken patrons were disgorged onto the walkways at all hours of the morning. Hospital emergency rooms would attest to the damage caused by excess alcohol. Since the law was changed there has been a great improvement in behaviour late at night and to undo this by returning to the bad old days would be a tragedy for the sake of those who wish to drink to excess.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 4:33:43 PM  
**Attachments:** [submission-re-proposed-amendment-to-trial-extended-licensing-hours-in-newcastle.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:17  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle  
Submission file:  
[submission-re-proposed-amendment-to-trial-extended-licensing-hours-in-newcastle.docx](#)

Submission: Submission re proposed amendment to trial extended licensing hours in Newcastle To whom it may concern, Firstly, I am disappointed though not surprised Newcastle Council and Liquor and Gaming have been very quiet about communicating to the local residents and community about the submission process. Local resident feedback and community feedback is rarely, genuinely sought in my experience as a resident of the Newcastle CBD. I have concerns primarily about noise disturbance, though also concerned about the safety of property and person. I have not had an issue co existing with small and large business when they behave as a respectful member of the local community. I reside in very close proximity to Queens Wharf Brewery, Signal Box, The Basement on Market Street. When selecting venues, The Basement Bar on Market Street has proven not to have behaved or conducted themselves in a professional and appropriate fashion for some time. I ask that you read in full the L&G - SECTION 81 DECISION re the Basement on Market Street. In June 2019, the delegate of the Secretary, NSW Department of Industry, to issue a warning to the licensee of Basement on Market Street.

[https://www.liquorandgaming.nsw.gov.au/data/assets/pdf\\_file/0006/234357/basement-on-market-st-25-june.pdf](https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0006/234357/basement-on-market-st-25-june.pdf) The decision to commence a "trial" has already been made without consultation. Whilst I do not agree with it, my submission is not going to stop it. Once the Trial starts My concern is the next steps, monitoring, policing, review, and genuine consultation with residents during and after the trial. Council and L&G have pushed this decision through to Trial though when does a trial become the new norm. This is a list concerns/matters below that I have include though are not limited to: The education and training to bars and restaurants licensee and management and staff across all shifts. Referring them back to their original obligations under the liquor licensing act, DA and community plans. As well as updating them on current laws. In my experience licensee has changed or is new, management across shifts is new as well as staff. The LA10 noise level is there to protect residents and the community from a noise disturbance. What monitoring will be done for noise disturbance during this 6-month trial? This would cover all hours, especially between midnight and 2am and after 2am. Venues managing, recording, and retaining regular systematic noise checks with an approved calibrated device. Employees on site that are trained and can react to noise related issues. Venues should not wait for a complaint. I only see this as negligent behavior pushing the boundaries to see what they can get away with. The onus must be on the venue to behave appropriately. What physical improvements or changes need to made to the venue to ensure a disturbance does not occur. What signage around these venues and in these venues is there about respecting the local neighborhood and minimising

noise. Managing the number of patrons in the venue and the number of patrons waiting to get in or loitering outside. Management and staff managing patrons loitering outside venues especially after leaving the venue or outside the venue smoking. Doors and windows closing as per current requirements. Footpaths and outdoor areas enforced in accordance with current requirements. What additional noise and disturbance is created/caused as a flow on from the "trial" apart from the initial extension of hours . Where and how will information relating to results not only for acoustic testing though disturbance, complaints, violence and property damage be stored, accessed and discussed in a public forum? How do the local residents get to be heard on these topics and potential issues? Equally credit where credit is due. regards

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## Submission re proposed amendment to trial extended licensing hours in Newcastle

To whom it may concern,

Firstly, I am disappointed though not surprised Newcastle Council and Liquor and Gaming have been very quiet about communicating to the local residents and community about the submission process.

Local resident feedback and community feedback is rarely, genuinely sought in my experience as a resident of the Newcastle CBD.

I have concerns primarily about noise disturbance, though also concerned about the safety of property and person.

I have not had an issue co existing with small and large business when they behave as a respectful member of the local community.

I reside in very close proximity to Queens Wharf Brewery, Signal Box, The Basement on Market Street.

When selecting venues, The Basement Bar on Market Street has proven not to have behaved or conducted themselves in a professional and appropriate fashion for some time.

I ask that you read in full the L&G - SECTION 81 DECISION re the Basement on Market Street. In June 2019, the delegate of the Secretary, NSW Department of Industry, to **issue a warning** to the licensee of Basement on Market Street.

[https://www.liquorandgaming.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/234357/basement-on-market-st-25-june.pdf](https://www.liquorandgaming.nsw.gov.au/__data/assets/pdf_file/0006/234357/basement-on-market-st-25-june.pdf)

The decision to commence a "trial" has already been made without consultation. Whilst I do not agree with it, my submission is not going to stop it.

### Once the Trial starts

My concern is the next steps, monitoring, policing, review, and genuine consultation with residents during and after the trial.

Council and L&G have pushed this decision through to Trial though when does a trial become the new norm.

This is a list concerns/matters below that I have include though are not limited to:

The education and training to bars and restaurants licensee and management and staff across all shifts.

Referring them back to their original obligations under the liquor licensing act, DA and community plans. As well as updating them on current laws. In my experience licensee has changed or is new, management across shifts is new as well as staff.

The LA10 noise level is there to protect residents and the community from a noise disturbance. What monitoring will be done for noise disturbance during this 6-month trial? This would cover all hours, especially between midnight and 2am and after 2am.

Venues managing, recording, and retaining regular systematic noise checks with an approved calibrated device. Employees on site that are trained and can react to noise related issues.

Venues should not wait for a complaint. I only see this as negligent behaviour pushing the boundaries to see what they can get away with. The onus must be on the venue to behave appropriately.

What physical improvements or changes need to made to the venue to ensure a disturbance does not occur.

What signage around these venues and in these venues is there about respecting the local neighbourhood and minimising noise.

Managing the number of patrons in the venue and the number of patrons waiting to get in or loitering outside.

Management and staff managing patrons loitering outside venues especially after leaving the venue or outside the venue smoking.

Doors and windows closing as per current requirements.

Footpaths and outdoor areas enforced in accordance with current requirements.

What additional noise and disturbance is created/caused as a flow on from the "trial" apart from the initial extension of hours.

Where and how will information relating to results not only for acoustic testing though disturbance, complaints, violence and property damage be stored, accessed and discussed in a public forum?

How do the local residents get to be heard on these topics and potential issues? Equally credit where credit is due.

regards

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 4:33:52 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:24 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:23

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: New Lambton

Submission file: [webform\_submission:values:submission\_file]

Submission: I believe that this will benefit the community immensely. It will benefit not only our small business but also employment rates. Bringing back Newcastle's nightlife is overdue and the positive impacts on the local economy and liveability of the city will continue to grow as it has over the past few years, proving that this is a welcomed change.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Wednesday, 16 September 2020 4:34:22 PM  
**Attachments:** [letter-in-support-of-iba-submission--\[REDACTED\].pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:30 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:29  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file:  
[letter-in-support-of-iba-submission--\[REDACTED\].pdf](#)

Submission: Please see letter attached.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



16th September 2020

NSW Department of Planning, Industry & Environment  
Sent: via NSW Planning Portal

To Whom It May Concern:

**RE: Proposed amendment to trial extended licensing hours in Newcastle**

I write on behalf of Blue Kahunas in support of the submission lodged by the Independent Bars Association of NSW on the proposed amendment to trial extended licensing hours in Newcastle.

Our business employs approximately 5 at our bar, located on 3/146 Hunter Street in Newcastle. We are a vital member of our community, supporting local jobs and contributing to Newcastle's night-time economy.

We believe it is possible to promote a diverse and vibrant nightlife by extending licensing hours for small bars and restaurants, whilst also maintaining a safe environment for Newcastle residents and visitors enjoying our night-time offering.

We fully support the position outlined in the submission lodged by the Independent Bars Association of NSW, specifically their recommendations to:

1. Proceed with the planned trial of extended licensing hours for small bars and restaurants to stimulate our COVID-19 recovery and provide a more vibrant night-time offering in Newcastle;
2. To move immediately to make the extended licensing hours permanent, upon successful completion of the trial.

Proceeding with the trial will help Newcastle realise its vision to create a diverse and vibrant night-time economy. Importantly, the trial will also support our business as we implement social distancing at our venue to ensure the ongoing health and safety of our patrons.

We look forward to your support to ensure we can emerge stronger from this pandemic and continue to contribute to Newcastle's night-time economy.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 8:59:32 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 8:06 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 08:05  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Warner's Bay  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Allowing restrictions to ease is really a no-brainer. When it all revolves around injecting the economy with much needed stimulus. This is perhaps a timely strategy owing to the current health pandemic.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 8:59:40 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 7:05 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 07:04

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Adamstown/2289

Submission file: [webform\_submission:values:submission\_file]

Submission: I would like as many small bars as possible included on the trial of later opening hours on a recent trip into Newcastle for a friends birthday dinner the only venue open for us to have an after dinner drink & catch up was West's NEX beside the poker machines??!! Crazy that our beautiful town can not offer an alternative venue later at night that does not promote gambling! Keeping Venues such as Jams Kareokee open later, offers diversity to an older crowd that prefers not to spend money on gambling. Kindly [REDACTED] (39)

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:00:00 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 6:52 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 06:52  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Please include Jam's Karaoke as part of the trial!!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:00:40 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 6:38 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 06:37

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Marrickville 2204

Submission file: [webform\_submission:values:submission\_file]

Submission: I visit Newcastle regularly, and am saddened by the lack of vitality in the hospitality scene. Late night licences would improve this to no end. Also in the post covid-19 environment longer trading hours would provide many increased revenue to help move past this trying time.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:00:55 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 5:18 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 05:17  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Cessnock  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I agree and support the proposed extension of licensed trading hours in Newcastle.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:01:04 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 6:06 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 06:05  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Merewether  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I approve of longer trading hours for small venues

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:01:17 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 1:15 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 01:15

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2287

Submission file: [webform\_submission:values:submission\_file]

Submission: Newcastle needs small venues to thrive. Large venues with late opening hours have caused issues prior, not boutique small venues that cater towards smaller groups and better product. The large venues that have issues haven't been punished, yet the small venues have suffered from it. They deserve better!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:01:39 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 12:09 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 00:09  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED] 2300

Submission file: [webform\_submission:values:submission\_file]  
Submission: I think it's a great idea and the venues listed deserve a chance to add more value to Newcastle. As a city, Newcastle needs this, we needed it before COVID, now it's more vital. People want options; to have places to go for one or a few more drinks or something to eat later at night will be help make Newcastle a thriving, modern and progressive city, for both residents and visitors. It's time adults to be treated like adults. Leave the nightclubs to the kids and students as is their right of passage, give adults their small bars and restaurants!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:02:05 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 11:50 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 23:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Adamstown 2289

Submission file: [webform\_submission:values:submission\_file]

Submission: I believe this extension will be a great addition to Newcastle's night time economy. Covid has been extremely detrimental to the hospitality industry - what better way to boost this great city than giving it some more night life, particularly over the summer period. All hospitality venues have shown their willingness to cooperate and follow the rules and regulations regarding public health and safety so let's give back to them whilst giving the public more opportunities to enjoy the beautiful summer in Newcastle.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:02:15 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 10:25 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 22:24

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Cooks hill

Submission file: [webform\_submission:values:submission\_file]

Submission: I Could never understand why nightclubs were given permission to open til early hours of the morning, but small bars were prohibited. Small bars are well controlled, obviously due to smaller crowds and in my experience the atmosphere has always been positive, never have i seen a fight break out in any of Newcastles small bars, however, I have seen countless in the nightclubs i used to attend in my early twenties. Generally small bars seem to attract an older, more mature demographic which Is something to take in to account as this usually leads to less if any drama. Please bring back our nightlife.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:03:03 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 9:33 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 21:32  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I support the 6-month trial of extended trading hours for small bars and restaurants

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:03:18 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 9:31 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 21:31

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2300\_

Submission file: [webform\_submission:values:submission\_file]

Submission: I am a resident in The Boardwalk on Honeysuckle. I am opposed to any extensions to trading hours in all precincts in which residential areas are prevalent. Surely the existing hours are sufficient to provide incomes for existing restaurants and hotels. Extended hours will only cause problems with the few who drink excessively, will reduce business incomes because of employment of extra staff. My neighbour, Ms [REDACTED] also concurs with my submission.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:03:26 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 9:11 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 21:10  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2291  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I fully support the changes to Newcastle nightlife opening hours. I believe this is an essential way to move forward and encourage business during a COVID and post-COVID environment.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:04:43 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 8:54 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 20:54  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Cooks hill 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: It's time for a genuine change. It's been long enough with restrictive laws that are proven detrimental to local businesses

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:05:12 AM  
**Attachments:** [submission-re-proposed-trial---amendment-to-newcastle-lep-2012\\_14092020.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 7:22 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 19:17  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: NEWCASTLE  
Submission file:  
[submission-re-proposed-trial---amendment-to-newcastle-lep-2012\\_14092020.docx](#)

Submission: I have attached my submission above. [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



Submission to Intended Effect (EIE) to Amend Newcastle Local Environment Plan (LEP) 2012 to temporarily extend trading hours in small bars and restaurants:

Firstly, I am not against, per se, extending the ability of cocktail / wine bar and restaurant's ability to serve cocktails / wine to their currently licenced closing time ie. they should be able to serve until their documented closing time. What I am passionately against though is that this 'trial' will lead to a change in Newcastle's 'lockout' laws and / or will evolve to include ALL 'night economy' venues.

Venues must have closing times licenced on a venue by venue basis depending on location, etc. ie. not a 'one shoe fits all' basis!

Restaurants, cocktail / wine bars MUST NOT be allowed to change their 'mode of operation' at different times ie. become a 'night club' after 10pm for instance ... the bringing in of a 'DJ', etc.

My opposition to these changes, albeit that it is to be a 'trial', is fuelled by the following:

1. This 'trial' has been very hastily put together, is to be carried out during in a Covid 19 pandemic environment (obviously skewing data collected and recommendations emanating therefrom), with 'no' to very limited and circulated detailed agenda, documented sought outcomes of the trial, no documented 'base' figures that are to be used and the categories of documentation data to be collected and be the basis of analysis, etc ... very unprofessional!
2. Who is to be the 'independent' group gathering and processing data and outcomes?
3. It's not understood why there needs to be a 'trial' at all as it is a fact that the subject documented venues involved in this trial can currently make application to the Council and Police to have their Licence 'appropriately amended' if these bodies are satisfied with same. Therefore this 'trial' reeks of some hidden agenda.
4. How will the 'process' be addressed? When will the 'base' figures be publicly documented? How will the base figures be 'adjusted' to factor in current Covid 19 conditions? Obviously venues are subdued currently and any easing of Covid 19 conditions will obviously show an increase in turnover revenue / profits, etc. Some venues have been in fact closed during certain times of Covid 19 pandemic.
5. Safety is paramount, the claim of all those initiating this 'trial', so therefore NO degradation of Newcastle's poor record of alcohol fuelled violence, socially unacceptable behaviour, etc should be tolerated ... else 'trial' FAIL!
6. How / who / where is the 'trial' to be monitored and publicised on an 'ongoing' basis.
7. It is extremely obvious that the L&G NSW seem to be a major driver behind this 'trial' and that scares local businesses and residents.
8. Disputes / disturbances / socially unacceptable behaviour, etc., within and outside venues, should have an immediate resolution / outcome available. The return of the Newcastle Compliance and Enforcement Officer (with power to resolve) has been mooted but now requested.
9. Noise is also a huge factor. A certain amount of noise is 'city living' but now Newcastle has 'venues' now opening up where buildings and residents 'were there first'! Therefore, if the venues wish to operate they should comply with that particular locality. This means (see point 10)
10. Each condition on venue Licence has to be addressed on 'merit' taking in all considerations .. noise, hours of operation, etc

11. There currently is a total lack of transparency and this often leads to the initiator of a complaint re noise, violence, anti-social behaviour, etc having reprisals against them.
12. It is a proven statistic that Newcastle has an extremely high level of alcohol fuelled violence, has high levels of venue noise, graffiti, anti-social behaviour (bins tipped over), etc. This is because currently the tram shuts at 2am (venue close time) and people have to walk down Hunter / Scott streets kicking over bins as they go AND making noise / swearing, etc
13. It seems to Novocastrians considering such 'trial' that the 'LEP trial outcome' is a 'fait accompli' ie. a change is imminent. This has been stated due to the fact that the Newcastle Council owns real estate / venues within the area, a huge conflict of interest!
14. Most Novocastrians I speak to have similar opinions to those I have stated above. OK to let cocktail and wine bars serve till closing but NO to any 'long term' changes to Licence conditions. They pray we will not move back to, or even approach, the pre-2008 'lockout' situation in Newcastle.

[REDACTED]

14<sup>th</sup> September, 2020

[REDACTED]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:05:35 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 6:46 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 18:45  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle, 2300  
Submission file: [webform\_submission:values:submission\_file]  
Submission: Extending Newcastle's late-night trading regulation beyond midnight for small venues would make the city's (and the region's) hospitality industry much more competitive, and therefore guarantee a higher quality experience for punters, based on choice; as opposed to a monopoly held by larger venues.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:05:47 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 6:03 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 18:03  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Warabrook 2304  
Submission file: [webform\_submission:values:submission\_file]  
Submission: There are already many other venues within the surrounding suburbs of Newcastle trading well after midnight. Small bars and restaurants should be able to use the full scope of their licences just as these other venues are.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:06:07 AM  
**Attachments:** [letter-in-support-of-iba-submission.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 5:33 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 17:18  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: NEWCASTLE WEST  
Submission file:  
[letter-in-support-of-iba-submission.docx](#)

Submission: To Whom It May Concern: RE: Proposed amendment to trial extended licensing hours in Newcastle I write on behalf of The Koutetsu in support of the submission lodged by the Independent Bars Association of NSW on the proposed amendment to trial extended licensing hours in Newcastle. Our business employs approximately six at our small bar, located on Hunter Street in Newcastle West. We are a vital member of our community, supporting local jobs and contributing to Newcastle's night-time economy. The City of Newcastle Council has worked hard to develop and start implementing the Newcastle After Dark Strategy, which the proposed amendment directly supports. We believe it is possible to promote a diverse and vibrant nightlife by extending licensing hours for small bars and restaurants, whilst also maintaining a safe environment for Newcastle residents and visitors enjoying our night-time offering. We fully support the position outlined in the submission lodged by the Independent Bars Association of NSW, specifically their recommendations to: 1. Proceed with the planned trial of extended licensing hours for small bars and restaurants to stimulate our COVID-19 recovery and provide a more vibrant night-time offering in Newcastle; 2. Extend the proposed trial to 12 months, consistent with the planned review of the reversal of lockouts in Sydney's CBD, to offer greater business certainty; and 3. To move immediately to make the extended licensing hours permanent, upon successful completion of the trial. Proceeding with the trial will help Newcastle realise its vision to create a diverse and vibrant night-time economy. Importantly, the trial will also support our business as we implement social distancing at our venue to ensure the ongoing health and safety of our patrons. We look forward to your support to ensure we can emerge stronger from this pandemic and continue to contribute to Newcastle's night-time economy. Yours sincerely, [REDACTED] Owner, The Koutetsu  
[REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



16 September 2020

NSW Department of Planning, Industry & Environment  
Sent: via NSW Planning Portal

To Whom It May Concern:

**RE: Proposed amendment to trial extended licensing hours in Newcastle**

I write on behalf of The Koutetsu in support of the submission lodged by the Independent Bars Association of NSW on the proposed amendment to trial extended licensing hours in Newcastle.

Our business employs approximately six at our small bar, located on Hunter Street in Newcastle West. We are a vital member of our community, supporting local jobs and contributing to Newcastle's night-time economy.

The City of Newcastle Council has worked hard to develop and start implementing the Newcastle After Dark Strategy, which the proposed amendment directly supports. We believe it is possible to promote a diverse and vibrant nightlife by extending licensing hours for small bars and restaurants, whilst also maintaining a safe environment for Newcastle residents and visitors enjoying our night-time offering.

We fully support the position outlined in the submission lodged by the Independent Bars Association of NSW, specifically their recommendations to:

1. Proceed with the planned trial of extended licensing hours for small bars and restaurants to stimulate our COVID-19 recovery and provide a more vibrant night-time offering in Newcastle;
2. Extend the proposed trial to 12 months, consistent with the planned review of the reversal of lockouts in Sydney's CBD, to offer greater business certainty; and
3. To move immediately to make the extended licensing hours permanent, upon successful completion of the trial.

Proceeding with the trial will help Newcastle realise its vision to create a diverse and vibrant night-time economy. Importantly, the trial will also support our business as we implement social distancing at our venue to ensure the ongoing health and safety of our patrons.

We look forward to your support to ensure we can emerge stronger from this pandemic and continue to contribute to Newcastle's night-time economy.

Yours sincerely,

[Redacted Signature]

Owner, The Koutetsu

[Redacted Address]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:06:24 AM  
**Attachments:** [kens-sepp-submission-pdf.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 5:30 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 17:28  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle West  
Submission file:  
[\[REDACTED\]-sepp-submission-pdf.pdf](#)

Submission: My submission is attached,

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



## Submission re EIE to amend Newcastle LEP 2012 to temporarily extend trading hours to selected small bars and restaurants

Dear Sir/Madam,

As a resident of Newcastle West, I object in the strongest terms to the proposed changes to the SEPP and Newcastle LEP with the following concerns -

1. Newcastle Council has a conflict of interest in being the owner of one of the licensed premises nominated to take part in the trial, ie, the Civic Theatre.
2. Newcastle Council's lack of community consultation in rushing through this EIE with inadequate time given to residents for comment is very concerning. The normal time period for comment on draft plans and policies is 6 weeks, in this case Newcastle Council has effectively given residents less than 2 weeks to comment. In its rush, Council has provided no details in relation to this trial and whether it will be used as a prelude to a loosening of trading and licensing restrictions on an ongoing basis.
3. There is a distinct lack of detail in relation to detail, outcomes and how they will be measured, what will be considered successful or unsuccessful outcomes, what data will be collected and how, how the trial will be conducted, whether there will be an expert and independent review of any data. Indeed, the composition of the Steering Committee is flawed with Mark Latham MLC as its chairman (Mr Latham has publicly described the Newcastle population as 'wowsers') the Lord Mayor is on the committee (Newcastle owns several licensed premises in Newcastle, one of which is included in the trial), Prudence Farquhar is on the committee (Ms Farquhar is co-owner of one of the licensed premises participating in the trial and has, therefore, a pecuniary interest). There has been no community representative appointed to the committee to date.
4. These changes will increase alcohol availability and alcohol strength in an area of existing alcohol-related harm. The Independent Liquor & Gaming Authority recently rejected an application for a Newcastle inner-city bottle shop based on its figures that confirmed that Newcastle has 29 times the state average of alcohol-related assaults, 5 times the state average of property damage, and 13 times the state average of alcohol-related offensive behaviour. Increased alcohol availability and strength of drinks does not make sense.
5. Council's timing for such a 'trial' when we are in the middle of a global pandemic and Covid-19 restrictions are in play, is irresponsible. Council insists that a 2-hour extension of drinking time will 'help facilitate the rejuvenation of Newcastle's night-time economy', I suggest that is a very naive and careless approach during Covid times. Medical reports claim that going to bars poses the equal highest Covid risk of community infection. One young Newcastle resident

who was unknowingly Covid positive, recently attended 7 hotels and bars and a soccer match at Macdonald Jones Stadium in a 48-hour period!

6. On a purely personal level, I reside 100m from a hotel/nightclub and I and other apartment residents are sick and tired of living with alcohol-fuelled anti social behaviour, the lack of public safety, the senseless destruction of property, the urinating and littering, the screaming, the assaults, the violent altercations, the smashed beer bottles, the hooning along the streets .... The current situation is bad enough but the likelihood that the remaining Newcastle venues not involved in the trial will soon be lobbying for an equivalent increase in hours and removal of drink controls, is a very grave concern to myself and other Newcastle city residents.

Regards,

A large black rectangular redaction box covering the signature and name of the sender.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:06:36 AM  
**Attachments:** [objection-to-trial-of-2am-licence-liquor-laws\\_16092020.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 5:18 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 17:17  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle  
Submission file:  
[objection-to-trial-of-2am-licence-liquor-laws\\_16092020.pdf](#)

Submission: RE: Submission for the Proposed amendment to trial extended licensing hours in Newcastle I am a resident of the Boardwalk Apartments at 3 Honeysuckle Drive, Newcastle. We have seen immense growth in apartment buildings in our area, with Lume just opening and soon to be Horizon and Huntington being developed. The growth of the residential developments over the last 10 years has been amazing. People want to live in Newcastle but will they when local bars are open to 2am and the serving of shots, 3 nip cocktails etc which will bring on the good old days where Newcastle was the worst city for alcohol related crime and violence with the Liquor and Gaming Board. My career was an owner/publican of the Sydney Junction Hotel in Hamilton for many years, which back then did have a late licence till 3am. I have seen first hand what late night venues can do with the community, the alcohol fuelled violence, anti-social behaviour and damage to property brings with late night trading and in Hamilton we had only 2 venues that had a late licence, here you wish to have 26 venues plus the nightclubs. What I actioned in Hamilton was security to walk the Streets from 10pm to 4am to ensure safety of patrons leaving venues and that no anti-social behaviour, violence or damages occurred to property. How are you going to control the late- night behaviour of the venues patrons when they leave the venue? I would certainly expect to see a Council Late Night Compliance Officer working from Wednesday to Saturday from 10pm to 4am to ensure we can control this behaviour and damage that will most certainly happen. Also, with a contact phone number for residents to call if they have a complaint and witness this type of behaviour. This is what they do in Sydney, so I do believe it should happen here. I would also wish to see council staff clean up on Saturday and Sunday morning, as with late night trading comes vomit, rubbish and vandalism. We do not wish our beautiful City to be filthy for all residents and visitors to see. The police and hospital will be very busy indeed. I am sure both the Police Dept and Newcastle Hospitals have also objected to your proposal. It is just going to be like the good old days before they brought in the lock-out laws and restrictions on late night drink service to stop the alcohol fuelled violence and damage to the community. I ask why would you want to go back to that? Truly the city has flourished because it is a safe and liveable city. Your vision for this city was a residential cultural city, now you wish to drive residents away. The Honeysuckle Venues are under Strata by-laws that restrict trading to 12 midnight due to the residents who live upstairs. I do expect that those laws be enforced and never to change or have the council try to change the laws. The venue's you have in the trial are all close to residents and I am sure the residents are unaware of this trial as there was no consultation, no mail out to resident near the proposed venues. I wish it to be stated that the Council certainly are not looking after resident's interests as they have not done any consultation at

all. Where was the notification of this proposal? If you did not read the Newcastle Morning Herald you would not know. All residents near these venue's should have had a letter with the information of the trial and time to submit an objection, you have failed in having proper community consultation. I strongly object to your proposal for the late -night venue's and change of liquor laws for the venue's. Yours faithfully [REDACTED]  
[REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**RE: Submission for the Proposed amendment to trial extended licensing hours in Newcastle**

I am a resident of the Boardwalk Apartments at 3 Honeysuckle Drive, Newcastle. We have seen immense growth in apartment buildings in our area, with Lume just opening and soon to be Horizon and Huntington being developed. The growth of the residential developments over the last 10 years has been amazing. People want to live in Newcastle but will they when local bars are open to 2am and the serving of shots, 3 nip cocktails etc which will bring on the good old days where Newcastle was the worst city for alcohol related crime and violence with the Liquor and Gaming Board.

My career was an owner/publican of the Sydney Junction Hotel in Hamilton for many years, which back then did have a late licence till 3am. I have seen first hand what late night venues can do with the community, the alcohol fuelled violence, anti-social behaviour and damage to property brings with late night trading and in Hamilton we had only 2 venues that had a late licence, here you wish to have 26 venues plus the nightclubs. What I actioned in Hamilton was security to walk the Streets from 10pm to 4am to ensure safety of patrons leaving venues and that no anti-social behaviour, violence or damages occurred to property. How are you going to control the late- night behaviour of the venues patrons when they leave the venue? I would certainly expect to see a Council Late Night Compliance Officer working from Wednesday to Saturday from 10pm to 4am to ensure we can control this behaviour and damage that will most certainly happen. Also, with a contact phone number for residents to call if they have a compliant and witness this type of behaviour. This is what they do in Sydney, so I do believe it should happen here.

I would also wish to see council staff clean up on Saturday and Sunday morning, as with late night trading comes vomit, rubbish and vandalism. We do not wish our beautiful City to be filthy for all residents and visitors to see.

The police and hospital will be very busy indeed. I am sure both the Police Dept and Newcastle Hospitals have also objected to your proposal. It is just going to be like the good old days before they brought in the lock-out laws and restrictions on late night drink service to stop the alcohol fuelled violence and damage to the community. I ask why would you want to go back to that? Truly the city has flourished because it is a safe and liveable city. Your vision for this city was a residential cultural city, now you wish to drive residents away.

The Honeysuckle Venues are under Strata by-laws that restrict trading to 12 midnight due to the residents who live upstairs. I do expect that those laws be enforced and never to change or have the council try to change the laws. The venue's you have in the trial are all close to residents and I am sure the residents are unaware of this trial as there was no consultation, no mail out to resident near the proposed venues. I wish it to be stated that the Council certainly are not looking after resident's interests as they have not done any consultation at all. Where was the notification of this proposal? If you did not read the Newcastle Morning Herald you would not know. All residents near these venue's should have had a letter with the information of the trial and time to submit an objection, you have failed in having proper community consultation.

I strongly object to your proposal for the late -night venue's and change of liquor laws for the venue's.

Yours faithfully,



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:06:48 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:49 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Tighes hill

Submission file: [webform\_submission:values:submission\_file]

Submission: The new agreement will be so good for Newcastle nightlife and will be great for us to finally catch up with the rest of the state, super happy to see new things happening!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:07:00 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 16 September 2020 4:49 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Wed, 16/09/2020 - 16:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2298

Submission file: [webform\_submission:values:submission\_file]

Submission: The proposed extended trading hours really gives Newcastle our late night hospitality a chance to shine and brings us into comparison with larger cities nationally and internationally. Newcastle has quality late night venues and this will be a good chance for the local economy.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 9:11:52 AM  
**Attachments:** [hcf-changes-to-lep-submission-sep-20.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 9:02 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 09:00  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file:  
[hcf-changes-to-lep-submission-sep-20.docx](#)

Submission: See attached file.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



The Objectives of Hunter Community Forum Inc. are to advocate better planning, public transport and environmental outcomes in the Hunter Region, to promote effective and genuine public participation in strategic planning and development decisions, to advocate for an open, accessible, transparent and accountable, corruption-free planning system, and to provide support for Hunter community groups working to achieve these outcomes based on the principles of ecological sustainability and social justice.

Hunter Community Forum would like to take this opportunity to make a submission to the Statement of Intended Effect (SIE) to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in 26 small bars and restaurants.

We do not support the proposed changes to the Local Environment Plan. We are concerned that this proposal has been put to the community in very general terms, and we would seek an extension of the exhibition period so that the amended wording of the relevant section of the LEP can be provided and considered.

Under normal circumstances businesses who wish to change trading hours would need to lodge a Development Application which then gives residents the opportunity to object by way of submission to the changes. The proposed changes to the LEP remove the rights of residents to do so.

We do not support the NSW Government's proposal, by way of a Statement of Regulatory Intent, to allow those participating venues exemption from certain conditions of their liquor licence, eg selling cocktails and shots during the longer trading hours. This proposal also excludes the rights of residents to object, as they would under the normal process for variations to licence conditions through Liquor & Gaming.

The increased sale of alcohol during the longer trading hours has not been satisfactorily justified in the SIE and there is no suggestion in the SIE that these sales will in fact promote the activation and recovery of the Newcastle night-time economy or create jobs. The proposed changes are not in the public interest and will likely result in significant negative social, environmental, public safety and health impacts.

Council has supported the trial on the basis that it would allow for an evidence-based understanding of the community's needs. However, no details are provided to identify what would be considered as evidence.

It is essential that clear performance measures that meet Community expectations in regard to both amenity and safety are established before the trial commences. It is essential that the collection of any so called "crucial" data is carried out in an open and transparent manner. Also of concern is who bears the cost of data collection.

In all probability the Trial will have the effect of patrons moving from clubs and hotels to the small bars, in particular, with the purpose of procuring stronger alcoholic drinks after 10pm, which in turn could again create the situation for which the Newcastle Solution was introduced in the first place.

This proposal does, however, break down some of the conditions of the very successful 'Newcastle Solution', and it could very probably lead to the further relaxation of these conditions in a city which still has 25 times the state average for late night alcohol-fuelled violence. The very powerful alcohol lobby could use this Trial to initiate changes to other conditions of the Newcastle Solution.

All of the small bars taking part in this trial were aware of the special modest conditions which would be imposed on their trading hours and licences, as they began operation after the 2008 Newcastle Solution was introduced.

Introducing these changes in the current COVID situation will not give a true indication of the impact of the changes because of restrictions in the number of patrons allowed in each venue, the reluctance of the community in general wishing to visit small venues because of social-distancing and the restrictions placed on tourists.

Of serious concern is the formation of the Committee to establish the Trial which is heavily weighted in favour of those pressing for the increased alcohol sales, but excluding health experts and residents' representatives.

Making these changes to the LEP, to encourage the sale of alcohol, and restricting the rights of residents to object, we feel is not in keeping with the principles of openness and transparency, and we would urge Council and the NSW Government to consider the opinions and serious concerns of the silent majority before making these changes.

[REDACTED]

Public Officer

Hunter Community Forum Inc.

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 10:15:30 AM  
**Attachments:** [newcastle-east-residents-group-extension-to-liquor.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 10:13 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 10:11  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file:  
[newcastle-east-residents-group-extension-to-liquor.pdf](#)

Submission: Please accept this submission on behalf of Newcastle east Residents Group.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

NSW Department of Planning, Industry and Environment  
Newcastle City Council  
Liquor & Gaming

Attention: The Honourable Robert Gordon Stokes MP  
Minister for the Department of Planning, Industry and Environment

Newcastle East Residents Group (NERG) objects to the proposed Newcastle Council **After Dark Strategy** trial and the intention to change the Newcastle LEP 2012 to allow bars and other alcohol providers to extend their hours of alcohol sales without having to make a development application, thus eliminating the opportunity for community objection/input. NERG has a long history of opposition to **inappropriate and unsustainable planning decisions** that would detract from the residential amenity of the inner city. We support good planning based on empirical evidence with cost/benefit analysis embedded in the planning process.

NERG believes that the Department is not aware of the many reasons that this trial should be delayed and asks that the Department withdraws support for any changes to the Newcastle LEP 2012 until all issues are resolved.

We are deeply concerned that the committee overseeing the After Dark Strategy trial is **not a truly independent one**, and that a community member has only just been appointed (after public pressure), well after the terms of the trial had been established. We feel that the committee is **heavily weighted in favour of alcohol industry objectives**. The Lord Mayor and State Member (classified as 'community representatives') were not elected to the committee by Newcastle citizens and therefore do not represent the broad community. The trial proposal can be attributed to self-interest by Liquor & Gaming, without consideration for communities in affected residential neighbourhoods. Newcastle City Council has a vested interest in one of the 'self-nominated' venues, Queens Wharf. This is surely a conflict of interest.

NERG opposes any attempts to break down aspects of the **Newcastle Solution** when it has proven to be a **highly successful strategy** for reducing domestic violence, anti-social behaviour, malicious damage and violence associated with drunkenness. The reduction in alcohol-related issues was widespread and immediate when the nationally-acclaimed Newcastle Solution was implemented.

NERG opposes any change that will **prevent the community from voicing concerns** about extended trading hours. We note that the trial venues are almost exclusively in the inner city of Newcastle, in areas that are surrounded by hundreds of residential homes. It is unacceptable, that affected communities would be excluded from discussions that affect their residential amenity and rights to peaceful enjoyment of their properties. In all cases, the conditions of consent attached to existing licences, have been negotiated after lengthy processes designed to protect amenity, provide fairness across the industry and provide the

best outcome for a particular situation. Extending operating hours for the proposed trial will negate those carefully structured conditions.

In the case of **The Grain Store** in Newcastle East (a venue that became a craft beer outlet long after the residential area was established in the 1800s) there is uncertainty over whether it will be classified as a small bar or a restaurant. NERG believes that it does not fit either category. Residential homes adjacent to the premises will be adversely affected if trading hours are extended. There is a **long history of complaints to L&G over breaches** of consent, patron noise and disruption to residential amenity. Past attempts to extend trading hours at the venue have been refused. The current trading hours have been negotiated over many years and represent a working compromise between the licensee and affected neighbours. This working compromise is delicate and must be protected. Had The Grain Store applied through existing channels to modify its DA consent conditions, there would be many resident objections. Yet the businesses trialling the extension of hours were asked to self-nominate, bypassing any accountability to residents in surrounding neighbourhoods, and bypassing the only fair way of assessing each, individual application based on individual circumstances.

The trial will **allow the service of strong alcoholic drinks after 10:00 pm**, a proviso that under normal conditions, would be controlled by Liquor & Gaming.

The Explanation of Intended Effect justifies the trial on the grounds that it: *may assist participating businesses to recoup lost income from the temporary closures and reduced customer capacity due to COVID-19.*

The justification is flimsy, at best. There is **no supporting evidence** to demonstrate that this income reversal will be achieved and by what means it will be measured.

**Covid restrictions** will limit substantially each venue's capacity to raise revenue through liquor sales to largely increased numbers. In fact the only way a business will have an opportunity to recoup losses is by opening for 2 hours longer each night. With limited numbers allowed in venues, and the added cost of extra staffing hours, there is not much to suggest this intention will be met. We do not believe that the relaxing of the 'lockout' laws will contribute to a revival in business turnover, and will have negative the potential to re-establish the problems the Newcastle Solution sought to eliminate.

The **timing for such a trial is unconvincing**. During a **pandemic**, when many people are stressed and anxious, and mental health issues are rising rapidly, there should not be opportunities for extended hours of alcohol consumption with its propensity to escalate pre-existing problems. Globally and domestically, we have witnessed how patrons of venues serving alcohol, relax their Covid etiquette when alcohol consumption is involved.

**Public health specialists warn** that increased availability and supply of alcohol during a pandemic, risks spreading the virus and heightens the probability of depression and domestic violence. Anecdotally, there has been much media coverage demonstrating social distancing breaches in venues such as the ones participating in the trial. The inner city area where the trial will largely be held, has a long history of alcohol-related violence only kept at lower levels due to the Newcastle Solution measures in place.

Under current law, businesses seeking to change DA consent conditions **must apply individually to Council** and be assessed on individual circumstances. This trial will allow 26 premises to be treated as a single group. NERG questions the validity of assuming that all participating venues can be treated as identical. Whilst they may share some common characteristics, each business is unique in service, size, location and its consideration of surrounding neighbours. The collective amendment will be many hours of extended trade, **concentrated in the inner city**. This will result in an area and time-frame impact greater than if these venues had applied individually, following due process. The sudden opening of 26 venues at once, will have an explosive effect. There is a **high likelihood of social impact**, as BOCSAR statistics clearly demonstrate.

Under current conventions, NSW premises are licensed and regulated on an individual basis by **Liquor and Gaming NSW**. It appears that the amendment to the LEP will **override** this. NERG believes this to be an irresponsible and regrettable decision that will leave residents open to the negative impacts of non-compliance and breaches. The self-recommendation aspect of the trial is a major cause for concern.

Premises, not included in the trial, are likely to apply for extended hours as well, so that they too, can attract clients over a longer period.

NERG is deeply concerned at the lack of information about **venue accountability**. There is no plan included that sets out how venues will be monitored and by which agency or agencies. This is a fundamental and critical omission. The range of alcohol-related problems addressed by the Newcastle Solution, will now be compounded by Covid pandemic complexities.

NERG questions why the trial has been proposed with **no information about how it will be evaluated**. There is no open and transparent declaration of what data will be collected and how, what agency/body will monitor the trial and who it will report back to, what KPI's will be established to measure success, how breaches will be dealt with, or what new employment benchmarks will be required to determine its success or otherwise. Without **regular, strict enforcement** of all venues (and there is no indication of this) advocates and participating venues will find it easy to declare the trial a 'success'. The inordinate rush to begin, leads NERG to conclude that it has not been adequately planned, and that the committee does not have a clear vision for implementing and managing the trial. Furthermore, NERG believes that the trial and the tabling of the 24 hr Economy Bill through parliament next year are closely related.

NERG requests that:

- no changes be made to LEP 2012
- details of how the trial will be conducted, monitored and evaluated are shared openly and transparently for public comment
- a costs/benefits analysis be prepared and distributed for public comment
- the trial be delayed until all issues are resolved

Regards

  
NERG

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 11:01:21 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 10:55 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 10:55

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West, 2302

Submission file: [webform\_submission:values:submission\_file]

Submission: I live in Steel Street Newcastle West, and I am having trouble get enough rest and sleep during the Friday and Saturday nights from the row, BAD swearing coming from McDonald's car park on the corner of King Street / Steel Street. It is almost impossible to sit on the balcony with friends for a quiet drink or coffee or tea, after about 10.00-pm on the nights mentioned above. I am 83 years old and expect better from my surroundings, which promotes as back to inner city living by the local council. There are at least three venues on this city block, that sell beer / wine and spirits until midnight, surely that is enough. [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 11:38:24 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 11:31 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 11:31

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2303

Submission file: [webform\_submission:values:submission\_file]

Submission: Newcastle needs extended hours for bars to enhance a city that is slowly growing. A vibrant nightlife is one of the great things about our major cities of Sydney and Melbourne. Newcastle, it's businesses and it's people, need the same!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 12:12:38 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 12:10 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 12:10

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: The proposed amendments to the planning laws which enable the hasty trial of weakened alcohol conditions raise multiple concerns. These concerns are inconsistent with good order and public safety, due process, open and accountable government and probity and integrity. I hereby object to the proposed changes to the SEPP and Newcastle LEP. They weaken Newcastle's current licencing conditions. The city is developing into a residential area with elderly and families now enjoying the city life. Any changes to alcohol laws and developments that leads to congregation of people late at night with noise, drugs and alcohol will impact on the peace, security and safety of the residents in this beautiful city.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 12:15:11 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 12:14 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 12:14  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Merewether, NSW, 2291  
Submission file: [webform\_submission:values:submission\_file]  
Submission: A situation that should've been resolved many years ago.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 1:00:40 PM  
**Attachments:** [tony-brown-submission-amending-newcastle-planning-regulations-17-sept-2020.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 12:28 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 12:20  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle 2300  
Submission file:  
[\[REDACTED\]-submission-amending-newcastle-planning-regulations-17-sept-2020.pdf](#)

Submission: I oppose the proposed amendments. Please see attached my submission. I also fully support and rely upon Dr [REDACTED] submission of 14 September 2020.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## **Objections to LEP facilitating the weakening of Newcastle's alcohol controls**

Council's explanation is contained in the following NSW Department of Planning, Industry and Environment (DPIE) Explanation of Intended Effect – (EIE) <https://www.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>. In some aspects this document can be construed as a form of a social impact assessment.

The EIE for the proposed amendments to the planning laws to enable the hasty trial of weakened alcohol conditions to proceed, raises multiple concerns listed below that are inconsistent with good order and public safety, due process, open and accountable government and, probity and integrity.

1. DPIE's EIE for Newcastle Council is grossly deficient and must be withdrawn.
2. Any legitimate, credible and fully independent trial of weakened alcohol controls (Newcastle package) should only commence after the well-publicised publication of a new, more accurate and reliable EIE followed by a longer than 14 day public consultation period.
3. It is contrary to the public interest and makes no sense to initiate and hasten a questionable trial and partial evaluation of weakened alcohol controls for 26 smaller bars concentrated in our CBD whilst COVID restrictions on businesses remain in force. The Texas Medical Association reported that 'going to bars' posed the equal highest COVID risk. See <https://www.texmed.org/TexasMedicineDetail.aspx?Pageid=46106&id=53977>.
4. There are longstanding existing legislative processes for the owners of all developments, regardless of their nature, size and industry affiliation and/or related activities, to apply to Newcastle Council to vary a development consent provision. This transparent process provides a number of public safeguards including public notice, the opportunity for the public to examine in detail the proposal and oppose the same, the determination of any variation in accordance with statutory criteria and integrity requirements.
  - a. No sound explanation has been provided why such important established safeguards should be overridden, especially when Council has had this plan since 2018 and COVID restrictions have been in place for several months to help 26 Newcastle bars make more profits regardless of any public safety and probity/governance considerations
  - b. It is not clear whether and when any disgruntled licensees have applied to Council seeking the variation of such liquor related conditions?
  - c. This rushed bypass of existing legal controls undermines the public's trust and confidence in the NSW government and Newcastle Council's planning laws and regulatory system.
5. The EIE fails to identify and consider a central feature of the trial, the proposed weakening or abolition of drink strength controls. This weakening is likely to contribute to rapid and

higher levels of dangerous intoxication and preloading, as competition between the 26 venues and other surrounding higher risk, later closing pubs and clubs intensifies. This will contribute to the inevitable race to the bottom in RSA requirements occurs that typified our CBD leading up to the instigation of the 2008 package of life-saving modest alcohol controls.

It will also seriously disrupt the existing competitive nexus between and within inner city venues are large suburban pubs and clubs. This predictable and calculated outcome is likely to provides the AHA and their political supporters with ammunition to urgently seek the abolition of their current modest alcohol controls so they can compete with the smaller bars. See Council report and copy of extraordinary Council meeting 1 September 2020 <https://newcastle.nsw.gov.au/getattachment/b25fe858-864a-43b6-9544-60561a2fe955/Item-62-Activation-of-the-Newcastle-After-Dark-Strategy> and <https://newcastle.nsw.gov.au/council/about-council/council-meetings/webcast-of-council-meetings>

6. The above EIE fails to provide the public with the actual wording of the proposed amendment to the SEPP/LEP.
7. The description of the proposed benefits of the changes in the EIE are not objective and impartial. They are unreliable. The EIE identifies the reason for a trial of weakened conditions is about profits 'to recoup lost income from the temporary closures and reduced customer capacity due to COVID-19'. This is not in the public interest.
8. The EIE fails to acknowledge a July 2020 decision of the NSW Independent Liquor and Gambling Authority (ILGA) when refusing a licence application in the CBD (the location of many of the 26 licensed premises covered by the trial) that,

***"Licence density***

20. The Authority notes that, compared to the NSW state average:

- a) Newcastle suburb has a significantly higher density of packaged liquor, full hotel and club licences (all of which are authorised to sell packaged liquor by retail)
- b) Newcastle LGA has a moderately higher density of packaged liquor and club licences, and a significantly higher density of full hotel licences.

***Crime data***

21. The relevant BOCSAR data indicates that, for the year to September 2019, compared to the NSW state average:

- a) the Premises was located within large high-density hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property
- b) Newcastle suburb recorded significantly higher rates of alcohol-related assault (domestic and non-domestic), malicious damage to property and alcohol-related disorderly conduct
- c) Newcastle LGA recorded moderately higher rates of alcohol-related domestic assault and alcohol-related disorderly conduct, and significantly higher rates of alcohol-related non-domestic assault and malicious damage to property.

***Alcohol-related health data***

22. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Newcastle LGA recorded a higher than average level of alcohol attributable deaths and hospitalisations for the periods 2016-17 and 2016-18 respectively". (p 4)

[https://www.liquorandgaming.nsw.gov.au/\\_data/assets/pdf\\_file/0011/316667/ilga-decision-packaged-liquor-licence-east-end.pdf](https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0011/316667/ilga-decision-packaged-liquor-licence-east-end.pdf)

9. Newcastle LEP exempt development provisions emphasise “minimal impact”. See <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2012-0255#sec.3.1> . The proposed LEP changes designed to increase the strength and volume of alcohol supplied after 10pm for 26 licensed premises in four Newcastle suburbs and all small bars to trade to 2am, will have a likely significant negative social, environmental, public safety and health cumulative impact.
10. The government relies upon amending the state-wide planning instrument, the [SEPP](#) as a blunt instrument to effect change in a very small part of NSW. This also establishes a very dangerous precedent to enable a trial of removing liquor related development conditions such as earlier closing, curfew (lockout) and drink controls for the larger city and suburban pubs and clubs without due process and independent scrutiny and evaluation.

The Minister responsible for liquor and gambling, our mayor and ILGA have all refused to provide our community with any guarantee that any outcomes of the trial of weakened conditions will not be relied upon by the AHA and other members/supporters to abolish or weaken the existing modest controls (Newcastle conditions).

11. Newcastle Council’s 2018 submission to the Horton review of the Newcastle conditions, was critical of the alleged ‘blunt’ nature of the package of licensing conditions. It preferred, as did the AHA, a venue by venue approach (‘flexibility’), and individual licensed venues including the large pubs, be rewarded for good compliance records. See <https://www.newcastleherald.com.au/story/5372623/horton-rejected-on-venue-by-venue-changes/> . ILGA did not accept this approach. The Council now seeks to do the exact opposite by clumping all 26 venues together in bypassing existing planning and liquor law requirements.
12. We are aware that some of those licensed premises listed in the explanation of the trial of weakened conditions, have been prosecuted for morphing into stand-alone bars, received noise complaints and noise abatement orders and, possibly prosecuted for other liquor related offences. This raises serious questions about the reliability of the information relied upon by the Department of Planning justifying the LEP amendment.
13. In 2017, the ILGA small bar “Big Poppy”, Newcastle Police successfully opposed the proposed weakening of their drink controls. The Police importantly identified that some small bars in Newcastle were operating as ‘feeder’ venues [39] where patrons would subsequently migrate to late trading pubs. <https://www.liquorandgaming.nsw.gov.au/documents/ilga/decisions/ilga-decisions-big-poppys-review-190118.pdf> There is no evidence that the same risks have mitigated. The increased likely level of competition for thirsty patrons within the listed 26 smaller bars and other pubs trading after 2am, will exert significant downward pressure on compliance standards

including RSA and, increase consequential alcohol related harms, noise and other disturbances. The EIE fails to identify and consider this serious risk arising from the proposed (unnecessary) amendments to the planning laws.

14. Included in this list of licensed premises for the proposed trial is the 'Civic Theatre' that may be owned by Newcastle Council. We understand Council may also own a number of other licensed premises in the CBD. If the Council is the owner of the Civic Theatre licensed venue, its failure to publicly identify this conflict of interest is of concern, particularly if it also derives any revenue/income from the sale of alcohol from this licensed venue.
  15. The conflict of interest could be exacerbated by the Lord Mayor promoting and encouraging other private licensed premises to join the trial with an expectation, based on its 2018 submission to the Horton Review that the weakened conditions (trading hours and drink controls) may become permanent. See <https://www.newcastleherald.com.au/story/6903930/council-votes-on-planning-rule-changes-to-allow-bar-trial/>
  16. This demonstrable bias favouring a weakening of the existing liquor related development consent provisions (see for example <https://www.newcastleherald.com.au/story/6810107/why-its-time-to-change-citys-outdated-lockout-laws/?cs=12>) risks undermining the public's perception of the impartiality, reliability and independence of the 'evaluation' of the trial being conducted by Newcastle Council and L&GNSW referred to in the EIE. The EIE fails to address this concern.
  17. A simple but serious governance/conflict of interest issue emerges. Those organisations and individual persons/officers promoting the weakening of the package of license related conditions, must not be allowed to be the same organisations or individuals conducting the evaluation. This is the current situation. The three public agencies directly involved in the proposed amendments to the planning laws, Department of Planning, Industry and Environment, L&GNSW and Newcastle Council have a public duty to address and prevent such governance issues. See examples of factors for consideration in the Appendix to the ICAC's 2019 report on political lobbying [https://www.icac.nsw.gov.au/ArticleDocuments/913/INTERIM%20PAPER%2015Oct19\\_FINAL.pdf.aspx](https://www.icac.nsw.gov.au/ArticleDocuments/913/INTERIM%20PAPER%2015Oct19_FINAL.pdf.aspx)
- FYI, we have encouraged any trial of weakened Newcastle conditions be led by world class independent academic alcohol harm prevention experts like UoN's Prof. Kyp Kypri or Deakin University's Prof. Peter Miller.
18. There are no prescribed provisions to end the trial earlier should signs of increased harms and disturbances emerge.
  19. COVID 19 restrictions are estimated to have increased front-line Police workloads by around 30%. The EIE fails to identify this factor that will have a range of adverse impacts including reduced availability of police to patrol the licensed venues and surrounding venues, timely response to violent incidents and related resident complaints and,



contribute to the data collection process of any legitimate trial of weakened licensing conditions.

20. The EIE fails to adequately address the likely negative consequences including reductions in public safety and the bypassing of key probity/integrity/governance safeguards associated with the established planning approval procedures.

**Please note I also rely upon and support the submission of Dr [REDACTED] dated 14 September 2020.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 1:00:41 PM  
**Attachments:** [milky-lane---letter-in-support-of-iba-submission.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 12:37 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 12:36  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: 2300  
Submission file:  
[milky-lane---letter-in-support-of-iba-submission.pdf](#)

Submission: Attached.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

17<sup>th</sup> September 2020

NSW Department of Planning, Industry & Environment  
Sent: via NSW Planning Portal

To Whom It May Concern:

**RE: Proposed amendment to trial extended licensing hours in Newcastle**

I write on behalf of Milky Lane in support of the submission lodged by the Independent Bars Association of NSW on the proposed amendment to trial extended licensing hours in Newcastle.

Our business employs approximately 30 staff at our restaurant, located on Darby Street in Newcastle. We are a vital member of our community, supporting local jobs and contributing to Newcastle's night-time economy.


We fully support the position outlined in the submission lodged by the Independent Bars Association of NSW, specifically their recommendations to:

1. Proceed with the planned trial of extended licensing hours for small bars and restaurants to stimulate our COVID-19 recovery and provide a more vibrant night-time offering in Newcastle;
2. Extend the proposed trial to 12 months, consistent with the planned review of the reversal of lockouts in Sydney's CBD, to offer greater business certainty; and
3. To move immediately to make the extended licensing hours permanent, upon successful completion of the trial.

Proceeding with the trial will help Newcastle realise its vision to create a diverse and vibrant night-time economy. Importantly, the trial will also support our business as we implement social distancing at our venue to ensure the ongoing health and safety of our patrons.

We look forward to your support to ensure we can emerge stronger from this pandemic and continue to contribute to Newcastle's night-time economy.

Yours sincerely,

  
Milky Lane Newcastle



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 1:49:04 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 1:21 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 13:20

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2303

Submission file: [webform\_submission:values:submission\_file]

Submission: As the lockdown has massively restricted trading and the number of people inside a venue it only makes sense to extend the trading hours so they spread out the patrons over a larger period of time. Also it was not the time restrictions but other methods such as The ID scanners and greater communications between Venues to stamp out trouble makers that have caused the most benefit. After nearly 10 years of the lockdowns we have not seen people change their time of going out as it was intended (ie go out early close early). If anything it was better with a staggered closing time so there was not everyone trying to get home at the same time which has caused more problems for taxi drivers and public transport as they no longer have income after closing time. Thank you for taking the public's consideration on board rather than just the minority

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 1:49:10 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 1:32 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 13:23

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: 17 September 2020 I make the following submission in regards to the proposed trial to extend trading hours for Small Bars and Restaurants. My concern relates to the conduct of the trial During a recent trial conducted by Newcastle Council which significantly impinged on 'neighbourhood amenity' it could be alleged that little if any monitoring was conducted to ensure the trial was carried out in an orderly and professional manner and in accordance with the establishment's DA and Liquor Licence I understand the purpose of the trial to increase trading hours is to increase the overall patronage of Small Bars and Restaurants. Increased patronage will by its very nature increase the possibility of disruption to 'neighbourhood amenity' and I suggest the trial will require additional resources to 'monitor and control' On the basis of past experience, I make the following points regarding this trial: 1. Will the current requirements imposed on each of the Small Bars and Restaurants as specified in their relevant DA, Liquor Licence, Outdoor Trading Policy or other control documentation such as a Section 81 decision be maintained and monitored during the trial (other than trading hours)? 2. Will the LA10 noise restriction where specified in the establishments Liquor Licence or DA be controlled and monitored, and in particular and I quote: "... the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am" 3. Given the purpose of the trial is to increase patronage, will the number of patrons be monitored to ensure patronage does not exceeded the maximum allowed by the establishment's DA? 4. Will doors and windows be closed in accordance with establishment's current requirements? 5. Will the establishment's current live music restrictions be maintained during the trial? 6. Will outdoor service on the footpath be enforced in accordance with the establishment's current restrictions? 7. Will patron's behaviour while queuing to enter the establishment or exiting from the establishment including 'on-street behaviour' be controlled and monitored in line with the expected increase in patronage as a result of each establishment's extended trading hours? 8. Will public transport, particularly Light Rail be extended to harmonise with the trial "closing time" to meet the expected demand of personnel frequenting the trial precinct late at night and move personal out of town as quickly as possible In summary trading hours aside, the trial should not be used as a cover to allow breaches in trading requirements specified in the establishments DA, Liquor License and other control and/or agreed documentation Thanks

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Thursday, 17 September 2020 1:55:30 PM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 1:50 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 13:50  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Merewether  
Submission file: [webform\_submission:values:submission\_file]  
Submission: I am in favor of extending the hours for the mentioned small bars.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:16:51 AM  
**Attachments:** [correspondence---to-dpie---submion-regarding-exntended-licencing-hours---20200217.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 3:29 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 15:28  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle West  
Submission file:  
[correspondence---to-dpie---submion-regarding-exntended-licencing-hours---20200217.docx](#)

Submission: Refer attached submission

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



CityWide.DOHara.

Phone: [REDACTED]

17 September 2020

Department of Planning, Industry and Environment,  
Locked Bag 5022,  
**Parramatta NSW 2124**

Dear Sir/Madam

**Submission regarding Proposed Newcastle LEP Amendment to trial  
extended licensing hours in Newcastle**

We wish to lodge a submission in support of the trial. The Civic Bar is part of Newcastle Civic Theatre, normally a very active theatre with many shows and artists performing. It consists of a bar located in the main foyer of the Civic Theatre serving a selection of premium beverages & snacks and the Dress Circle Bar located upstairs in the Dress Circle foyer and is open before and during all live performance events at the Theatre.

However, Covid-19 has impacted the Theatre with shows being cancelled or postponed, resulting not only in lost revenue but also severe damage to economic output and the consequential multiplier effect.

A concern that we have regarding the proposed trial is the trial period in these uncertain Covid-19 times. We believe the trial should be for a minimum of 12 months as a 6-month trial is too short due to the following:

- COVID-19 has economically compromised the City of Newcastle Hospitality and Creative Industries,
- There have been significant job losses, income reduction and significantly less revenue as a result of Public Health Orders from March to June,
- Social distancing restrictions affecting venue capacity,
- General reluctance of patrons to attend public places, and
- The possibility that Public Health Orders may continue throughout all or much of the proposed 6 month trial given recent events in Victoria and NSW with the second wave infection spike.

The planning for the trial and the proposal have been well thought out with sensible governance and a 2-tier performance framework.

It proposed that the trial be limited to 26 small venues in the city centre suburbs of Newcastle East, Newcastle (including Honeysuckle), Newcastle West and Cooks Hill, only. Large hotels and licenced clubs have been excluded so it focusses on a mix of small bars and restaurants offering food and with small patron capacity. Venues must comply with their conditions of consent other than trading hours and with their Covid-19 Safety Plan.

The governance arrangements for the trial involves a committee which includes representatives of State Parliament, Council, Independent Liquor & Gaming Authority, Liquor & Gaming NSW, NSW Police, Department of Planning Industry & Environment, 1

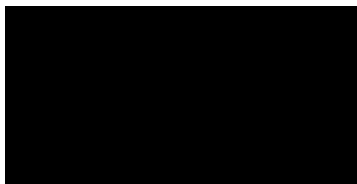
participant venue, Newcastle Tourism Industry Group & Independent Bars Association and a community representative, which will receive monthly reports from Liquor & Gaming NSW.

The 2-tier performance framework will evaluate the trial by assessing its success in achieving safe venues, more sustainable businesses and increased participation and as well as its impact on economic growth, sound impacts, perceptions/attitudes, visitor economy and city engagement.

Finally, the trial is an action of the Newcastle After Dark Strategy, adopted unanimously by Council in November 2018 following extensive public consultation.

Should you require any further information on this matter please contact [REDACTED], Manager Civic Services on [REDACTED].

Yours faithfully

A large black rectangular box redacting the signature of the Manager, Civic Services.

**Manager, Civic Services**

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:17:26 AM  
**Attachments:** [submission\\_extendedlicensinghourstrial.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 4:47 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 16:42  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: NEWCASTLE WEST, 2302  
Submission file:  
[submission\\_extendedlicensinghourstrial.pdf](#)

Submission: Please accept my submission in support of the trial, for the reasons documented in the attached file.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## **Submission - Explanation of Intended Effect - Amendment to LEP to trial extended licensing hours**

As a resident of Newcastle's "inner city" since 2005 (primarily Cooks Hill, currently Newcastle West) I write in support of the proposed amendment to the Newcastle LEP to facilitate the trial of extended licensing hours in Newcastle, on the following bases:

1. The types and size of establishments participating in the trial were not in abundance prior to the implementation of "The Newcastle Solution", and drinking and dining options are now significantly different to what was available in 2008. The restrictions on licensed premises in Newcastle were brought about as a mechanism to reduce violent behaviour. Livingston (2011) finds that, of three different license types, bars and restaurant density has the weakest correlation to assaults requiring hospitalisation (the strongest correlation, by far, being to the density of packaged-alcohol premises, with pubs and hotels having double the effect of bars and restaurants for the same given density).

Further, a World Health Organization (WHO) briefing on violence prevention and alcohol usage reports that poor quality licensed premises have a stronger association with violent behaviour, and that higher alcohol prices can lower consumption and hence reduce violence. Whilst WHO also cite availability of alcohol as a strong contributor to increased violence, it is clear from Livingston's research that each type of establishment varies in its contribution.

Where licensed premises continue to be allowed to operate in the city centre, The City of Newcastle is right to encourage the presence of high-quality bars and restaurants as a preferred location for alcohol consumption: the restriction of trading hours for lower risk venues is illogical policy and should be assessed as per the trial's intentions.

2. On the liveability of Newcastle as a city: from a personal perspective, I think it is important that as residential density increases that the city centre still be planned for and occupied as a city rather than be treated and perceived as a high-density suburbia: occupation signals the tacit acceptance of the conflicting demands of inner city land usage. Richard Sennett in his book "The Uses of Disorder", cites these very conflicts as the instigators of a city's vitality and rather than shy away from them they should be actively encouraged. A significant contributor to the desirability for living in the city centre is the presence of establishments of the type included in the trial and as such their success is important to the success of the city as a city. Suburbia exists for those among us who wish for a quieter life.

### **References:**

Livingston, M 2011 'Alcohol outlet density and harm: Comparing the impacts on violence and chronic harms', *Drug and Alcohol Review* (September 2011), Vol 30, pp 515-523, doi: 10.1111/j.1465-3362.2010.00251.x

World Health Organization (WHO) 2009, *Violence Prevention The Evidence: Preventing Violence by reducing the availability and harmful use of alcohol*, viewed 17 September 2020, [https://www.who.int/violence\\_injury\\_prevention/violence/alcohol.pdf](https://www.who.int/violence_injury_prevention/violence/alcohol.pdf)

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:17:33 AM  
**Attachments:** [REDACTED] [-submission-17-september-2020.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 5:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 17:18  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle 2300  
Submission file:  
[carole-powell---submission-17-september-2020.docx](#)

Submission: Please see attached file.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**OBJECTION TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012  
(NEWCASTLE LEP) TO FACILITATE TRIAL OF 26 PARTICIPATING SMALL BARS  
AND RESTAURANTS IN NEWCASTLE.**

**Submission - end date 17 September 2020**

We strongly object to the activation of the Newcastle After Dark Strategy and the proposed changes by the Department of Planning, Industry and Environment (DPIE) to temporarily amend the Local Environmental Plan (LEP) via the State Environmental Planning Policy (SEPP).

**TIMING OF NEWCASTLE TRIAL**

City of Newcastle and interested businesses have been touting this change since 2018. We believe the timing of the trial is very ill-timed and dangerous. Every business, family and citizen of the world is affected by Covid-19. To use Covid-19 as a reason for the timing of the trial is ridiculous. It is so Trump-esq!

Do you really believe that late night revellers are going to Social Distance?

If you do, you have obviously lost touch with the real world!

Figures released world-wide show that socialising in bars and restaurants does elevate new cases.

**COVID-19 STRESSES IN COMMUNITY**

Police reports and mental health reports tell us that the lack of sociability and lockdowns have contributed, in major numbers, to domestic violence, social disturbance and mental health issues.

Is this really the right time, to conduct this trial?

If the Committee really has the safety of the community as a major aspect of this trial - it must re-think the timing.



**IS THERE A NEED FOR THIS TRIAL?**

The area within Cooks Hill, Newcastle City and Newcastle East has many, many outlets for socialising, dining and drinking.

Will the use of Small Bars and Restaurants in this trial and its outcomes become a 'call to arms' by the other licensed venues in the area?

Will it lead to venues in outer suburbs losing their markets?

Licensed premises within the parameters of Market Street, Wharf Road/Queens Wharf, Watt Street, Hunter Street -

-  Basement on Market Street
-  Three Bears Kitchen

- 📍 Newcastle Signal Box
- 📍 Cielo Italiano
- 📍 Six Degrees
- 📍 Queens Wharf Hotel
- 📍 Customs House Hotel
- 📍 The Ship Inn
- 📍 Cirque
- 📍 Valerie's Pizza Parlour
- 📍 Blue Kahunas

We believe this trial is a sham, to ensure that Newcastle and its environs will move backwards to the idiocy, drunkenness and fighting that we had prior to 2008.

### **CONCERN RE SOCIAL DISTURBANCE**

Prior to Covid-19 changes - Friday, Saturday and Sunday evenings in the City of Newcastle were extremely 'interesting' with the habits of those socialising in this area. Public urination was very high on the social scale - both female and male. Of course, noise and extreme exuberance (perhaps, because of alcoholic intake) - goes without saying! Also, the behaviour of those using Light Rail and using Queen's Wharf station is disturbing. Payment for use of the service is almost non-existent. Taking Selfies whilst prostrate on the line is very fashionable. Sitting on the edge of the platform dangling one's legs over the edge is also 'such fun'.

### **NEED FOR GROUP APPROACH TO CHANGE**

It is surprising that the Licensees have taken the Herd Mentality Approach to this challenge. Each venue does have the ability to seek a change in the Liquor Licence.

Some of the venues in this trial have had breaches with Liquor & Gaming and the NSW Police. Obviously, since March 2020 and because of lock-downs there would have been very little opportunity to breach parameters - until just recently.

### **OCCUPANCY DURATION OF VENUES VERSUS RESIDENTIAL**

It should be pointed out that four of the twenty seven venues in this Trial are very, very close to our home. The Menkens Apartments have been in existence since 1998 and we have been residents since 2001.

The City of Newcastle Lord Mayor and some officials plus some members of the music and hotel lobby, have often voiced, the fact that **new apartment owners** coming into the inner city and city should not make complaints about the noise and social disturbance of venues close to their abode.

Below is some interesting data concerning the four venues and licensing dates -

- 📍 Basement on Market Street licensed in 2015

- 🍷 Three Bears Kitchen licensed in 2017
- 🍷 Blue Kahunas licensed in 2019
- 🍷 Newcastle Signal Box licensed in 2019

These venues are the 'new kids on the block'. Therefore, according to the paragraph above and that particular line of thought, venue owners should not complain!

### **COMMITTEE BIAS**

As stated in the document - City of Newcastle Report to Extraordinary Council Meeting on 1 September 2020 Item-62: Activation of the Newcastle After Dark Strategy - Key Issues #7 lists Members of the Committee. There is not one Community Member listed in the original Committee. Shame!

I have since been informed by Deputy Chair Tim Crakenthorpe (through correspondence dated 15 September 2020) that there is now a Community Member - Dr Anthony Cook.

However, the group of persons and their predilections are of concern regarding non-bias.

### **USE OF DATA - RELIABILITY AND RESPONSIBLE REPRESENTATION**

What exact data is to be collected? We have not been able to source this information? Perhaps, you would like to forward it to us.

Exactly who will be disseminating the data and when will the outcome from this trial be made available?

As stated in the document - City of Newcastle Report to Extraordinary Council Meeting on 1 September 2020 Item-62: Activation of the Newcastle After Dark Strategy - Key Issues #19 - "In order to evaluate the trial ..... and the broader impact on the city economy and **community**. Data ...". City of Newcastle, we believe does tend to rate community/residents at the lower end of the scale. Especially, if you have the temerity to speak out. However, they are all too happy to demand and accept rates from us. With the huge growth of new apartments in the inner city/city area - we the residents - will greatly increase revenue for City of Newcastle.

As stated in the document - City of Newcastle Report to Extraordinary Council Meeting on 1 September 2020 Item-62: Activation of the Newcastle After Dark Strategy - Community Strategic Plan Alignment #25 Inclusive Community #4.1 A welcoming community that cares and looks after each other. Looks great in the report - ***however let us see if this actually occurs*** at the completion of the trial and reporting.



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:17:42 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 6:06 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 18:05

Submitted by: Anonymous

Submitted values are:

Submission Type:I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: We have the following concerns regarding the Department of Planning, Industry and Environment's Explanation of Intended Effect (EIE) for Newcastle Council regarding the proposed amendments to the State Environmental Planning Policy to amend the Newcastle Local Environmental Plan 2012 to temporarily extend trading hours in small bars and restaurants. The consultation period needs a longer than 14 days. Such a significant variation to a development consent provision must be fully transparent. There needs to be sufficient notice to provide the opportunity for a full examination of the proposals in accordance with statutory criteria and integrity requirements. Inadequately assessed and implemented changes can undermine the public's trust and confidence in the NSW Government and Newcastle Council's planning laws and regulatory systems. We also note that the EIE doesn't adequately explain the full implications of the proposed amendment to the SEPP/LEP. It is inordinately focused on profits as suggested by comments about recouping 'lost income'. Profits from alcohol sales are not automatically in the public interest and must be closely assessed in relation to their social, environmental, public safety and health impacts. Furthermore, the previous venue by venue approach seems to have been abandoned in favour of collective assessment which in effect bypassing existing planning and liquor law requirements. There is also a potential conflict of interest by Newcastle Council as the possible owner/operator of licensed venues. This needs to be clarified. Furthermore there needs to be separation between the advocacy of the trial and those involved in its evaluation and this needs to be more clearly explained. [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:17:58 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 6:52 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 18:51

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Hamilton

Submission file: [webform\_submission:values:submission\_file]

Submission: I vehemently support these proposed amendments to the Newcastle LEP. I strongly believe the extension of trading hours for these low-impact bars and restaurants will be a positive force for the city's night-time economy; whilst providing a vital lifeline for businesses struggling to remain viable during the global pandemic. I believe the amendment will illicit a positive outcome both from and for the local community, and I await it coming into effect.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:18:06 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 9:04 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 21:04  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]

Suburb/Town & Postcode: Newcastle West

Submission file: [webform\_submission:values:submission\_file]

Submission: Firstly I just want to say for our city to continue to move forward in a way that fully realises it's full potential we need these changes to come into affect. We all want to see a more vibrant city come night time with more public spaces activated, creative lighting and place activation events just to name a few. For this to really work we need the frame work around it which is better night time public transport, streets where people feel more safe to freely move from precinct to precinct on foot and let's not forget venues open with an offering that compliments and puts this city on par with any well placed international city with a "the place to be" reputation. Key point to consider 6 months is too short a time frame to really get this to a what I feel would be a successful outcome for all. Let's face it, we will face some challenges along the way and we need time to be able to asses, resolve and act. Put the current challenges we are all facing in the NC hospitality industry as a whole and everything says we need more time to really see the benefits. With big reductions in venue's revenue as a result of the public health orders from March-June, restricted venue capacity due to social distancing measures, job losses and the general reluctance of people to attend public paces is putting much stress on the industry. We desperately want the opportunity to show this is a great thing for the city but will need some more time to slowly build peoples trust, awareness and venues capacity to be able to float the additional costs associated with building a new offering into any business. It would be considered an investment in my opinion. The trial will be overseen by a committee which includes a representative of parliament, council, independent liquor and gaming authority, NSW police and NSW liquor and gaming just to name a few. It blindingly obvious this is no place for cowboy operators and a trial of this nature would never have got to this stage if we didn't have the quality operators of venues throughout Newcastle. Cheers [REDACTED]  
[REDACTED] (The Edwards)

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:18:17 AM  
**Attachments:** [submission-ctw-2.docx](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 10:15 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 22:13  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle, 2300  
Submission file:  
[submission-ctw-2.docx](#)

Submission: See attached submission file.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

Submission re Explanation of Intended Effect (EIE) to amend the Newcastle Local Environment Plan (LEP) 2012 to temporarily extend trading hours in small bars and restaurants

As a resident of the inner-city CBD of Newcastle, I have some concerns about the review.

**The review is not needed.**

It is currently possible for small bars to apply for a variation of their trading hours and serving of liquor. It is not necessary to have a review to enable this to happen. It already can with little fuss and little expense. Looking at the composition of the review committee and the resources to support it, I believe the review is an unnecessary, expensive operation funded by the tax payers of NSW.

**The review is not wanted.**

Not one of the small bars or restaurants in Newcastle requested a variation to their trading. No person, organisation or community group in Newcastle requested the review. The Mayor, Nuatali Nemes, and local MLA, Tim Crackenthorp, enthusiastically jumped on board when the review was announced but they did not consult the people they represent. In fact, the Mayor did not officially inform the City Council about the review until after she was approached on the matter by community representatives.

**Driven by outsiders.**

The review is being driven by outsiders, not Newcastle residents. Who was it that originally had the idea to establish the review? A government minister and a member of the Legislative Council came to Newcastle to announce the review. But who prompted them? As is often the case, vested interests probably used their influence with the government. The most likely vested interest would be the Australian Hotels Association (AHA). It is recorded as being "one of the

biggest spenders when it comes to political donations”. In its influence over government policy, it is in some ways akin to the National Rifle Association (NRA) in the USA.

### **Terms of reference, parameters not known**

An attempt to find out the terms of reference of the review, if they exist, was unsuccessful. As well, the parameters of the review are also unknown.

### **Evidence gathering and analysis**

No indication has been given about what evidence will be collected, who will gather the evidence or how the evidence will be analysed. Nor is there a list of possible outcomes such as no changes to the existing rules, the same conditions for all small bars and restaurants, specific conditions for specific venues and so on.

### **Safety ramifications and social impacts**

Will the review take into account the safety ramifications and social impacts of increasing the availability of alcohol? Since the introduction of the “Newcastle Solution” in 2008, there has been a dramatic drop of 72% in night time alcohol related assaults in Newcastle. That is evidence that a drop in the availability of alcohol results in a drop in alcohol related assaults. The opposite is very likely true. An increase in the availability of alcohol will lead to an increase in the number of alcohol related assaults.

Despite the 72% drop in alcohol related assaults since 2008, Newcastle is still the alcohol related assault capital of NSW. There has been an increase of 22.7% over the last three years. Worse than that is the rate of assaults per 100,000 residents. It is almost 25 times the rate for all of NSW and 27.4 times the rate for major cities in NSW.

### **Bringing people into Newcastle**

To attract people into Newcastle as either tourists, residents or leisure seekers it has to be seen as more than a place to consume alcohol. It has to be seen,

amongst other things, as safe, clean and amenable. Keeping the current conditions on the availability of alcohol will help in this regard.

### **Newcastle has changed**

Already central Newcastle has changed. It is no longer a commercial and retail centre. It is primarily a high density residential area and becoming more so at a rapid rate with a plethora of apartments under construction. The residents of inner Newcastle already tolerate a level of noise and unsavoury conduct created by the liquor outlets that would not be acceptable in less densely populated suburbs like Merewether or Stockton for example. We don't want an increase in behaviour that will damage our health and well being.

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:18:23 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 17 September 2020 11:53 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Thu, 17/09/2020 - 23:52

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle

Submission file: [webform\_submission:values:submission\_file]

Submission: Having lived overseas in cities like Berlin, Lisbon and Amsterdam I have seen the benefit of not only bars and clubs opening until later however also the positive environment relaxed liquor and licensing laws can have on the local economy and on the patrons. For example in Berlin the level of relaxation is that one can drink at any of hour they desire, thus meaning patrons have no need to push for intoxication/ trouble due to the knowledge of a close coming closure to the venue. Australia obviously compared to the rest of the world has an aggressive drinking culture and its easy to see when in Australia/ NSW aswell as overseas when an Australian is in a bar/ club. This identification is profound, unhealthy and will lead to more crime and problems in the future. People don't need laws to restrict and frustrate, instead education and facilities that enable responsible drinking and entertainment. NSW and especially Newcastle is the laughing stock of the world and metropolitan european cities that have safer drinking environments in places of larger volume of population.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>



**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Friday, 18 September 2020 9:18:27 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 18 September 2020 2:16 AM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 18/09/2020 - 02:16

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: Newcastle East 2300

Submission file: [webform\_submission:values:submission\_file]

Submission: It's time to bring back some better night life options then what the city currently has! There's a huge demographic that have no options after about 10pm!

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 21 September 2020 7:56:51 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 18 September 2020 8:15 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Fri, 18/09/2020 - 20:14

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: New Lambton 2305

Submission file: [webform\_submission:values:submission\_file]

Submission: I think the proposal is a great idea to support the burgeoning small bars in Newcastle and inject vibrancy into the CBD. I often visit some of the small bars listed on average at least once a month. and have not had an issue. As the venues are small and often owned by an individual or small group, I see them having a vested interest in avoiding public disturbances such as noise or violence. Over 15 years ago I was the victim of an unprovoked attack in Newcastle, but I also thought the lockout laws unfairly impacted those people that could be responsible and wanted to enjoy a nightlife similar to what could be found in places in Europe. This proposal seems like a good compromise between the lockout laws and what we had before.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 21 September 2020 7:57:05 AM

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 19 September 2020 4:20 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sat, 19/09/2020 - 16:19

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: No

Email: [REDACTED]

Suburb/Town & Postcode: 2291

Submission file: [webform\_submission:values:submission\_file]

Submission: Please allow small bars to be open past midnight. Small bars are those which restrict numbers and serve alcohol responsibly. Nice places to go to enjoy a quiet drink. Newcastle needs a nightlife after midnight that is not foul pubs full of drunk people.

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

**From:** [REDACTED] on behalf of [DPE PS ePlanning Exhibitions Mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle  
**Date:** Monday, 21 September 2020 7:57:22 AM  
**Attachments:** [nicra-submission-re-lep-changes-17.9.20.pdf](#)

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**From:** noreply@feedback.planningportal.nsw.gov.au  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 20 September 2020 7:01 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Proposed amendment to trial extended licensing hours in Newcastle

Submitted on Sun, 20/09/2020 - 18:57  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Newcastle NSW 2300  
Submission file:  
[nicra-submission-re-lep-changes-17.9.20.pdf](#)

Submission: To whom it may concern, Please see the attached submission opposing the recent LEP changes to the Newcastle LEP 2012. Can you please confirm that this submission has been successfully lodged with Planning NSW? Thank you. Kind regards, [REDACTED] Spokesperson, Newcastle Inner City Residents Alliance (NICRA) Tel: [REDACTED]

URL: <https://pp.planningportal.nsw.gov.au/Codes-SEPP-Newcastle>

## **Submission opposing changes to amend the Newcastle Local Environment Plan (LEP 2012) to temporarily extend trading hours and relax other operating conditions for licensed bars and restaurants**

**The Newcastle Inner City Residents Alliance (NICRA)** opposes the recent changes to the Newcastle Local Environment Plan, which will last for six months from 1 October 2020 – 31 March 2021.

NICRA is in principle against spot re-making the Newcastle LEP 2012. The recent LEP changes set a dangerous precedent for state and local governments. Spot changing the LEP is by its nature anti-democratic, as it dis-enfranchises and excludes wide community participation.

Spot changing the LEP puts a focus on a lack of transparency and fairness, and opens up the government to criticism and potential legal challenges. The secrecy surrounding the recent spot changes to the LEP can give rise to allegations of corrupt conduct and can also suggest there is something to hide. Spot changing the LEP should be avoided wherever possible.

There is a genuine community concern that the recent LEP changes were made to assist vested interests, who might gain financial benefit above the wider community interests in Newcastle. While the NSW Planning Minister may have discretionary powers to change the LEP, these are reserve powers which exist for exceptional cases only, and when there is a clear benefit to the wider community. They should not be used for short-term benefit or to satisfy an ulterior motive such as could be the case here, providing a pretext for licensed venues to operate more freely during Covid-19 restrictions, or to undermine licensing approvals that were originally intended to protect the wider community.

NICRA is opposed to these LEP 2012 changes.

### **Council of Newcastle's Extraordinary General Meeting**

Prior to the Extraordinary General Meeting (EGM) of the Council of Newcastle on 1 September 2020, there was no public consultation and virtually no relevant information available about the then *Newcastle Small Bars Review*. Media reports originally suggested the trial could involve seven small bars. However, many residents wished to know why those seven bars had not made direct application to Liquor and Gaming NSW or the Council of Newcastle, to change aspects of their operating conditions, under which they are entitled to in NSW licensing regulations.

In the week prior to Council's EGM, the number of participating licensed venues grew dramatically, morphing to potentially 120 plus small bars and restaurants who might participate in the Trial, now re-named the *Newcastle Trial*. However the Trial now appears to involve 26 licensed venues, as most other venues decided it was not important enough to bother with.

The Council of Newcastle has an *After Dark Strategy* for the inner city. This late night economic strategy has been used as a tool to make changes to the Newcastle LEP. Participating Newcastle Trial licensed venues will be allowed to water down the conditions of the *Newcastle Solution* (Lockout Laws), including extending venue operating hours and ignoring noise pollution regulations, and by-passing the usual democratic DA processes, which would normally allow residents to lodge formal objections to these changes.

The original operating consents for all participating licensed venues in the *Newcastle Trial* can be abandoned during the six month *Trial*. With a stroke of the pen the participating venues all gained extended operating hours. No longer are there limitations on small bars serving cocktails after 10am (the public is not unduly alarmed by cocktails after 10pm. This matter was a distraction and should never have been a difficult one for CoN to solve).

However residents would be alarmed if regulatory control over noise pollution emanating from licensed venues at 1am or later will disappear, and venues no longer have to be good citizens, helping to maintain a quiet and safe local amenity for nearby residents and inner city visitors.

As there are no locally based Compliance Inspectors to oversee the operation of the *Newcastle Trial*, reducing alcohol fuelled violence, drunken and disorderly behavior and property damage, appear no longer to matter to the Council or Newcastle or the NSW state government.

### ***Newcastle Trial* rationale**

The stated reason for the LEP changes was, "...to help facilitate the rejuvenation of Newcastle's night-time economy", so that it, "...may assist participating businesses to recoup lost income from the temporary closures and reduced customer capacity due to Covid-19". This statement is little more than a feeble hope, a wish for better times ahead. Don't we all wish for better times, more normal times again!

Many residents view the LEP changes, endorsed by the Council of Newcastle on 1 September, as failing to meet the normal high standards, rationale, criteria and processes that would justify enlisting the Planning Minister's discretionary powers to spot re-make the Newcastle LEP.

If the proposed LEP changes had wide-spread community support, as some liquor industry insiders claimed, including senior Liquor and Gaming NSW figures, why wouldn't they seek community acceptance and endorsement. The answer is clear – the insiders did not have wide spread community support, which is why the Planning Minister stepped in to change the LEP. A recent poll taken by the Newcastle Herald showed a great majority of residents opposed weakening the popular *Newcastle Solution* "Lockout Laws".

The motivation for the *Newcastle Trial* is vague at best. However the Trial appears to be driven by Liquor & Gaming NSW, which seems eager to dismantle the Newcastle "lock out" laws and regulations that currently govern licensed venues in this city. Other conditions that could be relaxed, which are controlled by Liquor & Gaming, are the service of some especially strong drinks after 10pm. The changes could involve bypassing the current requirements for venues to submit applications, and thus exclude residents from lodging objections?

### **The missing *Terms of Reference***

The Newcastle Trial is not structured to carry out an impartial expert investigation into the operation of small bars and restaurants in Newcastle, during Covid-19 restrictions. Until the Council of Newcastle's EGM on 1 September 2020, Novocastrians were excluded from detailed information about the proposed *Newcastle Trial*.

The Combined Newcastle Community Groups, including NICRA, asked many times for the *Terms of Reference* that will be used by the *Newcastle Trial*. Yet none appear to exist. The *Newcastle Trial* has no criteria for gathering data, no apparent means for collecting it, nor criteria for analyzing and measuring success or otherwise; and no means to enforce compliance of the new *Newcastle Trial* operating conditions. Also, there is no independent expert body, which can oversee the *Newcastle Trial's* investigative processes and the Committee's results.

It has been suggested that problem licensed venues participating in the *Newcastle Trial* may be "booted off". That would skew the Trial results further towards the desired outcomes of Liquor and Gaming NSW and licensed venues, by removing valuable data that might reflect a more accurate record of how the Trial was proceeding.

### **Kangaroo court**

No one would wish the *Newcastle Trial* to be known as a kangaroo court, specifically designed to deliver deregulation to licensed venues in Newcastle, and possibly across the state. That would diminish the community's regard for all involved in the *Newcastle Trial*. Yet, there is a serious risk that that could happen.

The selection of 15 plus Committee Members of the *Newcastle Trial* has been a public mystery. The appointed Committee Members appear to strongly favour Liquor and Gaming NSW, the alcohol industry and licensed venues. Newcastle's Lord Mayor, Nuatali Nelmes, and State Member for Newcastle, Tim Crakanthorp, are both on the Committee, yet spruiked relaxing liquor licensing regulations before the establishment of the *Newcastle Trial*. It is puzzling that both seemed dis-interested in community consultation about such an intensely felt issue - de-regulating licensed venues in Newcastle. It was not until the Combined Newcastle Community Groups instigated meetings with these and other political representatives that a residents' perspective was heard. To this day there has no circulation of relevant *Newcastle Trial* information into the wider inner city community.

It is pleasing to see that the Chair of the Independent Liquor and Gaming Authority (ILGA), Philip Crawford, is on the Committee as well as representatives from NSW Police.

The Combined Newcastle Community Groups, which includes NICRA, successfully argued for the appointment of a resident's representative. Dr. Anthony Cook has unofficially been appointed to the Committee. However, at the time of lodging this submission, Dr. Cook had not been formally notified of his appointment.

A great weakness of the Newcastle Trial Committee is its lack of a medical professional to specifically represent the interests of paramedic emergency workers, doctors, nurses and other medical and health specialists, and hospitals. A medical professional could address the implications of alcohol-fuelled violence on society, the long term implications of binge drinking by young Australians, increased domestic violence and other serious long-term alcohol related harms. The increased ambulance call-outs, Emergency Department casualty admissions and additional hospital work loads and the accumulating financial cost to society could also be examined.

### **Conflict of Interest**

The LEP changes overlook a serious conflict of interest for the Council of Newcastle, which owns and operates inner city licensed venues, including venues participating in the *Newcastle Trial*.

Also, the role played by Liquor and Gaming NSW in this matter should be examined. It is concerning that senior departmental officers appear to operate as if they were part of the Australian Hotels Association. As more information emerges, the *Newcastle Trial* could be seen as a L&G NSW Trojan Horse, used as a pretext for dismantling wider liquor regulations that protect Newcastle residents from the worst excesses of alcohol fuelled violence and harm.

Liquor and Gaming NSW must explain the questionable use of public funds for the *Newcastle Trial*, including senior salaried L&G NSW officers who appear to be driving the Trial.



### **Existing liquor laws are very liberal**

The current NSW liquor laws and regulations provide great scope for successful licensed businesses to operate profitably. However the laws and regulations are also meant to protect communities and individuals from the worst social problems and harms caused by excessive liquor and alcohol consumption. These include alcohol fuelled street violence, damage to private property, increased domestic violence, unacceptable levels of noise pollution during late and early morning hours when residents expect to be able sleep.

The existing licensing *Newcastle Solution* “Lockout Laws” were instituted in Newcastle in 2008, because the alcohol industry had shown, time and time again, that it was incapable of self-regulation and was not interested in the well being of society. Unfortunately this industry prioritises making large profits over any other consideration. It has an extremely poor record for taking responsibility for the social harms that excessive alcohol consumption causes in our society. This is evidenced in the high level of bars, restaurants and hotels that have become “hot spots” for the Coronavirus in NSW during the current pandemic.

The *Newcastle Solution* has been very successful and popular in Newcastle. It is even credited with reviving the appeal of visiting the inner city at night, as once dangerous streets became safer.

### ***Liquor Amendment (24-hour Economy) Bill 2020 - May 2020***

New South Wales citizens already enjoy a very liberal licensing regulatory regime, which governs operating hours for licensed premises and sales of packaged alcohol. However the proposed changes to laws in the ***Liquor Amendment (24-hour Economy) Bill 2020 - May 2020***, appear designed to encourage more alcohol consumption, through greater access to alcohol and licensed venues. A majority of residents view this proposal as unnecessary and unwanted. It could result in further pain and suffering that many people experience, due to problems brought about by excessive alcohol consumption.

If implemented, the proposed bill would amount to the government abandoning appropriate regulation of the powerful liquor and alcohol industry, including licensed venues, while shifting more of the significant burden of social, health and policing costs, including growing budget expenditures, onto the public.

The proposed changes in the bill will allow the alcohol industry to operate more freely in an almost deregulated environment, while further weakening public interest protections.

### **Does Newcastle still have an alcohol problem?**

The evidence suggests that many Newcastle residents, businesses and police experience high levels of alcohol induced violence, crime, individual harm and other forms anti-social behavior, including binge drinking and domestic violence.

Public safety should be the first priority for all governments.

In Newcastle licensed venues contribute to:

- **alcohol fuelled assaults in the Newcastle CBD being twenty times the state average**
- **property damage is five times the state average**
- **other alcohol-related offenses are thirteen times the state average**

(ILGA figures, 2018-19)

### **Return Compliance Inspectors to Newcastle**

The range of problems residents face span alcohol fuelled street violence, damage to private property, harassment and intimidation, noise pollution and breaches of licensing conditions.

Prior to 2016 Liquor and Gaming NSW had Compliance Inspectors working in Newcastle successfully helped to resolve many excessive alcohol related problems in the inner city. Currently, however, no simple avenue exists for residents to contact someone who could effectively help them respond to alcohol related problems at the time they are happening. You cannot telephone the Council of Newcastle, Environmental Protection Agency (EPA), Police Licensing Officers and Liquor & Gaming NSW Licensing Inspectors after 5pm weekdays. Which means that residents' complaints must go to a Police telephone call centre. Unfortunately, the police are frequently too busy acting on other urgent matters to attend promptly, if at all. And complaints made to the Council of Newcastle and EPA during business hours frequently take weeks and sometimes months to be acted upon. This delay is totally unsatisfactory and can put residents' lives at risk.

Privacy and confidentiality are real concerns for many residents, and should also be for governments. The current inadequate reporting arrangements, often require the victim of excessive noise or alcohol fuelled violence having to confront the licensed venue proprietor or drunken individual with their complaint for themselves. In the case of noise complaints, residents are usually asked to provide their contact telephone number, ostensibly for follow-up assistance. However, there have been instances where residents' phone details have been shared with others, who have trolled the residents with unsettling SMS messages or by making threatening and intimidating calls to harass them. This is a serious breach of privacy for which the State government has responsibility to protect. This unacceptable problem could be solved if Compliance Inspectors were re-instated to Newcastle to be the intermediary between the perpetrator and the resident.

### **Covid-19 Restrictions**

While lost income during the Covid-19 pandemic is extremely regrettable and challenging for many bars and restaurants, it is not restricted to the Newcastle late night economy. All Australians are living in through a dangerous pandemic that has adversely impacted every sector of Australian life, from business, educational, family, social, arts, tourism and travel, and many more. The Covid-19 restrictions are unprecedented and wide spread across NSW and Australia. Until a vaccine is found to overcome the Coronavirus, every caution must be taken regarding relaxing social distancing, sanitising and restricting patron numbers in licensed venues.

Uncontrolled alcohol fueled venues can easily trigger a third wave of the pandemic in NSW. Already many of the state's problem hot spots have been at licensed venues, including many hotels and restaurants. No one wishes that Newcastle should become the next Covid-19 hot-spot, responsible for a potentially serious outbreak leading to uncontrolled spreading of the deadly Coronavirus through our community.

**NICRA recommendation**

The Newcastle Inner City Residents Alliance recommends the abandonment of the flawed *Newcastle Trial* and return to the existing LEP 2012 planning powers and liquor licensing laws and regulations in Newcastle.

The *Newcastle Trial* is ill-conceived, biased against residents, has unresolved conflicts of interests, fails to acknowledge the seriousness of policing, medical and health problems surrounding alcohol fuelled behavior, as well as ongoing outbreaks of the Coronavirus in NSW bars, restaurants and hotels.



Spokesperson, Newcastle Inner City Residents Alliance (NICRA)