

Item 11.10

Notices of Motion

Live Music at the Eveleigh Hotel

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Eveleigh Hotel is a gambling free family friendly community hub at 158 Abercrombie Street;
- (ii) the family-run business has been operating for over a decade;
- (iii) the Eveleigh Hotel have reported that they have been the subject of noise complaints by a neighbour, and as such Council actions have resulted in restrictions on the Hotel;
- (iv) past restrictions issued by Council have been adhered to by the hotel, at immense cost and personal effort by their management and staff;
- (v) the Hotel has already carried out renovations of an estimated \$60,000 in recent years, responding with great patience to the Council's comments;
- (vi) they are currently carrying out yet more renovations;
- (vii) the City's attempts to resolve the noise issue through a voluntary process over the last six month had been unsuccessful so the City recently advised the Hotel more formal action may be taken. The Hotel responded with a commitment to engage an acoustic specialist, remove or relocate a speaker, lay carpet and underlay and instal acoustic panels;
- (viii) the Eveleigh Hotel report that the latest restrictions, however, threaten the survival of the Hotel;
- (ix) the latest restrictions issued by council mean that:
 - (a) outdoor seating is reduced again, to a maximum of six people on two tables until 8pm;
 - (b) the outdoor seating area is reduced from 7.8m² to 6m² in response to gathering of patrons on the footpath outside the pub having adverse impacts on the neighbouring properties and for pedestrians moving past the site;
 - (c) side windows and doors must be closed to prevent noise leakage;
 - (d) costly renovations must again take place to reduce noise leakage; and

- (e) the applicant's footway submission sought to renew their existing approval including trading to 8.00 pm. The City approved the hours applied for and there was no reduction in trading hours;
- (x) the Hotel operators have been assured by City staff that live music can continue;
- (xi) these restrictions have cultivated an environment of anxiousness for the hotel, which has, in one case, led to an actual stress-related physical illness for which an ambulance had to be called during a shift;
- (xii) the Eveleigh Hotel have foremost called for the retraction of the latest restrictions and a reconsideration of past ones;
- (xiii) the Eveleigh Hotel would like to offer:
 - (a) modest live music events, such as jazz music on a Saturday afternoon; and
 - (b) a restrained provision of outdoor seating, for nine persons on three tables until 9pm;
- (xiv) the Eveleigh Hotel has started a petition for the restrictions to be removed, which has gained 2,076 signatures within six days of its publishing;
- (xv) the reasons that the Eveleigh Hotel find the imposed restrictions to be unreasonable are as outlined:
 - (a) the live music presented is distinctly family-friendly, both in noise-levels and in character. The live jazz events which take place on Saturday afternoons finish at a modest 7pm;
 - (b) the window closing restrictions reduce air flow to unsafe levels within the pub and, as a result, the atmosphere will be too hot for comfort during the summer, and, in addition, the oxygen levels will be reduced which is particularly dangerous in light of the ongoing Covid-19 pandemic. Encouraging air-flow through open windows and doors was an intrinsic element of the hotel's architectural design 150 years ago; and
 - (c) according to a noise assessment carried out by an independent audio specialist in 2019, Acoustic Logic Consultancy, noise levels were judged not to exceed the limits upheld by the council;
- (xvi) the sentiment expressed in the imposition of these restrictions is counter-intuitive to the NSW Government's claims to support hotels in moving away from gambling by promoting live music;
- (xvii) since July last year, the City has approved nearly 320 outdoor dining applications. Only one application has been refused;
- (xviii) the City will continue to work with business operators to maximise the activation of footpaths and streets whilst balancing the needs of other users and surrounding neighbours;
- (xix) in October of 2012, the City established a taskforce on Live music and Performance;

- (xx) on 18 November 2013, the City of Sydney Council endorsed the Taskforce's proposed action plan, Live Music Matters: Planning for Live Music and Performance in Sydney for public exhibition;
- (xxi) Live Music Matters identified 57 short, medium and long-term remedial actions the City of Sydney might take to support live music and live performance;
- (xxii) there was a status report commissioned by the taskforce in 2017 and the last one published was in 2018, revealing:
 - (a) a 61 per cent decline over a nine year period in Live Music or performance listings, from 540 in 2004 to 213 in 2013;
 - (b) in 2012, the City of Sydney's call centre received 2,829 noise-related enquiries or complaints. Of these, 105 (less than four per cent) were in connection with premises that programmed live music; and
 - (c) in December 2018, 58 per cent of the action plan has been implemented with an additional 28 per cent of actions in progress and 14 per cent yet to start or being re-scoped; and
- (xxiii) in 2016, APRA AMCOS released a report on live music revenue, revealing:
 - (a) a 40 per cent drop in live performance revenue at venues within the Sydney CBD lockout area; and
 - (b) of venues with a Live Artist Performance Licence, there was a 15 per cent overall decrease in value of venue expenditure on live artist performers, that being 17 per cent for hotels bars and nightclubs; and
- (B) the Chief Executive Officer be requested to:
 - (i) investigate all options to ensure live music can continue at the Eveleigh Hotel; and
 - (ii) ensure any unbudgeted recommendations from the Taskforce and the City's Live Music and Performance Action Plan are funded in the City's forthcoming budget.

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