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While Sydney council's OPEN Sydney night time economy might be working for some, it is failing badly for one Sydney pub.

Garry Pasfield operates one of Sydney's most treasured hotels, Woolloomooloo's Old Fitzroy, which has served locals and theatre goers for the past 20 years without a single community complaint.



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The peace was shattered on the 2nd of December 2017 when he was visited by a City of Sydney compliance officer who spoke with him about a Development Application condition that had been dormant for 18 years.



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Mr Pasfield was unaware of the condition, as when he bought the Old Fitz some twenty years ago he had a partner who looked after business



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affairs, while he ran the pub's day to day operations.

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"As the licensee I should have been aware of it, but the officer said that she would help with having it removed," Mr Pasfield said.

"The officer then returned on December 12 and said that I had to do something about it."

On May 18, Mr Pasfield and his lawyer attended City of Sydney Council chambers, meeting with compliance officers in expectation of a resolution to his section 4.55 application to modify the DA.

"They read the riot act to me," Mr Pasfield said, adding that from that day on he has had to employ a security guard four nights a week at a cost of \$1,000 to meet the condition of the original consent.

Mr Pasfield is certain that the enforcement of the condition was triggered by an unfounded noise complaint against the Old Fitz.

Without hard evidence, Old Fitz regulars believe the source of the complaints to be from the women's refuge across the road.

"People living there tell us that one particular person has been trying to get a petition against the hotel for sound," Mr Pasfield claims.

"The City investigates all noise complaints and undertakes compliance enforcement if the noise is assessed as being excessive or offensive," a City of Sydney spokesperson said.

"This action will depend on the evidence gathered by the compliance officers."

The City of Sydney said that it has received five noise complaints against the Old Fitz since December 2017.

The noise complaints were just the beginning of Mr Pasfield's increasingly frequent contact with the City of Sydney.

Since the triggering of the DA condition requiring a security guard, the Old Fitz has also been visited for health inspections and been accused of conducting unauthorised renovations.

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“So far four different departments from Council have come to check us one or more times,” Mr Pasfield said.

All of this action against a pub which has only needed to call the police once in 20 years has led community members to question the effectiveness of the City of Sydney’s OPEN Sydney policy.

They claim on one hand the City of Sydney is trying to promote a night time economy that has been struggling for many years, and on the other its compliance officers appear to be part of the problem, using the letter of the law to impede business.

“The Old Fitz ticks every box that OPEN Sydney promotes of cultural policy and night time policy and is now attracting compliance attention because of an unfounded complaint,” Councillor Craig Chung, City of Sydney said.

Author Louis Nowra who has been a regular of the Old Fitz for over a decade appeared dumbfounded when he said “Why the City of Sydney seems determined to harass in such a heavy handed way this special community hotel remains a mystery.”

The solution to the mystery could be the culture developed by certain City compliance officers.

Councillor Angela Vithoukcas, City of Sydney said: “Our compliance officers should have the ability to resolve and just not fine.”

While stressing that in her 30 years of operating small businesses she has met many good compliance officers, Cr Vithoukcas said the behaviour of a few casts a shadow over all actions being carried out in the name the City.

Councillor Chung raises the issue of public policy being eroded by private conduct when he said, “The City should be helping businesses to stay open and help themselves in the night time economy, and on the other hand rein in these compliance officers who seem intent on shutting them down.”

“There is a complete lack of transparency and agenda that is happening without the knowledge of councillors,” Cr Vithoukcas said.

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Councillor Vithoukas insisted the problem goes even deeper, with councillors being forbidden to advocate for small business owners in their representations to the City of Sydney.

“When a business owner attends these meetings on their own there is no-one to fight for them, and councillors are not allowed to be part of the advocacy role where they may have some knowledge of the situation,” Cr Vithoukas said.

“People can feel very intimidated by compliance officers and it is often one of the few times in their lives that they are subjected to some kind of law enforcement.

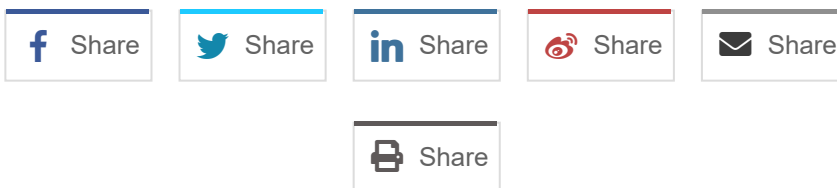
“It’s just not roads, rates and rubbish, we are at the very fabric of people’s daily lives.”

A spokesperson for City of Sydney said that most section 4.55 applications are assessed within 40 days, but Mr Pasfield is still waiting for a pathway to resolution.

“The way that Garry has been dealt with by the City is not the way that we should be treating a long term and well-run business,” Cr Chung said.

“This pub is the heartbeat of a very caring, loyal and interdependent community,” said author Mandy Sayer.

The Old Fitzroy has been in Woolloomooloo since 1860.



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