

**Submission  
No 224**

## **SYDNEY'S NIGHT TIME ECONOMY**

**Organisation:** Chilible Backpackers

**Date Received:** 24 June 2019

Hon. Natalie Ward MLC  
Joint Select Committee on Sydney's night time economy  
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2519>

24 June 2019

Dear Ms Ward,

### **Submission to Committee on Sydney's Lock Out Laws**

I am the owner and operator of Chiliblue Backpackers at 142-144 Victoria Street, Potts Point.

We believe the lock-out laws, which may have been imposed with good intentions, have had a severe and disproportionate negative impact on Kings Cross night life. The lock-out laws have not considered the need for socialisation space for a large range of people including backpackers and as a result people are now utilising public space instead of going to a bar or nightclub.

We do not have a liquor licence and therefore do not supply alcohol to anyone. We own a café premise at the ground floor of 142 Victoria Street. Immediately following the introduction of the lockout laws, we lost our long-term tenant of over 10 years, a pizza café and we have struggled to find new tenants since then and have been totally without any rental income from these premises for well over four years. Currently in Victoria Street, Potts Point alone, there are at least six empty shops for lease, despite heavy rental reductions and generous land lord contributions being on offer. Previously shops were held tightly with limited and rare vacancies.

Backpacker hostels are already highly regulated under the Local Government Act 1993, Environmental Planning and Assessment Act 1979, and the Protection of the Environment Operations Act 1997, which give Council the power to:

- a) conduct fire safety inspections and issue any required orders;
- b) conduct building inspections and issue any required orders; and
- c) investigate complaints about noise and issue any required noise abatement directions.

Council requires that internal court yards within backpacker premises be closed at 10 pm to minimise noise impacts, which means that people who do not want to stay inside often move to the streets. While a small number of residents have raised concern about the operation of backpacker premises, when they list off their concerns, they primarily relate to the behaviour of people in public spaces over which backpacker operators have no control. Further regulation of backpacker premises is not required. However, since the 2014 introduction of lock-out laws, the behaviour and socialising patterns of people staying in backpacker hostels in Potts Point and Kings Cross have changed. Notably Springfield Gardens is now being used as a late night gathering place.

I am also a skilled and experienced town planner and environmental manager with particular expertise in planning and delivering major transport infrastructure and emergency and incident management. If the current lock out laws are not scaled back I consider that a Safer by Design Evaluation could be completed on public spaces in Potts Point and Kings Cross, in consultation with trained NSW Police Force and community and backpacker operator representatives, to identify specific strategies consistent with Crime Prevention Through

Environmental Design (CPTED) principles. More information in this process, which is routinely applied to both Development Applications and to public spaces associated with major infrastructure project, can be found at:

[http://www.police.nsw.gov.au/community\\_issues/crime\\_prevention/safer\\_by\\_design](http://www.police.nsw.gov.au/community_issues/crime_prevention/safer_by_design)

While I am not an expert in Safer by Design Evaluation and the application of CPTED principles, I have led these processes and consider that this action would best address the issue of antisocial behaviour in public spaces. The following may assist in deterring antisocial behaviour in public spaces:

- Installation of back to base CCTV cameras and signage along Victoria Street, the Butler Stairs and Orwell Street to be relied upon for immediate response by the police if deemed necessary
- Identification of a dedicated meeting point for backpackers going out at night away from residences so that guests leaving premises do not congregate in front of premises.
- Butler Stairs:
  - Installation of signage noting the residential nature of the area and penalties for noise under the Protection of the Environment Operations Act, 1997 and enforcement of such policy by City rangers or the Police
  - Implementing a smoking ban (similar to that enforced in Martin Place)
  - Additional lighting (directed in accordance with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting) to make the area less attractive as a meeting place
- Springfield Gardens (public space off Orwell Street), in addition to possible actions listed for Butler Stairs:
  - Removing seating which encourages people to congregate in this area, or,
  - Fencing the area and locking gates at night – there is a footpath which allows access around this area and this approach is similar to the management of Embarkation Park in Victoria Street, Potts Point.

A Safer By Design Evaluation will consider possible options for the subject public spaces in close consultation with NSW Police Force and community and backpacker operator representatives to identify the optimum suite of measures to be implemented and may involve the trial of some options to assess effectiveness.

If you have any questions please do not hesitate to give me a call on [REDACTED]

Yours sincerely

[REDACTED]

Dr Caitlin Richards  
Chiliblue Backpackers