

**Submission
No 384**

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Liverpool City Council

Date Received: 2 July 2019

Joint Select Committee on Sydney's Night Time Economy

Submission by
Liverpool City Council

1300 362 170 | lcc@liverpool.nsw.gov.au

JOINT SELECT COMMITTEE ON SYDNEY'S NIGHT TIME ECONOMY

Liverpool City Council (Council) commends the NSW government on instigating the joint select committee on Sydney's night time economy. Council firmly believes that government needs to take a regulatory and leadership position to enhance the night time economy for Greater Sydney. Provided below is Council's response and recommendations to the Terms of Reference.

That the Committee inquire and report into Sydney's night time economy, including any measures required to:

A. Maintain and enhance community safety

1. Council is actively working towards creating a Local Government Area (LGA) which not only is safer, but feels safer for all community members who live, work and visit Liverpool.
2. Councils have a direct and indirect role in managing crime and community safety. For example, Council is responsible for planning for safer environments, conducting safety audits and assessment of development proposals utilising Crime Prevention Through Environmental Design (CPTED) or Safer by Design principles, undertaking graffiti prevention and removal initiatives. Council also has a convening role in consulting the community, planning with other stakeholders, coordinating partnership projects such as community capacity building, social cohesion and inclusion, which ultimately lead to a safety and health and well-being outcomes of all residents and visitors.
3. Crime has been on the decrease in Liverpool for two decades, however, the perception of safety remains a concern for the community. Community perceptions of safety play an important role in the success of a city's night time economy. Community members need to feel secure in public spaces at night in order to participate in night time activities such as frequenting bars, restaurants and late night shopping outlets. Utilising CPTED principles such as lighting, CCTV and passive observation can help to ensure community members feel safe and willing to engage in a night time economy.
4. Council works collaboratively with key local stakeholders in order to manage and improve perceptions of crime and safety in Liverpool. Significant partnerships with organisations such as Liverpool City Police Area Command (PAC), NSW Health, and various non-government organisations provide Council with a holistic understanding of crime and safety related issues affecting our city, and offer a diverse range of programs and projects which help to prevent crime and increase public perception of Liverpool as a safe community. Projects such as "Coffee with a Cop" and "Box with a Cop" provide an opportunity for community members to interact with local Police in an informal setting. Community gardens and art projects instil a sense of pride and ownership of community spaces, thereby reducing instances of vandalism and antisocial behaviour.
5. Through the creation of a local network comprised of multiple community partnerships Council have been able to impact the physical, social, and environmental wellbeing of our citizens and create a space where community members are not only safe, but feel safe. This perception of safety is likely to have significant impact on community member's willingness to participate in a night time economy.

6. As Liverpool's city centre is transforming into a mixed-use CBD and Council advances its ambitions to create an 18-hour city, night time city centre activities can be expected to increase sharply. The rapid increase in residential development and night time economy activities could have two folds – increase active and passive surveillance to positively address perception of safety, and introduce new safety elements, such as the increase number of licence venues.
7. Planned and managed proactively, the night time economy could change the dynamic of a place from a negative perception to a positive one where the population is engaged in night time activities such as social, cultural, leisure and wellbeing, food and education. Maintaining and enhancing community safety within this context is what Council aspires to achieve for the residents of Liverpool.
8. Council's Community Safety and Crime Prevention Strategy has collaboration and partnership with government and non-government agencies, community and businesses at its core, and central to improve community safety and wellbeing. Rather than a law and order only perspective, Council recommends a multi-disciplinary approach to manage and address community safety. Below are highlights of programs that are embedded in Council's strategic approach to a safe and healthy community.
 - Convening of the Liverpool Community Safety and Crime Prevention Advisory Committee which aims to enhance local leadership and collaboration.
 - Strengthening social cohesion and participation of Liverpool's culturally diverse communities in major centres through a range of nationally and internationally recognised activation programs, including:
 - Refugee Week and Harmony Day events;
 - Youth Week events;
 - NAIDOC Week and Sorry Day;
 - Thematic activation programs to respond to perception of safety, such as Anti-Poverty Week events in Liverpool LGA including 'Nite Under the Stars; and
 - Liverpool Night Markets (2012 – 2015).
 - An integrated and holistic approach to planning for precincts and other social infrastructure to minimise safety risks/concerns and cater for active and healthy living. For example, inclusion of outdoor gym equipment, lighting, shared pathways and multipurpose use facilities.
 - Collaboration in responding to safety at home and public.
 - Comprehensive Social Impact Assessment with consideration to public safety and health and wellbeing as key assessment criteria.
 - Alcohol Free Zones to reduce alcohol consumption and anti-social behaviour at identified hotspots.
 - Installation of art works, including street art, tile, mural and banners in various locations within the Liverpool LGA designed to improve public perception of safety.
 - Deliver the Midnight Basketball program in partnership with Midnight Basketball Australia.
 - The rollout of Public Safety Closed Circuit Television (CCTV) network in the Liverpool city centre. In early 2016, Council conducted CCTV network evaluation, and the evaluation report identified that the public perception of safety in the city centre has improved.
 - Conducted lighting and safety audits and installation of safety signs in hotspot locations and car parks in the LGA.
 - Deliver community education activities to raise awareness amongst community members to report crime as well as improving personal safety, protect valuables, break

and enter from dwelling, reduce retail theft, motor vehicle theft and steal from motor vehicle.

- Produce safety materials in different community languages and distribute widely.
 - The Street Safe Smart Card to visitors to the City. There was a particular focus on safety at night for the increasing number of university students who will be using the space at night.
 - Formation of a Drug and Alcohol Working Group to address local issues and concerns by adopting the current National Drug Strategy.
 - Community health and wellbeing partnership projects around gambling, drug and alcohol dependency.
 - Deliver community led initiatives to prevent falls and trip-related injuries to older residents, including:
 - Walking groups;
 - Exercise groups; and
 - Live Life Get Active Camps.
9. Liverpool City has been officially recognised as a Pan Pacific Safe Community – a strong, cohesive, vibrant community, where citizens actively participate in public life. The Safe Community Model is internationally recognised, with its communities following a set of core criteria that emphasises community leadership, participation, communication and networking.
10. While not specific to Liverpool, safety at night remains a real concern for women. A national approach to investigate measures to improve safety outcomes for women is over-due. With a major medical precinct and three universities, many women and young females travel to and from the Liverpool city centre during night time. Council recommends overarching regulatory measures for design and development of public domains and open spaces to maximise women's safety in public places so they also participate in night life programs and activities without fear. This could include laneway designs, lighting and infrastructure design and community education around respect and equity.
11. Activation of city centres through a variety of mediums such as dining, art, culture and recreational activities could ultimately lead to improved safety and improved health outcomes. Council recommends investing and leveraging on the resources within the community and non-government sector.

B. Maintain and enhance individual and community health outcomes

12. Liverpool is actively working to manage a number of individual and community health outcomes which can affect community members' capacity to engage in all aspects of community life. Domestic violence, drug and alcohol use, and trips and falls for elderly people are all individual and community health concerns which are identified as key priorities in Liverpool's Pan Pacific Safe Community Accreditation.
13. Council is actively working to address drug and alcohol use in Liverpool through the development of a Drug and Alcohol Policy. Council is working with key community partners to develop this policy which will address the management of drug and alcohol use in Liverpool, its causes and risk factors. Council also works closely with the Community Drug Action Team (CDAT) and Local Drug Action Team (LDAT) to coordinate a collaborative approach to managing drug and alcohol use in Liverpool, particularly in public spaces.

14. Domestic and family violence is an area of increasing concern in Liverpool. Council's approach to tackling this issue has been primarily through the provision of support for victims. In addition, Council is working closely with local domestic violence services to increase education and prevent actual instances of domestic violence.
15. Council has recently been successful in achieving accreditation as a White Ribbon Workplace. This accreditation demonstrates Council's commitment to eliminating domestic and family violence in Liverpool through a whole-of-Council approach, designed to support victims of domestic and family violence, both within Council and the community, to seek vital support and assistance. Furthermore, this accreditation provides Council with a public platform from which to promote the stance that domestic and family violence is unacceptable in the Liverpool community.
16. Trip and fall injury prevention for elderly people is a key community health concern in Liverpool. Like much of the Australian population, Liverpool is home to an ever-increasing number of aged community members who may be at risk of trips and falls in the community. Council is working closely with NSW Health to provide education and fitness programs for elderly people which are designed to strengthen and improve balance and reduce the risk of falls. Education and awareness of the risk of trips and falls is also a key focus of these programs, as well as encouraging community members at risk to implement safety plans and support networks to monitor and assist in the instance of injury.
17. Liverpool Council's Disability Inclusion Action Plan (DIAP) includes a number of actions which detail Council's commitment to ensuring Liverpool is a safe, accessible and inclusive place for people with a disability and the aged community to live, work and visit. Departments across Council are working closely to ensure that public spaces are accessible and safe through the installation of adequate footpaths, ramps and tactile supports which assist people with a disability to access community services and public buildings.
18. These preventative measures are supporting Council in the management of individual and community health concerns. This supports the management of public safety and contributes to increased participation in community life, including the night time economy.

C. Ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced

19. Liverpool LGA does not have issues with current lockout laws which affect other parts of Sydney. Like many established centres of Western Sydney, Liverpool is transforming into a mixed-use CBD with increased residential density, within close proximity to the transit hub, and educational, health and entertainment options. It will be a vibrant location to live, work and enjoy a variety of entertainment options, meeting broad government agendas for more liveable cities. The experience from eastern Sydney confirms that measures are required to both protect residential amenity and ensure the viability and longevity of night time activity.
20. With this in mind, Council's recent gazettal of the Liverpool Local Environment Plan 2008 (Amendment 52), which has rezoned most of the city centre's B3 Commercial Core into B4 Mixed-Use, does pose some possible regulatory challenges for the future, particularly in relation to managing conflicting land uses. The aim of LLEP (Amendment 52) is to facilitate a walkable, liveable, 18-hour city to increase the amenity for Liverpool city centre residents and increase service jobs. The Amendment will see the introduction of a number of high density,

mixed-use developments, and the increased resident and worker populations that accompany these. Whilst Council is optimistic about the potential economic, social and cultural benefits that mixed-use developments will add to the city centre, there are gaps within regulatory and legislative frameworks which could jeopardise the orderly expansion and development of the city's night time economy, which are discussed below.

21. Noise regulations

There are currently insufficient noise attenuation requirements applying to mixed-use buildings which could hamper the development of a thriving night time economy in its infancy. For example, restaurants, bars, cafes are established at the ground floor of a tower, but the premises has not been appropriately attenuated for noise for residents living above. Residents can then make complaints about the noise, and the establishments are forced to close down, or close early, thereby stunting the night time economy. There should be considerations within planning and regulatory frameworks that can:

- Condition developers to provide sufficient noise attenuation for retail spaces within mixed-use buildings;
- Design-excellence guidelines to consider best design for noise attenuation in mixed-use buildings, for example, putting a 'commercial floor buffer' between ground floor retail and residencies on top; and
- Condition, or legislate, that developers and/or real estate agents enter into agreements with residents around an understanding of the conditions of living in a mixed-use CBD development, and managing expectations around resident amenity and noise.

22. Retail mix

It is becoming increasingly apparent that the retail offerings in mixed-use developments, particularly on high streets and in city centres, are ill-considered at the development stage, and therefore often remain dormant for extended periods of time. This results in insufficient provision of retail spaces in these developments which would otherwise create active street frontages for both day and night time activity. Council is currently witnessing this phenomenon in the new developments on the fringes of the Liverpool city centre, which have inappropriate provision of retail spaces due to a lack of consideration for the role that they play in activating an 18-hour economy. Council recommends amendments to planning regulations that would require developers of mixed-use developments of a particular size to provide a considered retail and commercial strategy with their DAs, in a similar way that Social Impact Assessments are required.

23. Complex planning and regulatory environments

The planning and legislative frameworks to support and grow the night time economy, including live music, are onerous in some areas (Liquor Licencing), and lacking in others (temporary cultural use of spaces). Council recommends an overall streamlining of processes that would support and grow the night time economy by making it easier to hold activities and events in the evening. Recommendations include:

24. Guidelines for local government bodies, and accompanying workshops, to develop a Small Bars Policy.
25. A review of planning guidelines and approval pathways to make it easier to hold small-scale temporary cultural activities in non-cultural buildings, and to hold small-to-medium events in public spaces. The City of Sydney is already advanced in implementing LEP amendments along this line.

26. A major barrier to activating the night time economy with music and entertainment is the requirement for often expensive acoustic reports to accompany a DA for extended hours of opening. These reports are often cost prohibitive for small businesses wishing to extend opening hours and entertainment offerings. Council recommends the NSW government consider means of mitigating this onerous red tape in the following ways:
- Providing direct incentive (eg. dollar for dollar grants) for businesses to undertake acoustic reports
 - A facilitated approach through the Department of Industry to appoint Night Time Economy Officers to assist small businesses with reporting requirements
 - Initiatives for small businesses to work as a collective to produce acoustic reports for a designated trading area.

27. Legislating for the night time economy

As demonstrated throughout this submission, the responsibility for considering and ‘making space’ for the night time economy varies broadly and inconsistently between government, businesses and developers. Council recommends that State government take a proactive approach to legislating for the night time economy by creating a Night Time State Environmental Planning Policy (SEPP). A Night Time SEPP would provide a framework for the management of different land uses towards the common goal of creating active and integrated day and night precincts, including food and beverage, late night retail, clubs and bars, tourist locations, the public domain, and temporary and pop up activities. Importantly, it would incorporate provisions for night time activity into standard practice for local planning authorities and private developers. Further, a Night Time SEPP would streamline the cumbersome and complex regulatory landscape associated with night time activities and provide clear pathways towards the development of thriving night time precincts and the businesses and activities that support these. The convenience and consistency of a state-wide instrument that legislates for the night time economy would provide clear direction to local governments, developers and businesses across NSW and catalyse that much-needed paradigm shift towards a holistic and proactive approach to building the night time economy.

D. Enhance Sydney’s night time economy

28. Sydney’s night time economy could be better served by a fundamental shift in the conversation surrounding the night time economy. At the moment, the dominant discourse is still very much focused on regulating and policing night time activity, particularly with regards to alcohol-related activity. In reality, the night time economy encompasses so much more than that; including food and beverage, culture and leisure activities, transport, education and training, provision of services for those working/studying outside core business hours, and an overall extension of day time activities into the night time. While these factors are becoming apparent to policy makers, regulators and bureaucrats, the narrative has not transitioned into mainstream and public conversation, where it is required in order to engender a paradigm shift and culture change around how people think of and engage with the night time economy.

Council has identified a number of actions and initiatives that can be undertaken in order to make this shift.

29. Retail dormancy

A primary issue with the activation of both day and night time economies, particularly on high streets and city centres, is the prevalence of vacant shopfronts. Through Council's on-the-ground experience with developers, property agents and business owners, we have identified a number of factors that contribute to this issue, and suggestions of ways to address them.

30. There are currently varying degrees of understanding of the local retail context by Council, developers and property agents. This includes understanding of demographic data, existing supply, existing and future demand, retail expenditure and retail jobs. Without the data to inform the current and future retail landscape, it is difficult for Councils to lead a strategic approach to the retail composition of their cities, and equally difficult for developers and agents to respond appropriately. To address this issue, Liverpool City Council has recently commissioned a City Centre Retail Study to better understand the city's retail, night time and entertainment needs. The aims of the study are to inform developers and businesses of the retail and commercial opportunities within the city centre; and to provide Council with an appropriate framework for assessing Development Applications for mixed-use developments to ensure that they are actively considering their retail uses and mix. Council hopes to use this study to encourage developers of mixed-use developments to include retail strategies within their DAs. While the study is still underway, Council has received positive internal and external feedback about it, and the opportunities it presents for a more strategic approach to building a retail mix that will help Council realise its ambitions for a vibrant 18-hour economy in the city centre. Council strongly recommends this exercise be undertaken in other major city centres in order to build a more appropriate mix of retail offerings which will activate both day and night time economies and mitigate against the encroachment of dormancy, particularly in response to big box and online retail dominance.

31. Another familiar issue with vacant shopfronts is the approach by many property owners to deliberately leave shopfronts vacant for tax purposes, evidenced anecdotally. This of course exacerbates the issue of dormancy and stunts the growth, vibrancy and economic development of city centres and high streets. While there are few legislative and policy levers available to government to tackle this issue, Council nevertheless suggests that State and Federal government investigate innovative tax reform mechanisms to incentivise building owners and/or developers to make their spaces available to creative and start-up businesses in general, and/or those who would have a strong presence in the night time economy.

32. Cultural venues, programs and activities

Sydney suffers from a lack of cultural infrastructure, venues, programs and activities, all of which have the capacity to stimulate the night time economy, by broadening its offer beyond alcohol-related activity. Activities such as dance classes, artists' studios, live music gigs, theatre performances, even busking, are mainly the domain of the evening, and participation in these generate dollars spent across the economy, as well as contributing to, and/or catalysing, more active night time precincts. Unfortunately Sydney, and Western Sydney in particular¹, lack the adequate infrastructure and funding to support the type, breadth and critical mass of creative and cultural activity required to build and sustain an active and diverse night time economy. Council makes the following recommendations to address this deficit:

33. Invest in building and supporting cultural infrastructure in identified night time precincts. This can include, but should not be limited to, the development of purpose-built

¹ SGS Economics and Planning, *Mapping Arts and Culture in Western Sydney report*, 2018. Commissioned by Create NSW

facilities, acquiring and repurposing disused or dormant buildings so that they are fit for purpose, and supporting existing facilities and venues. Council recommends that the State government, in partnership with local government, develop a program to support the purchase and/or repurpose of dormant buildings in key night time precincts across Sydney, to be used as art spaces, innovation hubs, co-working spaces, pop-up shops, rehearsal and recording facilities, and/or performance venues. This exercise should also be supported by the provision of preliminary operational and programming funds, say for the first three years, to ensure the sustainability of such spaces and give them the opportunity to become financially viable.

34. Large-scale Sydney CBD events, such as Vivid, are exemplars in how art and culture can catalyse conversation and behaviour change around the night time economy. These events have stimulated large participant numbers which have, in turn, encouraged businesses to trade into the evening and therefore garnered great economic returns in the night time economy. However, their impacts are largely confined to the areas they dominate and do not filter out to outer suburbs. Council recommends that large events such as Vivid receive the appropriate stimulus to hold satellite events and activations in outer Sydney suburbs. This would increase audience participation of such events, particularly when considering the time, travel and cost factors associated with Western Sydney audiences accessing inner-Sydney events. Holding satellite events would expand their short-term economic impact and start to influence the way audiences and businesses engage with and build the night time economy, particularly in the outer suburbs.
35. Western Sydney suffers from a lack of live music venues², and a lack of guidance and support for live music in the region. To address this gap in the music economy, Council recommends that the NSW government develops a policy and accompanying guidelines for development of live music venues, and public spaces conducive to live music, to inform local businesses of the steps towards including live music within existing venues, and how to establish new ones.

² ibid