

**Submission
No 451**

SYDNEY'S NIGHT TIME ECONOMY

Name: Ms Jo Holder

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The Hon. Natalie Ward MLC
Committee Chair
Joint Select Committee on Sydney's Night Time Economy

NightTimeEconomy@parliament.nsw.gov.au

2 July 2019

Dear Ms Ward

Re: *Inquiry into Sydney's Night Time Economy*

Thank you for the opportunity to provide a submission to the *Inquiry into Sydney's night time economy*.

I am a long-term member of resident organisations Darlinghurst Resident Action Group (as co-convenor) and 2011 Residents Association (as a contemporary visual arts business). I have convened forums and meetings on major issues such as public safety and planning policy. These forums on Safety and Good Order in Kings Cross were held in 2012 (at St Johns Church Hall in Darlinghurst) and 2015 at the Holiday Inn, Victoria Street, Kings Cross (opposite the memorial to Thomas Kelly). This is a personal submission.

The area coming under the Last Drinks measures comprises tiny postage-stamp size precincts of Kings Cross and parts of surrounding Potts Point, Rushcutters Bay. Kings Cross / Potts Point is still one of Australia's densest residential areas characterised by residential buildings built in the Victorian era or 1920s to 1930s and designed for passive ventilation with no soundproofing and no capacity for sound proofing.

The Cross and wider Potts Point had traditionally been recognised as a sophisticated rendezvous for Sydney-siders seeking good food, latest trends in fashion and a creative artistic and cultural life. Added to that there were some well-known and relatively well-run drinking holes: Bourbon and Beefsteak Hotel, the Aussie Rules Club on Darlinghurst Road.

From 2008 to 24 February 2014 as a de-regulated 'Entertainment Precinct', we saw our precinct sink to depths of aggression and violence we did not think were possible. The years of alcohol-fuelled violence (2008 to 2014) and anti-social and criminal behaviour can only be called an experiment in state public safety negligence. Front line police, paramedics and service people (such as garbage workers, bus drivers, cabbies) should never have to work in these horrific conditions.

Since the introduction of the Last Drinks measures (24 February 2014) we have witnessed the area's rejuvenation. There is ample evidence for keeping the sound and proven effective last drinks measures in place: they have had a profoundly positive impact for residents and for business activity.

Residents, small business, creative industry and professional voices have maintained our strong advocacy role to improve the safety and amenity for all who live in, work in or visit the 2011 and 2010 areas. We support the campaign by the NSW/ACT Alcohol Policy Alliance (NAAPA) and support their excellent and thorough submission to the committee.

The impact of alcohol de-regulation on Kings Cross / Potts Point

The new City of Sydney Late Night Trading DCP between 2008-2012 and the new Liquor Act (effective 2008) began an unrelenting cycle of violence, aggression, noise and bodily excrement of all forms. In 2007/8 City of Sydney Council released a Late Night Trading Development Control Plan introduced Late Night Trading Precincts in Kings Cross, Darlinghurst and Oxford Street, essentially loosening the regulation of premises serving alcohol, allowing them to apply for licenses to trade for 24 hours with increased numbers of patrons.

By marketing Kings Cross as an 'Entertainment Precinct' City of Sydney Council and NSW State governments actively and tacitly supported the proliferation of licensed premises. Bars, night clubs, pubs (who pay more rent) competed with and overtook mainstream daytime and evening businesses. The average visitor was aged 17 to 24, often vulnerable, drunk and aggressive eager to experience this new '24-hour alcohol playground', now promoted by Council as an 'Entertainment Precinct' that had nothing to do with live music.

Residents had to navigate a morass of legislation and endless applications before council. There was a rapid intensification of premises. Many appeared in the 100 most violent venues list (2008). Council declared a freeze on new licences in 2009 —3 years after the declaration of saturation.

In December 2010 Wilson Duque Castillo bashed to death by bar Security staff outside the Trademark Hotel, Darlinghurst Rd, Kings Cross (at the Coca-Cola Sign).

After this tragedy other young men lost their lives between 2010 and 2013:

- Calum Grant, age 21 - killed 2011 in Kings Cross
 - Thomas Kelly, age 22 - killed 2012 in Kings Cross
 - Daniel Christie, age 23 - killed 2013 in Kings Cross
- (Others died from ARV in Darling Harbour or CBD precincts (for example Lucio Rodrigues, age 24 - killed 2013.)

The cost to tax payers, local government and the State of continuing to subsidise the alcohol industry is immense. It is important to note that most alcohol related crime occurs directly outside of licensed premises. A concentration of premises leads to 'bar hopping' associated with heavy drinking.

In Kings Cross from 2008 to 24 February 2014 the cost of subsidising 'night life' included hundreds of extra regular police, plus the Riot Squad and specialist licensing police in the Extended Hours Trading areas. Traffic, intoxication and drug dealing was displaced into other areas (Potts Point, Darlinghurst and Woolloomooloo.

Major reports came out steadily over this period and were largely ignored. In 2009 an NDARC Report into Cumulative Impact, Saturation and Density commissioned by City of Sydney was critical of the City's trial controls regime and 'diversity of service' argument. The problem with alcohol is its availability. (NDARC for City of Sydney, May 2009.)

However, council and state government conceded that there was a serious and very dangerous problem. It took the death of several young men and leadership to move these concerns into legislative action when the successful Newcastle measures were applied to Sydney's CBD and inner-city.

Rejuvenation of Kings Cross / Potts Point since the introduction of modest alcohol availability controls

The NSW measures were reviewed in the Callinan Report in September 2016. Mr Callinan received more than 1,800 submissions. Almost 30 stakeholder sessions were also held, including three roundtables into Sydney's night-time economy.

Mr Callinan's report states the lockout laws have made Kings Cross and the Sydney CBD safer and that they are valid. However, he also states the government could consider making the following changes:

- Relax the 1.30am lockout and 3am last drinks measures for live entertainment venues to a 2am lockout and 3.30am last drinks for a two-year trial period.
- Extend the state-wide sale of takeaway alcohol from 10pm to 11pm.
- Extend the home delivery of alcohol from 10pm to midnight.

The report, including its conclusions, is available online at www.liquorlawreview.justice.nsw.gov.au

Let's change the conversation to Sydney is thriving; with better support for special live music venues and a strategy to support live musicians.

The *Inquiry into Sydney's night time economy* provides the NSW Government with an important opportunity to ensure that Sydney at night is safe for all to enjoy. The last drinks measures, along with the other reasonable innovations contained in the 2014 Liquor Legislation, save lives and the current and very reasonable liquor legislation regulations should continue. It is not fair to impose the bedlam of Kings Cross or lower-Oxford Street circa 2008 to 2014 on other precincts — such as CBD south and Haymarket or Ultimo.

There is overwhelming evidence that the comprehensive reforms have had positive impacts on the diversification and growth of Sydney's night time economy. The recently published report on Sydney's night time economy from Deloitte, *ImagineSydney*, highlights the importance of a planning and licensing system that is not solely focused on drinking and instead encourages initiatives like late night gallery and museum hours, live music or comedy, food and other retail offerings.

The 2016 Liquor Law Review by Mr Callinan, far from finding Sydney was alone in having a modest restriction on drinking hours, noted that many other 'international' cities have similar time limits: Paris, Dublin, Rome, Singapore, Los Angeles, San Francisco, Washington DC, Montreal, Vancouver and Toronto.

The ABC's Fact Check (at <https://www.abc.net.au/news/2016-03-16/fact-check-do-other-world-cities-have-lockout-laws/7225790>) assessed claims, regularly made by groups like Keep Sydney Open, that "no other international city worth its salt has these lockouts". It found the claims exaggerated, and the ABC research team found "many examples of mandated "last drinks" times in large, culturally diverse cities". Some cities, for example Vancouver, have copied the NSW model.

Kings Cross / Darlinghurst / Potts Point and Woolloomooloo districts are described by a series of Heritage Conservation Areas as being areas of special architectural, social and cultural significance. These heritage precincts with their shops and cafes charm and engage tourists. In the year ended December 2018 the total number of international and domestic visitors to NSW who visited Kings Cross was 1.3 million, up 10% on 2017. (Source: Destination NSW, Kings Cross Visitor Profile, Year Ended December 2018.) Since the introduction of measures to reduce violence the area has been transformed to once again attracting visitors. The daytime, twilight and evening business economy is flourishing (as opposed to having an all-night 'liquor economy').

A few issues remain: the failure to challenge an irrational campaign led by industry lobby-groups (discredited as misleading in the Callinan Report, 2016) and sections of the media and social media dependent on alcohol industry funding, that any issue (eg., crisis in the regions) can be blamed on "the lockouts". Mr Callinan cautioned to be very careful in describing what exactly was described as 'live entertainment' or 'live music'.

The economic reality is that it is cheaper for venues to employ DJs to play multiple sets of music during an evening, rather than hire and pay for a band. Many people now 'order in' and get their alcohol home-delivered. The other sad reality is that poker machines in pubs displaced the band room in our culture. At the very least pubs like clubs should pay a 'cultural benefit' to the music industry to have poker machines (as clubs must pay 'community benefits').

Most people in NSW would welcome special incentives to pay fees to live musicians and precinct-by-precinct live music festivals as they have in New York, just as the successful Vivid Festival is enjoyed by families. Consideration could be given to hubs such as proposed for Parramatta Road or centres like Parramatta or 'under-utilized spaces that could support small-scale creative and arts precincts as well as special sound-proof venues for some serious 'battles of the bands'. Let's also celebrate live theatre, live music and the visual arts and film.

We invite committee members to talk a tour of Kings Cross conducted by residents. (As per the tour conducted by industry representatives on 18 June 2019.) We welcome the prospect of meeting with the committee to discuss measures to enhance Sydney's twilight and cultural life.

Yours sincerely

Jo Holder



Links: Resident Organisations

2011 RA - 2011 Residents Association. Convenor: Helen Crossing, Deputy Convenor: Margaret Harvie. Web at <https://2011residentsassociation.wordpress.com/>

DRAG - Darlinghurst Residents' Action Group. Co-convenors Jo Holder and Julia Perry. Web: <http://www.drag.org.au/home-page>