

**Submission  
No 752**

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

**Organisation:** Kings Cross Licensing Accord Association

**Date Received:** 9 July 2019



**Kings Cross Licensing Accord Association  
Incorporated**

**SUBMISSION TO THE JOINT SELECT COMMITTEE  
ON SYDNEY'S NIGHT TIME ECONOMY  
JULY 2019**

# Kings Cross Licensing Accord Association

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## Executive Summary

The Liquor Amendment (Kings Cross Plan of Management) Bill 2012 / 2013 was introduced in response to the 2012 tragic death of Thomas Kelly and was implemented via two staged Tranches, the first commencing December 2012 and the second Tranche in December 2013. In December 2013 the tragic death of Daniel Christie occurred on New Year's Eve which resulted in a further response from Government by introduction of The Liquor Amendment (CBD Plan of Management) Bill 2014.

The CBD Bill was implemented in February 2014 and included further measures for Kings Cross via Lockouts from 1.30am, a 3am cease service of alcohol, plus a ban on take-away alcohol sales from 10pm across NSW. In Kings Cross ID Scanners were implemented in June 2014 as a completion of the second stage Tranche conditions of the Kings Cross Plan of Management and in addition to the lockouts which commenced in February 2014.

Kings Cross (pre-lockout) was historically a very successful vibrant late-night destination with a vast array of entertainment offerings offering diversity and a unique experience that many thousands of visitors, local and international enjoyed, it had its own vibe and was a popular destination for many. Whilst the area attracted thousands of people every weekend this changed very quickly when the lockouts were introduced.

There have been increased special licence conditions in operation for Kings Cross operators for almost seven years with the additional lock-out legislation in operation for over five of them. The Kings Cross Precinct and surrounds has seen many business closures since the laws were implemented which has also had a flow on effect to small business operators in and around the lockout zones and which is continuing to spread, causing further negativity, loss of local employment and damage to the local economy.

The combination of measures implemented in Kings Cross from 2012 as a 'One Size Fits All' approach is a blunt instrument for all local business however has been very successful from a perspective of 'keeping people away by multiple barriers of entry to hospitality venues. On that basis we welcome the review which will examine the Sydney nighttime economy including a review of the current laws and if they are appropriately balanced.

Kings Cross is no longer a destination precinct for revelers and has completely changed in its demographic moving towards gentrification and a varied business mix.

However, what remains is hospitality operators still 'strangled' by over burdensome regulations which has increased costs to operate and continued to reduce foot traffic with negative flow on effects to all business operators and job losses in the local community.

From our perspective Kings Cross should not have the continuing burden of stringent regulation over and above any other location in NSW especially in light of the vast and continued reduction in non-domestic alcohol related assaults.

The NSW Liquor Act 2007 has sufficient teeth to deal with rogue, recalcitrant and non-compliant licensees / premises and the regulations are monitored, policed and enforced to a very high level of operational response by the regulators.

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## **ABOUT KINGS CROSS LICENSING ACCORD ASSOCIATION**

The Kings Cross Licensing Accord Association (KXLA) was the first liquor accord to be formed in NSW. The Accord was an initiative of the Kings Cross Place Management Project which was established in March 1997. The project to form the first Accord was a joint venture between the NSW Premiers Department and the former South Sydney Council, who worked closely with a selection of licensees within the Kings Cross Local Area Command. The objective was to produce a coordinated set of actions to make the area safer and to enhance the amenity of the Entertainment Zone.

### **Boundary Area for the Accord**

The Kings Cross Licensing Accord boundary incorporates the demographic encompassed by the Kings Cross Police Area Command. The area includes Kings Cross, Woolloomooloo, Potts Point, East Sydney, Darlinghurst, Elizabeth Bay and Rushcutters Bay. The Accord has approximately 280 licensed premises within the demographic which is one of the highest concentrations of licensed premises in NSW. There are now approximately 145 liquor accords in NSW which were established under the provisions of the Liquor Act 2007 for the purpose of identifying local issues and working collaboratively with relevant agencies to develop and deliver strategies to reduce opportunity for alcohol related violence and anti-social behaviour or other identifiable alcohol related harm in order to pro-actively foster improved and safer neighbourhoods.

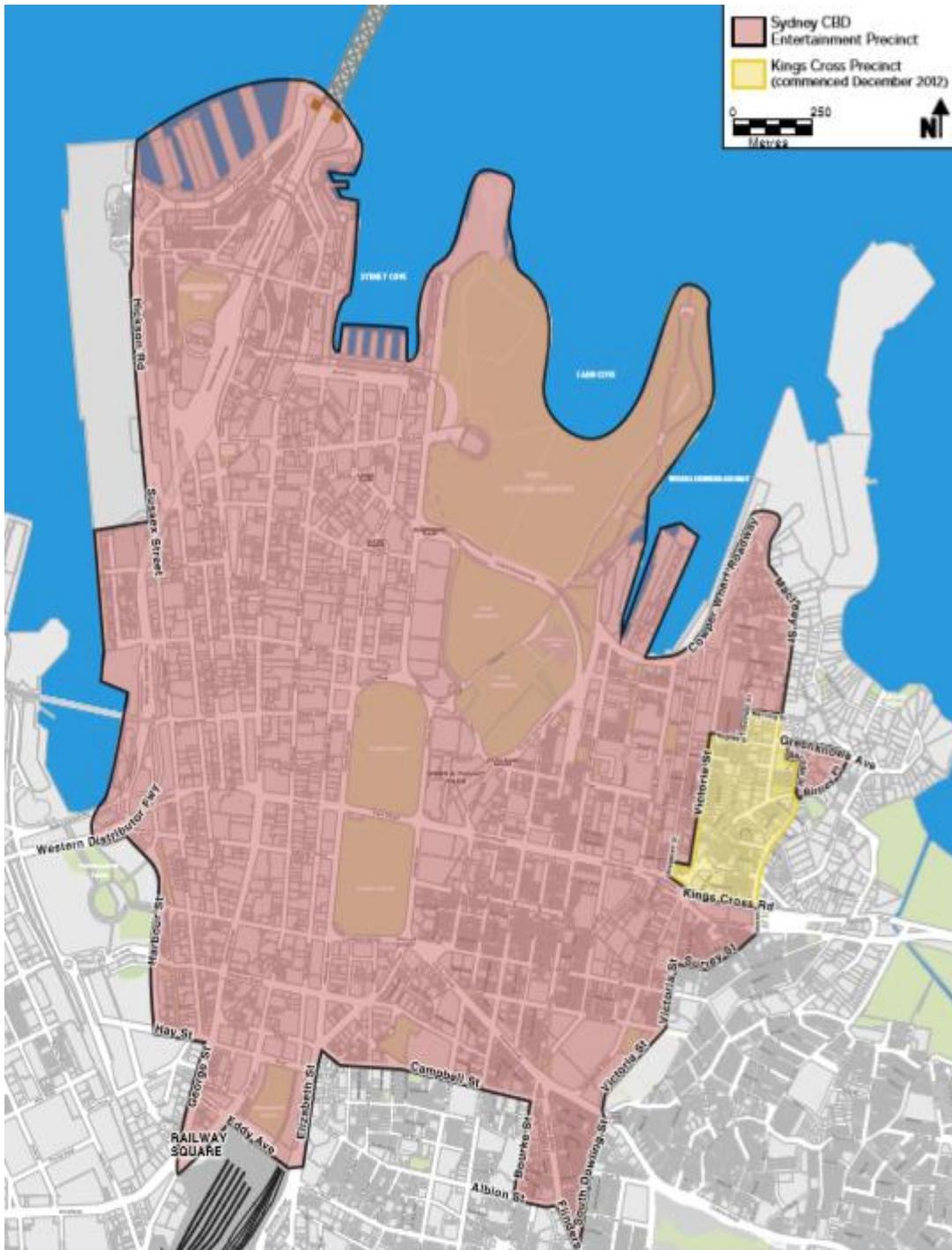
### **Kings Cross Precinct – Kings Cross Plan of Management (Boundary)**

The Kings Cross Plan of Management which commenced in December 2012 includes Kings Cross and part of the Potts Point and Elizabeth Bay precincts. Potts Point and Elizabeth Bay do not have any late trading venues and are primarily on-premise licences / restaurants.

### **Kings Cross Local Area Command – CBD Plan of Management**

The majority of licences (over 60%) located in the Kings Cross Police Area Command boundary operate under the special licence conditions for the CBD Plan of Management, which was implemented on 30 January 2014, with the lockout and cease provisions taking effect on 24 February 2014. The CBD Plan of Management includes parts of Darlinghurst, East Sydney, Woolloomooloo and parts of Potts Point as defined by the Sydney CBD Entertainment Precinct and Kings Cross Precinct map on the next page.

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## Liquor Amendment (Kings Cross Plan of Management) Bill 2012

### Tranche 1 Summary of Conditions of Licence for Kings Cross Implemented on 7 December 2012

- Service of alcohol to cease one hour before closing time on weekends - **(superseded by implementation of Lock-Out and Cease service of alcohol laws in February 2014)**
- 'Time-Outs' for 24-hour premises on weekends - **(superseded by implementation of Lock-Out and Cease service of alcohol laws in February 2014)**
- Banning of glass during late trading period on any day
- Banning of certain drinks and other types of liquor sales prohibited during the weekend late trading period **(increased to daily condition in July 2014)**
- Requirement for RSA Marshals during weekend late trading period
- CCTV Systems to be maintained on subject premises
- 'Round the clock' incident registers to be maintained
- Additional requirements relating to violent incidents including:
  - Crime scene preservation
  - Exclusion of persons from the premises (i.e. members of Outlawed Motorcycle and Outlawed Gangs) as determined by the NSW Government
- Removal of litter from outside of the premises
- Promotion of late-night transport options
- Patron and customer responsibility advice (via poster and postcard)
- Establishment and categorisation of deemed 'high risk venues'

### Tranche 2 Summary of Conditions of Licence for Kings Cross Implemented on 6 December 2013

- ID Scanning for 'high risk venues' **(delayed implementation due to probity issues, implemented in June 2014)**
- Temporary Banning Orders – linked to ID Scanners (48 Hours)
- Long Term Banning Orders – linked to ID Scanners (up to 12-months)
- Privacy Training for high risk venue licensees, staff and security guards operating ID Scanners
- All licensees, staff, crowd controllers and security guards must hold a current recognized RSA Competency Card – effective date 1 March 2013
- Revocation of RSA Competency Cards for breaches of Privacy or RSA obligations under the new conditions implemented
- Daily / hourly recording of quarterly alcohol sales data across various reporting categories
- Hours of Operation Signage / capacity of premises / Licensee and licence information
- Approved Managers for 'high risk venues'
- All of the Kings Cross special licence conditions become prescribed offences – 'Strikes' under the Three Strikes Disciplinary Scheme
- **Summary of Additional Conditions of Licence for Kings Cross Implemented on 24 February 2014 via the CBD Plan of Management Including the Kings Cross Precinct**
  - Lockouts from 1.30am
  - 3am cease service of alcohol
  - Ban on take-away alcohol sales from 10pm across NSW

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- **Summary of Additional Conditions of Licence for Kings Cross Implemented on 18 July 2014**
- Drink restrictions from midnight increased to 7 days per week
- Drink limits from midnight increased to 7 days per week for Kings Cross e.g. 4 maximum from midnight until 2am and then 2 maximum from 2am to 3am
- Bans on Promotional activity discounting drinks designed to be consumed rapidly (drinks cards, flyers, vouchers, social media, website, print media or spruiking)
- In summary the Kings Cross Precinct has had over 30 special licence conditions implemented on a staggered basis since December 2012.
- There has been some adjustment to some of the special conditions over a period of time which have been subject to detailed review and consultation.

## **Kings Cross Precinct Conditions Background Information Key Points**

- Prior to introduction of the Kings Cross Plan of Management there was a 37% Reduction in non-domestic alcohol related assaults IN Kings Cross for the 5-year period between April 2007 and May 2012 – (source NSW BOCSAR – reference: kg 12 -10676)

## **Key Evaluation Findings of Kings Cross Special Licence Conditions under the NSW Government's Kings Cross Plan of Management (source: Liquor and Gaming)**

- In one of the key findings of the evaluation reports:
- While an overall 5% reduction in alcohol-related assaults was found after the introduction of the Tranche 1 conditions, a statistically significant 26% decrease in alcohol related assaults was found after the introduction of the Tranche II conditions (though only 3-months of data post Tranche II were available due to the introduction of further measure e.g. lockout and cease service laws in February 2014)
- There was significant decrease in offensive conduct incidents following the introduction of both Tranche I and Tranche II conditions

It is important to note the implementation of the ID Scanners was approved under the Tranche II conditions prior to the Lockout laws coming into effect in February 2014 for Kings Cross operators. The ID scanners were implemented in June 2014 after the lockouts to complete the Tranche II conditions and the double measure of ID scanning and lockouts created another layer of stringent entry barriers to the venues after 9m daily and as time has proven a 'death knell' for a lot of licensed and unlicensed businesses in the Precinct.

## **Kings Cross Precinct Special Licence Conditions / ID Scanners, Lock Out and Cease Service Provisions**

### **ID Scanners Commencement from June 2014**

In June 2014, venues deemed as high risk (venues that trade beyond midnight with a capacity above 120 patrons) have been required to operate ID Scanners between 9.00pm and 1.30am each day of the week. The requirement is currently defined in Division 4 Prescribed Precincts under section 116D/E of the NSW Liquor Act 2007.

The implementation of the ID Scanners formed part of the second tranche of special licence conditions for Kings Cross under the Liquor Amendment (Kings Cross Plan of Management) Bill 2013. The objective of the implementation was to prevent persons issued with a 'banning order' from entering a second licensed premises and to reinforce the need for greater personal responsibility.

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## **ID Scanners Operative Snapshot**

ID Scanners identify the person, take away anonymity, provide the police with a tool to flash ban troublesome persons from the street directly to the premises and provide police with the actual number of unique entries into licensed premises including contact identification.

## **Banning Orders Issued by NSW Police in Kings Cross Linked to ID Scanners 2013 - 2019**

- 450 Temporary Short-Term Banning Orders to date (July 2019 Estimate)
- 258 Long term Banning Orders currently in force (July 2019 Actual number Kings Cross Police)

## **Temporary Short-Term Banning Orders – 48 Hours Only**

- Temporary short-term banning orders can be issued to a person who has committed an offence under Section 77 of the NSW Liquor Act, for Fail to Quit licensed premises, refusal of entry to licensed premises or remain in the vicinity; or
- When a person refuses to comply with a police direction to move on under section 198 of the Law Enforcement Powers and Responsibilities Act (LEPRA);
- Police have powers under section 198 of LEPRA to move on people who are intoxicated, disorderly etc.

## **Long Term Banning Order (LTBO) Up to 12-months**

- Police apply to the Independent Liquor and Gaming Authority for a LTBO for a person who has been charged with or convicted of a serious indictable offence (offence that carries a term of imprisonment for 5 years) involving violence, committed in a public place and is alcohol related

The ability for the police to be able to impose flash bans linked to the banning order for any violent alcohol related incident in the public domain is a more stringent tool than simply the 'move on powers' and we believe the ability for the police to impose flash bans in the street has assisted in reducing the assault rate in the public domain.

Both temporary and long term banning orders have the ability for venues to be able to support the bans via detection on the ID Scanning systems for Kings Cross, further this has provided a mechanism that police and venues can have confidence in whilst applying a ban knowing it is enforced at a venue level however only after 9pm for 14 venues and there is no mechanism to enforce the bans in the public domain.

## **A NSW Liquor and Gaming Review of the ID Scanners for the period June 2014 to July 2016 was completed in September 2016.**

There were 13 key findings of the review along with 11 recommendations. Whilst some of the recommendations were completed others have not and directly affect the ability of venues to allow patron entry beyond 9pm each day and which obviously affects their ability to trade on a level playfield with every other licensed premise in NSW.

One of the key findings and recommendations was for a process to be established for licensed venues to inform the ID Scanner system operator about patron ID's that are not accepted by ID Scanners so they may consider including such ID's on the ID Scanner catalogue in a timely manner.

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**The issue for premises with the stringency of entry requirements is the loss of daily business that is costly and is briefly summarized below:**

- Australian Expired ID's (Passport / Drivers Licence) are legally valid forms of Identification and in 2016 as part of the ID scanner review some 36,000 persons were identified as being refused entry to venues after 9pm due to Kings Cross Legislative requirements. The issue was identified to Liquor and Gaming in 2014 and finally adjusted to the system in April of 2017 with the figure then at approximately 66,000 from data provided – this does not include any friends that were with these persons and decided to go elsewhere – simply lost business
- Venues are reporting refusing entry to patrons ranging from 50 to 150 persons **per week per venue** for lack of acceptable ID for Kings Cross that are accepted in all other venues
- Venues unable to let people use bathrooms after 9pm with no ID – this has caused major embarrassment to venues especially with International visitors

On Commencement in June 2014 **29** licensed premises categorized high risk were required to operate with ID Scanners. There are currently **14 remaining with 15 closed (52%)** required to operate scanners, two of which are now primarily food operations, however still required to operate scanners if they trade beyond midnight.

## **Exemption Applications to Liquor and Gaming to Vary ID Scanning Use**

Venues can apply for exemptions / variations to the ID Scanning requirements under Section 116E of the Liquor Act 2007 if the Regulator is satisfied that any variation is unlikely to result in an increase in the level of alcohol-related violence or anti-social behavior or other alcohol-related harm in the prescribed precinct.

The NSW Police advise that the **Police Policy** is for ID Scanning to operate 7 days per week therefore any approval to vary operational days or criteria is in our opinion not possible to achieve via the applications. Applications are very costly to prepare for venues as well as an application fee to the regulator and take considerable time to process.

## **Exemption Application Example**

### **Example (Brief Summary for Exemption Application)**

One of the major venues applied for a variation under Section 116E (1)(a) of the Act on 28 June 2018 with variations from Sunday to Thursday for ID Scanning for a two hour period e.g. scan from 11pm in lieu of 9pm (2 hour relief) with risk mitigation measures proposed to support the application. The venue identified via ID scanning historical data that after 9pm on these days they had low visitation and attendance similar to or below a small bar capacity – this is important to note as small bars have no restrictions on their licence and have a patron capacity on approval of 100 persons.

The venue also identified if functions were booked or patron numbers rose above 120 patrons the ID scanners would **automatically be utilised**.

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The application was rejected in late February 2019 almost 8 months after application. In the rejection the regulator whilst satisfied the venue **does not** have a poor record with regard to incidents of alcohol related harm and anti-social behavior that during the period from June 2014 to December 2018 – 4.5 years – that Police advised 6 persons with Long Term Banning orders had committed an offence by attempting to gain entry in the venue and were identified by the ID Scanning system. Two of the entries were in the time period requested for variation on the scanners between 9-11pm though it does not identify which days, as no relief was sought from weekends by the venue.

**The costs to operate the ID scanners for this particular venue in the application were identified as \$100K per annum. The cost to operate the scanners for 4.5 years is \$450K – the cost for each ban incident on that basis was \$75,000 per person.**

It should also be noted that ID scanners integrated for the police bans are solely for Kings Cross – meaning banned persons can go to any other venue or small bar in Kings Cross, the CBD or suburbs and not be detected, we do not believe this is balanced.

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## ID Scanner Operational Times of Use

The current operating times of seven days per week are onerous and create a high additional operating cost for venues which is unnecessary given that, according to police there have been few attempts to date from any temporary or long term banned person to gain entry into venues after the ban has been imposed.

The Sunday to Thursday visitation data after 9pm we believe does not support the requirement to utilise scanners on an evidence basis on those days however daily data breakdown statistics have not been provided to the Accord by the regulator and our comments are made via venue information who report limited patron numbers after 10pm during the those times. The vast reduction in patronage is also evidenced in the total visitation numbers provided later in this submission.

Our original recommendation to Government was for the ID Scanners to operate according to BOCSAR Data on peak trading nights of Friday and Saturday nights (from 10pm to closing time), and the rigidity does not reflect the current trading conditions for Kings Cross, there is very little street activity or patronage after 10pm from Sunday to Thursday.

## ID Scanning De-Identified Data

ID scanning de-identified data provides the number of persons entering licensed premises in Kings Cross via the patron ID scanning system for prescribed venues. Liquor and Gaming collate the patron data from the service provider across numerous reporting criteria and are responsible for providing the data to the Kings Cross Accord on behalf of its members, who pay for the scanners.

The Accord is disappointed that the regulator solely provided the patron numbers for this report in late June, in the original report prepared for the September 2016 review we were provided significant additional detail relating to daily and demographic numbers as well as rejections for expired identifications and banning orders. We are therefore unable to provide analysis on the visitation by a daily breakdown which we believe is important to further identify the lack of activity in the early weekdays.

The data table below provides undeniable evidence of a continued spiral of reducing patron numbers in the precinct. We point out the data which commenced in June 2014 was after already reducing numbers from the implementation of the Kings Cross Plan of Management in December 2012 and 2013 and the 2014 implementation of lockouts and cease service provisions from 3am.

Patron Visitation by Recorded ID Scanner Entry (Source data – Liquor and Gaming)

Year	Annual Total	Months	Average-per month	Monthly-patron Reduction	% Reduction
2014	871,035	6.5	134,005	-	
2015	1,165,842	12	97,153	36,852	27.51
2016	812,426	12	67,702	66,303	49.48
2017	836,684	12	69,723	64,282	47.97
2018	765,467	12	63,788	70,217	52.40
2019	263,938	5	52,787	81,218	60.61

- The ID Scanner implementation commenced in June 2014
- There were 29 venues required to scan on Commencement
- There remain 14 venues currently scanning with the other 15 venues now closed
- Of those 14 remaining venues we advise that 2 more may close in the next quarter
- Reduction of patron visitation of over 81,218 patrons per month compared to 2014
- Reduction of estimated 4 million patron visits by year end 2019 on present data
- Estimated purchase and daily operational cost to venues for 5 years to date \$10 MILLION

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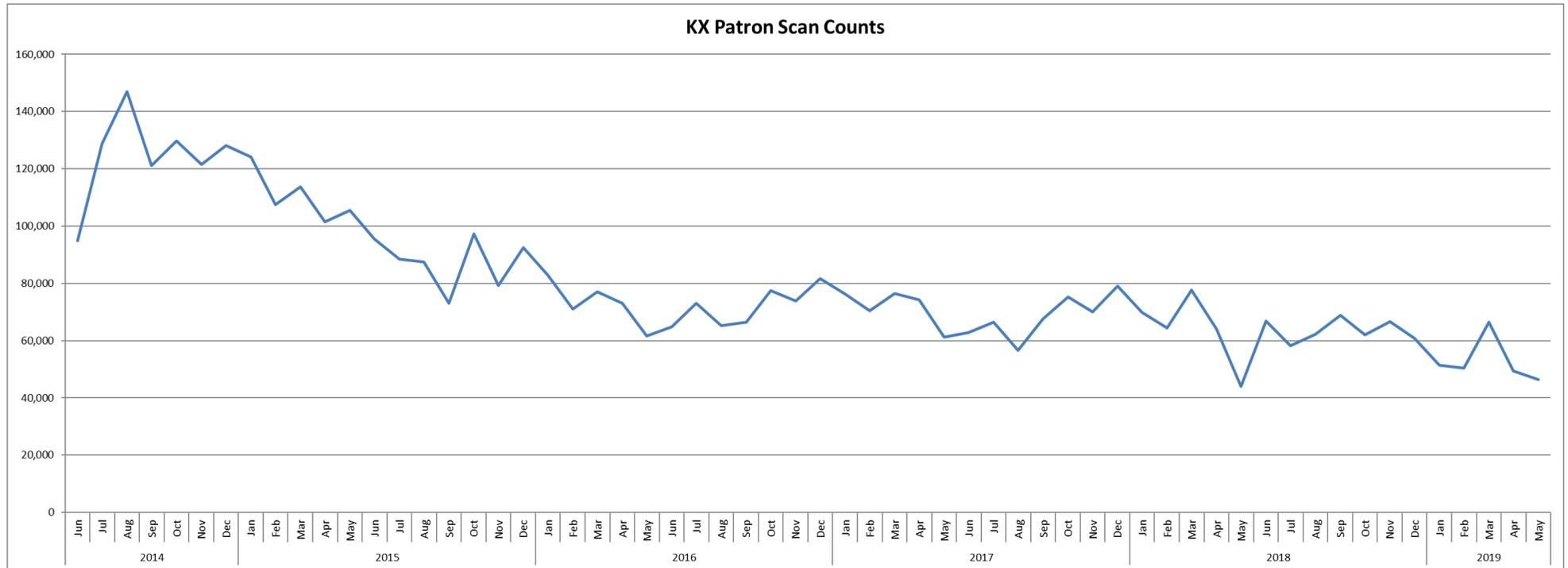
**Recommendation 1**

Removal of ID Scanners to operate in Kings Cross due to changing demographic of the precinct and the substantial decrease in the non-domestic alcohol related assaults in the precinct

**Recommendation 2**

If ID Scanners are not immediately considered for removal then remove as a matter of urgency the requirement for ID Scanners to operate outside of peak trading times due to very low patron visitation and low risk periods from Sunday to Thursday, to operate on Friday and Saturday nights and Sundays preceding long weekends only from 10.30pm.

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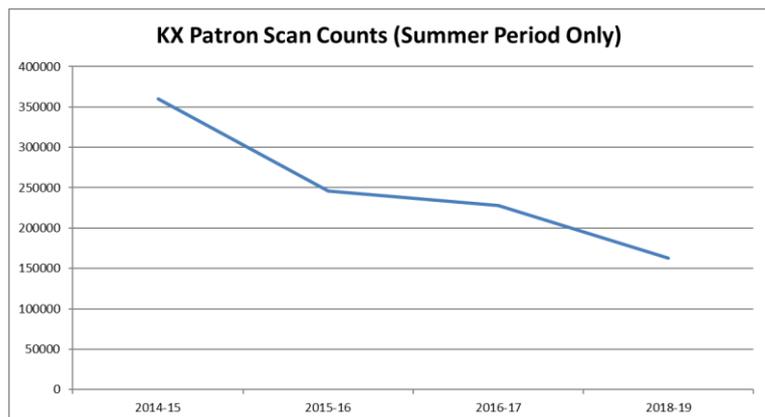


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Year	Month	Scan Counts
2014	Jun	94,791
	Jul	128,717
	Aug	146,904
	Sep	121,010
	Oct	129,656
	Nov	121,610
	Dec	128,167
2015	Jan	124,021
	Feb	107,443
	Mar	113,660
	Apr	101,466
	May	105,583
	Jun	95,484
	Jul	88,488
	Aug	87,540
	Sep	73,109
	Oct	97,290
	Nov	79,283
	Dec	92,475
2016	Jan	82,859
	Feb	70,955
	Mar	77,074
	Apr	73,084
	May	61,601
	Jun	64,729
	Jul	73,102
	Aug	65,143
	Sep	66,424
	Oct	77,475
	Nov	73,768
	Dec	81,653

Year	Month	Scan Counts
2017	Jan	76,206
	Feb	70,455
	Mar	76,536
	Apr	74,214
	May	61,273
	Jun	62,882
	Jul	66,517
	Aug	56,587
	Sep	67,612
	Oct	75,322
	Nov	69,963
	Dec	79,117
2018	Jan	69,807
	Feb	64,502
	Mar	77,710
	Apr	64,014
	May	43,918
	Jun	66,794
	Jul	58,153
	Aug	62,181
	Sep	68,888
	Oct	61,990
	Nov	66,659
	Dec	60,851
2019	Jan	51,326
	Feb	50,441
	Mar	66,381
	Apr	49,391
	May	46,399

Summer Period	Total Scans
2014-15	359631
2015-16	246289
2016-17	228314
2018-19	162618



Source: Liquor and Gaming NSW

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## Future Technology Biometric Facial Recognition Trial in Kings Cross

After the introduction of ID scanning venues requested the Accord review and explore possible viable alternatives that provided a similar or improved balance and met the policy objectives to entry requirements of patrons as currently defined in the Kings Cross precinct for deemed high risk premises after 9pm.

We believe facial recognition technology provides a viable alternative to ID Scanning and is more user friendly, especially in an International City where many complaints are received when asking International visitors, persons above a certain age demographic and celebrities for proof of identity after 9pm each night. The Accord has undertaken successful trials of facial recognition over a period time from 2016.

The Accord requested to Liquor and Gaming a three-venue trial of facial recognition in Kings Cross venues in addition to the uninterrupted operation of the ID scanning to measure, test and further define the results with the police and regulator.

- The purpose of the trial was to demonstrate the technology available to enhance safety and security by quickly and easily identifying known persons of interest entering a venue.
- The further purpose of the trial was to demonstrate the technology as a natural progression and alternative measure from ID scanning to a more modern, less invasive solution for patron entry.

Due to the NSW Government 'Single Service' Provider model policy for the ID scanners in Kings Cross it was recommended that a trial be undertaken elsewhere to avoid commercial and regulatory barriers to a Kings Cross trial.

After initial testing at a Kings Cross venue and demonstration of facial recognition with Liquor and Gaming, a successful trial was undertaken at two major premises in Parramatta with the results and evaluation provided to Liquor and Gaming Policy.

Liquor and Gaming via correspondence to the Accord Executive advised in February 2018 that in response to our proposal to trial facial recognition technology in selected Kings Cross venues that specific changes to the current ID scanning system required to be implemented for patron ban sharing prior to further work being undertaken on the Government single service supplier model.

The implementation of ban sharing was completed in March 2019 and the Accord is now advised that the further work that was to be reviewed by Liquor and Gaming with regard to specific conditions that apply to Kings Cross for the Sole Service Provider model and further broader evaluation and testing of facial recognition technology will now not be undertaken whilst the work of the inquiry by the Joint Select Committee is underway.

The Accord advises that at its last meeting in June 2019 members voted to recommend a continuation of the potential progression for facial recognition technology to this review as a preferred alternative solution to the restrictive barriers of entry requirements of ID scanning.

### **Recommendation 3**

Review facial recognition technology as a potential preferred alternative solution to ID scanning if the ID Scanning requirements remain.

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## NSW Government 'ID Scanning Single Service Provider' Model for Kings Cross Venues

The current commercial arrangements, together with the liquor laws only allow for one approved ID scanner provider to be appointed in the Kings precinct. The contract is now in its sixth year and the original ID scanners purchased by venues have required extensive maintenance or are due to be replaced, which is further capital cost to the venues. In Queensland there is a multiple provider model that has been in operation for some time, with venues being able to source approved suppliers from the Queensland regulator and with patron bans managed to the systems by the regulator.

Further we are now in the sixth year of the current ID scanning contract as a 'Single Service Provider' via the current policy. We understand that the recommended NSW Government Procurement Guidelines allow for contracts to have a 'maximum' period of 5 years (including extensions) prior to having to review to market for re-tender.

### **Recommendation 4**

The NSW Government Single Service Provider Model Policy be reviewed to introduce a multi provider model if continued

## NSW BOCSAR Data for Kings Cross Police Area Command

Incidents of non-domestic assault in **Kings Cross Police Area Command** by whether alcohol related

**Source:** Bureau of Crime Statistics and Research

NSW Recorded Crime Statistics January 2013 to December 2018

<b>Alcohol-Related</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
All-Licensed-Premises Combined KXPAC	143	83	67	55	50	50
Other**	318	190	149	127	102	112
<b>Total</b>	<b>461</b>	<b>273</b>	<b>216</b>	<b>182</b>	<b>152</b>	<b>162</b>
<b>Non-Alcohol-Related-on Licensed Premises</b>	2	9	5	7	2	5
Other** <b>Non-Alcohol Related</b>	254	207	167	184	186	156
<b>Total</b>	<b>256</b>	<b>216</b>	<b>172</b>	<b>191</b>	<b>188</b>	<b>161</b>
Total Licensed Premises	145	92	72	62	52	55
Other**	572	397	316	311	288	268
<b>Total Combined</b>	<b>717</b>	<b>489</b>	<b>388</b>	<b>373</b>	<b>340</b>	<b>323</b>

Note: BOCSAR do not consider that the 'alcohol related' factor is an accurate indication of alcohol involvement for all offences. It only captures incidents which police know to be alcohol related. BOCSAR consider that it is most reliable for offences against the person (such as assault), as there is usually a victim, witness or police account of the circumstances of the offence to appraise alcohol involvement.

\*\*Includes the premises types of Adult Entertainment + Business / Commercial +Carpark + Education + Firearm Premises + Health + Industrial + Law Enforcement + Marine Transport + Outdoor / Public Place + Public Transport + Recreation + Religious + Residential + Rural Industry + Unknown + Utilities + Vehicle

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The statistics indicate that the average on licensed premise assaults are less than 1 per week and this is for the total number of licensed premises of approximately 280 in the Kings Cross Police Area Command from the BOCSAR data which includes Potts Point, Kings Cross, Rushcutters Bay, Elizabeth Bay, East Sydney, Woolloomooloo and parts of Darlinghurst.

Other incidents not on licensed premises and a combination of alcohol and non-alcohol non-domestic assaults now average 5 per week and non-alcohol non-domestic are on par or slightly higher than alcohol related non-domestic assaults. The Kings Cross Police Area Command incorporates a high volume of social and disadvantaged related issues and we are of the understanding that a high proportion of the assaults identified are not in the Kings Cross precinct.

## **Lockouts at 1.30am**

Whilst the implementation of the ID Scanners was supported by the Kings Cross precinct as part of the Tranche II of the KXPOM, the implementation of the Sydney CBD lock out measures **added further conditions** upon Kings Cross high risk premises, which we believe resulted in the complete 'imbalance' for the premises and a 'tipping point' which is why so many venues have and are continuing to close.

We have witnessed the lockouts reduce measured ID scanner patron visitation post lockout by over 60% and the resulting closure of multiple business types, whether licensed or unlicensed premises. The Accord has never believed in the blunt instrument of lockout laws penalising all operators under the "One Size Fits all" policy approach. We advise that the 2013 review of the Liquor Act 2007 did not support as part of its recommendations the lockout either. The review supported the strategy of a targeted approach to reducing alcohol related problems associated with licensed premises.

In Kings Cross lockouts should be measured against the reduced patron visitation, volume of business closures, vast reduction in patron capacity availability due to closures and reduced trading hours. We believe that high visibility policing in targeted historical hotspots and improved and readily available transport is far more effective than simply 'locking people out'.

### **Recommendation 5**

That the restriction on entry via lockouts after 1.30am in Kings Cross and the CBD be revoked

## **Cease Service Provision at 3am (3.30am Extension for Entertainment Approved Venues)**

In 2016 the Accord previously reported to the Callinan review that Kings Cross is at an unfortunate commercial disadvantage in this aspect given that the precinct for decades has been a late night choice for revelers, the feedback we received was "why would I bother going to Kings Cross when I can simply go elsewhere and party later without the lock-out and 3am close" – in fact most venues are now empty prior to 3am and the streets are deserted, this was also identified in the City of Sydney Late Night Management Area research which says "the lack of a secondary peak in Kings Cross and Oxford Street suggests that people are leaving the areas around 1am, rather than staying in venues late".

In real terms for a venue that was operating until 5am prior to the restrictions implemented the loss of peak trading hours over a 7-day period is 14 hours. In addition, those particular venues have lost patrons from 1.30am who can no longer enter making the loss 24.5 hours per week. On top of this decrease in trading hours are the numbers of people who cannot gain entry from 9pm as they do not have suitable identification or expired ID's. Peak trading time on weekends for venues was from 11pm until 5am, the loss of trading hours for them is 33%, the restriction on entry from 1.30am increases this to 37.5%.

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The cease service provision at 3am, coupled with the 1.30am lock-out provision and ID scanning requirements has in real terms resulted in a continued visitation decrease to the precinct. Patrons are simply visiting other suburbs not covered by the Kings Cross and CBD Entertainment zones, with later trading hours and no restrictions.

In Kings Cross there are numerous operators in the entertainment zone who by licence condition are required to close by 3am. There are not many operators remaining that are permitted to trade beyond 3am under their development approvals and therefore we believe this condition should be removed as it unfairly penalises late trading venues that have a proven record of performance over a period of time.

### **Recommendation 6**

Revoke the cease service provisions in the Kings Cross and CBD Entertainment precincts

### **Drink Restrictions – Spirits after Midnight (discuss and review)**

The focus of the restrictions in our opinion should be to specifically limit and continue to ban drinks designed for rapid consumption, this is supported by the venues. However, if there is no further evidence on a National or International basis that identifies any specific category of spirits, beer or wine other than drinks designed for rapid consumption then we believe the restrictions warrant a complete review.

### **Recommendation 7**

Current drink restrictions are reviewed to solely include drinks designed for rapid consumption as is the case in other Australian models.

### **Transport in Kings Cross and the CBD**

We advised the Callinan review that transport had been an ongoing issue for over a decade in Kings Cross and of which we believe was a major trigger for the occurrence of violence and anti-social behavior, we note comments made in the Wentworth Courier by retired Kings Cross Police Inspector Gary Koschel who commented on the State Governments lock-out laws on implementation, advising there should be more focus on effective transport, and saying:

“Better transport options would have **better solved most problems**; I had alternative views to start with. That some transport might have solved 90 per cent of the problem” – We bring them in by road, rail and sea. Then the train station closed down, the taxis close down (changeover) at 3am and everyone has to be out at 3am. So, they are all walking out on the street at the same time”

“Getting people home was the issue I tried to address. And transport is the next ultimate thing, to clear the area, if they are moving away a big group becomes a small group and there are fewer tendencies to become involved in an altercation”

### **Retired Police Inspector Gary Koschel (source: Wentworth Courier)**

The Kings Cross precinct was a vibrant living entertainment zone, a major problem as identified by Mr. Koschel particularly on Friday and Saturday nights was patrons unable to obtain transport and or having the limited taxis touting \$100 fares to Bondi. The last train out of Kings Cross was at and continues to be at 1.40am.

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Whilst Kings Cross visitation has decreased exponentially from pre-lockout times the importance of having available integrated late-night transport across the whole City to move people on quickly cannot be stressed enough. Tired and frustrated patrons trying to get home and having to wait long periods can lead to frustration and conflicts as identified by Mr. Koschel.

We also note the successful outcomes on specific events like New Year's Eve when there are 24 hour trains to and from Kings Cross and a high visibility police presence in the precinct, quite simply police can 'move people on' a lot easier if required if transport is readily available.

## **3am Taxi Changeover Time / Secure Taxi Ranks**

Historically patrons were completely stranded leading up to 3am and beyond with a lack of taxi availability. The introduction of UberX / ridesharing has resulted in a much needed 'gap' being filled and we note there is no longer a need for taxis trying to line up William Street in peak times. Uber is shown to be working effectively with supply and demand and the taxi changeover time has also been resolved since its introduction.

The added advantage is that patrons now order their transport via Uber or taxi apps where they are located and therefore do not create queues or congestion in busy hubs, a much-improved option.

### **Recommendation 8**

Late night train services be extended on weekend nights to align with an integrated transport plan between all services e.g. late-night buses, Taxi and Uber.

## **CCTV Public Domain and Licensed Premises**

Part of the venue requirements of the Kings Cross special licence conditions is full coverage CCTV inside premises (aside from restrooms), which is strictly enforced by the regulators.

That said there are still only 13 monitored City of Sydney CCTV public domain cameras in the whole of the precinct, this has led to police requesting footage from venues on a weekly basis to assist investigations, this is a further impost on venue management and whilst they always assist any police request it would seem ridiculous that police have to rely for assistance on venues infrastructure to solve street based activity rather than the City of Sydney or NSW Government.

The Accord believes all Entertainment precincts should have extensive public domain CCTV public domain coverage which assists police in monitoring public space and assists in police investigations. Further we suggest that a trial of biometric facial recognition should be explored for integration into the City CCTV digital systems providing a further identification and possible early intervention tool for police.

### **Recommendation 9**

Full CCTV coverage in defined City of Sydney Entertainment precincts

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## **Kings Cross Accord & City Accords**

The Kings Cross and City Accords have worked cooperatively together for over a decade and worked collaboratively with key-stakeholders on common issues affecting the whole of Sydney whilst also delivering strategies in cooperation with the City, Liquor and Gaming and NSW Police.

There has been a coordinated approach on delivering initiatives like the Ask for Angela Campaign which has been delivered to City venues and is being delivered to Kings Cross Accord members in July. All of the Accords undertake regular meetings with members and key-stakeholders to report on local issues and work together to develop solutions and are unique in that they represent all licence types.

A representation of City Accords is currently in the process of reviewing an amalgamation with the purpose of creating a larger Accord with improved shared resource to enhance the current model and be able to improve deliverables with all key-stakeholders.

We have found that with the Kings Cross and CBD special licence conditions that there is a much-increased need for licensed premises to have important regulatory information provided quickly and efficiently in order to meet compliance and regulatory expectations. The opportunity to combine Accords in the CBD will provide large membership numbers with an improved management and reporting structure whilst taking advantage of combining years of industry experience via the combined Accords Executive representatives and ultimately a positive outcome for the whole City.

The key challenge for all of the City Accords for further amalgamation is to ensure that licensed premises remain informed of the issues in their local area as a commitment to working collaboratively as part of their communities by way of actively participating with the Accord and key-stake-holders, this is especially important for venues that trade into the late evening and beyond.

### **Recommendation 10**

The Liquor Act be amended to require all licensed premises to be actively engaged members of their Liquor Accord

## **NSW Director of the Night Time Economy**

The Accord has added a list of initiatives from 2009 as an example to this review of the efforts made by our Accord over the years to seek assistance including the proposed delivery of the Hassle-Free Nights program in 2010 and request for Supplementary Police. The list of proposals and initiatives provide an example in some part of the difficulty in aligning or attempting to coordinate harm measures with cross agency support.

On this basis the Accord believes that to support the City to grow the night time economy and the inherent challenges to balance the objectives of the industry with community expectation that the NSW Government appoint an NSW Director of Night Time Operations. It would be of benefit to all stakeholders to have a conduit that is able to provide facilitated engagement and balanced oversight of the Night Time Economy on a statewide basis.

### **Recommendation 11**

The NSW Government appoint a Director of the Night Time Economy.

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## **Kings Cross Medically Supervised Injecting Centre (MSIC)**

One of the biggest hurdles facing local business operators regardless of business type in and around Darlinghurst Road (the strip) is the anti-social behavior and nature of dependent drug users who frequent the MSIC at 66 Darlinghurst Road. Successive business operators located close to the MSIC have either failed or continue to struggle to survive as especially during the day the street is frequented by drug dependent persons who argue and swear amongst themselves and often congregate, sleep or sit in doorways close to the MSIC.

We note that the trial of the MSIC commenced in 2001 in Darlinghurst Road at which time as mentioned earlier in this submission, Kings Cross had a clearly identified heroin issue. We advise that major accommodation hotels chose to sell and develop their holdings into residential apartments driven by the needs to drop their room rates in order to attract visitation due the poor reputation and unsafe perception of the area.

The Accord **supports the work and achievements** of the MSIC and notes that the precinct is a better place due to the reduction in the number of publicly discarded needles that frequented back lanes and parks at the time. However, if the aim of Government is to improve the amenity of Kings Cross, then to solely concentrate on licensed premises and disregard other major mitigating factors that depress investment and public safety is not balanced in its approach.

## **Change in Local Amenity**

The local environment has changed considerably since the MSIC was first opened, new residential developments have been completed in Bayswater Road, Kellett Street and Darlinghurst Road. The historic nature of the entertainment precinct is changing toward a balance between commercial business and residential development. We also note that the previous Crest Hotel, opposite the MSIC was sold in 2015 and was completed in 2018 by the Greenland Group into high end residential development, the 'Omnia' Building. Further, a lot of the buildings previously leased by licensed as licensed premises are now gyms, hairdressers, health stores, the business mix has completely changed.

There has also been a significant change to the MSIC's original heroin dependent users in the current environment who are more dependent on other forms of drug use, especially methamphetamines and particularly the crystalline form of methyl-amphetamine, otherwise known as "ice". We believe that this type of drug dependency is why the public domain has deteriorated on a social acceptance level due to its abhorrent effects including anti-social and aggressive behavior that both small business operators and NSW Police witness every day in the main business thoroughfare of Kings Cross. Whilst heroin use was prevalent, heroin users were not aggressive or argumentative in nature compared to the current experience with users addicted to amphetamines that business operators report are often 'wired' and argumentative.

What has also changed in the more than decade since the MSIC commenced operations is that whereas in 2001, Kings Cross was identified as the central location in terms of the use of injected illicit drugs, we understand that the epicenter for this type of drug use has moved further to the West of Sydney and as far away as the Blue Mountains, so users of these types of drugs have to travel via the public transport network to Kings Cross. This additional travel has the potential to lead to acts of crime and anti-social behavior on the Sydney train network as well as property theft and other crimes in the Kings Cross precinct between the train station and the MSIC.

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## Independent Research

Whereas we maintain our support of the MSIC as a harm mitigation measure, we believe a comprehensive analysis of the location of the MSIC inclusive of a survey of all local business that operate within a 500 metre radius of the facility, on the effects of the MSIC to the business and local community should be undertaken by the NSW Government.

As previously stated, business operators are not critical of the MSIC however believe that it is time to review its location, especially in light of further accommodation and mixed-use development which has commenced and is expected to accelerate into the future. The encouragement by City of Sydney for late night business operators to change their business plan to earlier trading focus is difficult to achieve in the current environment, in fact many residents openly state that they avoid walking on the main thoroughfare of Kings Cross.

NSW Health undertook a statutory review of the MSIC in 2016 at which time the Potts Point Partnership undertook a survey of local business operators which in summary reported the following business feedback:

*The Potts Point Partnership distributed this survey to local businesses and property owners, in areas around the MSIC. We had only a limited timeframe to get responses, due to receiving notice that this feedback would be accepted only on 7th June and was due on 21st June. We only accepted data from businesses who knew the injecting room was there. Based on this survey*

- *On average, local business owners supported the MSIC to a value of 40%.*
- *82% of respondents do not support its current location.*
- *78% of respondents believe it negatively impacts their business."*

We note the recent adoption of new planning controls by the City of Sydney for Darlinghurst Road which identifies that the new controls will 'help preserve Darlinghurst Road as a lively main street and the heart of Kings Cross, with a balance of bars, cafes, restaurants, shops, residential, commercial and community facilities. Through extensive consultation with the community we have heard from residents, businesses and landowners who want more restaurants and cafes, live music venues, small bars, nightclubs, specialist shops, food shops and corner stores, as well as hotels and residential development'.

Licensed premises have reported continued issues with injecting users in and around the facility and we note as per the previous survey undertaken by the Potts Point Partnership that business operators report there are a lot of injecting users that arrive by train from other locations.

We reiterate our support of the MSIC in its service and successful treatment to injecting users however request a review of its location given the changing nature of the precinct and to be in line with community expectations as defined in the City of Sydney's adoption of the key criteria for the Darlinghurst Road Development Control Plan.

### **Recommendation 12**

MSIC current location be reviewed to be relocated in proximity to a medical facility / hospital.

# Kings Cross Licensing Accord Association

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## **Concluding Comments and Request for Parity for Kings Cross with CBD Conditions**

The introduction and impact of the special licence conditions in the Kings Cross precinct, incorporating both the Kings Cross and CBD Plan of Management has continued to result in a severe downturn in visitation, reduced turnover and economic activity and significant business closures.

Kings Cross has changed dramatically since 2012 and many venues would not be able to re-open under any circumstantial change as they are now other types of business including gyms, golf venue (Holey Moley), florists, hairdressers, restaurants etc. and the majority of the red light business operators no longer operate in Kings Cross.

The Kings Cross of old as a 'red light' district and major entertainment area has disappeared forever, therefore is there any reason that a separation of basically two streets / roads as the Kings Cross Plan of Management be continued?

### **Parity Request**

The Accord requests a review of the KXPOM Regulation 2012/2013 special licence conditions to the Sydney CBDPOM Regulation 2014 to ensure that harm mitigation conditions are consistent for one defined precinct rather than the current two. The Kings Cross precinct is in the City of Sydney and should be able to operate on parity with the CBD licence conditions.

#### **Recommendation 13**

Request for a review on parity between the KXPOM and CBDPOM for Kings Cross venues

# Kings Cross Licensing Accord Association

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## A Summary of History of Initiatives and Constraints in Kings Cross

The Kings Cross Licensing Accord Association (KXLA) and Potts Point Partnership (PPP) has worked collaboratively together with regard to safety in the Kings Cross and Potts Point precinct over many years and have during that period engaged key stakeholders with proposed harm mitigation strategies.

## Key Items for the Kings Cross Licensing Accord

In previous years the accord has worked pro-actively in support of the following:

June 2009	Late Night Trading DCP Submission to City of Sydney – Combined Accord Submission
December 2009	City of Sydney – KXLA – Identifying Kings Cross Issues
May 2010	OLGR – Sydney Central Precinct Liquor Accord
August 2010	Lord Mayor, City of Sydney – Kings Cross alcohol related safety Initiatives
September 2010	Safety Strategies Endorsed by accord members for Precinct Liquor Accord
Oct / November 2010	Meetings with Communities NSW – Hassle Free Nights Initiatives
January 2011	Communities NSW – Hassle Free Nights Initiatives approved as Part A and further Part B Initiatives for Kings Cross – Including co-funding KXLA to Director General support for OMCG Conditions
January 2010	KXLA to Director General support for OMCG Conditions
January 2011	Kings Cross Police / KXLA Accord Initiatives
July 2011	KXLA Members approve CEO/ Full time Coordinator
February 2012	KXLA Detailed Business Plan and Strategy Voluntary Accord Terms Approved by Members and Presented to OLGR
September / October 2013	Provision of Training via Novaskill for High Risk Venue Staff under Certificate III Hospitality Training Package SIT30707 formatted specifically for Kings Cross to 35 Key Staff
January / Feb 2014	Provision of Training to High Risk Venue Staff via Three Cheers Training Group for Advanced Hospitality Venue Specific Alcohol Management Training Delivered to 19 venues and 76 management and staff
June to March 2014	Trial development of Electronic Incident Register with 4 premises in collaboration with Kings Cross Licensing Police

The Accord's Executive Committee has worked collaboratively with the key agencies since its inception in 1998. Obviously along the way key changes were made to the precinct, especially after the Sydney Olympic Games in 2000. After the Olympics large accommodation hotels lost faith with the precinct as a whole, which at that point was experiencing major drug dealing in the streets and was in urgent need of upgrades in the public domain. The vast majority of the accommodation hotels were then developed into residential apartments, this was a major turning point for hospitality business in the precinct as the loss of visitors and local employment saw a major downturn in trade.

The precinct was experiencing major issues with drug injecting users and syringes were common in most back lanes and parks, the sitting government's response was to approve for the trial of the Sydney Medically Supervised Injecting Centre which opened in 2001 at 66 Darlinghurst Road, opposite the train station and in the middle of the entertainment district.

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The next major milestone for Kings Cross was the merge of the South Sydney Council with the City of Sydney Council in 2004. The precinct was looking for a resurgence in infrastructure investment and was encouraged with the approach taken by previous Lord Mayor's Frank Sartor and Lucy Turnbull with a vision to keep Kings Cross "Naughty but Nice" and announcing a major spend for public footpaths, lighting and signage to raise the local amenity standard to the CBD.

City of Sydney elections resulted in Clover Moore being elected as Lord Mayor of Sydney, the previously approved expenditure for infrastructure proceeded and the perception of the precinct became more positive with new business investment, particularly for bars and nightclubs.

It was this proliferation and hence increased visitation to the area late on the weekends that then resulted in the review on density and clustering undertaken by the Allen Consulting Group in 2007 and then the implementation of Liquor Licence Freeze Bill, which commenced in June 2009 and most recently extended again for another year to June 2020.

## **Hassle Free Nights / Precinct Liquor Accords**

In 2010 on the formation of Precinct Liquor Accords and the Hassle-Free Nights strategy the Kings Cross Accord Executive collaborated with Communities NSW and premises to identify and discuss safety measures for the precinct.

Further meetings were held with Communities NSW, OLGR, NSW Police and City of Sydney to discuss proposed safety measures and further identify issues that required specific agreement and support from all parties.

In January 2011, Communities NSW confirmed via correspondence for 'Approved Measures' (Part A and Part B") strategies approved by the Director General including co-funding some of the core strategies which were:

### **Part A**

- ✓ In principle agreement to establish a Rapid Response Security Team (Tender Process)
- ✓ Implementation of a shared radio network
- ✓ Development of refusal of entry code
- ✓ Promotion of late-night transport
- ✓ Distribution of 'No Excuse' postcards
- ✓ Conduct Street Cleaning
- ✓ Attend RSA on the Frontline workshops
- ✓ Ensure taxi compliance and effective security at the taxi ranks
- ✓

### **Part B**

- ✓ Engagement of RSA Hosts (note not 'marshals')
- ✓ Development of PLA Safety Plans
- ✓ Extend venue security to patrol after close
- ✓ Crime Scene Preservation procedures with licensed premises

The Part A strategies were estimated to cost \$1,018,000, the Director General (DG) approved 50% co-funding from the NSW Government for \$509,000, with the balance to be funded by 43 venues nominated in the Kings Cross Precinct by the Director General as mandatory participants on a pro-rata basis.

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The consultation period identified key issues affecting the safety and amenity of the precinct which was documented in the Kings Cross PLA response to venues, the accord worked collaboratively with OLGR to provide costings and standard operational procedures for the shared radio network.

Whilst the rapid response security team was approved in principle it was not supported at a later date and did not eventuate via this process. The Accord was later informed that all funding for the Hassle-Free Nights in Kings Cross was no longer available including the funding for the shared radio network.

## **Rapid Response Patrol (RRP)**

Approximately 15 licensed venues contributed to a rapid response patrol team which commenced in April of 2010. The concept was to assist licensed premises in support of the requirement of “Fail to Quit and Refusal of Entry”, Kings Cross venues had high levels of refusal of entries and on refusal this was a major cause of potential escalation and the additional support of a rapid response team was viewed as a harm mitigation support for those venues. Other venues were supportive of the concept if the patrol formed part of the Precinct Liquor Accord initiatives with protocols supported and developed by the NSW Police and that the contract went to public tender – this was agreed in principle during the Precinct Liquor Accord consultation process.

As the Hassle Free Nights initiative funding was not provided the Rapid Response Patrol was limited to its functionality by the venues that commenced the initiative, that said the patrol operated from April 2010 up unto February 2014 and was discontinued due to the implementation of the Lock-outs as venues supporting the service could no longer afford the weekly fees.

The patrol provided a very good service and was also viewed positively by the local police; the RRP assisted the local police on numerous occasions and also often placed calls to 000. The participating venues over the period of operation expended just over \$1 million for the service. We believe security patrols should be revisited by Government as an added safety and early intervention strategy, however, be provided with clear operational criteria and guidelines and be under the guidance of NSW Police.

## **Summary of Hassle-Free Nights (HFN)**

The Accord was encouraged by the consultative process of HFN, especially given that all of the issues that were identified during the process were documented and initiatives developed by all of the relevant agencies.

The Accord was disappointed that the major initiatives **did not proceed** as they were significant in terms of safety measures however could only proceed on a collaborative basis with the support of the key stakeholders. We strongly believe that safety in the public domain would have been greatly enhanced, it is somewhat further disappointing that some of the issues still remained outstanding 3 years later or were only finally addressed as part of the KXPOM due to the tragic death of Thomas Kelly.

# Kings Cross Licensing Accord Association

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## Key Items for the Kings Cross Licensing Accord and Potts Point Partnership

- ✓ 4 June 2009 Proposed Supplementary Policing Trial for Kings Cross Precinct
- ✓ 9 November 2010 KXLA Proposal to City of Sydney for CCTV in Kings Cross
- ✓ 15 November 2010 Proposal Declined by the NSW Police Deputy Commissioner
- ✓ 4 July 2013 Premier NSW Confirms support for Supplementary Policing
- ✓ 2 July 2013 Joint Proposal to Premier & Cabinet for Safety in Kings Cross
- ✓ 9 July 2013 Potts Point Partnership Master Plan Request to Premier & Cabinet

## Supplementary Policing Trial Request

The submission to NSW Police for Supplementary Policing was unfortunately declined some 17 months after application. The NSW Government reviewed the submission in 2013 and the Premier's correspondence advised the proposal would be supported in July 2013. The issue which discussed with representatives of Premier and Cabinet on receipt of the correspondence in July 2013 was that the venues were in downturn after the KXPOM implementation and could no longer afford the costs to operate Supplementary Policing.

The relevant issues that the submission was attempting to assist on application in June 2009 were that the vast majority of assaults were occurring in the public domain whilst patrons were waiting for transport options. The submission also noted at the time other contributing factors for the volume of patrons refused entry for pre-fueling, not having proof of age and that street based assaults had accelerated with the introduction of the NSW Health ban on smoking inside venues introduced in July 2007, forcing many late night patrons to smoke in the public domain due to the difficulty of venues being able to provide smoking solutions in landlocked venues.

## Proposal for Safety in Kings Cross

In July 2013 representative of the executive committees of the KXLA and PPP met to discuss the general amenity and safety of Kings Cross, we developed a joint proposal which focused on the following;

- ✓ Formation of a Precinct Management Committee (PMC)
- ✓ High Visibility Policing in Kings Cross
- ✓ Transport
- ✓ CCTV

Meetings were held in February, May and June 2014 with representatives from Premier and Cabinet and are still waiting for a formal response to our request. We still strongly believe that the formation of the PMC would provide an ongoing and strong focus on the precinct to identify **all** of the issues and to provide leadership and sensible, evidence based measured strategies to allow the area to move forward positively and to provide clarity for current business investment.

## Master Plan Proposal to NSW Government

The KXLA and PPP discussed the history of Kings Cross, how it is perceived and the current challenges, a proposal was provided to the Department of Premier and Cabinet with a request for funding support to undertake a 3, 5 and 10 year plan for the precinct and to be managed by the PMC.

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At a meeting in February 2014 between the KXLA, PPP, City of Sydney and Premier and Cabinet the Master Plan was further discussed, and council advised that they would fund a portion of the scope of works under the umbrella of current projects being undertaken by the City. We note that some 6 months after the meeting no confirmation as such has been provided by the City to the PPP.

### **Why did our Organisation's consider a Master Plan so Important to the Local Environment?**

The KXLA and PPP both viewed the appointment of a Precinct Management Committee and the Master Plan Proposal as being of vital interest to the precinct as a whole, the combination of both would have in our opinion provided leadership and direction to the current challenges whilst constructively planning for the future.

Kings Cross is historically a late trading precinct and whilst the KXPOM has concentrated on licensed premises there remains a void in the discussion with regard to other activities and major deterrents to change in the main strip associated with dependent drug users.

Whilst business is attempting to adjust to the current parameters in place, we note that City of Sydney are still encouraging a change to business models in order to attract an earlier clientele, this we believe is not achievable unless all factors in the public domain are properly considered and addressed.

Please note all supporting documentation to the items in the summary are available on request to the Joint Select Committee.