

**Submission
No 592**

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Night Time Industries Association

Date Received: 16 July 2019



Night Time
Industries
Association

Email to: NightTimeEconomy@parliament.nsw.gov.au
FAO: The Honorable Natalie Ward MLC, Chair
Date: 15.07.2019

Re: Submission to the inquiry into Sydney's Night Time Economy

Dear Committee

Thank you for the opportunity to make a submission to the Joint Select Committee in relation to the Sydney's Night Time Economy.

I am willing to elaborate in person should I be called to give evidence.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rodrigues'.

Michael Rodrigues
Chair, Night Time Industries Association



Foreword

There is an interdependence between the businesses that comprise the NTE - a symbiosis that exists between our artistic institutions, live performance, theatre, music, the cities festivals, our retailers, our hospitality businesses and the transport means that allow us to travel between them.

And in trying to understand why such a simple law like Lockout has been detrimental to so many, consider three periods between 6pm and 6am:

- Twilight, between 6-9pm
- Night Time, between 9pm-2am
- Late Night, between 2-6am

Lockout's architects believed they were designing a cure for a problematic Late Night period. And to those who from their own coming of age experiences, associate Late Night as exclusively the domain of excessive revelry, a law that restricts that period might make sense.

In much the same way if you told someone who doesn't understand horticulture, that spraying Roundup would be a sure way to rid a garden of its weeds, the uninitiated might say "good idea".

But the experienced greenthumb knows that Roundup will kill anything vegetative in the garden. And, if it gets into the groundwater, anything in its path.

That's what's happened with Lockout. Its rid our city of weeds but it has destroyed flowering plants and edibles as well.

It was an unfortunate chain reaction.

We targeted the recalcitrant nightclub which eventually shut.

Then as patrons couldn't go to the club, the bars that they enjoyed prior to going to the club lost customers, and they shut.



And as the bars shuttered their doors, patrons who might once have enjoyed an after dinner drink or the theatre, couldn't do that anymore.

So they stopped coming out.

The restaurants then started to lose their second sitting and it was game over. Restaurants need to turn tables twice to make a go of it.

Even in the time since the inquiry was announced in May, we have lost three Sydney flagship restaurants. Mitch Orr's Acme, Kylie Kwong's institution Billy Kwongs, and Sam Christie's near 20 year stalwart Longrain.

More will follow.

Our once lauded food scene is on its knees.

Innovation has slowed.

We could not even gasp a single restaurant in the world's top 100, announced in June.

And as this and other submissions will report, the effect of Lockout has not been limited to the prescribed precincts. Because it doesn't matter what the actual law is, it's what people perceive it to be.

Ask a cab or Uber driver to explain Lockout and they might say:

"No alcohol after midnight in Sydney", or

"Everything must close by 2am"

Neither of these things is true. But this is what they believe.

(This is what they tell tourists).

Perception has become reality.

We as a city mourn the tragic and unacceptable loss of our sons Thomas Kelly and Daniel Christie and we console with their families.



Night Time
Industries
Association

But we must find a way to alleviate the unintended and adverse consequences of Lockout on the many whose livelihood depends on a vibrant night time economy.

The hope, faith, trust and future of a sector that currently employs near 230,000 people in the Sydney LGA alone is in your hands.



Table of Contents

1. Background on the Night Time Industries Association (NTIA)	7
1.1 A new association for a new understanding of nightlife	7
1.2 Our primary objective	7
1.3 Members	7
2. What is Night Time Economy and why is it important	8
3. The Value of the Night Time Economy	9
4. That was then, this is now	11
4.1 Area changes	11
4.2 Changing consumer standards and expectations	12
5. How to enhance Sydney's Night Time Economy	15
5.1 Developing and articulating a vision	15
5.2 Appointment of a night time champion	16
5.3 Promotion of Sydney and NSW	16
5.3.1 Lockout as a brand	16
5.3.2 Wider tourism and business investment marketing	17
5.4 Creativity as an economic driver	17
5.5 Flexibility of the workforce and the future of work	19
5.6 Transport	20
5.6.1 Go free after 8pm	20
5.6.2 Extend Services	20
5.7 Remind consumers of the value of 'out'	21
6. Regulation	22
6.1 Music and Arts Economy Inquiry	22
6.2 Impact on the Creative Industries	23
6.2.1 Immersive Cinema - March 2019	23
6.2.2 Sydney Festival - Festival Village - January 2019	24
6.2.3 Sydney Fringe Festival	25
6.2.4 Giant Dwarf Theatre	25
6.3 Reward good operators. Penalise bad operators	26
6.4 Removal of the 'Temporary' Liquor Freeze	27
6.5 Single application process for planning and licensing	28
6.7 Purple Flag precinct ratings	28
6.8 Better management of noise issues	29
7. Maintaining and enhancing community safety	31
7.1 That was then, this is now	31



7.2 Collaborative approach to safety	31
7.3 The elephant on the couch - mental health and device addiction	31
8. Summary Findings and Recommendations	33
8.1 Findings	33
8.2 Unlocking \$16 billion in 16 Steps	34



1. Background on the Night Time Industries Association (NTIA)

1.1 A new association for a new understanding of nightlife

The NTIA is a relatively new industry association having been formalised in November 2018. The NTIA had its genesis during the 2018 Parliamentary Inquiry into Music and Arts Economy in which it became abundantly clear to many Sydney businesses, that some of the pressures they were facing extended far beyond Lockout.

Further, for a number of stakeholders, those interests were not being tabled meaningfully to Parliament, nor being reflected in the media discussion around Sydney's nightlife which had reduced all matters affecting the NTE to one unhelpful oversimplification: Lockout.

1.2 Our primary objective

Our organisation exists primarily to promote Sydney as a vibrant and creative city, and to build a new positive narrative for Sydney's nightlife that includes:

1. that Sydney is a fun and inspiring place to live, work and play;
2. that Sydney's nightlife contributes to the cultural value of the city; and
3. nightlife stimulates creativity which is an important economic driver for NSW.

1.3 Members

The NTIA's members are from across the NTE and consist of businesses from hospitality, entertainment venues, festivals, retail, arts and culture and music.¹

The formation of a Night Time Industries Association was a key recommendation of the Committee for Sydney's Commission on the Night Time Economy. The Commission took evidence from over 50 separate organisations involved in Sydney's NTE. Full recommendations can be found in their 2018 report, *Sydney as a 24-hr City*.

The NTIA is part of a small but growing network of global NTIAs and we work with counterparts in other global cities to share knowledge and expertise.

In preparing our submission we have consulted beyond our own membership base to other related industry organisations whose activities are relevant to the NTE. Our objective in doing so was to provide a rounded, considered and balanced response to the terms of reference.

¹ See www.ntia.org.au for a list of current members.



2. What is Night Time Economy and why is it important

The concept of the night time economy (or **NTE**) began to be talked about in detail in the 1980s, particularly in Europe and North America². The combination of changes to licensing and planning regulations, a growing “re-urbanisation” of cities and an increased move away from the traditional working hours of 9-5, led to a greater appreciation of the potential benefits of the NTE - and the need to develop holistic policies to govern it.

There is no standard definition for the evening and night-time economy, but for the purpose of this submission we will remain consistent with the definition used by the City of Sydney, being “*the economic activity which occurs at establishments primarily between the hours of 6pm and 6am.*”

Importantly in the local context, NTE must be understood to be inclusive, but not defined by, the economic activity associated with hospitality. Indeed the NTE includes economic activity from:

- Retail and services including gymnasiums, grooming and educational
- Live Performance including live and electronic music, theatre and comedy
- Entertainment
- Tourism
- Healthcare
- Arts and Culture including exhibitions
- Sporting events
- Transport and logistics (including cleaning and waste removal)

A vibrant NTE is an ecosystem that relies on effective planning and collaboration. It is not merely about hospitality and entertainment – as important as they are – but creating attractive and safe public spaces, providing public transport and parking, offering a diversity of activities and state and local government working in partnership with the private sector.

It also requires a vision and an acceptance that great global cities offer a great night time experience. The great world cities of New York, London, Paris, Singapore, Berlin, Tokyo all have globally renowned nightlives.

In contrast, Sydney’s nightlife was ranked in May this year as 48 out of 48 cities surveyed by Time Out’s Global City Index, in a survey of 34,000 readers.

² Thinking Aloud: Night Time Economy, BBC Radio 4, 2018



3. The Value of the Night Time Economy

There is a growing recognition both globally and in Sydney that the Night Time Economy can be a key driver of economic growth and job creation.

According to Deloitte Access Economics, Sydney's NTE is worth over \$27 billion per annum, and supports more than 230,000 jobs. Deloitte further estimates with reference to equivalent sector analysis in the UK, that Sydney's NTE could be worth up to \$43 billion annually.³

Deloitte's report identifies a current annual deficit of \$16 billion if Sydney had a better performing NTE. Much of this deficit comes from underperforming parts of the broader NTE, not just hospitality, but also retail, tourism, arts and culture, transport, logistics and professional services.

The deficit is more stark when you consider that higher education, tourism and professional services are now the second, third and fourth highest exports in the NSW economy. All three areas are sensitive to the quality of the NTE, particularly the ability to attract people to visit, live and work in NSW.

Seeing the bigger picture: the NTE is much broader than alcohol

Over recent years the debate on Sydney's NTE has been unfortunately dominated by alcohol licensing and policing, and in particular the lockout laws. In the eyes of both government, media and the public, the NTE has been narrowly seen as primarily a hospitality issue only, with some cognisance that there has been an impact on the live music sector. However, alcohol is only a small part of the wider NTE. Based on Ingerium Research (2018) data from the City of Sydney, the **contribution by pubs, clubs, bars and liquor retail to Sydney's NTE is a mere 3% of the overall NTE.**⁴ This number is dwarfed by the amount spent on food (13%).

Why then is the regulatory focus on the NTE, so skewed towards alcohol?

Global cities renowned for an excellent NTE have evolved their offer to something much broader than alcohol. Countries that traditionally have an Anglo-Saxon drinking culture such as the UK, Germany and Sweden, have deliberately promoted night time activities that are not directly led by alcohol. They have evolved their offer to reflect demographic and consumer changes that demand more options at night that don't directly involve alcohol. Policy-making in NSW has simply not adapted to these fundamental changes.

³<https://www.smh.com.au/national/nsw/sydney-s-underdeveloped-night-time-economy-means-city-misses-out-on-16b-report-finds-20190211-p50x2r.html>

⁴ There is some variance on the NTE numbers quoted across different sources. The percentage based on \$21.5 billion is 3.59%; for \$23 billion its 3.36% and for the Deloitte figure of \$27 billion it is 2.86%.



Partly because of this, we have not reaped the rewards of greater spending on non-alcohol related products and experiences at night. According to data from Mastercard, just 2% of spending at night in Sydney is on clothing apparel, compared to 12% in London; only 0.1% of night time spending in Sydney is on live performance compared to 38% in London and only 14% of night time spending in Sydney is spent on non-food retail compared to 27% in Melbourne.⁵

Finding 1 - The NTIA requests that the Committee formally makes a finding that the complexity of the NTE ecosystem that comprises the NTE extends far wider than pubs, clubs, bars and liquor retail. Far from being defined by it, hospitality facilitates or exists to support other NTE activities.

⁵ *Sydney as a 24 Hour City*, Committee for Sydney report, March 2018.



4. That was then, this is now

This review occurs some five years after the intervention by the O'Farrell government in the Kings Cross Entertainment Precinct and the Sydney CBD.

A lot has changed in the time since Lockout was enacted.

It is important that the inquiry formally recognises that since 2014:

- the areas impacted by Lockout have changed in terms of venue numbers, footfall, transport and types of operators; and
- going out habits, and attitudes towards and related consumption of alcohol, have changed locally in Sydney and abroad

4.1 Area changes

The area affected by Lockout comprises several smaller entertainment precincts e.g. Rocks, lower CBD, Chinatown, Oxford St & Taylor Square, Kings Cross and so forth. For brevity we are focussing our observations on the Kings Cross Precinct. The other zones did not experience the same initial challenges regarding patron congestion to the same degree.

In 2014, the Kings Cross Precinct was characterised by:

- **(Venues)** a large number of licensed venues operating in a confined radius;
- **(Footfall)** high levels of footfall in peak trading times with more patrons than venues might necessarily be able to accommodate. This would lead to congestion or loitering on the footpaths which when compounded by the practice of “pre-loading” (excessive consumption at home or en route to a venue) and subsequent denial of entry to venues due to appropriate RSA, would result in intoxication on the street; and
- **(Public Transport)** limited public transport options, specifically overflowing taxi ranks and no immediate alternative (for example train). The consequence of this was an inability for crowd dispersal to be effected.

In 2019, across the Lockout precinct (and its borders):

- **(Venues)** many venues have shut. 176 is the number widely reported in media. The Kings Cross Liquor Accord submission to this inquiry identifies for example that 15 out of the 29 venues identified as high risk have now shut;



- **(Footfall)** footfall has reduced significantly, and in the Kings Cross Precinct by as much as 60% based on ID scan data;
- **(Public Transport)** a major improvement in public transport now exists in the form of rideshare (Uber etc). These services provide on demand pickup to a set location eliminating the risks associated with extended dwell time in taxi ranks late in the evening. Further, the lower CBD will in the near future be serviced by the light rail. Rail services have also improved with Sydney Metro coming on line.

4.2 Changing consumer standards and expectations

Accompanying the changes in the affected precincts are wider societal trends which include:

- **(Alcohol per capita)** Reduction in consumption of alcohol per capita: the National Drug Strategy Household Survey conducted by the Australian Institute of Health and Welfare - has found that over the last 10 to 15 years, there have been significant declines in people drinking at risky levels:
 - Per capita alcohol consumption is at a 50-year low⁶
 - The sharpest declines are amongst 18-24 years olds;⁷
 - Most Australians are drinking less frequently on a daily and weekly basis, and more people are deciding not to drink at all⁸

Shifts in demographics including growing Muslim and asian communities who do not identify with an anglo-saxon drinking culture are a further factor.

Underpinning these statistics are wider consumer trends reflected in:

- Venues diversifying away from hospitality only entertainment
- The advent of low or no alcohol cocktails as are beginning to be a featured on cocktail lists at leading Sydney bars;
- Fast growth in the no-alcohol spirits category, with businesses like Seedlip seizing on the drop in alcohol consumption in markets including Russia, the U.K., Canada and Australia to provide a non-alcoholic alternative, affording consumers the opportunity to participate in social occasions without being obligated to drink alcohol.⁹

⁶ Australian Bureau of Statistics, National Health Survey: First Results, 2017-18 (2018)

⁷ Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra - <https://www.aihw.gov.au/reports/illegal-use-of-drugs/ndshs-2016-key-findings/contents/summary>

⁸ Ibid

⁹<https://www.forbes.com/sites/alexledsom/2019/05/14/uk-startup-seedlip-taps-into-growing-demand-for-what-to-drink-when-youre-not-drinking/#2c5cd07cd3a4>



- **(Decline in Violence)** As noted above, decline in alcohol consumption is not restricted to Australia. And while it will be (understandably) argued to the contrary by those in favour of retaining or extending Lockout, the decline in violence in the affected precincts may not solely be attributable to the imposition of Lockout. Violence in other cities has declined over the same time period, without the imposition of Lockout. For example, here is an extract from *London at Night: An Evidence base for a 24 hour city (November 2018)*:

“Police figures also show a falling role for alcohol at night. Across London, the number of alcohol related recorded offences at night fell by 51 per cent between 2010/11 and 2017/18. Alcohol related reports make up only 4.3 per cent of all recorded offences at night. Likewise, only a small proportion of health service activity is due to things happening at night. For example, there are fewer hospital A&E attendances for assault than there are for road traffic accidents or sports injuries.”¹⁰

While the comparisons are not like for like in terms of timeframe compared to the UK, drops in violence in the two precincts according to NSW Bureau of Crime Statistics and Research (BOCSAR) are for:

- Kings Cross 49%;
- Sydney CBD, 13%.¹¹

The NTIA notes that the submission to this inquiry by the Kings Cross Liquor Accord speaks to these matters in more detail.

- **(“No Dickheads”)** As audiences diversify and we as a community become more accepting of difference we are observing an improvement in overall behavioural standards. One indicator of this is more widespread use of the “no dickheads” statements or policies that are evident in a number of licensed premises in Sydney.

In addition, communities of operators are working collaboratively to improve behavioural standards. For example, a group of licensed operators in Newtown have made a decision to ban entry to their venues to guests arriving off party buses. And licensees now share information in real time on groups of patrons demonstrating unacceptable behavioural standards via messaging on Whatsapp.

- **(Diversity)** Diversity is another key principle that underpins healthy, safe, and vibrant night time economies. Part of the reason Newtown has been able to maintain behavioural standards notwithstanding a reported +300% increase in footfall post Lockout, is that it retains a diverse offering that includes options outside of drinking e.g retail, live performance and

¹⁰ London at Night: An Evidence base for a 24 hour city (November 2018), pg 7.

¹¹ https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx



entertainment. The NTIA is supportive of the City of Sydney's recently approved Late Night Development Control Plan which is accompanied by night time diversification grants, specifically aimed at encouraging non alcohol options for our nightlife. It is also worth noting polling conducted in 2018 by Ipsos on behalf of the Committee for Sydney, which found that less than half (46%) of people interviewed were satisfied with Sydney's night time leisure and entertainment offering and that there was an appetite for greater diversity of activities, particularly from 18-24 year olds. The results also included an aspiration for more night-time shopping, dining, cultural and sporting options.¹²

- **(Transport)** The range and diversity of transport options within Sydney has significantly increased since the Lockout laws were introduced. This is important, as better transport links help to allow people to travel to and from night time activities safely. Not only are there additional public transport options, such as the Barangaroo Ferry Hub, Sydney Metro North West and the soon to open CBD and SE Light Rail, there is now greater option to use ride share companies such as Uber. Evidence from the 2019 Committee for Sydney report: "Safety after Dark: Creating a city for women living and working in Sydney", found that young women in Sydney particularly used ride share services to get safely to and from work and entertainment at night.
- **(Operator Standards)** A number of our city's operators are adopting higher operational standards than that legally required when it comes to training and patron safety. For example, initiatives like Ask for Angela were embraced by the AHA and liquor accords. NTIA member Australian Venue Co implements programs from "Verbal Judo", a business that offers training to help hospitality works defuse conflict through conversational skills.

Based on the above the NTIA contends, and asks that the Committee through the process of the inquiry make a finding that the nightlife landscape is as a matter of fact very different now, to that which existed in 2014 when the Lockout laws were enacted. The NTIA believes formal recognition by the Committee is a necessary precondition to a more productive working relationship between NTE stakeholders which in turn is critical to re-establishing Sydney's nightlife, and improve the return from its NTE.

Finding 2 - The NTIA requests that the Committee formally makes a finding that the nightlife landscape in Sydney is as a matter of fact very different now, to that which existed in 2014 when the Lockout laws were enacted.

¹² Sydney as a 24 Hour City, Committee for Sydney report, March 2018.



5. How to enhance Sydney's Night Time Economy

5.1 Developing and articulating a vision

Given:

- (a) the complexity of the ecosystem that surrounds the NTE (see Section 2);
- (b) the importance of the NTE and its current and potential economic and civic value (see Section 3),
- (c) and noting the significant change in Sydney's nightlife landscape since 2014 (see Section 4),

it is vital that this inquiry ensure that going forward, Sydney's NTE is underpinned by smart regulation, visionary policy and coherent collaboration across government (both state and local), and private industry.

It is worth noting that the NSW Government has not published an industry strategy for the NTE, despite it contributing \$27 billion to the economy and supporting more than 230,000 jobs.¹³ It is difficult to think of another industry sector in NSW that delivers such an economic contribution and yet is not in receipt of a state government strategy or portfolio minister. It is not clear which minister is responsible for supporting the night-time economy. Responsibility is split across multiple ministers and agencies meaning with the consequence that the government response is disjointed and fragmented.

As a matter of urgency, we recommend the NSW Government develops and articulates a vision, in partnership with stakeholders within the NTE, of how a well-performing NTE should function in NSW. This work could complement, or sit alongside, the ongoing work of NSW Treasury into an economic strategy for NSW. A broad vision for the NTE should include examination of at least the following:

- Effective and enabling regulation of the NTE
- Encouraging diversity of night time activities
- A governance framework for the NTE
- Integrated planning and transport at night
- Enhancing regional centres outside of Sydney
- The role of the NTE in supporting the creative, professional and service sectors
- The role of the NTE in enhancing NSW as an attractive place to work
- The importance of the creative industries as an economic driver
- Embedding the NTE in growth precincts such as Green Square, Central-Eveleigh and the Western Sydney Aerotropolis

Recommendation 1 - Develop and articulate a vision for NSW's NTE, supported by a detailed strategy.

¹³ *ImagineSydney: Play 2019*, Deloitte.



5.2 Appointment of a night time champion

To help drive the vision, we also believe that NSW Government should identify a figurehead at the heart of government to drive NTE policy and be a champion for the sector. A number of models exist in other global cities: London and Amsterdam have a Night Mayor, New York has an Office of the Night Time Commissioner.

The NTIA does not support one particular model, but notes that NSW Government currently retains the commissioner model for positions such as the Commissioner for Small Business. This may well be the most straightforward mode for NSW. We also believe that the role's remit should include the whole of NSW, not just Sydney, as a reflection of the importance of the sector to the state as a whole.

The main considerations beyond the appointment of a champion, are to ensure that that office is adequately resourced and made accountable for delivery of the Government's vision (and resulting strategy).

Recommendation 2 - Appoint a night time champion to implement the vision, appropriately resourced and made accountable.

5.3 Promotion of Sydney and NSW

5.3.1 Lockout as a brand

Sydney can boast some of the highest profile night time activities in the world, including arguably the world's most famous New Year's Eve celebrations; Lunar New Year, Gay and Lesbian Mardi Gras and Vivid.

But the brand that we have stamped on ourselves is that the city is closed. For example:

1. the Committee for Sydney's 2018 report, *Sustaining the Advantage: Benchmarking Sydney's Performance*, found that Sydney's visitor and destination appeal and its image, brand and influence had both declined since 2016; and
2. the Time Out Global City Index (March 2019) in a survey of more than 34,000 people in 48 cities globally, rated Sydney as 39th in the world to live, and 48 out of 48 in terms of nightlife.

A major contributor to these challenges is the word "Lockout". In marketing terms, Sydney will simply not re-establish its global brand unless Lockout is seen to be removed very publicly.¹⁴

¹⁴ "Liquor Freeze" is similarly unhelpful (see Section 6.4).



Even when and if it is removed, it will take time to reverse the damage that has been done and rebuild the city's reputation with a clear counter message, along the lines of "We are open!"

5.3.2 Wider tourism and business investment marketing

Beyond Lockout removal, Sydney currently does not do enough to market its night time offer to two key international markets: international business and international students. Sydney competes with other global cities on a range of dimensions for private investment, attracting international or regional headquarters, global talent (whether to study or work), political sumits, business conferences, world sports events, global talent, political summits, cruise ship visits and new airline connections to name but a few.

We urge the NSW Government, through Destination NSW, to focus greater effort on promoting and branding Sydney and NSW as great night time destinations. The visitor economy is a vital part of Sydney and NSW's economic prosperity and sustainability. It currently contributes \$34.2 billion GSP to the NSW economy, with a government ambition to increase this amount to \$55 billion by 2030. Promoting and marketing Sydney's night time offering is a crucial element of attracting tourism, investment and talent to live and study or work in our city. Business Events Sydney and other agencies perform a key role in attracting international investment into Sydney and we feel that their work could be enhanced by a better night time offering in Sydney.

With Revenue per available room night (RevPAR) having declined for 7 consecutive months (and down 4.4% per cent over 12 months according to STR),¹⁵ and growth in Chinese visitor numbers also slowing over the last 9 months, our all important hotel sector is facing the real prospect of hotel room oversupply in the not too distant future unless corrective action is taken swiftly.

Recommendation 3 - Repeal the Lockout laws in order to reverse the brand damage to Sydney, and Promote Sydney / NSW as "open", recognising the NTE as a core part of the offering.

5.4 Creativity as an economic driver

Sydney's knowledge economy has grown significantly over the past thirty years and is increasingly the backbone of its economy. However, its creative industries, both in Sydney and in wider NSW, have significant untapped potential. A lack of investment and strangling regulation are two primary factors in the lack of growth, despite evidence that creative industries are key to future knowledge-based economies. According to the UN, "As well as creating jobs, the creative economy contributes to the overall well-being of communities, individual self-esteem and quality of life"¹⁶.

¹⁵ <https://media.au.timeout.com/news/why-the-hotel-sector-should-get-out-of-bed-for-the-Lockout-review/>

¹⁶ <http://www.unesco.org/new/en/media-services/in-focus-articles/creative-industries-boost-economies-and-development-shows-un-report/>



The development of creative industries in Sydney has been particularly affected at the grassroots level. In 2018, the World Cities Culture Forum found that “Small music and arts venues [in Sydney] have been significantly affected by rising property costs, complaints from residential neighbours and the redevelopment of suitable buildings...urban redevelopment, particularly for housing, has substantially reduced appropriate spaces for cultural production”. Lockout has compounded the problem, with the Forum finding that “The impact [of Lockout laws] on the NTE and the live music and performing arts sectors that operate within the night has been dramatic and has seen a number of high profile venue closures.”¹⁷

To help Sydney’s creative industries compete with the rest of the world, NSW Government and local councils must work together to provide support for emerging artists. This should include facilitating physical spaces for rehearsal and performance and creating regulation that allows the sector to flourish, as well as cracks down on vexatious and non-meritorious complaints.

Above all the Sydney needs to embrace the economic, social and cultural potential of creative industries, as many global cities do.

Further, NSW Government must recognise the connection between nightlife and creative businesses on the one hand, and its innovation objectives on the other. Leading start-up cities and postcodes globally include London, Brooklyn and Berlin. These start-up ecosystems also boast vibrant and diverse night time economies and witness a net export of culture, derived from leading creative talent who choose to practice their art in these cities. Contrast that with:

1. a nightlife in Sydney that has been rated the worst in the world by Time Out (48 out of 48 cities rated) in a survey of 34000 people conducted in March this year; and
2. Sydney’s decline in the Global Startup Genome Rankings, slipping 6 places this year to #23.¹⁸

The UK, the State of Victoria, Wellington (New Zealand), Singapore, all markets with which we need to be competing, see the connection between the creative industries and innovation and therefore frame creativity itself as an economic driver. This insight then extends to the state leveraging the firepower of its artistic and cultural institutions who meaningfully collaborate with industry and produce outstanding results that give rise to economic benefit, innovation, and most importantly jobs. We are rapidly falling behind.

¹⁷ http://www.worldcitiescultureforum.com/assets/others/181108_WCCR_2018_Low_Res.pdf

¹⁸ <https://www.afr.com/technology/technology-companies/sydney-falls-six-places-in-global-startup-genome-rankings-20190508-p51lec>



Case Study: City of London - where it's working

It is worth considering the approach taken in this area by London. Like many global cities, its NTE faces the challenge of changing consumer habits, high cost of living (including rental costs), conflicting priorities between venues and residents and policing a large and diverse population. However, instead of introducing restrictive practices, the Mayor of London has embraced the NTE through a range of different approaches. These include developing an overarching government strategy for the NTE; appointing a “Night Mayor” to deliver the strategy and champion the NTE; supporting councils to develop their night time economies; introducing the “agent of change” regulation to protect live music venues, encouraging cultural institutions to remain open late in the evening and extending public transport at night. The decision to extend public transport at night in particular has produced significant economic benefits, helping to generate an additional £190m for London’s economy in 2018 and exceeding expectations in passenger numbers¹⁹.

Recommendation 4 - Recognise creativity itself as an economic driver and leverage the state’s assets including its (a) arts and cultural sector and (b) NTE to enhance innovation outcomes.

5.5 Flexibility of the workforce and the future of work

Unlike the workforce of the post industrial revolution that largely was confined to regular hours of work (eg. 9am - 5pm), the modern workforce aspires to be and is in part required by the complexity and opportunity offered by digital infrastructure to be, flexible and mobile both geographically and temporally.

This is partly reflected in for example the advent of the 24/7 gym - made technologically possible through digital access, and satisfying demand for those whose hours may not conform to traditional hours of work. Now no longer the domain of the M&A bankers and lawyers working around the clock, these services are attractive to solo-entrepreneurs, tech enabled start ups and travelling business people who choose AirBnB over the Hilton.

Forward thinking cities that recognise this are seizing on the opportunity to leverage their sunk cost in existing city infrastructure such as transport and cultural institutions to open up their night time economies, liberate creativity and in so doing maintain or improve their reputation as being attractive cities to work.

Sydney is in a global fight for talent as we build workforces for the future. And with 60% of the world’s millennials living in Asia we need to be regionally competitive. A recent article by *Entrepreneur, Asia Pacific* reported that according to the World Economic Forum, 4 in 5 millennials are willing to relocate

¹⁹ <https://www.ey.com/uk/en/services/specialty-services/ey-24hlondon>



internationally for work (May 2019).²⁰ Based on a study by financial analysis business ValueChampion, the report identifies the following cities as the region's top 5 places for millennials to work and live:

1. Singapore
2. Tokyo
3. Hong Kong
4. Guangzhou
5. Melbourne

Recommendation 5 - Leverage an improving NTE narrative as a basis for improving Sydney and NSW ability to attract millennial talent.

5.6 Transport

5.6.1 Go free after 8pm

One idea worth exploring to revitalise Sydney's NTE would be to provide free public transport in urban centres after a certain period of time. It is an idea that has been implemented in other cities including Dunkirk in France, Tallin in Estonia and the whole of Luxembourg. Offering free public transport after 8pm would have two primary advantages: it would encourage more people to stay in urban centres after work during the twilight period and encourage more people into urban centres to access services and entertainment, with a confidence that they can get to and from their location safely and affordably. We urge Transport for NSW to explore the idea.

Specifically, and with reference to the paragraph below, we would identify the opening of the Light Rail later this year or early next year as an opportunity to trial free late night services.

5.6.2 Extend Services

As noted in the submission to this inquiry by the Kings Cross Liquor Accord, a significant contributor to the challenges the Cross faced pre-Lockout was an inability to disperse crowds. Thought should be given to affordable late night transport eg. train services, in line with footfall increases as Sydney's nightlife revitalises following this inquiry.

Recommendation 6 - Leverage improving public transport infrastructure to encourage engagement with Sydney's NTE including the provision of free services in appropriate circumstances.

²⁰ <https://www.entrepreneur.com/slideshow/328408>



5.7 Remind consumers of the value of 'out'

While Sydney's nightlife ecosystem has been adversely impacted by Lockout since 2014, the at home entertainment offering has been markedly improving in contrast. Everything you need for a great night in is now at your fingertips at the press of a button, courtesy of Uber Eats and Netflix and even at home alcohol delivery services like Jimmy Brings. The upshot? For \$20 you can have a pretty decent night in.

But of course the at home experience while valid is entirely different to the "out" experience. You can't clap and sing along to your favourite band with 1000 other fans at home. And laughing out loud is not the same when sitting by yourself at home on the couch. In a comedy club with a talented comedian and 50 other people, it's a different story.

The "out" experience is simply different, and that's reflected in the overall price point. And like any premium product, customers will be willing to pay for it provided they understand its value.

The NTIA and its members realise that there is an important job to be done in reminding Sydneysiders of the overall value proposition that a good night out represents. This was something that the NTIA undertook in March 2019 in a consumer campaign that was led by video creative featuring notable Sydney entertainment personalities including Matt Okine, KLP (Kristy Lee Peters), as well as popular night spot owners Jake Smyth and Kenny Graham (proprietors of Mary's Underground, which has recently opened in the space previously occupied by the Basement).

For further evidence of the challenges facing audience engagement unique to Sydney, refer to the Immersive Cinema case study in section 6.2.2.

Recommendation 7 - Work with NTE stakeholders including the private sector and the City of Sydney to remind NSW consumers of the value of the "out experience".



6. Regulation

As with the question of governance, the NTIA believes that more could be done to promote good regulation of Sydney's NTE, in a manner that does not stifle enterprise or innovation.

6.1 Music and Arts Economy Inquiry

The NSW Parliament Inquiry into Music and the Arts Economy highlighted a number of areas of excessive regulation that have created burdensome bureaucracy for providers of late night activities. A priority in developing a vision for Sydney's NTE must be to remove excessive regulation. The NTIA is supportive of addressing the matters pertaining to regulation identified in that inquiry

The Music and Arts Inquiry highlighted some particularly egregious forms of overregulation, including the banning of mirrorballs, ukuleles and dancing in live music venues. More than anything, this overzealous approach to regulation has fed a narrative that Sydney's nightlife is dead or dying and under the control of a "nanny state".

Underscoring the need for a night time commissioner

We note that the NSW Government "blitz on outdated conditions" on liquor licenses announced in November 2018 has not been effective in eliminating these conditions. We would recommend that this inquiry fully investigate the reasons as to why this blitz did not work, specifically:

- (a) How many venues applied for conditions to be removed?
- (b) where venues applied, did police or other parties use the opportunity to raise further objections to the licensed premises?
- (c) How many venues successfully had conditions removed. If conditions were removed, what was the net cost to the venue to have the conditions removed as compared to have the \$110 fee waiver offered to the venue community?

As the NTIA identified at the time of the announcement of the blitz, venues would be reticent about applying for relief as their experience has been that when they apply, they open themselves up to more conditions being imposed.

Recommendation 8 - Implement the Music and Arts Economy NSW Parliamentary Inquiry recommendations ensuring delivery through an empowered Night Time Economy champion.



6.2 Impact on the Creative Industries

Based on the narrative observed during the Music and Arts Economy Inquiry, it would seem that the story of Sydney's regulation of alcohol consumption out of home (i.e. in venues or at festivals and events) can be summarised thus:

1. no doubt in part due to the operating standards of poor operators, tight policing and licensing regulation of venues has become 'the norm' in NSW, and in Sydney in particular;
2. at some point those venues also provided live music as a form of entertainment. Live music events then attracted the same stringent approach; and
3. Whether intentionally or not, that approach has been extended to arts and cultural events where alcohol is present, no matter how incidentally.

The following case studies attempt to illustrate the one size fits all policing, licensing and planning challenges that are impeding creative businesses, and in some cases, driving them to find opportunities in NSW competitor markets such as Queensland.

6.2.1 Immersive Cinema - March 2019

(The below excerpt was provided to the NTIA by Paul Barbaro, Event Director, Mushroom Group)

"The Immersive Cinema experience reinvents the film going experience by merging theatre, performance art, a movie studio backlot tour, live music and an outdoor cinema, all in a live setting. It's an innovative new business model which sees cinema's most beloved stories jump off the screen and into the real world. It is in a similar vein to the internationally renowned Secret Cinema business of London.

In March 2019, Mushroom Group (Australia and New Zealand's largest independent music and entertainment company and home to Frontier Touring) teamed up with Melbourne based Underground Cinema, to produce the cult classic Dirty Dancing, with separate productions in the Domain Sydney, and Flemington Racecourse, Melbourne.

The dual production allows us to do a side by side comparison of the experience producing an all ages family event in Sydney vs Melbourne. We note that the demographic who attended the events was consistent across both productions, being:

- 80/20 female skew
- Average age 38

In Sydney, the show's delivery was made unnecessarily challenging in our view by:



- (a) noise restrictions forced tools down at 6pm during set construction extending event bump in and bump out duration. This directly increased security, labour, site and rental costs;
- (b) user pays policing;
- (c) the imposition of liquor licensing conditions restricting the sale of full bottles of wine. Note the whole set was one giant picnic, with that communal dining occasion a key component of the immersive film experience; and
- (d) the imposition of the condition that security wear high visibility vests. We spent tens of thousands of dollars on costuming for actors, event, bar and our own security staff to re-create the Kellerman's 1963 upstate New York resort. Then like now we believe these vests are unnecessary and their presence at our Sydney show diminished the experience for us as promoters and the audience as attendees.

Needless to say our costs to execute production in Sydney were substantially more than Melbourne. But further, our ticket sales in Sydney were dramatically lower than in Melbourne (by more than 50%).

We conducted our own research as to why ticket sales were lower and can advise that the primary reason is that Sydneysiders did not wish to go into the city on weekends.

When clubs, bars and restaurants shut down, when free after hours public transport is not offered, when there is a strong perception that the city is “dead” and “cold” on weekends, then this has a major flow on effect to major entertainment events such as Immersive Cinema. Going to an event such as ours that finishes at 10pm without the confidence that the rest of the evening in the city will provide other entertainment offerings, is a strong barrier to ticket purchase.

And so for the reasons around regulation noted above, and confirmation that the audience will not travel to the city on weekends because it believes the city is dead, Immersive Cinema will not return to Sydney in 2020. Instead we will focus our efforts on developing the event in Queensland, and enhancing the offer in Melbourne.”

6.2.2 Sydney Festival - Festival Village - January 2019

Sydney’s premier arts festival runs Festival Village in Hyde Park each year, providing a unique theatre going opportunity in the pop-up Spiegel tent. Patrons have the opportunity for a bite to eat and drink as part of the experience. It’s a relaxed venue welcoming the whole community with live performance and celebration at its centre, not a bar maximising alcohol sales.



However under current licencing regulations it is treated as a pop up bar requiring a significant security presence (in addition to bar staff and RSA marshals required) in order to comply. In 2018 the total cost of security for the Festival Village was \$156,134.

In contrast Sydney Festival ran a similar pop up hosting Circus Oz in Prince Alfred Park in Parramatta in 2018. Festival organisers were able to successfully argue in this instance, that the activation was a pop up theatre venue servicing an audience coming to the show. This resulted in a reduced security bill of \$52,988.

If the same standard applied in Parramatta was applied to the Hyde Park pop-up, the Festival would be in a position to invest more funds in other festival expenses eg. additional programming.

This example clearly demonstrates how creativity in NSW is being stifled by inflexible regulation.

6.2.3 Sydney Fringe Festival

The NTIA has had regard to the submission made to this inquiry by the Sydney Fringe Festival, and in particular the following case studies:

1. 469 King St, Glitterbox Hair Salon: where a potential production for Sydney Fringe intended to use the salon in exactly the same nature as its permitted use, with the notable addition of selling tickets and declaring itself a performance. This necessitated a Change of Use development application rendering the project unviable;
2. The HPG Festival Hub: where the police response to a development application to use the space for artistic performances (eg. dance) included a recommended restriction of “no DJs and no dancing”; and
3. The Off Broadway Project and the Temporary Theatre Pilot Projects.

The NTIA supports the Sydney Fringe’s statement in its submission that “the long held assumption that performance activity is higher risk than any other business activity needs to shift in all areas of regulation.”

6.2.4 Giant Dwarf Theatre

Giant Dwarf Theatre on Cleveland Street in Redfern is one of the only permanent independent theatres that helps incubate artistic, musical and comedic talent in Sydney.



As a further example of one size fits all policing, Giant Dwarf was visited by police on a Saturday night at 9pm in response to a neighbours complaint that the activity in the theatre would “later transform into a late night party culminating in disruption to the local residents”. The activity in question was a reading of a play called "Blackgammon" presented by the indigenous group Black Theatre Company. It was attended by less than 60 people and was finished by 9pm, with patrons leaving the theatre just as police arrived.

Unlike some purpose built hospitality ventures, the creative community are not resourced, equipped or indeed focussed on alcohol sales. However, as this series of case studies show, the creative sector is being stifled by inflexible regulation. At best it's an inhibitor as in the case of Sydney Festival or Giant Dwarf. Base case it's a deterrent to new business as is the case with Immersive Cinema. Worst case it's a killer, as in the case of some of the Fringe examples.

We note that the Western Australian scheme for licensing introduced in 2017, provides a more balanced framework to assess individual applications on their merits, including positive social, cultural and tourism benefits and would recommend that this inquiry consider a similar scheme be applied in NSW.

Recommendation 9 - Liberate the creative industries from one size fits all inflexible regulation, in favour of a balanced framework that assesses individual applications on their merits.

6.3 Reward good operators. Penalise bad operators

The NTIA believes that Sydney merely needs to follow many other cities in adopting a common sense approach to regulation that allows well-run venues to prosper without unnecessary bureaucracy, whilst maintaining public safety.

The NTIA's view is that if Lockout is removed as we believe it should be, and given the matters identified in Section 4 of this submission (That was then, this is now), the existing regulatory framework combined with risk based licensing and policing will be sufficient to achieve the right balance, and see the licensed venues in the affected precincts play their part in re-establishing the city's NTE.

A summary of the current controls and regulations that are in place are set out in the submission to this inquiry by Solotel Group (set out here for ease of reference), and include:

1. Responsible Service of Alcohol (RSA) policies which are in place to ensure venues are providing safe service to customers. All staff serving alcohol are required to undertake periodical training on the Responsible Service of Alcohol;
2. Liquor & Gaming Three Strike Disciplinary Scheme which aims to reduce serious and repeated non-compliance with the NSW liquor laws through a three strikes penalty regime



where licensees and operators can face industry bans for up to three years. This scheme focuses on repeat offenders which can ultimately stop them from operating a licenced venue;²¹

3. Liquor & Gaming Violent Venues Scheme which monitors licensed venues every 6 months for alcohol-related violent incidents and enforces special licence conditions (such as, cessation of alcohol service 30 minutes prior to close, or no shots and drink limit restrictions after midnight, etc). This scheme focuses on venues with regular incidents and provides control where proven it is required. It is worth noting there has been a reduction in venues/operators on this list in recent years showing that it is an effective tool to control alcohol related violence;²²
4. Unannounced business inspections including plain clothed and uniformed Police visits, NSW Health, under cover Liquor and Gaming Inspectors and Council inspections to ensure operators are constantly maintaining required standards.

We would also note both from the Solotel submission and the Australian Venue Co, the current process is fragmented with different bodies looking at similar control measures without one holistic view and would query why a streamlined process with one supervisory body isn't a better solution.

Recommendation 10 - Repeal the 1:30am last entry and 3am cessation of service aspects of the Lockout laws.

6.4 Removal of the 'Temporary' Liquor Freeze

Division 1A of the Liquor Act contains wide ranging prohibitions on the grant of new liquor licenses or amendments to existing licenses.

In the context of Section 4 of this submission (That was then, this is now), and for the reasons identified above in Section 6.3, as well as Section 5.3 (Promotion of Sydney and NSW) generally, we recommend that this inquiry lift the Temporary Liquor Freeze.

Recommendation 11 - Remove the liquor freeze and move towards a process where the clustering of venues which enhance safety and vibrancy are embraced, without creating an oversupply in one area.

²¹ <https://www.liquorandgaming.nsw.gov.au/documents/fs/fs3015-three-strikes-disciplinary-scheme.pdf>

²² https://www.liquorandgaming.nsw.gov.au/__data/assets/pdf_file/0020/202961/fs3006-violent-venues-scheme.pdf



6.5 Single application process for planning and licensing

It is particularly important that NSW Government addresses the overly complex liquor licensing regime by combining a liquor and planning licence together, rather than a venue having to apply for both separately. The current process sees an applicant:

- (a) seek planning approval at council level, with the application in the case of licensed premises referred to police; and
- (b) apply for a liquor license, with the application referred again to the police

We note that feedback from industry roundtables conducted in preparation for this inquiry and the Music and Arts Economy inquiry included that the costs and complexities of running a business active in the NTE, particularly where a liquor license is required, adds significant costs in terms of consultants, lawyers, and statutory fees across State and Local regulatory environments. Even larger business struggle to absorb the costs which can to some degree (due to scale) spread across multiple venues. Smaller businesses that are dealing with the same regulatory regime are simply under equipped.

Our members would receive favourably a “One Stop Shop for approvals”. This might be a priority for the “Easy to Do Business With” team within NSW Government to address.

Recommendation 12 - Introduce a one stop shop for approvals, modelled on successful systems in other cities, that streamlines approval processes for businesses in the NTE.

6.7 Purple Flag precinct ratings

We also believe that greater collaboration between state government agencies, councils and private operators will help create safer and more vibrant night time precincts. We are encouraged by the NSW Government’s focus on place-making within Sydney and urge them to take this approach with regard to areas of night time activity. One particular idea worth considering is to replicate the Purple Flag scheme that is used in the UK.²³

The Purple Flag scheme accredits areas that achieve standards of excellence in managing the evening and NTE. There is a strict process for accreditation, but participants have noted that accredited areas enjoy an increase in wider patronage and increased expenditure; lower crime and anti-social behaviour and a more successful mixed use economy in the longer term.

This scheme has four aspects to its core policy agenda:

1. **Wellbeing:** welcoming, clean and safe
2. **Movement:** a secure pattern of arrival, circulation and departure

²³ <https://www.atcm.org/purple-flag>



3. **Broad Appeal:** a vibrant choice and a rich mix of entertainment and activity
4. **Place:** a stimulating destination and a vital place

Of immediate relevance to solving Sydney's challenges are the following:

- The scheme requires active consideration of the mix of businesses in an area and would be a step towards managing over concentration of licensed premises in areas as the NTE rebuilds, and activity increases;
- The scheme requires productive engagement between industry and police and health. Based on verbal accounts from licensed venues to the NTIA, and submissions to this inquiry from that stakeholder base, the NTIA supports any program that would work towards a collaborative relationship between licensed premises and police.
- The scheme could be piloted in one or two precincts as a partnership between State Government, Local Council and industry, involving existing Liquor Accords.

We would observe that piloting this scheme would not be a 'ground zero' exercise insofar as there are existing organisations like liquor accords, industry bodies and business chambers that would be capable of assisting with its delivery.

Recommendation 13 - establish a benchmark for successful night time precincts, by piloting Purple Flag in two locations in Sydney, in partnership with City of Sydney, relevant industry groups and liquor accords.

6.8 Better management of noise issues

Noise complaints can become a major burden for venue operators and a single complaint can cost operators many thousands of dollars to resolve. Depending on the venue, a noise complaint can be made to the local council, Liquor and Gaming, Planning, Police, the EPA, and even Roads and Maritime Services as well as Property NSW in certain cases.

Having one agency responsible for managing noise complaints will help streamline the system and ensure only genuine complaints are raised and they are resolved in a way that is fair for residents and venue operators.

The NTIA is also supportive of the principle of the 'agent of change' model, which ensures that a new residential development is responsible for managing the noise impacts from an existing music venue. Similarly, new entertainment venues would be required to ensure existing residential properties are not impacted from noise.



Recommendation 14 - better management of noise issues for commercial operators, including:

- (a) Creating a one-stop shop for noise complaints and management in NSW for licensed premises and commercial entertainment businesses**
- (b) Streamlining laws governing noise issues and put in place guidelines for venue operators developed through consultation with industry and the community**
- (c) Implementing Agent of Change.**



7. Maintaining and enhancing community safety

7.1 That was then, this is now

We note from Section 4 of this Submission (That was then, this is now), that Sydney's nightlife has fundamentally changed since 2014. Lockout may have been a blunt instrument but it worked to eliminate non-diverse venue concentration, and bad operators.

In the same way there is risk in driving a car, surfing, crossing the road and in jumping on a trampoline, there will be risks associated with going out. Effective licensing and regulation have always have an important part to play in delivering safe environments at night. However, at the moment we have the worst of all worlds: regulation that strangles good operators without persuading the public that Sydney is a safe place to go out.

7.2 Collaborative approach to safety

A smart approach to safety must begin with state and local government working collaboratively with venues and other private operators. This occurs to some extent in NSW, but not well enough when compared to other jurisdictions such as Victoria. In this regard we refer the Committee to the submission of NTIA member Australian Venue Co, whose business interests span Victoria, WA, NSW, NT and New Zealand. That submission attributes a collaborative relationship with regulators and police in Victoria (a state where there is no Lockout), as the primary reason for significantly fewer incidents per 1,000,000 visitors in its Victorian venues, when compared with NSW.

We also reference Section 6.7 and our recommendation to pilot Purple Flag in two precincts. If all stakeholders are able to establish an agreed benchmark for what success looks like (including matters of health and safety) then we will have a model for best practice that can be extended throughout the state.

Recommendation 15 - make the night time champion accountable for ensuring collaborative working relationships across NTE industry stakeholders and police and health, in line with Government's vision.

7.3 The elephant on the couch - mental health and device addiction

In December 2017 Facebook admitted that social media may be bad for mental health. In the month preceding, one of the founders (Sean Parker) openly admitted that it was designed to be addictive. The "attention engineers" of the large major digital infrastructure companies (like Google, Netflix, Facebook, Instagram), in the absence of regulation, are arguably having a field day with young minds. Each press



of a screen releases a shot of dopamine which is why these environments are potentially addictive. Addiction can lead to isolation, depression, anxiety and propensity to suicide.²⁴

This is why in the last year or two we believe we are beginning to see these major companies start to self regulate. For example Apple now includes Screen Time information in its iOS.

As observed in Section 5.7, some consumers have forgotten the value of the “out” experience. Many of our 18 - 23 year olds simply have not experienced it. Of course, it’s unlikely we will ever be able to quantify the extent to which a failing NTE in Sydney has contributed to mental health issues in our youth. But it behooves the State to remember that active participation in community has always been central to our survival and well being as a species, and the State has an obligation to foster it.

Recommendation 16 - formally recognise the positive contribution that community getting together during its leisure time can have in terms of mental health and encourage it.

²⁴<https://www.forbes.com/sites/alicegwalton/2017/12/11/phone-addiction-is-real-and-so-are-its-mental-health-risks/#249759b713df>



8. Summary Findings and Recommendations

8.1 Findings

The NTIA requests the Committee formally makes the following findings:

Finding 1

That the complexity of the NTE ecosystem that comprises the NTE extends far wider than pubs, clubs, bars and liquor retail. Far from being defined by it, hospitality facilitates or exists to support other NTE activities.

Finding 2

That the nightlife landscape in Sydney is as a matter of fact very different now, to that which existed in 2014 when the Lockout laws were enacted.



8.2 Unlocking \$16 billion in 16 Steps

The NTIA's recommendations to the Joint Select Committee are summarised as follows:

1. Develop and articulate a vision for NSW's NTE, supported by a detailed strategy.
2. Appoint a night time champion to implement the vision, appropriately resourced and made accountable.
3. Repeal the Lockout laws in order to reverse the brand damage to Sydney, and Promote Sydney / NSW as "open", recognising the NTE as a core part of the offering.
4. Recognise creativity itself as an economic driver and leverage the state's assets including its (a) arts and cultural sector and (b) NTE to enhance innovation outcomes.
5. Leverage an improving NTE narrative as a basis for improving Sydney and NSW ability to attract millennial talent.
6. Leverage improving public transport infrastructure to encourage engagement with Sydney's NTE including the provision of free services in appropriate circumstances.
7. Work with NTE stakeholders including the private sector and the City of Sydney to remind NSW consumers of the value of the "out experience".
8. Implement the Music and Arts Economy NSW Parliamentary Inquiry recommendations ensuring delivery through an empowered Night Time Economy champion.
9. Liberate the creative industries from one size fits all inflexible regulation, in favour of a balanced framework that assesses individual applications on their merits.
10. Repeal the 1:30am last entry and 3am cessation of service aspects of the Lockout laws.
11. Remove the liquor freeze and move towards a process where the clustering of venues which enhance safety and vibrancy are embraced, without creating an oversupply in one area.
12. Introduce a one stop shop for approvals, modelled on successful systems in other cities, that streamlines approval processes for businesses in the NTE.



13. Establish a benchmark for successful night time precincts, by piloting Purple Flag in two locations in Sydney, in partnership with City of Sydney, relevant industry groups and liquor accords.
14. Better management of noise issues for commercial operators, including:
 - (a) Creating a one-stop shop for noise complaints and management in NSW for licensed premises and commercial entertainment businesses
 - (b) Streamlining laws governing noise issues and put in place guidelines for venue operators developed through consultation with industry and the community
 - (c) Implementing Agent of Change.
15. Make the night time champion accountable for ensuring collaborative working relationships across NTE industry stakeholders and police and health, in line with Government's vision.
16. Formally recognise the positive contribution that community getting together during its leisure time can have in terms of mental health and encourage it.