



2011 Residents' Association Inc.

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4th April 2016

Liquor Law Review

Submission prepared by 2011 Residents Association

The 2011 Residents Association (2011RA) was formed more than 21 years ago. Its charter is to enhance and protect residential amenity of those living in the 2011 postcode. This area includes Potts Point, Kings Cross, Elizabeth Bay, Rushcutters Bay and Woollahroomooloo.

This submission addresses the negative impacts experienced by residents in Kings Cross and surrounding residential areas prior to the 'lockout laws' and the increased amenity that has occurred since those laws were implemented.

The exponential growth in the number of licensed premises and liquor outlets that occurred between 2007 and 2013 (see the diagram below) and extended trading hours - and their cumulative impacts - had a significant and detrimental effect on the amenity of residents, particularly those living in Kings Cross. These impacts included fear for personal safety, psychological distress at witnessing violence to others, and sleep deprivation and loss of productivity due to loud and intrusive noise both day and night. The daytime economy was cannibalised by the push for a night-time economy and many small businesses closed as rents increased, affordable only by those selling alcohol. In 2013 the picture was bleak. In the daytime the streets were shuttered and the range of businesses operating was limited. At night crowds of revellers took over.



Alcohol outlets in #kingscross in 2007 (marked in red)



Alcohol outlets (marked in red) in #kingscross in 2013

Background

Kings Cross is and always has been a residential area. It is one of the most densely populated residential areas in Australia. It is one of the most diverse. Kings Cross also has the highest density of licensed premises and 'late night trading' premises in NSW.

Residents of Kings Cross typically live in old or heritage buildings that are made up of studios or one bedroom units that face onto the street. Many of these buildings are directly above or in close proximity to bars and nightclubs that were opened during the growth of the night time economy. There was and is no escape from the noise particularly in summer when windows need to be open for ventilation. The area is in fact incompatible with late night commercial activity.

In 2006 there were licensed clubs, hotels, strip clubs and small businesses along Darlinghurst Road ('the strip'). There was an influx of people on the weekend, but nothing like what was witnessed in later years in the name of a 'night-time economy'. Residents enjoyed the diversity and busy hum that characterised Kings Cross.

The owners of the bars, nightclubs, hotels and bottle-shops in Kings Cross are wealthy individuals and ASX listed companies including Woolworths and Coles. They had money and access to media to push their story and were not always factually accurate.

Period prior to 'Lockout Laws': 2007 – 2014

The number of licenced premises increased exponentially as the City of Sydney handed out DA approvals for licenced premises and liquor outlets as part of their strategy to create a vibrant night-time economy. They succeeded in creating a violent nightlife where bars and hotels flourished at the expense of residential amenity and many small daytime businesses.

The number of premises increased at an exponential rate taking advantage of Kings Cross's billing as a Party Destination by the City of Sydney Council. Marketing it as an entertainment precinct was a euphemism for inviting people to use the area for their out-of-control drinking, drug taking, and illegal behaviour.

Residents felt under siege every weekend. The clustering of licenced premises and the extended trading hours led to large numbers of intoxicated revellers on the streets which amounted to about 20,000 people on Friday and Saturday nights. People who flooded into the area were over-represented by those under the age of 35, with a high proportion of 18 year olds and many underage drinkers. Many arrived pre-fuelled and heavily intoxicated whose sole intention was to 'write themselves off'. The proximity of these outlets to each other meant that people were jostled as they moved between venues, and due to lack of footpath space, walked on the road. The atmosphere was tense. People were 'out of control' due to intoxication and an 'anything goes' attitude. Fights broke out at a rate impossible for police to control despite them bringing in reinforcements each weekend. At the same time, injuries were such that ambulance workers and casualty staff at St Vincent's Hospital were unable to cope. The congestion created by pedestrian traffic and cars cruising the strip meant that emergency vehicles had difficulty gaining access when and where they were needed.

The level of violence and intoxication on the street meant residents were fearful of going out at night or leaving their homes early in the morning. Residents report having to be accompanied to work and then ultimately using taxis to get to their place of work, as they became increasingly fearful of being assaulted by groups of drunken people. Residents also had difficulty getting to the train station or leaving or entering their buildings due to drunken people running across the road or blocking access to car parks. Residents reported feeling prisoners in their apartments on weekends or being forced to go away in order to enjoy the weekend.

The resultant cacophony of noise from screaming, yelling people, cars cruising the strip, recorded music louder than permitted, emergency vehicles, garbage trucks and other clean up vehicles created significant stress and loss of amenity for residents.

The noise was created by late night operations and by the massive clean up required. There was a hidden cost to the State as a result of sleep deprivation and lost productivity. Variable closing times resulted in waves of noise from 10:00pm through to the early hours of the morning (4:00am - 6:00am or later). Police and rangers were unable to act to control the noise. There appeared to be no penalties imposed on nightclub owners for breaching their DAs. There is documentation of breaches of DAs and a history of noise complaints for venues such as the Village, which subsequently closed, Beachhaus Bar and others. Venue owners believed they were entitled to run their businesses according to their own rules. Residents were told they could leave and live elsewhere if they did not like it.

Motorists contributed to the noise by their sheer number, by having stereos at full volume, sounding horns, having loud exhausts, accelerating rapidly, and leaving motors idling. The number of vehicles coming into Kings Cross resulted in a gridlock along Macleay Street and Darlinghurst Road late at night and early in the morning. There was nowhere to park and for many, they just did circuits that included the 'strip'.

Environmental Impacts: Traffic and Rubbish

The cost of the clean up and traffic control that were required to deal with the huge crowds that arrived by public transport or motor vehicles was paid for by the taxpayers and ratepayers. At the end of a Friday, Saturday, or Sunday night the streets were littered with empty bottles, broken glass, cans, discarded food, fast food wrappers, vomit, urine and other human body wastes.

Residents were obliged to clean up their front steps and doorways to buildings each morning. Garbage bins left out for collection were often knocked over and garbage strewn across footpaths or emptied onto parked cars. Council also utilised significant resources on cleaning up the mess created.

In 2009 City of Sydney approved the building of speed humps and the trial closure of Cowper Warf Road from midnight until 4:00am to manage the noise and traffic congestion. This trial closure was estimated to cost \$40,000 for the five-week period. The road closure remains in place today and is from 11:00pm until 3:00am. This would certainly be a substantial ongoing cost.

Physical and Mental Health: Significant Trauma

The violence and mayhem seemed to increase with each year and as the number of licences grew, reaching a crescendo in 2013. Every weekend there was media coverage that showed brawls, violent assaults, hospitalisations due to alcohol poisoning, shootings or the physical damage caused by 'glassing'. Wilson Castillo died in February 2011 as the result of a brutal fight followed by the much publicised deaths of Thomas Kelly in July 2012 and Daniel Christie on New Year's eve 2013.

Other health impacts included the effects of intoxication and alcohol related illness on individuals concerned. Witnessing violence as well as personal injury from serious assaults also created long-term and negative impacts on their mental health. Mental health impacts are very expensive and time-consuming to treat.

Residents suffered from sleep deprivation and emotional stress from the environment they were forced to live in and as a result of their powerlessness to change their circumstances.

Malcolm Turnbull, MP for Wentworth, described Kings Cross as 'a war zone' at Sydney Town Hall in July 2012.

Spill Over Effects

The noise and chaos was not confined to the streets of Kings Cross. Issues with noise, traffic congestion and threats from intoxicated people spread out into the surrounding suburbs of Potts Point, Elizabeth Bay, Rushcutters Bay, Woolloomooloo and Darlinghurst. People avoided the strip or planned to arrive or leave their homes so as to avoid the crowds. Access to the train station was usually blocked by the crowds and people were fearful of the consequences of trying to make their way through them to the trains.

People from other suburbs also refused to come into Kings Cross. Access was problematic due to traffic congestion. Residents chose to or were required to meet friends in other suburbs where concerns for safety and ease of transport were not an issue.

The Positive Outcomes from the 'Lockout Laws'

The introduction of the 'lockout laws' had an immediate, positive and profound impact on Kings Cross. The noise ceased. Calm and a sense of safety returned. Without the crowds of intoxicated people the fights, screaming and chaos evaporated.

It is now two years since the lockout laws and Kings Cross still needs time to evolve. The uncertainty around what changes will be made has slowed its transition, but not impeded it.

The area is safe and people can once again walk the streets without fear of harm, or of having to witness harm being done to others. There is diversity once again in the demographic of people out at night and venues have responded with different offerings.

Kings Cross now has a thriving day and evening economy with over 70 new businesses opening since 2014 (see 2011 Residents Association survey of businesses conducted March 2016). It has a busy, happily humming and thriving nightlife with new restaurants and small bars opening and thriving. A walk around the neighbourhood in the evening finds most restaurants operating at full capacity and

benefiting from the willingness now of people to come to Kings Cross. Business owners are obviously confident that Kings Cross is a viable site to set up a business.

Contrary to what the owners of hotels, night clubs and beer barns say, ID scanner statistics show that 1.8 million people have entered these premises in a recent 12-month period. The local licencing police have worked hard to ensure licensees adhere to the conditions of their licences. We understand that only two premises, Soho and Hugos, have closed since the lockout laws came into play. The stories about closures and loss of jobs have been grossly exaggerated by pro-alcohol lobbyists.

The live music industry claims to have lost jobs and opportunities due to the modest limitations that the 1:30am lockouts and 3:00am closures have had on them. There were very few if any live music venues in Kings Cross prior to the lockouts, music primarily being pre-recorded and managed by a DJ. Most of the venues that claim to have lost business due to the lockout laws are not venues for live music.

The economic benefit of the lockout laws include police being able to redirect their efforts to real policing: they now have time to address criminal activity in the area. Similarly, St Vincent's Hospital can better utilise its resources. We can only estimate the savings that the City of Sydney would be making on the clean up of the Kings Cross which now can more readily be achieved than in the past. This money can be redirected to more deserving issues such as affordable housing or the homeless.

Recommendation

Preserve the Existing Legislation

Business owners have already adapted to the changes and identified ways to run successful businesses that are not reliant on people becoming blind drunk. The liquor industry enjoyed more than seven years where they exploited the system and were able to make a lot of money with little consideration for the social or environmental consequences on their patrons or residents. Other business sectors are required to conform to legislation and are heavily penalised if they do not. It is time for the liquor industry to be similarly held to account. The negative impact of alcohol consumption and abuse costs NSW taxpayers around \$3.8 billion per annum. The State Government could do well to set a target to reduce this sum rather than see it grow year on year.

HELEN CROSSING

Convenor

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