



2011 Residents' Association Inc.

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Chief Executive Officer
City of Sydney
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Dear Chief Executive Officer,

RE: SUBMISSION: Sydney's late-night trading – draft planning controls

2011 Residents Association was formed 24 years ago in 1995. It strives to promote, enhance & protect the residential amenity of residents living in the suburbs in the 2011 postcode area - namely Kings Cross, Potts Point, Elizabeth Bay, Rushcutters Bay & Woolloomooloo.

The 2011 Residents Association works for the local community and residents to ensure the best possible mix of residential amenity and business to keep the community thriving. We wish to make the following submission regarding Council's draft DCP for Late Night Trading.

We are concerned that Kings Cross is still being categorised by Council as a "late night management area" due to having been "historically the focal point for varied late night social and recreational activity". This is despite it devolving as an entertainment area over the past 5-10 years and moving even more toward residential and mainstream day-time business models.

Discussion

The Draft DCP amends a document prepared for a previous epoch in the history of the locality of Kings Cross which began to change dramatically from around 2012 onwards. The area no longer attracts the younger age group (up to circa 26 years of age) to anywhere near the extent when Council's pedestrian counts measured almost 19,000 people per hour in the early hours of Saturday and Sunday mornings along Darlinghurst Road and Bayswater Road. Today it would be very surprising if pedestrian numbers are at best 20% of those numbers, yet this is not the result of multiple venue closures as opponents of the lockouts regularly claim, rather it is the resurgence of new and successful daytime business models.

The Darlinghurst Road strip between El Alamein Fountain and Kings Cross Road has lost much of its adult entertainment establishments, nightclubs and bars - these were generational and of their time, and that generation has moved on. What the future holds for late night activity along this strip is uncertain, but what is certain is that that type of late-night activity holds absolutely no interest for the vast majority of residents in the area.

The strip known as 'the Cross' is generally just 2 streets only, Darlinghurst Rd and Bayswater Rd which (with offshoots Llanckelly Place and Roslyn St) now enjoy multiple day-time business uses, and house a good number of upscale residential apartment blocks. Businesses range from

hairdressers, nail salons, discount shops, restaurants and indoor/outdoor cafes, gyms and supermarkets. There are just a handful of For Lease signs or empty shops on the strip at present – far less than in other retail areas like Bondi Junction or Randwick, so it would appear that the local economy is actually doing just fine.

The Darlinghurst and Bayswater Roads precinct is too small and tightly packed to endure another onslaught of late-night revellers as was the case in 2007-2012. Councils own research back in 2009/10 found the areas was already saturated with bars and other venues serving alcohol, which ultimately resulted in the lockouts which saved the precinct and civilised it. Residents do not want to return to those conditions which resulted in injury and loss of life to visitors, and it would be reckless of Council to ignore the lessons of recent history. To try to turn the clock back 20 years would be met with strong and vocal opposition not just from residents but from police, doctors, emergency services and hospital staff.

Since the lockouts were introduced, Kings Cross is enjoying a revitalisation as a thriving and safe business and residential district, and to re-impose 24 hour or late-night trading on it just because of its historical connections would be as illogical and irrational as treating any other suburb as an 'entertainment precinct' just because they happen to have a pub at one end of their high street and a pub at the other end (in our case, the KX Hotel at one end and the Bourbon at the other). There are plenty of other suburbs that would have that same configuration, but which would never be considered for 24-hour trading. Council has to accept that history has moved on and Kings Cross is vastly different entity today, and stop trying to drag it back 20 years.

If Council is insistent on imposing a 24-hour or late night 'party precinct in Sydney, then it should look to areas that already have the space and infrastructure already without affecting large numbers of existing residents - two such areas exist in Darling Harbour and the new Barangaroo precinct.

It is also noted that establishments now blend different uses on site. For example, a barber-shop with a café; a record store and a licensed music venue. The DCP needs to consider and embrace such blended activities.

The definition of historic late night trading use also needs to apply to sites and not just areas. A good example is that Potts Point Hotel (formerly Sugarmill Hotel) was once the Westpac Bank and only became a hotel at best 10 years ago. Similarly the Bank Nightclub (across Darlinghurst Road) was also a bank before it became a 2-3 night per week nightclub around the same time.

In terms of the socio-economics of the suburbs around Kings Cross, we are observing an increased number of affluent people moving in to the area to be near amenities such as transport and world class medical services offered by St Vincent's Hospital, to give just two examples. These residents often have a portfolio of property and/or living and lifestyle options globally available to them hence many of them may only be residents in the area for a limited duration of time. It may therefore be the case that there may be an increase in part-time residents in the area.

For businesses in this area to survive and prosper they rely very much on a permanent local population to buy their goods and services. If the client base is not a permanent local population such businesses suffer. Council needs to build positive innovations into their DCP to attract that will attract and maintain permanent residential populations to help the new Kings Cross economy to continue to grow and thrive.

In summary, we are concerned that the latest Council draft plan for Kings Cross is predicated on two erroneous assumptions:

1. Kings Cross in 2019 is no longer the place that it was 10--20 years ago, and any attempts by Council to ignore that will be a waste of Council's resources and energy and ratepayers' money.
2. Imposing a 24 hour, or late-night trading framework on the existing daytime business structure assumes that the shops and businesses that currently thrive during the daytime

will want to, or even be able, to extend their hours beyond reasonable closing time. Extra hours for these businesses mean extra staff, extra salaries and extra insurance premiums, for probably very little extra gain in profit.

Therefore we strongly urge Council to consider the following recommendations

- The DCP needs to be simplified to essentially encourage new businesses that can demonstrate minimal impacts on the surrounding residential areas and discourage others that cannot achieve this goal.
- The DCP also needs to consider former late night areas and sites that are devolving and no longer attract such establishments and patrons. The Kings Cross strip is clearly devolving from that use.

The DCP needs to be redrafted to address the current situation and guide future late night uses.

Yours faithfully
PETER YOUNG
Secretary
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