

The Cumulative Impact of Licensed premises in NSW

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Submission prepared by:

The 2011 Residents' Association (2011RA) represents the residents of the 2011 postcode area of Sydney, Australia. This area includes Potts Point, Kings Cross, Elizabeth Bay, Rushcutters Bay and Woollahooloo.

This submission will focus on the cumulative impact of licensed premises in the suburb of Potts Point, which includes Kings Cross, and provide recommendations that will start to correct the over saturation of venues which has negatively impacted the community.

The name 'Kings Cross' is synonymous with the 'entertainment precinct' promoted by City Of City. Kings Cross actually refers to the intersection of William St with Darlinghurst Road and Victoria Street and was originally named Queens Cross in honour of Queen Victoria's diamond jubilee.

Background information:

Potts Point and Elizabeth Bay have the highest density of people living in a residential area in Australia. According to 2006 Census data, Potts Point is 0.6 square kilometres in area and has 6,877 residents. Elizabeth Bay, which adjoins Potts Point, is 0.3 square kilometres and has a population of 4,947 people.

Potts Point has the highest density of licensed premises and 'late night trading' premises in NSW. There are more than 120 licensed premises within an area of 0.6 square kilometres in Potts Point.

Residents oppose the clustering of late night licensed premises as the serious problems associated with these businesses are compounded when more are located together. The over saturation of licensed premises in Potts Point negatively impacts the residential amenity of the area with serious impacts for visitors and residents alike. The impacts will be outlined in this submission.

IMPACTS

1. Noise Pollution

There are significant impacts on residents from noise created by patrons. Late night trading means restaurants and bars close at 10:00 pm, 11:00 pm, and 12:00 am. Many of the nightclubs remain open until 4:00 am, 6:00 am and later. While patrons are outside their noise is audible to residents. Noise in summer and late at night carries through the area and into homes. Many venues have frontages that open onto the street as well as outdoor seating on terraces and footpaths, which compounds the problem.

Potts Point has many heritage apartment buildings that have studios and smaller apartments with bedrooms that face on to the street. This is incompatible with late night commercial activity, and especially when these businesses operate outdoors.

Patrons leaving late night venues under the influence of alcohol typically talk louder and are less concerned about how their behaviour impacts others. They disturb people in the immediate vicinity of the venue, but also all those en route as they make their way out of the area walking to find a taxi or locate their parked car.

Noise is created by intoxicated patrons who form into crowds on the streets. Patrons also create noise as they queue outside venues waiting to get in, and as they walk between venues.

There major impacts on those residents located near nightclubs and bars with amplified music and/or 'public entertainment'. Noise levels are frequently in excess of the permitted decibel level. The geography, as well as proximity, means that wherever there are balconies, rooftop access, and open window/doors, sounds will travel. The loud, intermittent and random noise is a significant problem for residents.

Buskers with amplified music set up in the streets and continue into the early hours of the morning, taking advantage of the revenue they earn from the crowds. The saturation of licensed premises in Potts Point has led to a high volume of motor cars and bikes entering the area with a corresponding increase in traffic noise. This also affects surrounding areas of Elizabeth Bay, Woollahooloo, and Darlinghurst.

Vehicles are driven by people wanting to attend licensed premises or by others who simply circle the area to sightsee. The noise from this traffic is most noticeable from Wednesday to Saturday and from 10:00 pm until about 4:00 am. The reduction of street parking in the area, has resulted in motorists driving around for anything up to 30 minutes in an effort to find a car space. Often they temporarily park in bus stops and no stopping zones and are noisy and disorderly. Party buses also park in bus stops and their passengers use gardens and green areas as toilets as they walk to and from the Cross.

Motorists also contribute to the noise by driving through the area with stereos at full volume, driver and or passengers yell out, sound horns, have loud exhausts, accelerate rapidly, and leave motors idling. Cars often travel in rowdy convoys and this compounds the problem. They pull over to rev themselves and their engines up before setting out *en masse*.

Trucks regularly transport goods into the area to service each licensed premises, nightclub, restaurant, café and bar. Trucks, when left idling, the sound of warning alarms when reversing, and the noise from changing gears all serve to make, what was once background noise, very much in the foreground noise.

There are more than 12 separate private garbage collectors that come into the area to pick up waste from restaurants, cafes, and bars in addition to the council trucks. The noise from delivery trucks, which have been noted to turn up at 3:00 am and garbage trucks, which start around 6:00 am, further exacerbate the impact on residents. In addition Council also has its own fleet of street sweepers, motorised and manual labour.

Noise from emergency vehicles including the police and ambulance, on their way to deal with incidents arising from anti-social behaviour, also impact on residents at night.

2. Environmental Impacts

The increased density of licensed premises in Potts Point has a direct impact on our local environment. The large number of patrons, which congregate to form huge crowds of up to 20,000 people, cause waste pollution on a huge scale. The streets are polluted with empty bottles, broken glass, cans, discarded food, fast food wrappers, vomit, urine, and other body waste.

While council puts huge resources into cleaning up the mess each day the fact remains that not all areas are covered by the cleanup and residents have to walk amongst the urine and litter each morning. Every residential dwelling and business with an alcove entry or exit doorway has to send in a cleaner to hose away the urine and other waste.

Large numbers of apartment buildings generate large numbers of rubbish bins. Bins are kicked over on a regular basis by drunk and destructive people leaving the area. Garbage is strewn across footpaths, dumped into streets and sometimes emptied on parked cars. Apart from adding to the mess residents must clean up, it also attracts rats and cockroaches and smells terrible especially in summer.

Environmental impacts can be closely associated with increased traffic volumes. The exhaust fumes and emissions from the increased number of vehicles that enter the area negatively impact on residents.

3. Health Impacts

The health impacts from the saturation of licensed premises can be physical as well as mental. They include cuts by glass and spread of disease from unsanitary environment, and personal harm as a result of assault from intoxicated people.

The other major health issue for 30,000 or so people who reside in this area is **Sleep Deprivation** – which arises from insufficient hours of sleep or disturbed sleep. The economic impact of this alone, if it were possible to quantify, would be enormous. Research shows that most adults need between 7.5 and 9 hours sleep. Given late night trading hours followed by noise from clean up, most residents have a reduced window of opportunity to get the requisite hours sleep. Older style apartments do not have the benefit of double-glazing and air-conditioning to help cut out noise.

Sleep deprivation compromises: cardiovascular health, ability to fight infection, speed of decision-making, concentration, ability to think creatively and logically, mood and mental health.

The impact of a lack of sleep is immediate, in that it impacts the person's performance the following day. Sleep deprivation becomes chronic when sleep is continually disrupted and as a result symptoms are more extreme.

If the 42% of the population of this area who work in finance, business, and professions turn up for work sleep deprived – this is a huge number of underperforming and 'at risk' people. NRMA estimates that 1 in 6 fatal road accidents are the result of sleep deprivation.

Those people attending nightclubs on a regular basis as well as those travelling in cars with sound systems blaring are likely to be permanently damaging their hearing. They may incur hearing impairment or even deafness. To allow nightclub owners to breach regulations around acceptable sound levels is giving permission to damage people's hearing. Exposure to excessive sound results in loss of hearing which is not only a cost for the community but for the individual concerned.

It is important to think long-term about the issues the late night economy creates as well as the immediate short-term revenue grab it produces.

Other health impacts include the effects of intoxication and alcohol related illness on the individual concerned. There is an increased risk of injury to self due to accidents arising from intoxication.

Anti social behaviour can affect others including residents. Verbal threats, abuse, and physical assault will negatively impact anyone targeted by such behaviour. Serious assault perpetrated on others can cause debilitating injury and sometimes death.

The impact of clustering licensed premises puts a huge strain on emergency services such as police, ambulance, hospital professionals, and resources.

4. Criminal impacts

Criminal behaviour and associated illegal activities are associated with the late night economy and the clustering of venues exacerbates the dangers for visitors and residents alike. There is evidence that nightclubs attract criminal elements and this has led to conflict and serious assaults in and around the venues. Assaults, shootings and murders have taken place in the area and the difficulties Kings Cross police have in maintaining order on the 'strip' are well documented, by both the police themselves and in media reports.

5. Transport Impacts

Reduced pedestrian access by residents and visitors alike due to the footpath being blocked by large crowds and queuing patrons. People passing through are forced to walk in the street as footpaths are completely obstructed; this is unsafe and unpleasant.

Reduced access to public transport buses due to the street being blocked by vehicles that come into the area at night and restrict bus movements. Darlinghurst Road is not accessible by bus at night as a bus diversion is in place from 7pm.

Reduced access for residents' vehicles as the area is often gridlocked on Friday and Saturday night between 10pm and 2am.

Trains stop at 12 midnight so patrons have to no access to public transport when it is most needed between 12 – 4am.

Reduced access to taxis due to traffic grid lock and taxis avoid the area due to risk of being affected by anti social behaviour.

RECOMMENDATIONS

1. Increase and ensure compliance

The huge number of licensed venues, many with late night trading permits, necessitates a major emphasis on venue compliance by OGLR, COS and NSW Police. The monitoring of venue compliance is an important and essential element to address the issues and impacts raised in this submission. This will remain an essential need regardless of any changes such as trials of closing/lockout times or geographical extensions to the Liquor Freeze.

To return some semblance of order to this area so that a broad range of people can enjoy the night life requires that compliance is mandatory and a round-the-clock 24-hour basis corresponding to the opening hours of licensed premises. It is essential that there be swifter, harsher, and immediate penalties (monetary fines or temporary closure) for infringements, including anti-social behaviour by patrons who have exited venues, and extending to footpaths, back streets and lane-ways. The fact that there are no immediate impacts for blatant breaches of trading conditions means that many owners make this a practice to the detriment of residents.

2. Enhance the Village of Potts Point & Elizabeth Bay

What we want to preserve is the sense of community; the village atmosphere that exists where diversity is accepted, people are respectful and are free to enjoy an energised, and convivial, social environment. The key element of Potts Point and Elizabeth Bay which makes it a village is the mixed demographic of aged, young, rich, poor, gay, straight, radical, conformist, creative, practical and more.

It is important that we encourage a rich mix of businesses from bookshops, music stores, and fashion boutiques, to cafes, delis and grocers, all of which are accessed on foot, creating a vibrant street life, both day and night, and a strong sense of community.

3. Preserve Diversity and de-saturate

Too many of the venues that have been approved to build the late night economy attract a disproportionate number of the same age group; they take over – and given their high level of alcohol consumption and/or use of drugs they make it unpleasant for other people.

4. Ensure Residential Amenity -

'Kings Cross' is a fictional place without a postcode. We need this area to be contained and controlled so that it does not negatively impact residents in the vicinity.

5. Assess the Cost of the late night economy – Social and Financial

'Late night economy' is a euphemism. The increased density of late night premises has not resulted in a 'vibrancy', instead it has created an environment and precinct that is tawdry, chaotic, disorderly, raucous, irresponsible, menacing, out-of-control, and dangerous. It is a precinct where there is illegal activity and excessive use of alcohol in addition to illicit drugs. It is outrageous for government to contemplate that for the sake of a late night economy, anti-social behaviour, contained or uncontained, is an acceptable way of raising revenue, particularly given that it is at the expense of local residents' health and amenity.

6. Implement a meaningful Liquor Freeze

Amend the legislation so that the so-called "liquor freeze" can actually have an effect.

The current legislation only applies to a very limited type and number of premises. It only applies to bottle shops and venues that have a POPE (licence to be a place of public entertainment). And it only applies to these venues if they are located within part of Darlinghurst Road or Bayswater Road. Amended legislation is needed to ensure the freeze includes all areas in Potts Point, not just a tiny part of the suburb.

7. Prevent transfer of liquor licences

Prevent any further liquor license transfers from current owners/licensees in Potts point (Kings Cross) to anyone else intending to trade in the area.

8. Implement a 12 month trial of lockout and early closing

Implement a blanket 12 month trial of 1.00am lockout and 3.00am closing for the Potts Point area. This needs to be put in place urgently so the effects can be measured properly. The NSW government needs to take action with the OGLR to implement a system that has been shown to work in Newcastle. The Last Drinks Campaign recommends these changes and is supported by the Police Association of NSW, the Australian Medical Association (NSW), the NSW Nurses Association and the Health Services Union.

9. We live in Potts Point not an Entertainment Precinct

We want the marketing of the area to be revised. Marketing it as an entertainment precinct is a euphamism for inviting people to use the area for their out-of-control drinking, drug taking, and illegal behaviour. Potts Point is primarily residential neighbourhood. To preserve the village atmosphere in the evenings as well as daytime hours, alcohol free zones need to be enforced. At the moment people ignore the signs completely and drink on the streets with impunity. We want people in the area who are able to join in and enjoy the area without taking over.

10. Close Potts Point to night-time traffic

Close the streets of Potts Point (Includes Kings Cross), from 10pm – 2am, to all traffic other than local residents, taxis, buses, and emergency vehicles.

Reduce speed limits in the area on all main thoroughfares and larger side streets. Have more police presence at hot spots on weekend nights and deploy traffic police at key intersections. i.e. Macleay Street and Greenknowe Ave, Darlinghurst Rd at Victoria Street and Bayswater Rd.

11. Stop the Land and Environment Court from hearing appeals to Council decisions

The process whereby DA applications are appealed and decided by the Land and environment Court must cease. It is more appropriate that applications be assessed by OGLR with appropriate and extensive resident consultation. The Land and Environment Court act with limited local knowledge. Their decisions throw into contention the purpose of having Local Government.

12. Increase the area for notification of liquor licenses (and DAs)

Increase the radius of the area for notification for all OGLR licensing approval submissions. In the dense context of licensed premises in Potts Point there is no margin for error. The problems are severe and warrant major changes to government attitudes and policies.

13. Share the night-time economy with other areas

Encourage the movement of the night-time economy to other non residential areas in the Sydney CBD. Create hubs in other areas that are being redeveloped such as Alexandria.

14. Survey all local residents in regard to licensed premises

Survey all residents that live in the 2011 postcode to better understand views towards the saturation of licensed premises in the area.

15. Independent measurement of noise pollution

Implement independent and serial measurement of noise pollution at various locations in Potts Point during peak times.

16. Independent measurement of air pollution

Implement independent and serial measurement of air pollution during peak times.

SUMMARY

Residents of Potts Point are attracted to the amenity provided in this unique location next to the harbour with many green spaces, parks, and within walking distance of the city. Many residents are attracted to the amenity provided by a diverse array of restaurants, cafes, and small bars. There has been a huge expansion in the number of licensed premises and late night trading which has led to the saturation of Potts Point (includes Kings Cross) and this is having a detrimental effect on the residential neighbourhood.

Residents have the right to have access to their local environment and this includes businesses, libraries, shops, parks, harbour and streets. These people pay rent/mortgages, rates, taxes, and are entitled to enjoy the amenities of the neighbourhood in which they reside.

The social, environmental, and economic impacts that have arisen from the increased density of licensed premises needs to be a major area of concern for both the NSW Government and the City of Sydney. Both bodies are accountable for the significant detrimental impact of their drive to capture the "late night" economy with scant regard for the negative health, environmental, and economic costs both hidden and patently obvious on local residents, NSW police, and the council.

It is important to recognise that residents live here, but for the most part the employees of clubs and bars and most certainly the patrons do not. Residents feel under siege every weekend from people who don't value our suburb and the urban residential amenity. The area seems to have little meaning to them other than as a place to drink, party, scream, shout and then leave behind their trash.

There is a direct relationship between the drive to support an individual's right to socialise and the corresponding increase in anti-social behaviour and alcohol-related violence. Real solutions are needed and consideration of retrospective legislation that will address the overwhelmingly negative and cumulative impacts of saturation from the Council and Government to push for revenue from rapid growth of nightclubs and other licensed premises.

The current complaints processes that residents have available to them are inadequate and onerous. Police are under pressure to deal with extreme behaviours such as drunk and disorderly behaviour, criminal activity, or violence as well as noise disturbance. Rangers are in too short a supply to address breaches of DA's FA's with any immediacy. Residents are given the job of 'policing' their immediate neighbourhood when in fact this is the role of Council and the Police.

Residents will continue to show strong opposition to the changes that have occurred over the past 7 years that have resulted in loss of amenity and show flagrant disrespect for residents. We want a rebranding of this area so that it is a place that has appeal to a broad cross section of the community where people feel safe, respected, and consequently free to enjoy this cosmopolitan area.