

SUBMISSION to LIQUOR LAW REVIEW

of Peter Young

1. Support retention of lockout laws

Improved residential amenity, reduction in incidents of alcohol fuelled violence and reduced injuries/hospitalisations since the lockout laws were introduced in 2014 indicate the laws have worked.

2. Resident of Kings Cross

I have lived in Kings Cross since 2004, first in Ward Ave and since January 2007 in Springfield Avenue.

In August 2015 I was elected as Secretary of *2011 Residents Association Inc.*

3. This submission addresses 'misinformation'

3.1 'Kings Cross is a ghost town'

I supervised a survey of businesses carried out by *2011 Residents Association Inc* during the week commencing 14 March 2016. Attached is the report of such survey. It found more than 70 businesses had opened since February 2014, which were operating during that week. This shows a high level of business confidence in Kings Cross.

My intuitive observations are:

- There is a greater variety of shop than there was in 2013
- The day time economy has improved.
- The evening (6pm-11pm) economy is thriving
- The extremely late night economy has declined. This is to be expected given last drinks at 3am. The late night economy as at 2013 was saturated with alcohol venues with extended trading hours. Density of alcohol outlets and extended trading hours are drivers of alcohol fuelled violence. Kings Cross suffered a double whammy-as a result of deliberate government policy in 2007 to increase venues and extend hours.

Kings Cross has four newsagents within 500 metres of the Coca Cola sign. All of them remain open.



Saturday 19 March 2016 @ 11.30pm



Sunday 20 March 2016 @ 2.50am

3.2 'Live music has been decimated'

In 2013 there was only one live music venue in Kings Cross to my knowledge, El Rocco in Brougham Street. The 'music' supplied in other venues was recorded music controlled by DJs. Lockouts has not affected the 'live music' that existed in Kings Cross.

3.3 'Kings Cross has always been a red light district – move to Mosman if you don't like the situation that exists in 2013'

Kings Cross has always been:

- A residential area
- A red light district
- A shopping centre
- An entertainment place (but not with the volume of late trading venues serving alcohol it had in 2013)
- A drug addicts hang out

Kings Cross has always been multi-faceted. Stating only one facet diminishes, and disregards the other facets. The tension between the various facets has contributed to it being an 'edgy' place. One facet should not dominate to the exclusion of the others. Mutual respect is required. By 2013 the liquor industry had so dominated Kings Cross it was harming the other facets.

3.4 'Regulation of the liquor industry makes a nanny state'

This is an argument advanced by those who appear to believe one should be allowed to do whatever one likes, interests of others may be ignored and one does not have to comply with the law.

For example:

The operators of the Crane Bar in Bayswater Road:

- Removed all chairs and tables from the rear courtyard to create a dancefloor space with a DJ rack, in breach of its DA requirements, resulting in a noise complaint from a neighbour (City of Sydney, *Section 96 Application Assessment - D/1987/95/B*, 1 March 2016)

The operators of the Dejavu Bar in Kellett Street:

- Invited two minors (aged 15 and 17 years of age) to enter the venue and the minors were served 10 shots, six beers and one vodka lemonade. The 17 year old became extremely intoxicated and vomited five times inside the venues toilet. He later collapsed on the footpath outside the venue. He was kicked by a venue promoter and told, "Oi, get up, fuck off"

- Employed staff who supplied illicit drugs to patrons e.g. separately to different patrons
0.94 grams of cocaine, ten tablets of MDMA and 2 grams of cocaine
- Played amplified music in breach of DA conditions, resulting in complaints from residential neighbours
- Fraudulently altered the incident register kept at the venue relating to an incident when a patron ran out of the venue and vomited onto the footpath whilst holding onto a pole to keep himself upright. The patron was well affected by alcohol, stumbling, unsteady on his feet, slurring his speech and continuously vomiting. He later urinated in the street. (Independent Liquor & Gaming Authority, *Disciplinary Complaint under Part 9 of the Liquor Act 2007 in relation to Déjà Vu, Kings Cross and John Barakat, Licensee*, 13 May 2015)

The operators of Backroom in Roslyn Street failed to use ID scanners in accordance with regulations (Three strikes register)

3.5 'Foot traffic has declined enormously'

The streets of Kings Cross (particularly Darlinghurst Road and Bayswater Road) were absolutely jammed with people on Friday and Saturday nights. The huge number of late trading venues was an attractant to those with an attitude of "anything goes".

I perceived a tension in the air on the streets – an atmospheric feeling of aggression. I would not leave my home after 11pm and before 8am. If I did go somewhere, I would stay away overnight and not return to my home until after 8am. Since lockouts I have had no fear in walking the streets during those hours.

A reduction in foot traffic from an over-crowded situation is a bit like an owner of a shipping company complaining pay loads were reduced following introduction of the Plimsoll line.

The latest City of Sydney foot traffic count shows a decline on Friday nights, but an increase in foot traffic on Saturday nights from 6pm until 12.30am with a decline after that.

That corresponds with my observation that evening 'shoppers' (particularly restaurant patrons) have increased since lockouts.

3.6 'Treat us like adults'

I spoke with a university student recently. She conducted interviews in Kings Cross in 2012 from 10pm until 5am on Fridays and Saturdays for a study being carried out by Sydney University. She told me the largest age cohort interviewed was 18-23 year olds and the most common reason for coming to Kings Cross was "to get smashed".

Observations of behaviour on Kings Cross streets causes one to question whether revellers act like adults.



3.7 'Venues have closed because of lockouts'

Care needs to be taken with such claims.

For example:

Dejavu: Operators banned for life from holding a liquor licence. A new (unrelated) operator has re-opened the premises as The Powder Keg

Soho: Sold for residential redevelopment. The licensee's son was convicted of rape.

In a character reference tendered to the court Lazarus's father Andrew said there has been a "major backlash" against the Soho nightclub since the Herald reported his son's conviction on March 8.

He said there has been "a significant decline in patronage" and after 19 years he is going to sell out.

(SMH, Convicted rapist Luke Lazarus jailed for at least three years, 27 March 2015)

Hugos: Word on the street is that it was in financial difficulty prior to lockouts.

Backroom: One of the operators was sentenced to 7+ years for manufacturing ecstasy in October 2014 and the venue was on strikes

Many of the claimed closures have been a deliberate choice of operators because their "business model" was not suited to the new hours.

3.8 '24 hour city'

The words "24 hour city" are used as an imperative.

24 hour cities arise naturally because of size, occurring by organic growth.

Policy makers fail when they artificially attempt to create a 24 hour city, seeing it as an objective, rather than as a consequence or by-product of a large population centre.

Metropolitan Sydney has a population of over 4 million. Tokyo has 13 million, London and New York each nearly 9 million and Santiago about 6M.

Dated: 4 April 2016

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KINGS CROSS – “OPEN FOR BUSINESS”

New Businesses opened in Kings Cross since lockouts

During the week commencing 14 March 2016 members of 2011 Residents Association Inc conducted a survey of businesses in Kings Cross. Subsequent to 20 March 2016 follow up visits and checking has been carried out.

The impetus for the survey were memes being circulated in the media – “*Kings Cross is dead*” and “*Kings Cross is closed for business*”. Those memes did not accord with the instinctive observations of residents.

1. The survey was carried out in the area defined by the Liquor Act as the **Kings Cross** precinct.



2. The chronological component of “new” is for businesses *commenced after 1 February 2014*.

This date was chosen based on the time-line for a suite of measures introduced into Kings Cross known collectively as “lockout laws” :

21 January 2014 – NSW government announces intention to introduce lockout laws

30 January 2014 – Parliament sits and passes the lockouts legislation

24 February 2014 – lockouts commence

July 2014 – scanners commence operation

3. The survey was conducted of businesses easily accessible by foot traffic, that is premises

3.1 at street level or

3.2 at higher/lower level if the business had signage at street level, was easily accessible by stairs and there was no barrier (e.g. a security door) to entry.

Thus businesses located in premises upstairs (mainly professional type services) and businesses conducted from homes – were not reported on. Anecdotal evidence suggests there are many new businesses of such nature established since 1 February 2014

4. New businesses were those:

4.1. established in vacant premises

4.2. in premises where a business of a different nature was previously carried on by a different operator e.g. previously a café but opened as a dress shop

4.3. in premises where a business of a similar nature but distinguishable from the business previously carried on by a different operator e.g. previously a Vietnamese restaurant the premises were redecorated and rebadged as a Thai restaurant by the new operator

4.4 where the same business is carried on by a new operator following a sale of business (these are clearly marked in the notes in the table as “**SALE**”)

The table, usually indicates, which category a business falls into.

5. The businesses listed in the table were operating during the week commencing 14 March 2016 (or shortly thereafter). Where a business is not yet open, but is opening soon, the expected date of opening is indicated in the table.

Business Name	Address	Nature of business	Prior occupation	Start date	Notes
<i>Macleay Street</i>					
Good Times Artisan Ice-Cream	87B	Ice-cream vendor	Paper gifts	23 Feb 2016	
Bronzing on Macleay	Shop 4A, 50-58	Sun-tanning	Cafe	2015	
Laming Real Estate	Shop 3, 50-58	Real estate	Cafe	April 2014	
Priceline Pharmacy	Shop 2, 50-58	Chemist	Cafe	July 2014	
Maggie Chow	Shop 8, 50-58	Chinese restaurant	Champagne & Wine Bar	April 2016	
Laing Real Estate	101-103	Real estate	Bookshop	June 2014	Macleay Bookshop closed March 2014 after 60 years trading
Antique Art Design	3/115	Antiques	Dress shop	July 2015	
The Dentalist	2/115	Dentist	Gift shop	After Feb 2014	
Haz Haz	137	Clothing	NK	July 2015	
<i>Orwell Street</i>					
Potts Point Pilates	35	Pilates Studio	Real estate	July 2015	

<u>Hughes Street</u>					
Potts Point Vintage	2/8a	Vintage clothing	Pawn broker	Late 2014	
<u>Springfield Ave</u>					
Beauty Avenue	13	Beauty Therapy	Pathology	2015	D/2015/1622
PE Dept YOGA	2	Yoga Studio	Restaurant - Vietnamese	April 2016	
CP White Solicitors	24	Lawyers	NK-probably vacant		
Live or Dye	24	Hair dressing	NK – probably vacant		
AAA Communications	24	Communications	NK – probably vacant		
Fountain Newsagency	Springfield Mall	Newsagent	Newsagent	January 2016	Same business but new owner SALE
<u>LLankelly Place</u>					
Poho X Hermetica		Flower arrangements	Real estate	Late 2015	
Lizunova		Jewellery retailer	Art dealer, Real estate	Late 2015	
Bang Tang		Coffee & Food	Coffee		
Osaka Bar		Japanese Restaurant	Restaurant		
VicPizza		Pizza Restaurant	Restaurant		
Watermans Bar		Lobster Restaurant	Restaurant		

<u>Darlinghurst Road</u>					
Bourbon Cellars	22	Bottle Shop (relocated from Crest Hotel)	Vacant since 2011, previously Swans Club - moved		
Amore Womens Hair Saloon	19	Womens Hair Dressing	NK		
Amore Mens Hair Dressers	19	Men's Hairdresser	NK		
Yucca	1A Elizabeth Bay Road	Japanese Cafe	Coffee Shop	2015	
Smart Dollar	49	\$2 shop	Global Brands \$2 shop	2015	
Pizza Hut	82-94	Pizza Shop	Not known	November 2015	
Priceless Compounding Chemist	82-94	Chemist	Burger shop	October 2014	Extra shop for existing Priceline Chemist
Health Nutt	82-94	Health Foods	Japanese Restaurant which had been closed/vacant for a long period.	November 2015	
Healthy Life	62	Health Foods	Vacant	2015	
3 Seasons Thai	64A	Thai restaurant	NK	2015	
Statement Clothing	76	Clothes shop	Vacant	December 2014	
A2Z	46B	Mens hairdresser	Telephone sales	Feb 2015	
Hugomettes	Kings Cross Centre	Coffee Shop	Take Away Food	December 2015	

Sun Host Bakery	Kings Cross Centre	Bakery	Bakery	September 2015	Purchase of existing business SALE
K's Salads	Kings Cross Centre	Health Food (change business plan to retail healthy foods)	Food	May 2015	
A8V	44	Cafe	Indian Restaurant	24 March 2016	
Nim Thai	63	Therapeutic Massage	Tattoo Parlour	2015	
<u>Roslyn Street</u>					
Pot Ted	4B	Garden Supplies	Pet Shop	December 2015	
Jack Rabbit Slims	6B	Mens hairdressing	Gelato Bar	Feb 2015	
<u>Ward Ave</u>					
Beer & Dumpling	9	Dumpling Restaurant	Restaurant	18 months	
<u>Kellett Street</u>					
Delhi By The Way	42	Indian Restaurant	French Restaurant	July 2015	
Meze Bar	64	Bar and Restaurant	Cafe	March 2016	
Doll House		Topless Bar	Bar	September 2014	
ONE	34	Hot Yoga & Pilates	Architects	2015	
Parsons	3	Bar & Restaurant	Restaurant	Jan 2015	
The Powder Keg	7	Cocktails and Restaurant	The "notorious" DeJaVu – operators	2015	

			banned for life from holding a liquor licence		
<u>Bayswater Road</u>					
ARA Beauty	19-35	Beauty Therapy	NK	September 2015	
Studio X	92	Bar (replaced Trade Mark Hotel)	Trade Mark Hotel & Piano Room	October 2014	
Italian Street Food	Shop 6, 2-14	Eatery	Kebab shop	March 2015	
Plateika	Shop 5, 2-14	Greek cafe	Japanese takeaway	December 2015	
Doma	33	Japanese/Korean Fusion restaurant	Vacant for 2 years	January 2016	
Health Space	33	Health & Wellness Clinic	Vacant for years	May 2014	
Daffodil Nails & Beauty	40	Womens nails	Convenience store	July 2015	
Potts Point Vet Hospital	36	Veterinary Surgery	Vacant for years-former nightclub	Feb 2014	Had planned move into premises 12 months before Feb 2014
The Medicine Man	40	Natural & herbal medicines	Nail shop	July 2015	
<u>Kings Cross Road</u>					
Body Mind Life	2	Leisure/health/Yoga	NK	December 2015	

Ceru	2-14	Restaurant	Restaurant (different)	January 2015	
CUB	3	Private Business Club	Vacant for years but previously a Restaurant	October 2015	
<u>William Street</u>					
Tiger Cafe	238	Thai Fusion Cafe	Vietnamese	August 2015	Change ownership, change nature of food
Sushi Bar @ William St	232	Sushi Bar	Food	November 2015	Change ownership & change nature of food
<u>Victoria Street</u>					
APE Artisan Pasta	144	Pasta Take Away	Pizza	April 2016	
The Conclave	176	Thai restaurant	Restaurant	2016	
E.I.R	178	Labour exchange	NK	2016	
Sydney Links Real Estate	194	Real Estate	Vacant for years (previously Korean restaurant)	2016	Real estate previously located in Macleay St Potts Point – but moved to Victoria St
Mum Sabai Thai massage	201	Massage Parlour	Medical surgery	2015	
Glider	197	Coffee Shop	Coffee Shop	2015	Change of ownership SALE
Jon Sewell Hair	3/165	Hairdressing	Vacant at least 3 months, prior a hairdresser	May 2015	

Pop Up Art gallery	191	Art gallery	vacant	February 2016	
Jangling Jacks	175	Bar	Bar	Late 2015	Change of ownership, change name, change type, change fitout
Juro's cafe	145	Café/Coffee Shop	Café/Coffee Shop	2015	Change owner, change fitout, change name.

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