

12 June 2020



The Hon. Stuart Ayers MP
Minister for Jobs, Investment, Tourism and Western Sydney
C/- Liquor & Gaming NSW – Policy & Legislation
Liquor Amendment (24-hour Economy) Bill 2020
GPO Box 7060
Sydney NSW 2001

Sydney Business Chamber

Level 23, 45 Clarence St
Sydney NSW 2000

GPO Box 4280
Sydney NSW 2001

P: (02) 9350 8119

E: enquiries@thechamber.com.au

Email: liquorpolicy@liquorandgaming.nsw.gov.au

Dear Minister,

Re: Liquor Amendment (24-hour Economy) Bill 2020

Thank you for the opportunity to respond to the exposure draft of the Liquor Amendment (24-hour Economy) Bill 2020.

We support your Government's efforts to revitalise Sydney's nighttime economy by cutting or streamlining regulation and we see the draft Exposure Bill as a valuable first step in this process.

In particular, we see the move towards a more outcomes focused approach to regulating after hours activities as refreshing and will result in a safer, more vibrant, and business friendly operating environment for companies seeking to trade after hours.

The Sydney Business Chamber is committed to improving and fostering a more diverse, vibrant, and safe nighttime economy in Sydney. The Chamber has long been concerned that Sydney's relatively poor nighttime offering was adversely impacting on our city's reputation. That our urban productivity was being undermined by a mostly daytime city, which mostly operated only from 8am to 6pm. We have been particularly concerned that Sydney's debate over the regulation and importance of a vibrant nighttime economy has been solely focused on live performance, food, and beverage industries. There is a much wider range of industries which either must, or want to, operate after hours. These include, finance, health, education sectors as well as our visitor economy, such as tourist accommodation and conventions.

The Chamber is strongly of the view that government needs to take a wider view of the nighttime economy and more systemic reforms are needed to enable a more diverse, dispersed, and vibrant industry focused on precincts across the metropolitan area. This is even more important as our society emerges from the pandemic induced lock down and we seek to revive our city's economic fortunes. To this end we have prepared a discussion paper, *Night Shift – Moving Sydney to a 24-Hour City* (Attachment 1.) outlining some key moves government should consider as next steps in the reform process.

In relation to the specific reforms outlined in the draft Bill we are pleased to provide the following input.

A new incentives and sanctions system:

The overhaul of the current complex system for regulating licensed venues is to be commended. The regime proposed in the draft Bill appears to be simpler and easier to navigate. We particularly value its emphasis on 'outcomes' rather than 'inputs' as a better way to ensure community safety and to incentivise good behaviour and reward industry best practice. By combining the existing three sanction schemes into one streamlined scheme should be both easier for industry and business to achieve full compliance, as well as be easier for government to administer.

An evidence-based approach to manage the density of licensed premises

The Chamber supports the move towards evidenced based policy and the reforms outlined in this section of the Bill reflect this approach. The current regime is both difficult to navigate, is unnecessarily distorting investment and economic activity and, in many cases, for no public benefit or improvement to community safety.

The concentration of liquor outlets in certain precincts does not, in itself, mean a precinct is dangerous or that a heavier regulatory burden should be placed on businesses who want to invest in these precincts. For example, the highest density of liquor licenses in any precinct in NSW is not Kings Cross, but at The Spot, in Randwick. This small, sub-regional town centre is hardly a hot bed of alcohol fueled violence. By refining the current system toward a more precinct-based risk assessment should go a long way to removing much of the regulatory burden on precincts which don't warrant it and towards those precincts where anti-social issues are more prevalent. Importantly, by requiring Community Impact Assessments to be reviewed every two years there is scope for continuous improvement and better policy refinement.

Small bar reforms to continue aligning liquor licensing and planning processes and support 24- hour economy diversity:

The proposal to recognise Small Bars as requiring a much lighter regulatory environment is to be commended. Allowing small bars to cater for families more easily (including minors) will do much to open our nighttime economy to a greater cross section of our population and enhance safety by increasing 'eyes on the street'.

Similarly, fast tracking liquor trading for small bars and removing the need for a Community Impact Statements is strongly supported. These new provisions will be particular needed as the economy emerges from pandemic induced lock-down.

Supporting live music in venues:

The Chamber has long held the view that the inclusion of restrictions in liquor licensing of what type of music or performance could be held was an overreach of the State. Government is not the arbiter for what type of music people should listen to and they should not try. Importantly, there was never any evidence that particular types of live performance encourage anti-social behavior. Government reforms are constructive and send a valuable message to the industry and the community.

Aligning compliance and enforcement responsibilities in relation to noise:

This change was a specific recommendation of the Chamber and its inclusion in the draft Bill is supported. Having up to seven government agencies responsible for managing noise causes both confusion and imposes an unnecessary complexity for venues. The Chamber would urge Government to consider taking this further by adopting a Sydney wide precinct-based approach to regulating noise along the lines of the process used in the Wollongong CBD.

Other minor and procedural changes that remove unnecessary red tape

All of these minor changes are to be commended.

Further considerations:

While the draft Bill is supported and should be implemented as soon as is practicable, there are some other issues which Government could include before the Bill is presented to Parliament. In particular the Chamber is concerned about restarting our nighttime economy following the pandemic driven shut down. We are also concerned that more might need to be done to support venues and licensed premises who may need more administrative flexibility so their operations can respond to the temporary requirements of health restrictions such as social distancing.

The pandemic induced locked down has closed every licensed premise in NSW, and many of these businesses will not survive to reopen as our economy reemerges. There is an urgent need for these lost venues and businesses to be replaced with new ones, to this end the Chamber is working with Council and State planning authorities to ensure the 'existing use rights' of the previous business is able to be taken up by new proprietors so these shuttered venues can reopen. A similar process might need to be considered to ensure new businesses are able to secure liquor licenses in timely manner.

The Chamber also sees the need to ensure some temporary flexibility in how the licensing regulations are enforced. For example, the need to maintain social distancing arrangements means many venues may not have sufficient space to be able to serve enough customers to make reopening a viable prospect. We are working with Local Government to allow for the temporary use of spaces such as footway licenses and other public lands to enable businesses to operate under these restrictions. The Chamber urges the Government to consider the inclusion of some flexibility to support these temporary activities in the Liquor Amendment Bill.

Finally, the Chamber believes that more can be done to support temporary 'pop-up' events secure liquor licenses. Streamlining approvals for temporary events such as Sydney Fringe Festival, street fairs and the like, would do much to support a more vibrant nighttime economy.

In summary the draft Liquor Amendment (24-hour Economy) Bill 2020 contains valuable changes to the operating and regulatory regime of licensed venues that support a safe and vibrant nighttime economy. There is however more work to be done to generate a 24-hour economy across the Sydney metropolitan area and the Sydney Business Chamber looks forward to continuing to work with government and industry to enhance our city's standing as a global city.

Yours sincerely



Katherine O'Regan
Executive Director
Sydney Business Chamber

Attachment 1: Night Shift: Moving Sydney to a 24-hour City



OUR CITY | YOUR BUSINESS
THOUGHT LEADERSHIP SERIES

NIGHT SHIFT

Moving Sydney to a 24-hour City



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GPO Box 4280, Sydney NSW 2001

Level 23, 45 Clarence Street Sydney NSW 2000

www.thechamber.com.au

For more information about this publication, please contact:

Katherine O'Regan
Executive Director
Sydney Business Chamber
Katherine.OREgan@thechamber.com.au

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FOREWORD

night is a time, and a place

As our cities and towns - our places of work and play - are shuttered to prevent the pandemic overwhelming us and our society, it is sometimes a bit difficult to keep thinking of our Cities future. But in spite of this terrible disruption, with our day to day activities curtailed by the stringencies of social distancing, the horrors of epidemiology and the economic carnage of 'hibernation', the Sydney Business Chamber believes we still need to take time to lift our eyes above the horizon and spend some time imagining and planning what we want our future to be. This pandemic will pass, the shutters will reopen, and we will restart our social and economic activities.



We should never let the lessons and opportunities of challenging times be left wanting. The pause and paucity of the pandemic are a perfect opportunity for us to rethink how our city functions, what policies should govern its operations, and what can we change to make an even greater and more prosperous city. This Paper focuses on a significant part of Sydney's future, the nighttime.

Nighttime in Sydney - its economy, its vibrancy and its safety – have been the subject of robust, and sometimes unconstructive, debate for nearly a decade. Which side you take in this debate is determined very much by the lens in which you look through. For some, Sydney after dark is a dangerous time which should be shut down or heavily policed. For others it is a time to party, to socialise and play. For others still it is something to endure while you work as a nurse, a cleaner or as a banker. The result is a debate where no one wins and where competitive interests and policies clash. Where one arm of government fights the other, where one policy initiative is undermined by counter policy and where good governance becomes tangled. It must not be like this.

All of us, government, industry, and community, must see Sydney after dark through wholly new frame. We must see night as both a time and a place.

Reconceptualizing the nighttime as a place prompts a different policy response regardless of where you stand in the current debate. Places need to be safe and healthy, so policing and law order are important. If they are to succeed, they need to attract people, so vibrancy and excitement matter. Successful places are underpinned by a diverse and strong economy so supporting nighttime industries - all of them – is a priority. They also need to be both fair and accessible, so how they are distributed across the metropolis and how you get to them, and around in them, become important. And finally, if we see them as places then we need to think how they are curated and governed.

Now is the perfect time for Sydney to press the reset button on this debate. With much of our daytime and nighttime economies in hibernation, now is the time for us to plan for their reemergence, to put in place the policies and investments which will support the much needed jobs growth and productivity our damaged economy will need. With our cities cultural output stifled and our theatres, music venues and galleries closed, we need to work quickly to get the show back on the road.

This Paper sets out the path for our citizens, civic leaders, and the cohort of industry players so that we can get our city moving 24 hours - to build a better, safer and more diverse nighttime economy. One in where we can all work, rest, and play.

Katherine O'Regan
Executive Director
Sydney Business Chamber

24-HOUR SYDNEY ■

worth fighting for

Sydney is our nation's economic powerhouse. It's contribution to our nation's wellbeing is unparalleled and unrivalled. If once our nation "rode on the sheep's back" we can now claim that our nation rides on Sydney's back. Sydney alone contributes almost 25 per cent of our nation's entire GDP.¹ Our GDP per capita (\$86,500) is significantly higher than our nearest rival, Melbourne (\$72,300).² Its productivity and vibrancy are of critical importance to Sydneysiders, but also to all Australians. What happens in Sydney matters to the rest of the nation. When we thrive, so does Australia.

Sydney's economic potential is being unnecessarily held back because we don't operate to our full capacity. We are still overwhelmingly a daytime city. We spring to life in the early morning with a surge of activity, congestion, movement and commerce and then slowly grind to a halt in the early evening. Our investment in capital stock, - our buildings, infrastructure, and businesses - are mostly inactive and unproductive between 6pm and 8am. Most global cities, the places we compete against for talent and commerce, operate for much longer than we do. The truly successful ones operate 24 hours a day. As a result, they are more productive, they get more out of their investment, both public and private, than Sydney does. More importantly they offer their citizens more. More choice in what to do and when. More employment, retail, and commerce. More socialising opportunities and more entertainment.

These cities better support and enable their nighttime workforce. They don't leave their shift workers stranded, un-served and un-entertained. Shift workers in Sydney, - our nurses, cleaners, share traders, financiers and the like - are virtually abandoned by their city and by the public policies of Governments. Public transport shuts down leaving them stranded when their shift ends. Retail hours leave them without the opportunity to shop, get a coffee or visit a chemist. Opportunities to socialise are almost non-existent. Amenities day workers take for granted are denied our night workers.

It need not be like this. With a change in perspective and policy we can make Sydney into a great, 24-hour metropolis. That with some small strategic investments we can better support people who either must, or want to, work or play after dark. State and Local Governments have finally woken up to the importance of having a vibrant nighttime economy. They have taken tentative steps to removing some of the more restrictive policies and practices which restrict what Sydneysider can do and when. In recent months we have seen relaxation of some of the liquor licensing restrictions on late night pubs, eased hours of operations in some precincts and government is trying to remove some of the more punitive restrictions on live performances and the arts. With the pandemic upon us the Government moved swiftly to allow places like Chemists to open 24 hours a day, (though why a Chemist needed special permission in the first place is worth questioning). Importantly they are changing their rhetoric when it comes to Sydney after dark. Talking up its virtues and downplaying the negatives.

Sydney Business Chamber welcomes these small but critical changes, but there is more our governments, businesses and citizens can do to truly develop a 24-hour Sydney. The debate and delivery of Sydney's night life must expand from a focus on liquor, pubs, bars and music, as important as these are, to look at other industry sectors which may want or need to operate later or earlier.

To give our citizens more choice and more flexibility over when they work or play. To let them decide how they want to organise their own lives and set their own timetable. This Paper sets out a series of key moves for the State and Local Government to take as part of a systemic revitalisation of Sydney. In many cases Government needs to get out of the way, cut unnecessary regulation and restrictions and to let the market flourish. Other moves are for targeted investments and policy changes from each tier of Government that are catalysts for a more vibrant and safe nighttime for workers, players and visitors.

¹ https://www.sgsep.com.au/assets/main/Publications/SGS-Economics-and-Planning_Economic-Performance-of-Australian-Cities-and-Regions-UPDATED-2020.pdf page 9

² https://www.sgsep.com.au/assets/main/Publications/SGS-Economics-and-Planning_Economic-Performance-of-Australian-Cities-and-Regions-UPDATED-2020.pdf page 12

We challenge the existing governance arrangements for the nighttime economy and outline how businesses and organisations, both large and small, can play a role in curating a 24-hour economy.

Finally, it is a call for Sydneysiders to embrace our city, to stop talking it down, to change our culture and challenge our fears and for all our citizens to contribute to a truly 24-hour Sydney.

The Nighttime economy is a priority

As Sydney's leading industry organisation, the Sydney Business Chamber knows that our cities urban productivity is of critical importance to business, our wider economy and life. We also know that Sydney's productivity is being constrained by an 8am to 6pm economy. That we are not realising the full potential of our investments, - our buildings and businesses, transport and infrastructure, both public and private, - because we are only using them half the time. Too often our investments sit idle after 6pm and only spring to life after 8am. It need not be like this.

Our Cities cultural vibrancy matters. No one wants our City to be empty, boring or dull. Brand and reputation are critical if business, universities, industry are going to be able to recruit and retain the best talent. It is critical if we are to attract the capital and investment our growing population needs.

Importantly, we appear to have talked our city into a funk. That our own citizens don't feel safe to go out at night, when they have never been safer. That our most talented young people feel there is no place for them in our City and are now going elsewhere. We know a vibrant, diverse and safe nighttime economy is important to business. We also think it's important for our fellow citizens, our workers, and our families to welcome, and feel welcome, throughout the different shades of night. This is why we are pushing for more reform from Government.

This is why right now as we restore and reshape our city, we must grab with both hands the opportunity to embed the shades of night into our plans, policies and our personality to get the night right.

NIGHT - A PLACE FOR WORKERS ■

Recent studies indicate that some 234,000 people work at night in Sydney. These are mainly in the food (152,000), entertainment (49,000) and drink (33,000) sectors.³ That is a lot of jobs, and these industry sectors are clearly deserving of government attention and support. However, this attention and support is narrowly focused on the entertainment, food and beverage sector. Because these figures only show a portion of the true number of Sydneysiders who work at night, they reflect a very narrow view of our nighttime economy.

There are many more industries which need and could operate at night other than entertainment, food and beverage. Our cities biggest private industry sector, finance, is a 24-hour operation with traders working through the night following money and currency markets. Our cities biggest public sector industry, health, also has a significant proportion of its workforce employed at night, managing hospitals and caring for the sick. Many other industries also operate throughout the night. Our cities logistics and supply chains need to support our 24 hours ports, airports and freight. Our tourism industry employs many thousands who clean our hotels and cater for the needs of our cities guests.

Each of these industries operate 24/7, but their needs are often missing from the current debate and these industries employ far more people across a broad range of skills, competencies and capabilities than just the entertainment, food and beverage industries. For example, Liverpool CBD currently has 18,000 people who work there every day, but some 8,000 of these jobs, almost half, are associated with Liverpool hospital. Of these 8,000, some 1000 work after dark. That is far more people than would work in all the other industries which work at night in Liverpool's CBD combined. The same is true across each of our main employment hubs and town centres. Some of our cities fastest growing centres, places like Macquarie Park and Norwest, have thousands of people working at night but almost no restaurants, pubs or music venues. Food, beverage and entertainment are important, but they are only part of the fabric and potential fabric of a strong nighttime economy.

Government policies and investments which solely focus on supporting part of the late-night economy will miss the mark. To develop a truly vibrant late-night economy, we need to support a diversity of industries and not just in the Sydney CBD but across the wider metropolitan. This Paper sets out a path for policy makers and civic leaders to design, develop and deliver a 24-hour Sydney. It addresses who is currently working at night, who else might actually want to or could participate in a 24-hour Sydney, and what are the current roadblocks stopping them.

³ Deloitte Imagine Sydney Report page 33

Who Works at Night and Barriers to Work ■

There is no current data available that quantifies the appetite or the latent demand as to how many more of our citizens would want to participate in the late-night economy, either as workers or consumers. There is however strong evidence that, given the chance, many more of us certainly would change our behaviour and grab the opportunity with both hands. The proliferation of 24-hour gyms over recent years suggests that many of us are not only prepared to be physically active at all hours of the day and night but we embrace the opportunity to rearrange our work and home lives across a broad time spectrum. Similarly, large scale events such as New Years Eve, Vivid and Parramasala and local events such as our many local night markets, show Sydneysiders will come out at night, but only if the conditions are right. So, if there is a demand, why do so many of us stay home?

The first issue is our transport system which is geared almost exclusively for the daytime economy. Sydney is spatially a disjointed and sprawling metropolis. We rely on public transport to get around and when it's absent, like it mostly is at night, many of us simply choose not to go out. When public transport is available at night, like on New Year's Eve or during Vivid, Sydneysiders come out in their hundreds of thousands.

For many of us, staying in is not an option because we have to work. Shift work is hard enough but without public transport many struggle to get home when the night shift is over. While new forms of transport like ride share, have started to fill this gap, it's not always affordable and not always available in all parts of the city. NSW Health tell us that one of the biggest issues recruiting health workers to work at night is the extra financial burden of having to get a taxi or Uber at the end of the shift because the buses and trains have all stopped.

To get around this many public hospitals now offer their staff a 10-hour shift, so nurses and other health workers can finish work at 7am, when the public transport has started, and not at 5am when they would be leaving them stranded. A transport system that is dictating work rather than enabling work is not only bad for the economy, but it imposes an operation and budgetary cost on our health system and consequently creates additional cost to the taxpayer.

Another barrier to working at night is crime or, more accurately, the fear of crime. Many Sydneysiders do not feel safe after dark, even though our city has never been safer, and crime is at an all-time low.

This fear might be unfounded, but it is also entirely understandable. For the past decade we have been bombarded with media reporting of alcohol fueled violence. Glassing's, one-punch laws, and the like, have painted a distorted picture of Sydney after dark. While it might be safer than it's ever been, our streets are also often dimly lit and our public spaces poorly designed. This distorted image of rampant crime and dark and dangerous streets has created an image of a self-fulfilling prophecy. With many of us scared to venture out, our main streets and town centres are often empty. Nothing is more alienating or fear inducing than a poorly lit and empty street. We know that foot traffic put more eyes on the street, appropriate public and private light can change the sense of welcome in a place and that social self-regulation is an effective form of deterrence, yet we continue to ignore that a dark empty walk from work to the train station can be one of the main reasons to not take a job.

Each of these factors add up to generate a low level of participation and willingness to participate in activity after dark. This is compounded by the biggest impediment to participating in the nighttime economy, red tape.

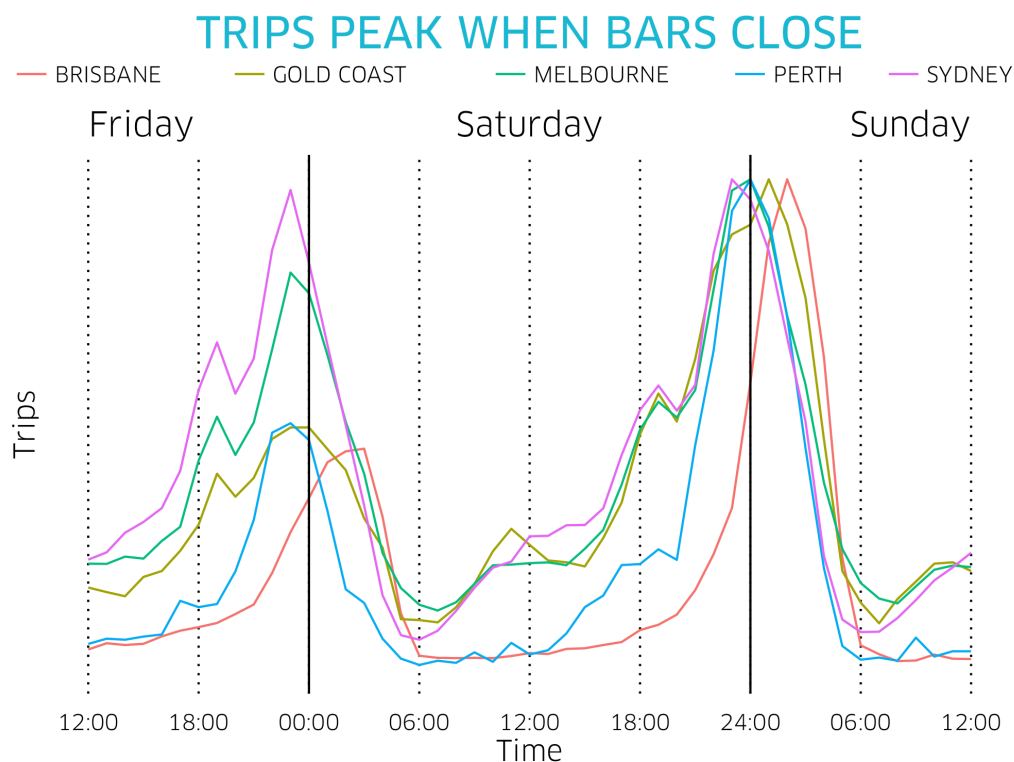
Governments, both State and Local, have a welter of regulations and rules when it comes to the nighttime economy, rules which don't apply to the daytime economy. These are rules and regulations that have been founded on the old and premise of day is activate and at night activity is permissible by exception.

Most businesses are actively discouraged from operating at night and often for no reason. Almost all Councils require a bookshop, chemist, or restaurant to lodge a Development Application if they want to open in the evenings or at night. Why? What is going to happen in a bookshop at 9.30 at night that needs a full DA assessment? How does a late-night chemist impact on public amenity? Of course, some industries and businesses do need to be regulated, particularly noisy ones like heavy manufacturing, but most don't. Why is that when it comes to opening a business the default position is a mandated period of operation between 8am and 6pm. The State Government also has much tighter licensing, planning and regulatory regime for industries which want to operate outside daylight hours. Between the two tiers of government, this plethora of regulations and rules often overlap creating a difficult and confused environment for new businesses to navigate if they want to operate in the nighttime economy.

In recent years both levels of Government have made tentative steps to remove some of these barriers. There have been trials of limited late-night public transport services. Some Councils are working on improving lighting and urban design to make our places safer. State Government is trying to remove red tape, and some Councils are making great strides in facilitating approvals from 24-hour businesses.

In the reacting and adapting to the impact of COVID-19 State and local Governments have relaxed some of these restrictions including allowing greater flexibility for the delivery of goods, footway dining, the sale of goods and use of premises. These need not be temporary one-off allowances but can safely and suitably transition to permanent outcomes that foster local vibrancy and economies.

This Paper seeks to build on these tentative reforms and take them further so that our City, businesses and our citizens can reap the benefits of a thriving 24-hour economy.



⁴ Figure 1. Capital City Ride Share Flows

⁴ UBER

Measuring the Pulse of the City

Sydney might be Australia's only global city, but we are still a long way from being a 24-hour city.

We compete for talented workers and footloose capital, with 24-hour cities like Tokyo, Singapore, London and New York. Increasingly we are also starting to feel competitive pressure from emerging global cities such as Bangkok, Dubai and even Melbourne. While on many metrics like livability and the quality of our environment we are doing well, if our economy is to continue to be resilient and thrive, we need to ensure we can match these cities for lifestyle and productivity. That means supporting and encouraging a nighttime economy.

According to UBER, demand for rideshare in most global cities peaks when public transport starts to shut down after dark and people are forced to seek rideshare services to get home. Where and when this peak occurs is good proxy for how vibrant a cities nighttime really is.

In Sydney this peak is almost an hour before Melbourne's suggesting they have more people out and about later than we do. In some of our competitor cities like Barcelona, this peak in demand is closer to 3am. We are a long way from being the city we need to be.

NIGHT MOVES - A PRECINCT-BASED APPROACH ■

Sydney's economy is overwhelmingly services based. Our big industries, the ones we are all most likely to be working in, are finance (6.4%), education (8%), health and aged care (11.6%), professional services (9.8%) and retail (12.9%). While we still have other important industries like manufacturing (5.8%), construction (8.2%) and even agriculture (0.4%), services are by far Sydney's largest industries.⁵

Importantly, service are also the industries which are most likely to want or need to work after dark. As our nation's only global city, many of our services are international exposed and must operate across time zones. Others are inherently 'human focused' industries and must provide services when people need them. Our finance industries don't stop when the ASX shuts at 5.00pm and hospitals are not a 9-5 enterprise.

Another feature of the services industries is they are clustered in our cities downtowns and sub-regional centres. Places like Parramatta, Chatswood, Liverpool, Hornsby, as well as in the CBD.

More than any other sector of our economy, service industries 'cluster' to take advantage of economies of scale, the 'spill over' of people and services and to support specialisation. The benefit of having so many of the industry sectors which want or need to operate at night all clustered into these town and suburban centres is that we can take a precinct-based approach to policy, land use and planning for a late night economy and focused on all the service industries.

Policy initiatives of Government for the nighttime economy have not only been focused on the beverage, food and entertainment sectors but have also been focused on our two existing late-night precincts, the CBD and Kings Cross. If in this post COVID-19 environment we are committed to developing a vibrant 24-hour economy, it must comprise of actions that stimulate and engage a diverse range of industry sectors. It must also be geographically dispersed and spread across our metropolis in much the same way that the daytime economy.

Adopting a broad precinct-based approach focused on our regional and sub regional town centers will derive many benefits including enabling:

- a focused policy effort, while also allowing flexibility to reflect local differences in each centre.
- targeted investment and coordination of infrastructure, both public and private
- support of the nighttime economy while still protecting residential neighbourhoods and communities from disruption
- establishment of localised tailored governance models to facilitate and curate each precinct
- enhanced reach and equitable access for citizens to what the nighttime economy can offer through precincts located across the three cities of our metropolis.

⁵ <https://profile.id.com.au/australia/industries?WebID=250>

KEY NIGHT MOVES ■

Great cities don't happen by chance

To get our City and our night economy moving we have identified six Key Night Moves.

Together these policy reforms provide clear and crucial steps to respond, adapt and importantly, build back better our City as we overcome the challenges beset by the Corona virus.

While deeply devastating for lives and livelihoods we must rise from the 2020 pandemic stronger. Now is the time act, be bold and shape our City so that we become a resilient and vibrant 24-hour Sydney.

■ Move One: A SEPP for the night economy

Taking a precinct-based approach, we must then prioritize land use and planning to ensure planning controls actively facilitate an inclusive and diverse nighttime economy.

Economic activity which is supported during daylight hours currently need special permission for the same activities to be allowed after 6pm. In most Council LEP's, a bookshop, chemist, or even an office building has a standard condition of consent which mandates daytime hours of operation. If the applicant wants to open after hours, they need to then apply for special permission by lodging a Development Application.

If permission is granted, it is often only for a trial period, so the consent authority can assess if any 'anti-social behavior or disruption' has occurred before a more permanent approval is considered. In many cases the extra hurdle of getting special permission is complicated and prohibitive. In most cases the requirement to do so is irrelevant and unfounded.

The night-time economy is fundamentally and frequently obstructed by bureaucratic overreach. A recent burger shops application in Parramatta to extend its hours of operation by just two hours was rejected because its application was not accompanied by a "flood study". This is not an isolated case. The Governments' recent announcements allowing businesses like chemists to operate 24/7 during the pandemic prompted many to ask why they needed permission in the first place. Many businesses find it simply too hard to seek permission to participate in the nighttime economy; it is as if the planning system regards operating at night as the exception.

Many Councils are now actively reviewing their planning policies with a view to facilitating their nighttime economies and remove many of the regulatory barriers to working at night. Sydney City now has no restrictions on hours for commercial office buildings. They are working on a development control plan which seeks to introduce a suite of further changes which should see their nighttime economies thrive.

Importantly Sydney City have adopted a much broader definition of the night time economy to being all "the economic activity which occurs primarily between the hours of 6pm and 6am".⁶ And they are not alone, Liverpool, Parramatta, Inner West, among others, are all well progressed with planning reforms and policies to support a more diverse, vibrant and safe nighttime economy.

As welcome as this leadership from some areas of local government is, the process of reform is painstakingly slow, and many of these advances still require approval from State agencies before they can be implemented.

⁶ Nighttime Industries Association Submission to the Parliamentary Inquiry. Submission 592 page 8

There is an opportunity for State Government to step in and to step up with a State Environment Planning Policy (SEPP) for the Nighttime economy. A SEPP that enables those Council's which want to develop a vibrant nighttime to declare their town centre a late-night precinct and allow the policy to apply. The SEPP could incorporate many of the policies currently being pursued by some local councils, including:

- Agent of Change rules so new developments don't unduly curtail existing business operations
- Enabling much longer trading hours for certain precincts, and for certain businesses like bookshops and chemists to open to whatever hour they like
- Provide a streamlined, 'one stop shop' approvals process which combines state and local government approvals and licenses for businesses seeking to operate in these precincts
- Expanded exempt and complying criteria to remove unnecessary requirements for Development Applications
- Create flexible zoning allowing a variety of permissible uses in a single building, such as allowing an office building to open a bar or gallery in their foyer after hours
- Amend s149 certificates so new residents know that the precinct they are moving into is a late-night precinct before they buy

This list is by no means exhaustive and could be expanded to include streamlining some of the State Government approvals, regulations and licenses. Such a SEPP would enable those Council's which want to support a nighttime economy in their local downtowns and centres a quick way to opt in. It would quickly remove much of the red tape and bureaucratic overlay which stifles a 24-hour Sydney.

Importantly it would be a clear statement of intent from the State Government that it believes a more diverse and distributed nighttime economy is of value.

■ Move Two: Strategic investments in precincts

By taking a precinct-based approach we can also focus our public and private investment in enabling infrastructure and services to where they will be most effective. Private sector companies wanting to work later or earlier than daylight hours can have more certainty about their operations. They can invest with more confidence, knowing that what they want to do is permissible. More importantly they will know that they, and their workforce, will not be working in isolation but are likely to be surrounded with similar businesses also operating at night. Other industries and services which want to service this workforce can also extend their hours of operation to meet the demand. Chemists, cafes, GP's, taxi's, restaurants and bars and the like can easily open knowing there is ready market of late-night workers needing to be fed, provided with healthcare or to socialise.

Equally important, the public sector can invest in providing services and infrastructure in a more focused way, knowing that there is a larger, more vibrant, and more populated nighttime economy they need to serve and in a concentrated location. Councils can consider extending certain services in these precincts, such as libraries and 'one-stop' shops. State agencies such as Service NSW can open later to meet the communities need for services outside traditional opening hours. Public galleries and museums can also open later confident of extra footfall in their premises. TAFE and Universities can offer education and training knowing their students will not be alone in the precinct when their evening classes finish.

These precincts will become more productive as the capital stock, the buildings and businesses – public and private, will be more efficiently utilised. But they will also be more vibrant and safer. Planning reform is central to a better late-night economy to enable these places to not only function, but thrive, but more key moves needed.

■ Move Three: Transport and mobility

A precinct-based approach allows us to consider expanding public and private transport to ensure these areas are better connected. Sydney is a low density, sprawling City. Our five million citizens are spread out across an area twice London or New York's footprint. This sprawl is perhaps the biggest barrier to developing our nighttime economy. It is just too hard or too expensive to get to work, a restaurant or shop without some level of transport. Getting from most parts of Sydney into the CBD (currently our only late-night precinct) often means paying for expensive carparking or an even more expensive taxi or rideshare. Encouraging a greater distribution of late-night precincts across the three cities helps overcome this barrier, but we do need to provide some transport choice if more of us are going to be able to participate.

We understand that it would be prohibitively expensive to run our full public transport system 24 hours a day. Even our most dynamic competitor Cities, like London, Singapore and New York, don't do this. However, if we could offer connectivity between these main late-night precincts - a night-train or bus on the hour-, workers, shoppers and those seeking entertainment, would have some options which could get them at least most of the way home. The last mile of their trip could be met with a shorter, and more affordable, ride share or taxi's.

Many of the precincts we are trying to activate at night do have good transport connectivity, it is simply that they wind down too quickly after the evening peak. It need not be like this.

Rideshare and the London night-ride

In 2016, Transport for London started the 'Night Tube', a new service on the Underground for passengers travelling between 12.30am and 5.30 am. Running on only two key Lines, the objective was to cater for increasing late night travel demand in London's nighttime economy by providing reliable and affordable service. The hope was to provide more choice for people who had previously been reliant on rideshare and taxis to get home late at night.

Counterintuitively, while the Night Tube was successful and quickly attracted passengers, the number of people using rideshare services like Uber also increased. While there was a small decline in rideshare trips in the inner city, at some stations along the two routes rideshare increased by 300%. It seems people were using the Night Tube to get most of their way home and then taking a cheaper and shorter rideshare option for the 'last mile' of their trip.⁷ For more information click ([here](https://medium.com/uber-under-the-hood/londons-new-late-night-alternative-the-night-tube-uber-8f38e56de983)).

This simple initiative had many benefits for London's nighttime economy. Not only were people provided with more transport choice, the reliability and affordability of a timetabled service gave them both certainty so they could plan their night. It also led to a better and more equitable distribution of ride share services across the metropolis, as outer suburbs suddenly attracted drivers. Something Sydney really needs to address.

⁷ <https://medium.com/uber-under-the-hood/londons-new-late-night-alternative-the-night-tube-uber-8f38e56de983>



Change in Uber Trips Starting near Station

- 20-40% Decrease
- 10-20% Decrease
- Up to 10% Decrease
- Up to 100% Increase
- 100-300% Increase
- Greater than 300% Increase
- Central & Victoria lines
- London Zone 1

The colour of each station (dot) represents the change in Uber trips starting near (within 200m of) the station on weekends between 1 AM and 6 AM since the Night Tube service was started

Data from London between July 04 and September 25, 2016 which corresponds to 6 weeks before and after the start of Night Tube service in London. Data from August 29th (bank holiday) was excluded.
Basemap © OpenStreetMap contributors. For more: <https://www.openstreetmap.org/copyright>

⁷ Figure 2. Uber trips starting at night tube stations

■ Move Four: Curating the nighttime economy

Great cities do not happen by chance.

They are the result of careful planning and coordination from across the tiers of Government and with the active involvement of the private sector. Getting these late-night precincts flourishing across Sydney will not happen by chance either. They need careful curation and coordinated support.

This Paper is seeking to reframe our thinking away from just seeing night as a 'time' to seeing night as a 'place' and the key to successful places is curation. We need to ensure that each precinct has a mix of services and industries, be it retail, commercial, food or entertainment. While some specialisation between precincts should be encouraged it is important that just one sector does not come to dominate the whole local economy.

That was the undoing of Kings Cross as bars, nightclubs and strip clubs proliferated to the exclusion of any other industry sector. The result was public policy crack down, lock-out laws, and the shuttering of Sydney's nightlife. A vibrant nighttime economy is one that offers our citizens a choice of services, goods, as well as entertainment. They offer places where everyone, shift workers included, can have their lunch whether it's 1am or 1pm.⁸ If one sector becomes too dominant than other industries and citizens get excluded.

The private sector is well placed to drive this curation while still allowing the free market to flourish. We have been doing just this for years in the active curation of Malls and shopping centres and we can help government do it for town centres. We know that a well-functioning and vibrant shopping centre offers a diversity of services and goods. While they are often anchored by a large retail or department store, they also have many and varied specialty shops, food outlets as well as service providers like GP's, chemists and post offices.

The public spaces are actively managed and carefully maintained. Seating is offered for the elderly, small rides for the kids and pop-up events and temporary stalls encouraged to ensure each visit to the centre is comfortable, varied and interesting. Security is on hand to ensure people are safe and curb any anti-social behavior. None of this happens by accident.

We need to take some of the skills and techniques we use for Malls and shopping centres and apply them to our town and regional centres. These places need active curation if we are going develop a varied, vibrant and safe late-night economy in each of them. How we do this and more importantly who should drive this curation, leads to our next key move.

⁸ [London at night: An evidence base for a 24-hour city](#)

■ Move Five: Governance and joined-up Government

Who is responsible for developing the nighttime economy is currently very confused with different levels of government and a plethora of agencies, all playing fragmented roles.

While each may be 'doing their bit' there is no one single agency or level of government that has a mandate to curate each town centre for the nighttime. This creates a confused regulatory environment and can often see agency's tripping over each other, or worse. If we are going to develop a 24-hour Sydney, we need to sort this out – now.

Woolongong takes a lead

Wollongong Council was an early leader in getting "joined up" Government to support its nighttime economy. As well as implementing a suite of reforms in their planning controls they managed to convince a plethora of Government agencies to work together and coordinate their activities. One example was establishing a one stop shop to manage noise and nuisance complaints, combining the responsibilities of the Environmental Protection Authority, NSW Police, and Council into a single hot line for the community. Vexatious complainants were denied the opportunity of 'venue shopping' by pestering each agency but it also ensured genuine issues were managed in a coordinated and efficient way.

Perhaps more importantly they made their intentions very clear to their local community that they wanted Wollongong to have a vibrant nighttime economy by inserting a simple clause into every property title.

"Wollongong City Centre and Town Centres play a key role in accommodation, cultural, sporting and business uses. A key to the revitalisation of these centres' is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre".

Local Government: Who should take the lead role in the governance and coordination of the nighttime economy may vary from precinct to precinct.

In most cases the local council is best placed to provide this as they know their local communities needs and understand their local businesses better. They are the principle agency when it comes to managing the public domain - ensuring streets are clean, well-lit, and well designed – which is critical to ensuring a safe and vibrant nighttime.

They are also usually the best placed to provide those catalysts which can bring vibrancy and life to the nighttime, 'place of cultural importance'. These are the theatres, performance venues, galleries and the like that play the role of an anchor tenant for the nighttime economy but which mostly can't be provided by the private sector. Places like Willoughby Council's Chatswood Concourse and Penrith Councils Joan Sutherland Theatres.

But many Council's do not have the resources they need to provide this leadership and curation. Here consideration should be given to small rate variations to fund specific precinct needs. Liverpool Council now has a special rate levy to fund civic upgrades, better street lighting and special events and activations. A similar levy applies to Newtown to support cultural marketing and safety campaigns.

Alternatively, Councils could be encouraged to use the planning system to encourage the nighttime economy by providing density bonuses and land use concessions to encourage the development of new theatres galleries and performance spaces.

The Concourse: A public private partnership

Twenty years ago, Willoughby Council realised that if Chatswood Town Centre was develop a nighttime economy it needed a catalyst to bring people into the area after hours or encourage workers in the precinct to stay after their day jobs had finished.

Having identified the need, the Council set about developing a plan to fund the development of a multi venue performance centre and library. They imposed a small levy on new development in the area and identified some surplus Council owned land they could sell to raise the capital. They worked with the local Chamber of Commerce and property owners and convinced them to agree to a special rate hike to meet the recurrent costs of operating the venue as well as a special parking levy. Armed with a suite of funding streams, they were then able to borrow \$40 million dollars to cover the final cost of capital. In 2011, they were able to open a \$200 million venue comprising a 1000 seat Concert Hall, 500 seat theatre as well as rehearsal studios, art gallery and a new library. The theatre operates seven nights a week bringing thousands of people into the precinct. The Concourse is credited with revitalising the Chatswood town centre which now has a much more vibrant nighttime economy.

Several Sydney based Councils are keen to replicate Willoughby's success including Liverpool, Campbelltown and Parramatta, but sadly many of the mechanisms once available to local government to fund these investments in the nighttime economy have been removed by the State Government. Public Private Partnerships must now be approved by NSW Treasury and need to make a rate of return which places of cultural importance cannot achieve. Councils are prohibited from levying local development to fund these types facilities and special rate levy's face much higher hurdles before they can be imposed. When the State Government made these reforms, it wasn't intending to stop infrastructure which support the nighttime economy but that has been the unforeseen, and unfortunate, consequence.

The Chamber wants the different tiers of Government to work together on resolving these issues and to stop frustrating each other when it comes to delivering the services and infrastructure a 24-hour Sydney needs.

State Government: While Council are in most cases best able to drive curation of the late-night economy, there is still an important role for the State by removing the many regulatory and financial barriers preventing Councils investing in their Centres.

It can also better coordinate its own agencies to ensure a more seamless delivery of services and regulations which work in favour of the nighttime.

The State also has a role in providing those critical catalysts for nighttime vibrancy, such as theatres, museums stadiums and galleries. The opening of Bankwest stadium has brought an enormous boost to Parramatta CBD with events held most days, and importantly, most nights of the week. The new Museum of Applied Arts and Science will bring an even bigger boost to the nighttime vibrancy in a few years. The State should consider how it can use the planning system to deliver more of these through a 'Places of Cultural Importance SEPP'.

The State Government could also play in role in collecting and disseminating the data on who actually works at night, who would want to work at night if they had the chance and what's stopping them. Data on the whole of the nighttime economy is currently a major gap and a significant obstacle to developing a more robust public policy response.

Consideration should also be given to creating a Minister for the Nighttime Economy, in much the same way we have Ministers for other industries like Tourism, Agriculture and Mining. Someone who can provide a voice within Government for the thousands of Sydneysiders who work after dark. Someone who can ensure the new legislation and regulation supports, and does not strangle but grows and facilitates, Sydney's nighttime.

Industry: It is also critical that business gets proactive in building a better, more vibrant nighttime economy. As businesses working in these precincts, we have a lot at stake. When these precincts thrive and function longer into the night our investments will make a better return. We will find it easier to attract and retain talented workers when we work in a more vibrant and safer environment. More importantly businesses are probably better at curating the nighttime economy than the public sector. They have experience in activation, marketing, and logistics and all the skills which make an economy hum. They must have a seat at the table.

Here the Business Improvement District (BID) model, used widely in the US and Europe, should be seriously considered. BIDs come in many shapes and sizes but essentially, they involve local businesses and property owners working together to provide services which Government either can't or won't provide. It might be marketing for a precinct, extra security at night, holding special events or, as in the case of Chatswood Concourse, paying extra taxes for critical infrastructure.

Art and culture as anchor tenants. A "Places of Cultural importance" SEPP

One of the biggest problems Sydney's nighttime economy has suffered from in recent years was its lack of diversity and that it was almost entirely reliant on alcohol. When a series of violent events prompted Government to crack down on liquor licenses and the opening hours of bars and clubs, much of our nighttime economy vanished. And along with the pubs went much of Sydney's cultural life.

If we are to rebuild Sydney's cultural life and establish a nighttime arts industry, we need to do so without it once again being over reliant on alcohol. If we don't, we risk making the same mistake. But if the arts and live performance are not going to be funded by alcohol sales how are we going to provide venues and outlets for Sydney's creatives?

At the heart of many of our town centres sits a vacant and boarded up theatre. There is the Minerva in Kings Cross, The Royal in Martin Place and the Roxy in Parramatta to list just a few. Worse still, many town centres like Liverpool, Blacktown and Hornsby don't even have these relics. But as Chatswood Concourse has shown, these theatres and public arts spaces are often the critical ingredient to making a place vibrant and safe at night.

The Chamber understands that in most cases it would be prohibitively expensive for either tier of Government to just fund these important places. We also know there is limited appetite from the private sector (beyond philanthropy) to undertake such an enterprise. However, there is scope for the different tiers of Government to work together on some clever and creative policy interventions which could reopen some of these abandoned places of cultural importance, and more importantly, build new ones.

One option is to allow the undeveloped air space above these abandoned buildings to be sold off and transferred elsewhere as bonus floor space. This was the mechanism that we used to save the Capitol and State Theatres under the heritage floor space scheme. Unfortunately, trading heritage floorspace is currently limited to only Sydney's CBD, but it could be expanded to cover other precincts across the metropolis. Importantly it could be expanded to include places that aren't necessarily heritage listed but are still important culturally like the Minerva.

Another option is to allow for greater flexibility in our planning codes to provide incentives for the private sector to build these crucial places. This was how Sydney's Recital Hall and Lyric Theatre were built and Sydney City Council is currently exploring using this mechanism to bring back a venue as part of the redevelopment of the Verona theatre.

The Chamber believes these two options could be combined in a Places of Cultural Importance SEPP and jointly administered by State and Local Government.

■ Move Six: Culture Change

The final step in fostering a better late-night economy is for our fellow citizens, all of us, to start to appreciate what a more vibrant and productive city we could have. We need to value the nighttime economy, not be scared of it.

Unfortunately, there is a perception that Sydney after dark is a frightening and violent place, but this is untrue. Our City is not wracked by crime, notwithstanding the claims of some politicians and civic leaders. The crime figures speak for themselves; Sydney currently has the lowest level of crime, and across most categories, in its history.

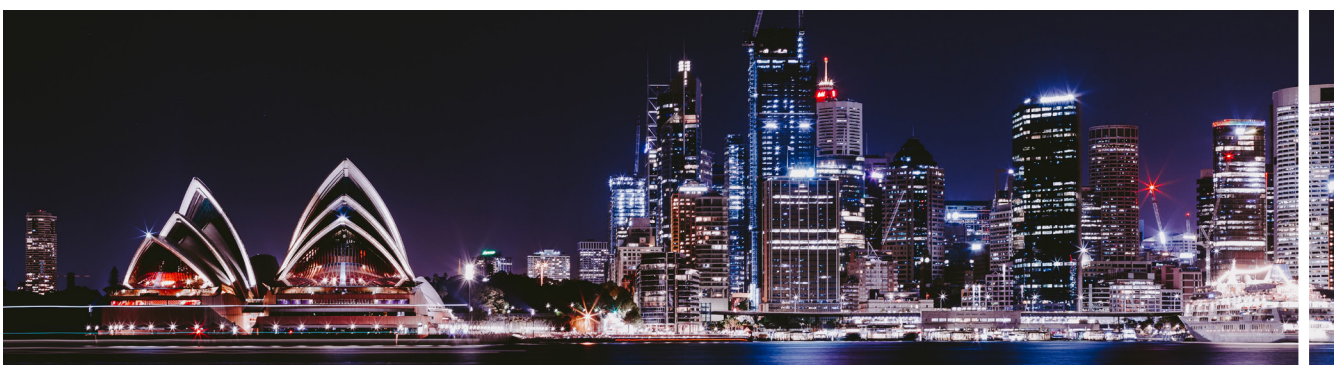
This unfounded fear has some perverse consequences. For too many Sydneysiders the only interaction with the nighttime economy is ordering Uber Eats and watching Netflix. We've become accustomed to staying in and will only venture out for a rare special event like Vivid or the fireworks on New Year's Eve. The City that hosted the "best ever" Olympic Games can do better than that. We've talked ourselves into a funk and we need to snap out of it.

But the other perverse consequence is that our fear has led to timidity and caution from some of our civic leaders. We have had some tentative, but positive, policy changes at both the levels of Government that matter most for our city, but we need more. We need our citizens to encourage our civic and business leaders to be bolder and to go further. We need our citizens to demand that our shift workers not be left stranded by a lack of transport. To demand government gets out of our way if we want to go to chemist or bookshop after 10pm. To demand they reopen those theatres and venues which lie empty and to open new ones.

The COVID experience has ignited a localism – a connectivity to the amenity of our neighborhood streets, parks and the corner store. This can and must be capitalized on to generate a unity and support for not only what happens during the day but during the hours when night comes. We must give people a sense of welcome and safety to walk their dog, push a pram, play the saxophone in a park - any time, we must create options for families to take a walk and talk, and we must places so socialise safely both indoors and outdoors across our great City.

Great cities don't happen by chance.

They happen only when all the levels of Government work with community and industry towards a common goal. They happen when all our citizens actively engage with civic life, both in the day and at night.





**Working to enhance Sydney
as a competitive global city**