



Submission to:

**The City of Sydney's discussion paper:
Night Trading Premises**

September 2006

1. THE AIDS COUNCIL OF NSW INC (ACON)

ACON was formed in 1984 as part of the community response to the impact of the HIV/AIDS epidemic in Australia. Since 2000 ACON has been a health promotion organisation based in the gay, lesbian, bisexual and transgender (GLBT) community, with a central focus on HIV/AIDS.

ACON provides education, health promotion, care, support, and advocacy services for members of the GLBT community, including injecting drug users and Indigenous people, to sex workers, and all people living with HIV/AIDS (PLWHA).

ACON is home to the Community Support Network (CSN), the Positive Living Centre (PLC), the Lesbian and Gay Anti-Violence Project (AVP) and the Sex Workers Outreach Project (SWOP). ACON has an office in the City of Sydney as well as branches in Illawarra, Northern Rivers, Hunter and Mid North Coast.

2. GENERAL COMMENTS

The City of Sydney is to be congratulated for the development of the discussion paper on Night Trading Premises and ACON supports in principle an ongoing consultation process to develop a DCP for this land use. Council needs to ensure that processes for the development of strategies and programs include the participation of the GLBT community.

The discussion paper is a useful tool as it brings together available data, research and information on current regulatory approaches and documents available resources. The discussion paper provides a comprehensive overview of the key policies, regulatory authorities and their powers, and documents the issues relating to night trading. It is particularly useful to have access to case studies which describe models from other cities.

Perhaps one element that is missing from the discussion paper is a link to the *City of Sydney Social Plan, 2006*, which describes the population's demographics and social issues in detail, and provides clear actions for the City to address issues and needs for key population subgroups. The specific issues that these communities experience, in relation to public and social spaces and community safety need to be considered in the development of a DCP relating to night trading. It is recommended that initiatives to address alcohol related crime as a means to improving community safety for gay, lesbian and transgender people be considered in developing the DCP for Night Trading Premises.

Discussion paper- Night Trading Premises

Specific comments on the content of the discussion paper and recommendations

Section title: Background

The contribution that night trading premises makes to Sydney as an attractive World City is described only as an amenity issue, rather than as an opportunity.

Later in the discussion paper, a data set indicates that the City of Sydney is a rapidly expanding driver of the Australian economy, much of which is brought about by the "creative class" who value night time options due to their working hours and lifestyle. Sydney needs to embrace this new economy and its people, with extended hours for work and play, and plan for the integration and expansion of such activities.

Recommendation:

That the opening statement of any future DCP be written more in the spirit of the Greater London Authority's position statement, which speaks of "a positive and optimistic vision" for the city in relation to the contribution that the night time economy makes to the city and its culture.

Recognising Sydney as a World City

Sydney is already a World City, yet its growth and development needs to be addressed through nuanced planning approaches. Certain precincts should be defined and set aside to better develop night trading as a contributor to the *desired* character of an area, and to provide much needed “third places” for social interaction.

The emphasis in the City of Sydney falls on managing the externalities from night trading premises, such as noise. Recognising the positive contribution of night trading premises, we would suggest that the plan focus on enabling the 24 hour rhythm of the city to flow smoothly, whilst providing people with choices as to their level of interaction. Great cities have successfully balanced vibrancy, both by day and night, with amenity. Contemporary city dwellers may balance their lives over a wide range of activities in any one day, or week, and it should not be presumed that noise, or activity is necessarily detrimental to residents. People may thrive on the ambient sense of life going on around them, without having to participate directly.

This may be achieved through designating precincts that people can choose to attend or avoid, reside in or pass through. For example, the night market and restaurant areas found in Asian and European cities tend to have a daytime or passive use buffer (offices, shops, small parks, rivers) acting as bridges to the residential areas. Similarly, sex industry precincts are highly defined and have distinctive external characteristics in World Cities, such that people may locate and identify this activity, giving clear options for people as they approach the area. These precincts develop a character and cultural integrity that is attractive to those who live within, work in or visit the precinct, and provide environments for diversity.

Recommendation:

That the DCP describe nuanced precincts and their characteristics, including buffers or bridging characteristics for surrounding areas, which may provide easement for residential uses or zones. The scale, nature, diversity and intensity of night trading premises should be described for these nuanced precincts, such that appropriate planning policies and controls may be

developed to best facilitate the use and fit with the amenity tolerance of local residents and visitors to the precinct.

Community safety

The key issues for managing the amenity impacts of night trading premises documented in the discussion paper appear to hinge around the management of people, and in particular, managing those who have consumed alcohol, and are then leaving or moving between premises or precincts.

The data sets provided makes a clear link between:

1. The concentration of licensed premises and reduced perceptions of safety from local residents
2. The presence of late night licensed premises and the rate of violent crime
3. Conflicts of interest between residents, police, operators of businesses and their patrons due to the behaviour of patrons leaving the area or precinct.

While the plan recognises conflicts impacting on community safety that result from different land use (i.e. residents and users of licensed premises) it does not address conflicts that arise due to the characteristics of population subgroups. Since the DCP is not linked to the Social Plan and does not distinguish between population subgroups, the plan is blind to community safety issues resulting from similar land use by different population subgroups. For example the planning framework does not recognise the effect on perceptions of safety of a licensed premises targeting heterosexual identified people in an area with several licensed premises targeting lesbian, gay and transgender people.

Recommendation:

That the DCP incorporate Plans of Management, transport options, trial hours, CPTED, Local Accords and related behaviour management approaches to reduce the potential impacts of night trading premises.

The DCP should include a range of precincts and controls including:

1. High cumulative night trading or entertainment precincts with:

- mass transport options to facilitate patrons exiting the area or precinct
- buffer or easements bridging to residential areas
- Plans of Management for each premises
- Local Accords
- Community safety plans
- CPTED for individual developments, and for the precinct
- Community education

2. Local area precincts catering to local residents and neighbouring residents, which have local scale buffers or easements with:

- Plans of Management for each premises
- Buffers to residential uses and areas
- public transport options
- Community safety plans
- CPTED for all development
- Community education

3. DCP controls and conditions for local community night trading premises, not within a precinct with:

- Plans of Management for each premises
- CPTED for all development

That the DCP be linked to the City of Sydney Social Plan, 2006 and that the plans of management also take into account the demographics, needs and issues of population subgroups as identified in the social plan.

The City of Sydney LEP and social issues

The City should provide places and destinations for a range of residents, visitors and workers, including the young, CALD people, Aboriginal people, sex workers and gay, lesbian and transgender people. The current LEP contains clauses 28 and 29, which are at odds with the vision of a World City that allows for precincts to meet the needs of a diverse community.

Clauses 28 and 29 prevent the clustering or intensification of a set of land uses that cater to subgroups in the population who are traditionally viewed as socially less desirable. In particular, the LEP implies these land uses may have a detrimental effect on the desired character of an area.

The land uses listed are:

- Amusement arcades (catering to youth)
- Brothels (catering to sex workers and their clients)
- Restricted premises (catering to sexually curious adults, including gay men)
- Late opening pubs (catering to shift workers, “night” people and “drinkers”)

The clause implies that some sub-groups of people are undesirable, or are themselves perpetrators of crime, thus contributing to negative stereotyping of young people, sex workers, gay people etc. It is important to acknowledge that these people are often disproportionately the victims of crime. This is particularly true of same sex attracted young people in regards to homophobic violence.

These LEP clauses assume that there would be a *detrimental* cumulative impact of any combination of these land uses. This is at odds with ACON’s experience around community safety, which has found that there is safety in numbers, and that people of specific ages, sexualities, nationalities and occupations often perceive the concentration of culturally appropriate venues to contribute to their health and safety.

The “Safe Place” community safety program run by the Lesbian & Gay Anti-Violence Project, a project of ACON is evidence of this principle in practice. In this program a concentration of gay friendly premises with a range of functions and opening hours provides sanctuary from potential violence, and builds community safety into public and social spaces.

Recommendations

It is recommended that the LEP is amended to remove clauses 28 and 29, and that a precinct management approach is developed. In addition, any precinct management approach should be developed in reference to the Social Plan and in consultation with the relevant communities, and population sub-groups who are likely to utilise or be affected by the precinct or development.