

ITEM 12. ALCOHOL RESTRICTIONS AND THE KINGS CROSS LICENCE FREEZE**FILE NO: S112299.014****SUMMARY**

Alcohol free zones and alcohol prohibited areas are established in public places in order to restrict the consumption of alcohol to help prevent alcohol-related anti-social behaviour and crime, including damage to property, littering and noise impacts. Alcohol restrictions provide NSW Police with an early intervention measure to confiscate alcohol within designated areas.

Alcohol restrictions refer to alcohol free zones or alcohol prohibited areas. Alcohol free zones apply to streets, footpaths and public roads, whereas alcohol prohibited areas apply to parks and civic spaces. The City of Sydney has received applications from NSW Police and local residents to establish new alcohol free zones and temporary alcohol prohibited areas, as well as renew existing alcohol restrictions, in the Kings Cross, Surry Hills, Leichhardt, Newtown and Redfern Police Local Area Commands (LAC).

In total, the City has received an application for one new street and one temporary alcohol prohibited area for New Year's Eve.

The remaining alcohol free zones proposed are a renewal of expired, previous existing locations throughout the City LGA. They are located in the Kings Cross, Surry Hills, Leichhardt, Newtown and Redfern Police LACs.

The City is currently undertaking an audit of all alcohol free zones in our local government area and entered into the City's asset management system (CAMS). In early 2016 consultation across the full suite of alcohol free zones and alcohol prohibited areas will be undertaken and approval sought from Council to approve the extension or removal of these restrictions for a four year period. It is proposed that all restrictions are aligned to a common expiry date to administratively streamline the program.

This report also recommends the City extend the period of the current footway freeze in the Kings Cross precinct. The City's current provision for these conditions is due to expire on 24 December 2015. However, under the Liquor Act 2007, the liquor licence freeze continues to operate in the Kings Cross precinct until at least 5 February 2016. Approval is sought to extend the footway freeze until such time as the liquor licence freeze provisions no longer apply to that area.

RECOMMENDATION

It is resolved that Council:

- (A) approve the following temporary alcohol prohibited area for New Year's Eve 2015/16 from 31 December 2015 to 2 January 2016:
 - 1. Beare Park, Elizabeth Bay;
- (B) approve the following alcohol restrictions for establishment 24 hours a day, seven days per week until 2 July 2016:

KINGS CROSS LOCAL AREA COMMAND**Proposed alcohol free zone areas**

1. Burton Street from Bourke Street to Forbes Street;
2. Bourke Street from Burton Street to Oxford Street;
3. Darlinghurst Road from Bayswater Road to Liverpool Street;
4. Foley Street from Bourke Street to Burton Street;
5. Forbes Street from Burton Street to Oxford Street;
6. Victoria Street from Bayswater Road to Burton Street;
7. Burton Street from Crown Street to Oxford Street;
8. Francis Lane from College Lane to Riley Street;
9. Liverpool Street from Yurong Street to Crown Street;
10. Norman Street from Yurong Street to Riley Street;
11. Riley Street from Oxford Street to William Street;
12. Stanley Street from Yurong Street to Crown Street;
13. William Street from Crown Street to Yurong Street;
14. Yurong Lane from Crown Street to Yurong Street;
15. Yurong Street from Norman Street to William Street;
16. Barncleuth Lane from Roslyn Street to Barncleuth Square;
17. Barncleuth Square from Darlinghurst Road to Ward Avenue;
18. Bayswater Road from Darlinghurst Road to Kings Cross Road;
19. Darlinghurst Road from Victoria Street to Ward Avenue (includes road closure adjacent to Fitzroy Gardens);
20. Goderich Lane from Pennys Lane to Ward Avenue;
21. Kellett Place cul-de-sac;
22. Kellett Street from Bayswater Road to Ward Avenue;
23. Kellett Way from Kellett Street to Roslyn Street;
24. Kings Cross Road from Victoria Street to Roslyn Street;
25. Mansion Lane cul-de-sac;
26. Pennys Lane from Kings Cross Road to Bayswater Road;

27. Roslyn Street from Darlinghurst Road to Kings Cross Road;
28. Ward Avenue from Barncleuth Square to Kings Cross Road;
29. Earl Place from Earl Street to Springfield Avenue;
30. Earl Street from Victoria Street to Orwell Street;
31. Hughes Lane from Orwell Street to Hughes Street;
32. Hughes Place cul-de-sac;
33. Hughes Street from Victoria Street to Macleay Street;
34. Llankelly Place from Darlinghurst Road to Orwell Street;
35. Orwell Lane from Orwell Street to Hughes Street;
36. Orwell Street from Macleay Street to Victoria Street;
37. Springfield Avenue from Darlinghurst Road (Springfield Plaza) to Springfield Mall;
38. Springfield Mall including Springfield Lane from Llankelly Place to Earl Street;
39. All streets and laneways bounded by and including Cathedral Street, Forbes Street, Palmer Street and William Street, including Bourke Street, Burrahpore Lane, Corfu Street, Cross Lane, Egan Place, St Kilda Lane, Talbot Place and William Lane;
40. Dowling Street from Pring Street to Cowper Wharf Road;
41. Nesbitt Street;
42. Forbes Street from Cowper Wharf Road to William Street;
43. Nicholson Street from Dowling Street to Bourke Street;
44. Sydney Place bounded by Stephen Street and the Hills Stairs, McElhone Street;
45. McElhone Street from William Street to Sydney Place;
46. Brougham Lane from Brougham Street to McElhone Street;
47. Sir John Young Crescent;
48. Macleay Street from Darlinghurst Road to Wylde Street;
49. Victoria Street from Darlinghurst Road to MacDonald Lane;
50. Brougham Street from Brougham Lane to Rae Place;
51. Brougham Street from Rae Place to Cowper Wharf Road;
52. Brougham Street from William Street to Brougham Lane;

53. Brougham Lane from Victoria Street to Brougham Street;
54. Dowling Street from northern side of railway viaduct to Sydney Place;
55. Francis Street from Riley Street to College Street;
56. Liverpool Street from Yurong Street to College Street;
57. Kings Lane between Riley Street and Crown Street;
58. Little Burton Street;

LEICHHARDT POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

59. Darling Street from Bridge Road to St. Johns Road;
60. Darling Lane;
61. Darghan Street from Bridge Road to St. Johns Road;
62. Lyndhurst Street from Colbourne Avenue to Wentworth Park Road;

REDFERN POLICE LOCAL AREA COMMAND

63. Louis Street;
64. Eveleigh Street from Caroline Street to Vine Street;
65. Vine Street from Louis Street to Eveleigh Street;

NEWTOWN POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

66. Bucknell Street from King Street to Wilson Street;
67. Wilson Lane;
68. Egan Street from Prospect Street to Mechanic Street;
69. Victoria Street from Hordern Street to O'Connell Street;

SURRY HILLS POLICE LOCAL AREA COMMAND

Proposed alcohol free zone areas

70. Cleveland Avenue cul de sac;
71. Foster Lane;
72. Blackburn Street from Elizabeth Street to Foster Street;
73. Wright Lane from Mary Street to Reservoir Street;

74. Reservoir Lane from Reservoir Street to Ann Street;
75. Lower Campbell Street from Riley Street to Campbell Street;
76. Wade Place from Ann Street to Little Albion Street;
77. Alexander Lane;
78. Arthur Street from Crown Street to Alexander Street;
79. All streets and laneways bounded by Albion Street, Crown Street, Flinders Street and Oxford Street; including Bloomfield Lane, Bloomfield Street, Bourke Street, Campbell Street, Church Lane, Clare Street, Denham Lane, Denham Street, Floods Place, Hill Street, Jesmond Street, Linden Lane, Little Bloomfield Street, Little Bourke Street, Little Oxford Street, Maiden Lane, Marys Place, Patterson Lane, Ryder Street, Short Place, Short Street, Taggarts Lane and Taylor Square;
80. Albion Street from Elizabeth Street to Flinders Street;
81. Arnold Place from Riley Street to Crown Street;
82. Brisbane Street from Oxford Street to Goulburn Street;
83. Bourke Street from Oxford Street to Foveaux Street;
84. Campbell Street from Riley Street to Flinders Street;
85. Chalmers Street from Elizabeth Street to Cleveland Street;
86. Chisholm Street from Taylor Street to Hannam Street;
87. Collins Lane from Collins Street to Rainford Street;
88. Collins Street from Riley Street to Alexander Street;
89. Alexander Street from Collins Street to Arthur Street;
90. Crown Street from Fitzroy Street to Arthur Street;
91. Crown Street from Oxford Street to Albion Street;
92. Elizabeth Street from Albion Street to Cleveland Street;
93. Fitzroy Street from Bourke Street to Anzac Parade;
94. Foster Street from Hunt Street to Elizabeth Street;
95. Foveaux Street from Elizabeth Street to Bourke Street;
96. Goulburn Street from Brisbane Street to Crown Street;
97. Hands Lane from Reservoir Street to Foster Street;
98. Mary Street from Foveaux Street to Campbell Street;

99. Oxford Street from Greens Road to Whitlam Square;
100. Pelican Street from Oxford Street to Goulburn Street;
101. Poplar Street from Brisbane Street to Pelican Street;
102. Richards Lane from Foveaux Street to Collins Street;
103. Riley Street from Oxford Street to Albion Street;
104. Sims Street from Chisholm Street to Hannam Street;
105. Taylor Street from Flinders Street to South Dowling Street;
106. Waine Street from Pelican Street to Riley Street;
107. Flinders Street from Albion Street to Bourke Street (Taylor Square);
108. Little Albion Street;
109. Crawford Place;
110. Little Riley Street from Anne Street to Mackey Street;
111. Reservoir St between Elizabeth and Commonwealth Street;
112. Beauchamp Lane between Reservoir Street and Commonwealth Street;
113. Batman Lane between Reservoir Street and Campbell Street;
114. Ann Street;
115. Batman Lane from Reservoir Street to Ann Street;
116. Beauchamp Lane from Reservoir Street to Hunt Street;
117. Brisbane Street from Goulburn Street to Commonwealth Street;
118. Campbell Street from Riley Street to Mary Street;
119. Commonwealth Street;
120. Crown Street from Cleveland Street to Arthur Street;
121. Goodchap Street;
122. Goulburn Lane;
123. Hunt Street from Campbell Street to Wentworth Street;
124. Little Riley Street from Campbell Street to Mackey Street;
125. Little Smith Street;
126. Mackey Street;

- 127. Nickson Street from Cleveland Street to Devonshire Street;
 - 128. Reservoir Street from Crown Street to Commonwealth Street;
 - 129. Samuel Street;
 - 130. Smith Street; and
- (C) not grant new footway approvals or approvals that intensify use for premises that are subject to the Kings Cross licence freeze, as outlined in the Liquor Act 2007, until such time as the liquor freeze provisions in the Liquor Act 2007 no longer apply to these areas.

ATTACHMENTS

Attachment A: Submissions Summary

Attachment B: Public Notices – Proposed Alcohol Restrictions 2015

BACKGROUND

1. Alcohol free zones and alcohol prohibited areas are established in public places in order to restrict the consumption of alcohol to help prevent alcohol-related antisocial behaviour and crime, including damage to property, littering and noise impacts. Alcohol restrictions provide NSW Police with an early intervention measure to confiscate alcohol within designated public areas.
2. Alcohol prohibited areas apply to parks and civic spaces, whereas alcohol free zones apply to streets, footpaths and public roads.
3. Alcohol free zones and alcohol prohibited areas are public places where you cannot drink alcohol. Police have the power to confiscate the alcohol if a police officer reasonably suspects that a person is drinking, has been drinking or is about to consume alcohol. Any alcohol taken by the police officer can be tipped out or otherwise disposed of in accordance with directions from the Commissioner.
4. Alcohol restrictions refer to alcohol free zones or alcohol prohibited areas. The proposed alcohol free zones and alcohol prohibited areas that were exhibited for public consultation were through applications from residents, NSW Police, and previously established recommendations by City staff, in consultation with NSW Police, regarding alcohol-related hotspots in the LGA.
5. The City is currently undertaking an audit of all alcohol free zones and alcohol prohibited signage in our LGA. The data is then being entered into the City's asset management system.
6. The restrictions outlined in this report are proposed for a six month period only. In early 2016, consultation across the full suite of alcohol free zones and alcohol prohibited areas will be undertaken, and approval sought from Council to extend or remove these restrictions for a four year period (the maximum allowed for under the Local Government Act). It is proposed that at that time all restrictions will be aligned to a common expiry date to administratively streamline the program.

New Year's Eve

7. City staff consulted with NSW Police and reviewed parks without current alcohol restrictions to assess their risk for alcohol-related impacts.
8. Temporary 'event only' alcohol restrictions for New Year's Eve will commence on 31 December 2015 and expire on 2 January 2016.
9. The temporary, 'event only' alcohol prohibited area for Beare Park New Year's Eve was requested by the Kings Cross Police LAC, who believe that alcohol is the dominant factor behind anti-social activity on New Year's Eve experienced in previous years. Last year, having implemented a plan of management and an alcohol prohibited area, New Year's Eve at the site occurred without incident, and Police acknowledge the importance of an alcohol prohibited area at the site. It is recommended that temporary alcohol restrictions also be implemented for this New Year's Eve to enable similar arrangements to be put in place.

Preventing Alcohol-Related Assault

10. Alcohol free zones recommended for establishment include streets that are hotspots for alcohol-related assault. Crime data is provided to the City by the Bureau of Crime Statistics and Research each quarter. This data is uploaded into the City's geographical information software. This data contributes to planning considerations, public space design, public space management and events management.
11. Alcohol free zones provide police with an early intervention measure in order to prevent incidents from escalating into more serious alcohol-related crime including assault. Police pro-actively enforce alcohol free zones in high risk areas.

Notification Period

12. The notification for alcohol free zones consisted of two notices placed in The Sydney Morning Herald and relevant local press. The 30 day notification periods began on 15 October and 7 November 2015 respectively.
13. The proposed alcohol prohibited area and alcohol free zones were exhibited for public notification and attracted submissions both for and against. These are summarised in Attachment A.

Liquor Licence Freeze

14. The liquor licence freeze was announced by the then Premier on 25 June 2009. The freeze covered three key entertainment areas – Kings Cross, the southern CBD and Oxford Street – and these precincts were confirmed by amendments to the Liquor Act 2007 on 1 October 2009. Since that time there have been further extensions of the freeze. Under the Liquor Act 2007, the current freeze for the Kings Cross precinct runs until 5 February 2016.
15. Under the freeze, new licensed venues are generally not able to open and existing venues are generally not able to increase trading hours or patron capacities. Under the freeze, the City of Sydney must not grant development consent to premises the subject of the liquor licence freeze. This includes applications for new premises and those seeking to increase trading hours or patron capacity via expansion of premises.
16. Council also endorsed a freeze on footway dining in 2009 to support the aim of the liquor licence freeze to not increase the overall patron numbers in the precincts. Existing permit holders are able to trade without increases in capacity or hours, and no new applications for footway dining are approved in the precinct for affected premises.
17. The most recent Council resolution relating to the footway freeze is that of 10 December 2012, wherein it was resolved, in part, to:
 - (a) not grant new footway approvals or approvals that intensify use for premises that are subject to the Kings Cross license freeze, as outlined in the *Liquor Act 2007*, effective from the date of this resolution until 24 December 2015; and
 - (b) continue to apply the current footway freeze provisions for Oxford Street and George Street South until such time as the liquor freeze provisions in the *Liquor Act 2007* no longer apply to these areas.

18. As the liquor licence freeze continues to operate in the Kings Cross precinct until at least 5 February 2016, but Council's footway freeze resolution ceases on 24 December 2015, it is recommended that Council extend the period of the footway freeze till such time as the liquor licence freeze provisions no longer apply to that area. This is the same approach that was taken in 2012 in dealing with the footway freeze for the Oxford Street and George Street precincts.

KEY IMPLICATIONS

Strategic Alignment – Sustainable Sydney 2030

19. Sustainable Sydney 2030 is a vision for the sustainable development of the city to 2030 and beyond. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The establishment of alcohol restrictions is aligned with the Strategic Direction 6 - Vibrant Local Communities and Economies. The establishment of alcohol restrictions enhances the safety and accessibility of civic spaces for a diverse population of residents, workers and visitors to enjoy.

BUDGET IMPLICATIONS

20. Funding for any changes in signage as a result of new alcohol restrictions is included in the 2015/16 Parks signage capital works budget.

RELEVANT LEGISLATION

21. Local Government Act 1993.
22. Liquor Act 2007.
23. Roads Act 1993.

CRITICAL DATES / TIME FRAMES

24. Under the Local Government Act, a public notice is required to notify the community of established alcohol restrictions in the week commencing Monday 21 December 2015, ahead of the renewal of Alcohol Free Zone signs.
25. Signage will be installed and enforceable seven days after public notification. For temporary alcohol restrictions, signage will be installed at least one week prior to the activation of restrictions, clearly indicating the dates the relevant alcohol prohibited areas apply. Information regarding the temporary alcohol restrictions for New Year's Eve will also be made available on the New Year's Eve website.

PUBLIC CONSULTATION

26. Correspondence inviting comments supporting or objecting to the proposed alcohol restrictions were sent to all Police LACs and the NSW Anti-Discrimination Board, and an advertisement was placed in The Sydney Morning Herald and weekly local newspapers.

ANN HOBAN

Director City Life

Kate Murray, Manager City Business & Safety