

ITEM 7. ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS CONSULTATION 2017**FILE NO: X011019****SUMMARY**

There are currently 101 alcohol prohibited areas and 261 alcohol free zones established in the City of Sydney local government area. Of the alcohol prohibited areas, 68 have no expiry date, they are historical restrictions established prior to the *Ministerial Guidelines for Alcohol Free Zones 2009*. All other restrictions are due to expire 22 March 2020.

Alcohol free zones apply to public roads and footpaths. Alcohol prohibited areas apply to parks and civic spaces. They are established in public places 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 areas. In NSW, a person cannot be fined for consuming alcohol in a restricted area.

The City considers applications for new alcohol restrictions every year. From November 2016 to October 2017 the City received 54 applications from NSW Police, community and business for new sites. These sites were nominated for antisocial behaviour reasons including: vandalism, public urination, littering and irresponsible drinking in streets and parks surrounding late night entertainment precincts.

Applications received requested timed and temporary restrictions.

- Timed restrictions refer to permissible use of alcohol in designated areas within a set timeframe, e.g. 10am to 10pm daily.
- Temporary restrictions are time-limited and put in place to reduce alcohol-related incidents for special events across set dates, e.g. New Year's Eve and Rugby 7s tournament.

The *Ministerial Guidelines for Alcohol Free Zones 2009* guides the public notification required for all new sites. A 30-day notification period took place between 27 September and 27 October 2017. Consultation for this round included community engagement online and in print, and targeted consultation with NSW Police, community interest groups and relevant business units within Council. A copy of the public notice is provided at Attachment A.

At the completion of the notification period, the City received 35 submissions.

Submissions in support of the new alcohol free zones and alcohol prohibited areas identified the restrictions as an important tool to enhance the safety and amenity of an area. Community members also noted a reduction in antisocial behaviour in their suburbs. Submissions received in objection outlined infringement on responsible consumption of alcohol in residential parks and streets. Concerns were also raised about the impact on people sleeping rough who are alcohol dependent.

The City received 21 submissions in support of the zones and areas and 14 submissions objecting. A summary of the submissions is included at Attachment B.

Following analysis of all applications, submissions and current crime statistics, this report recommends 19 sites be established as alcohol free zones until 22 March 2020, 13 sites be established as alcohol prohibited areas until 22 March 2020, 11 sites be established as temporary alcohol free zones for the Rugby 7s Tournament from 26 to 28 January 2018, two sites be established as temporary alcohol prohibited areas on New Year's Eve until 2020 and nine sites be established as timed alcohol prohibited areas until 22 March 2020, with the exception of New Year's Eve.

RECOMMENDATION

It is resolved that Council:

- (A) approve the following alcohol free zones for establishment 24 hours a day, seven days per week until 22 March 2020:

Kings Cross Local Area Command

1. Cowper Wharf Roadway
2. Lincoln Crescent
3. Ice Street
4. Barcom Avenue
5. Victoria Street (from McDonald Lane to Grantham Street)

Redfern Local Area Command

6. Regent Street (from Lawson Square to Cleveland Street)
7. Cleveland Street (from Elizabeth Street to Abercrombie Street)

Surry Hills Local Area Command

8. Wentworth Avenue
9. Elizabeth Street (from Liverpool Street to Albion Street)
10. Riley Street (from Oxford Street to Foveaux Street)
11. Foveaux Street (from Bourke Street to Elizabeth Street)
12. Devonshire Street (from Crown Street to Chalmers Street)
13. Alexander Lane
14. Little Oxford Street
15. Selwyn Street (from Napier Street to Albion Street)
16. Little Selwyn Street
17. Little Napier Street

Newtown Local Area Command

18. King Street (from Church Street to Newman Street)

Sydney City Local Area Command

19. Yurong Parkway;
- (B) approve the following alcohol prohibited areas for establishment 24 hours a day, seven days per week until 22 March 2020:

Kings Cross Local Area Command

1. Green Park
2. O'Brien's Lane Reserve
3. John Armstrong Reserve
4. Macleay Reserve
5. Ronald Shores Reserve (Ron Shores Park)
6. Arthur Reserve
7. Daffodil Park

Leichhardt Local Area Command

8. Jubilee Park Playground
9. Harold Park Playground

Surry Hills Local Area Command

10. Selwyn Street Closure

Sydney City Local Area Command

11. Pirrama Park Playground
 12. Railway Square (bus interchange)
 13. St Bartholomews Park;
- (C) approve the following temporary alcohol free zones for the Rugby 7s Tournament for establishment 24 hours a day from 26 to 28 January 2018:

Surry Hills Local Area Command

1. Moore Park Road (from Greens Road to Cook Road)
2. Oxford Street (from Greens Road to 435 Oxford Street)
3. Greens Road (from Oxford Street to Moore Park Road)

4. Oatley Road
5. Regent Street
6. Regent Lane
7. Renny Street
8. Stewart Street
9. Gordon Street
10. Bent Street
11. Elizabeth Street;

- (D) approve the following temporary alcohol prohibited areas for establishment 24 hours a day from 31 December 2017 to 1 January 2018 and consecutive years until 1 January 2020:

Kings Cross Local Area Command

1. Embarkation Park
2. Arthur McElhone Reserve; and

- (E) approve the following timed alcohol prohibited areas for establishment from 10pm to 10am, 7 days per week until 22 March 2020. Restrictions do not apply on the evening of 31 December to 1 January each year:

Sydney City Local Area Command

1. Giba Park
2. Pirrama Park

Leichhardt Local Area Command

Glebe Foreshore Parklands which covers:

3. Federal Park
4. Bicentennial Park
5. Harold Park
6. Glebe Foreshore Walk (including Blackwattle Bay Park)
7. Pope Paul VI Reserve
8. Tram Stop Reserve
9. Jubilee Park and Oval.

ATTACHMENTS

Attachment A: Public Notice – Alcohol Free Zones and Alcohol Prohibited Areas 2017

Attachment B: Submissions Summary 2017

Attachment C: Maps of all Alcohol Free Zones and Alcohol Prohibited Areas 2017

BACKGROUND

1. Alcohol free zones and alcohol prohibited areas are established in public places across New South Wales to restrict the consumption of alcohol to help prevent alcohol-related antisocial behaviour and crime, including damage to property, public urination, littering and noise impacts.
2. These restrictions provide NSW Police with the authority to tip out or confiscate alcohol within designated public areas. There are no fines associated with the offence.
3. NSW Police support restrictions as a crime prevention tool, advising they can mitigate other crimes such as malicious damage, stealing, offensive behaviour and acts of violence.
4. From July 2016 to June 2017, there were 2,237 incidents of alcohol-related assaults in the City of Sydney local government area. The current trend across the City is stable over a two-year period, 2015-2017.
5. There has been a notable increase of 34.1 per cent in the Surry Hills local area command on a two-year trend. From July 2015 to June 2016, there were 255 alcohol-related assaults. From June 2016 to July 2017, alcohol-related assaults increased by 87 to 342 in the local area.
6. Under the *Local Government Act 1993*, Council can resolve to establish an alcohol free zone, or an alcohol prohibited area for up to a four-year period. They can also be established on a temporary basis for special events.
7. *The Ministerial Guidelines on Alcohol Free Zones 2009* provide the process that Councils must undertake to establish alcohol free zones and alcohol prohibited areas.
8. In 2016, the City conducted an audit of all alcohol free zones and alcohol prohibited areas across our local government area. After completion of the audit, the City initiated a public consultation to review all zones and areas and align their expiry to a common date, which is currently 22 March 2020.
9. From November 2016 to October 2017, the City received 54 applications from NSW Police and the community for new alcohol free zones and alcohol prohibited areas. All applications were placed on public exhibition for a period of 30 days.
10. Thirteen applications for temporary zones were received for the Rugby 7s event in 2018 and New Year's Eve. Nine applications for timed alcohol prohibited areas encompassing Pymont and Glebe Foreshore were also requested.
11. Applications cited alcohol-related antisocial behaviour, including late night noise, underage drinking, vandalism, public urination and littering, as reasons for restrictions.
12. Pre-drinking outside licenced venues was cited as rationale for new sites in late night entertainment precincts. Pre-drinking, also known as pre-loading, refers to the consumption of alcohol, often to levels of intoxication, prior to attending a licenced venue. Pre-drinking can lead to dangerous blood alcohol content levels.

13. At the completion of the notification period, the City received 21 submissions in support of the zones and areas and 14 submissions objecting.
14. The submissions in support of alcohol free zones and alcohol prohibited areas noted a reduction in antisocial behaviour in their suburbs or identified the restrictions as an important tool for police to use to enhance the amenity of an area. NSW Police were also supportive of the restrictions due to mitigation of other crimes, such as malicious damage, stealing, public urination, litter, offensive behaviour and acts of violence.
15. Multiple submissions from residents in the Glebe area were strongly in support of the proposed timed restriction across the Glebe Foreshore parklands. One resident provided partial support objecting to timed zones and requesting a 24-hour restriction for Pope Paul VI Reserve. Time restrictions enable NSW Police to address late night alcohol-related antisocial behaviour in the area, whilst not affecting responsible alcohol consumption in parklands during daytime hours. Restrictions applying to playgrounds in the area will apply 24 hours a day.
16. The majority of submissions received objecting to the proposed areas outlined that restrictions were unnecessary and infringed on the rights of people to consume alcohol responsibly in residential parks and streets. Concerns were also raised about the impact on people sleeping rough who are alcohol dependent.
17. As at the most recent street count in August 2017, 386 people were identified sleeping rough in Sydney. A survey conducted as part of Inner Sydney Registry Week in 2015 showed that approximately 37 per cent of people sleeping rough in Sydney identify as being alcohol dependent (using alcohol for 30 days straight or more).
18. The City recognises that alcohol restrictions can disproportionately impact people with an alcohol dependency who are sleeping rough as they are more likely to be carrying out their private activities in the public domain, e.g. consuming alcohol.
19. Severely intoxicated people are a potential risk to themselves and others. To minimise risk, the City works closely with specialist homelessness and health services to provide daily outreach to people sleeping rough, supporting them to access alcohol counselling, detox and long-term housing with support.
20. City staff participate in Local Drug Action Teams made up of NSW Police, Health and non-government services who work collaboratively to prevent alcohol and other drug harms in the community.
21. Based on the submissions and additional analysis, this report recommends 54 zones and areas for endorsement.
22. If endorsed by Council, a notice will be published in a newspaper circulating in the area to notify the community of established alcohol restrictions in accordance with the *Local Government Act 1993*.
23. An alcohol free zone or alcohol prohibited area will not operate until seven days after the publication of the notice and until roads, footpaths and parks affected are adequately signposted.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

24. *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. This report is aligned with the following *Sustainable Sydney 2030* strategic directions and objectives:
- (a) Direction 6 - Resilient and Inclusive Local Communities - the establishment of alcohol restrictions enhances the safety and accessibility of civic spaces for a diverse population of residents, workers and visitors to enjoy.

Risks

25. If Council does not endorse the proposal, alcohol free zones and alcohol prohibited areas will not be created in the proposed locations. The actual risk is considered low to moderate, as the NSW Police Force have other powers to deal with alcohol-related antisocial behaviour. However, restrictions will allow the police to seize alcohol from persons located within the area, which can assist in preventing antisocial behaviour.

Social / Cultural / Community

26. The intention of establishing alcohol restrictions is to assist in preventing alcohol-related antisocial behaviour and crime. This can lead to an enhancement of amenity for residents, businesses and visitors to Sydney.

Economic

27. Areas covered by footway approvals issued by the City of Sydney to licensed premises are exempt from alcohol free zone restrictions. Footway approved areas are covered by responsible service of alcohol provisions and, therefore, any alcohol-related antisocial behaviour is the responsibility of premises operators. For this reason, footway occupations require clear physical delineation to show where the licensed area ends and the alcohol free zone begins.

BUDGET IMPLICATIONS

28. Public exhibition to notify the community of the new alcohol restrictions will require notices to be placed in local media for which funding is available in the existing Safe City operating budget 2017/18.
29. Funding for updates, installation or removal of signage is included in the 2017/18 Parks signage capital works budget.

RELEVANT LEGISLATION

30. Local Government Act 1993.
31. Liquor Act 2007.
32. Roads Act 1993.

CRITICAL DATES / TIME FRAMES

33. Under the Local Government Act, a council must publicly advise the establishment of an alcohol free zone or alcohol prohibited area by notice published in a newspaper circulating in the area.
34. An alcohol free zone or alcohol prohibited area will not operate until seven days after publication of the notice and until roads, footpaths and parks affected are adequately signposted.

PUBLIC CONSULTATION

35. The 30-day notification period began on 27 September and concluded on 27 October 2017. As part of the consultation, relevant stakeholders including NSW Police, NSW Anti-Discrimination Board, local Aboriginal and Torres Strait Islander community groups, the Aboriginal and Torres Strait Islander Advisory Panel and local liquor licensees were invited to make submissions.

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