

Item 3.

Temporary Outdoor Alcohol Restrictions - New Year's Eve 2019-2022

File No: X021620

Summary

New Year's Eve in Sydney is a major international event, attracting crowds of over one million residents and visitors to Sydney's foreshore area. Maintaining and promoting Sydney's safety can contribute to increasing economic prosperity; creating a thriving, globally connected community; and further enhancing Sydney's international reputation as a great place to visit, live, work, invest and study.

The City received applications from NSW Police for temporary outdoor alcohol restrictions on New Year's Eve. These sites were nominated for anti-social behaviour reasons including: underage drinking, public intoxication and reducing the risk of alcohol-related incidents in the proximity of families with young children.

Outdoor alcohol restrictions are considered every year in accordance with the Local Government Act 1993. All current outdoor alcohol restrictions will expire in March 2020. This report includes nominations for temporary restrictions for New Year's Eve until 2023. Temporary restrictions are time limited and put in place to reduce alcohol-related incidents at special events across set dates. A report outlining the recommendations for all other restrictions will be submitted to Council in February 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 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. In NSW, a person cannot be fined for consuming alcohol in a restricted area.

The NSW Ministerial Guidelines for Alcohol Free Zones 2009 outline the notification required for all outdoor alcohol restrictions. In accordance with the guidelines, a 30-day notification period took place between 4 September 2019 and 4 October 2019. The City consulted on all nominated sites proposed to commence in 2020. This report contains all nominated temporary sites for New Year's Eve until 2023. A copy of the public notice is provided in Attachment A, with a map of proposed sites for temporary restrictions for New Year's Eve provided in Attachment B.

At the completion of the notification period, the City received 22 submissions in support of nominated restrictions and 19 submissions in objection. A summary of the submissions is included in Attachment C.

Submissions in support of alcohol free zones and alcohol prohibited areas identified the restrictions as an important tool to enhance the safety and amenity of an area. Community and local businesses also noted a reduction in anti-social behaviour in their suburbs. Submissions received in objection outlined infringement on responsible consumption of alcohol in local parks and streets.

In consideration of proposed restrictions for New Year's Eve, the City considers community submissions, advice from NSW Police, current crime statistics and operational needs for special events.

Based on the applications and additional analysis, this report recommends eight sites for endorsement.

Recommendation

It is resolved that Council approve:

- (A) the following temporary alcohol free zone for establishment 24 hours a day from 31 December 2019 to 1 January 2020 inclusive, and for consecutive years until 31 December 2022 to 1 January 2023:
 - (i) Hickson Road;

- (B) the following temporary alcohol prohibited areas for establishment 24 hours a day from 31 December 2019 to 10am 1 January 2020, and for consecutive years until 31 December 2022 to 10am 1 January 2023:
 - (i) Arthur McElhone Reserve;
 - (ii) Beare Park;
 - (iii) Embarkation Park; and
 - (iv) Observatory Park; and

- (C) the following timed alcohol prohibited areas, which are in effect to 22 March 2020, for establishment to restrict alcohol consumption 24 hours a day from 31 December 2019 to 10am 1 January 2020, and for consecutive years until 31 December 2022 to 10am 1 January 2023:
 - (i) Giba Park;
 - (ii) Glebe Foreshore Parklands which covers:
 - (a) Bicentennial Park;
 - (b) Blackwattle Bay Park;
 - (c) Federal Park;
 - (d) Harold Park;
 - (e) Jubilee Park; and
 - (f) Pope Paul VI Reserve; and
 - (iii) Pirrama Park.

Attachments

- Attachment A.** Public Notice - Temporary Outdoor Alcohol Restrictions New Year's Eve 2019
- Attachment B.** Map - Temporary Outdoor Alcohol Restrictions New Year's Eve 2019
- Attachment C.** Submissions Summary - Temporary Outdoor Alcohol Restrictions New Year's Eve 2019

Background

1. In 2019, Sydney was ranked number one safest city in Australia and fifth in the world by The Economist Safe Cities Index.
2. Maintaining and promoting Sydney's safety can contribute to increased economic prosperity; create a thriving, globally connected community; and further enhance Sydney's international reputation as a great place to visit, live, work, invest and study.
3. 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.
4. NSW Police support restrictions as a crime prevention tool, advising that they can mitigate other crimes such as malicious damage, stealing, offensive behaviour and acts of violence.
5. Restrictions can be used on a temporary basis for major events such as New Year's Eve.
6. 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.
7. Sydney City Police advise their command has an overall risk rating of 'extreme' for incidents linked to alcohol consumption.
8. In Sydney City Command between July 2018 and July 2019 there were 14,386 alcohol-related incidents reported to Police. Of these, 32 per cent involved consumption of alcohol in a public place prior to the incident occurring. Incidents include assault, property damage, domestic and family violence and offensive behaviour.
9. The Local Government Act 1993 outlines the process that councils must undertake to establish alcohol free zones and alcohol prohibited areas.
10. The City received applications from NSW Police for outdoor alcohol restrictions on New Year's Eve. These sites were nominated to assist with reducing underage drinking, anti-social behaviour, consuming alcohol to levels of intoxication and managing large crowds expected on the evening.
11. Leichhardt Police advise there have been numerous alcohol-related incidents on Glebe Foreshore in the past six months. Impacts include increased noise disturbing residents and discarded litter, as well as damage to property at nearby sites.
12. Police also advise foreshore areas can attract groups who carry large quantities of alcohol on site with the intention of consuming throughout the evening.
13. The use of restrictions can assist in ensuring a safe environment for parents and children during the event and prevent situations arising from possible intoxicated individuals.
14. The City's Major Event and Festivals unit is supportive of the restrictions to assist with the operational requirements of managing a large-scale event.

15. At the completion of the notification period, the City received 22 submissions in support of the zones and areas and 19 submissions objecting.
16. The submissions in support of alcohol free zones and alcohol prohibited areas noted a reduction in anti-social behaviour in their suburbs or identified the restrictions as an important tool for police to use to enhance the amenity of an area.
17. The submissions received in objection outlined infringement on responsible consumption of alcohol in public places and the burden of regulation on community. One community group stated restrictions on the foreshore were unnecessary for New Year's Eve.
18. Concerns were also raised by the City's Aboriginal and Torres Strait Islander Advisory Panel about the impact of restrictions on vulnerable population groups who reside in our local government area.
19. The City recognises that alcohol restrictions can disproportionately impact people with an alcohol dependency or those who sleep rough as they are more likely to be carrying out their private activities in the public domain, e.g. consuming alcohol.
20. 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.
21. 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.
22. In consideration of proposed restrictions for New Year's Eve, the City considers advice from NSW Police, feedback from community, current crime statistics and operational needs for major events.
23. The use of outdoor alcohol restrictions will assist in ensuring a safe and attractive environment on New Year's Eve for residents, businesses and visitors. It will also ensure that NSW Police have the ability to intervene and confiscate alcohol quickly should issues arise.
24. Based on the applications and additional analysis, this report recommends eight sites for endorsement.
25. If endorsed by Council, a notice will be placed on the City's website to notify the community of established outdoor alcohol restrictions.
26. Outdoor Alcohol Restrictions will not operate until seven days after such notice and until roads and footpaths affected are adequately signposted.
27. A further report on all other restrictions will be presented to Council in early 2020.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

28. 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 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

29. If Council does not endorse the proposal, alcohol free zones and alcohol prohibited areas will not be valid in the proposed streets and areas.

Social / Cultural / Community

30. 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

31. 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

32. Funding for relevant signage is included in the 2019/20 City Business and Safety budget.
33. Funding for updates, installation or removal of signage is included in the City Infrastructure and Traffic Operations capital works budget.

Relevant Legislation

34. Local Government Act 1993.
35. Liquor Act 2007.
36. Roads Act 1993.

Critical Dates / Time Frames

37. Under the Local Government Act 1993, a council must publicly advise the establishment of an alcohol free zone or alcohol prohibited area.
38. An alcohol free zone or alcohol prohibited area will not operate until seven days after notice is given of the establishment and until roads, footpaths and parks affected are adequately signposted.

Public Consultation

39. A 30-day notification period took place between 4 September 2019 and 4 October 2019. Consultation included community engagement on Sydney Your Say and targeted consultation with NSW Police, liquor licensees, community interest groups and relevant business units within the City. A copy of the public notice is provided in Attachment A.
40. Consultation also occurred with the City's Nightlife and Creative Sector Advisory Panel and Aboriginal and Torres Strait Islander Advisory Panel, who were invited to make submissions regarding the nominated sites.

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