

Outdoor Alcohol Restrictions 2020 - 2023

File No: X021620

Summary

Sydney was ranked the safest city in Australia in 2019. Enabling 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.

As part of maintaining high quality and safe streets and spaces, the City has conducted a review of all outdoor alcohol restrictions within the local government area and an alignment to a common expiry date. Under the Local Government Act 1993, Council can resolve to establish an outdoor alcohol restriction for a maximum of four years and on a temporary basis for special events. All current restrictions are due to expire on 22 March 2020.

Outdoor alcohol restrictions include alcohol-free zones and alcohol prohibited areas. Alcohol-free zones apply to public roads, footpaths and public car parks. Alcohol prohibited areas apply to parks and civic spaces. They are established 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 2019, the City received 25 applications from NSW Police and residents nominating 517 sites. Applicants nominated sites to reduce anti-social behaviour including vandalism, chronic street drinking, public urination, littering, and pre-loading in sites surrounding light rail and late night entertainment precincts.

The NSW Ministerial Guidelines for Alcohol-free Zones 2009, in conjunction with section 644A of the Local Government Act 1993, prescribe the consultation requirements for establishing an alcohol restriction. 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, the Anti-Discrimination Board of NSW, liquor licensees, community interest groups, advisory panels and relevant business units within the City. A copy of the public notice is provided in Attachment A. At the completion of the consultation period, the City received 22 submissions in support and 20 submissions objecting to the zones and areas. A copy of the submissions summary is provided in Attachment B.

City staff completed an in-depth analysis of all 517 nominated sites to determine the recommendation and sought approval from NSW Police. Following further analysis, NSW Police withdrew their applications in relation to 70 sites. A further 10 sites were also ineligible as the land was private or managed by the NSW Government. This report recommends a total of 437 sites that make up 379 zones and areas. A zone or area can encompass multiple sites in one location. This includes: 262 alcohol-free zones, 104 alcohol prohibited areas, 11 timed alcohol prohibited areas and two temporary alcohol-free zones as listed in Attachment C. NSW Police support all recommended sites and provided rationale for their establishment. A map of all zones and areas is provided in Attachment D.

Recommendation

It is resolved that Council approve:

- (A) the establishment of the alcohol-free zones and alcohol prohibited areas outlined in Attachment C to the subject report;
- (B) the establishment of the timed alcohol prohibited areas outlined in Attachment C to the subject report; and
- (C) the establishment of the temporary alcohol-free zones outlined in Attachment C to the subject report.

Attachments

- Attachment A.** Public Notice - Outdoor Alcohol Restrictions 2020 - 2023
- Attachment B.** Submissions Summary - Outdoor Alcohol Restrictions 2020 - 2023
- Attachment C.** Recommended Sites - Outdoor Alcohol Restrictions 2020 - 2023
- Attachment D.** Map - Outdoor Alcohol Restrictions 2020 - 2023

Background

1. City staff have undertaken a review of all outdoor alcohol restrictions within the City's local government area and propose an alignment to a common expiry date.
2. The City considers new applications for outdoor alcohol restrictions every year.
3. Alcohol-free zones apply to public roads, footpaths and public carparks. Alcohol prohibited areas apply to parks and civic spaces.
4. They are established in public places across New South Wales to restrict the consumption of alcohol to help prevent alcohol related anti-social behaviour and crime including damage to property, public urination, littering and noise impacts. This intervention can also assist police in managing pre-drinking near licenced premises. Pre-drinking also known as pre-loading, refers to the consumption of alcohol, often to levels of intoxication, prior to attending a licenced premise.
5. Restrictions provide NSW Police with the authority to tip out or confiscate alcohol within designated public areas. The police do not otherwise have comparable powers at this intervention level. There are no fines associated with the offence in NSW.
6. Comparable cities in Australia have 24-hour whole of local government alcohol restrictions with potential fines for non-compliance.
7. The Ministerial Guidelines on Alcohol-Free Zones 2009 prescribe the process that councils must undertake to establish alcohol-free zones and alcohol prohibited areas.
8. Under the Local Government Act 1993, Council can establish an alcohol-free zone for up to four years and it is proposed to establish the recommended alcohol prohibited areas for four years for consistency. They can also be established to operate on a temporary basis for special events.
9. All outdoor alcohol restrictions in the City of Sydney local government area were aligned to the one expiry date of 22 March 2020. This includes 24-hour restricted sites, historical sites and timed sites.
10. Historical sites were established prior to 2009 and did not require Council resolution for establishment at that time. These sites previously had indefinite restrictions. All sites will now align to a maximum four-year cycle.
11. Timed sites are where alcohol consumption is permissible within designated times, usually 10am - 10pm. The use of timed alcohol restrictions can contribute to balancing the operational requirements of NSW Police and the responsible consumption of alcohol in public places such as local parks.
12. Temporary sites have a restriction for a limited period when special events are held. Examples include New Year's Eve and the Sydney Mardi Gras.
13. In 2019, the City invited NSW Police and the community to submit applications for nominated outdoor alcohol restrictions.
14. Council received 25 applications nominating 517 sites. Sites can include multiple locations within one area, for example Hyde Park north and south. There were 19 applications received from residents and six from NSW Police.

15. Of the 517 sites nominated, 435 were existing outdoor alcohol restrictions, 72 were new sites and 10 were ineligible as the land was either managed by a state government authority or classed as private land.
16. Residents nominated CBD laneways, sites in Pyrmont, Paddington and parks adjacent to social housing areas. Sites were nominated in response to concerns about alcohol related anti-social behaviour and associated rubbish. Residents advised restrictions in the past have greatly assisted in improving local amenity.
17. Police strongly support the restrictions as helping to reduce alcohol related anti-social behaviour and increase public safety. Police nominated sites with known history of street drinking, anti-social behaviour and in proximity to places which may increase risk, e.g. licenced premises, packaged liquor stores or backpacker accommodation. New sites were predominately requested in close proximity to the pedestrianised light rail corridor or within the CBD Entertainment Precinct.
18. All applications received were placed on public consultation. 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, the Anti-Discrimination Board of NSW, liquor licensees, community interest groups and relevant business units within the City. A copy of the public notice is provided in Attachment A.
19. At the completion of the notification period, the City received 22 submissions in support and 20 submissions objecting to the zones and areas. A submissions summary is provided in Attachment B.
20. The submissions in support of outdoor alcohol restrictions noted a reduction in anti-social behaviour in suburbs where restrictions were already in place. They also identified the restrictions as an important tool for police to use to enhance the amenity of an area.
21. The submissions received in objection outlined infringement on responsible consumption of alcohol in public places and the burden of regulation on the community.
22. City staff consulted the City's Aboriginal and Torres Strait Islander Advisory Panel. Some members of the panel identified the possible impact of outdoor alcohol restrictions on vulnerable population groups who reside in our local area.
23. 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.
24. 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.
25. City staff are working collaboratively with NSW Health, Police and local services to respond to chronic street drinking in Sydney. The agencies have identified activities to improve health outcomes and reduce risk among vulnerable groups. This includes a men's group project, community health promotion, social events and the engagement of concerned residents through local community safety action groups.

26. To determine recommended sites for endorsement, City staff conducted an in-depth analysis of all available information. This included consideration of submissions received, advice provided by NSW Police, crime statistics, records of known issues in the area, current site use, and building use in the location and proximity to other requested sites. This analysis was provided to NSW Police for a final review and endorsement of recommended sites.
27. Outdoor alcohol restrictions assist in preventing pre-loading in the streets and parks within our local area. NSW Police advise changes to the Liquor Act, including the removal of lockouts within the CBD Entertainment Precinct with the exception of Kings Cross, and the ability of later trading for packaged liquor stores, could increase anti-social outdoor alcohol consumption.
28. Police provided location-specific evidence for the establishment of recommended outdoor alcohol restrictions. Following further analysis of crime data and community feedback NSW Police withdrew 70 sites identified as low risk.
29. Sydney City Police Command has an overall rating of 'extreme' for incidents that link to alcohol consumption. Between July 2018 and July 2019 there were 14,386 alcohol related incidents reported to police. Of these incidents, 32 percent cent involved consumption of alcohol in a public place prior to the incident. New sites were nominated to respond to entertainment precincts, pre-drinking outside licenced venues and concerns regarding intoxicated patrons within the vicinity of the light rail.
30. Surry Hills Police Command is a high density hotspot for alcohol related assault. The area has a high concentration of licensed premises and packaged liquor stores. The area hosts Mardi Gras and large pedestrian crowds en route to the Sydney Cricket Ground. Both events increase risk of alcohol related antisocial behaviour. After further analysis, Police withdrew seven sites from Surry Hills and Paddington identifying the areas as low risk.
31. South Sydney Police Command has over 2.7 times the state average for alcohol related assault. The area has a high concentration of licensed premises and packaged liquor stores. Chronic street drinking resulting in antisocial behaviour is an ongoing issue in the area. From June 2018 to June 2019, there were 668 alcohol related move-on directions given in the area. After further analysis, Police withdrew three sites from Beaconsfield and Rosebery, identifying the areas as low risk.
32. Inner West Police Command advise the Newtown entertainment precinct is a high density hotspot for alcohol related assaults, property damage and antisocial behaviour. The area has a high concentration of licensed premises and packaged liquor stores. Pre-loading to levels of intoxication among youth is regularly reported in streets and parks near King Street.
33. Kings Cross Police Command is impacted by consumption of alcohol in public places due to patrons at backpacker hostels and a high concentration of licenced premises in the area. Police advised this leads to antisocial behaviour, public urination, offensive conduct and assaults. After further analysis, police withdrew 55 sites from Elizabeth Bay and Darlinghurst identifying the areas as low risk. These sites were originally established prior to the introduction of lockouts in the area.
34. Leichhardt Police Command is adversely affected by anti-social behaviour related to youth and backpackers drinking to levels of intoxication near Glebe Point Road and foreshore parklands. After further analysis, Police withdrew five sites from Glebe and Forest Lodge, identifying the areas as low risk and balancing community needs.

35. Based on the applications and additional analysis this report recommends the establishment of 262 alcohol-free zones, 104 alcohol prohibited areas, 11 timed alcohol prohibited areas and two temporary alcohol-free zones as listed in Attachment C. This is a total of 437 sites that make up 379 zones and areas. A map of all zones and areas is provided in Attachment D.
36. If endorsed by Council, a notice will be placed on the City's website declaring the establishment of outdoor alcohol restrictions. City staff will also notify vulnerable community members through our existing networks.
37. Outdoor alcohol restrictions will not operate until seven days after such notice and until roads and footpaths affected are adequately signposted in accordance with the Ministerial Guidelines.
38. At the November 2019 Council meeting, Council adopted an alternative recommendation for Item 7.3 and approved the establishment of temporary outdoor alcohol restrictions to operate during New Year's Eve and New Year's Day on a recurring basis for four years, beginning 31 December 2019 and ending 1 January 2023.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

39. 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 1: A globally competitive and innovative city: The establishment of outdoor alcohol restrictions help to ensure that Sydney continues to be regarded as a safe place to live, visit and do business.
 - (b) Direction 5: A lively, engaging city centre: The establishment of outdoor alcohol restrictions ensures that Sydney has safe and attractive public spaces for people to meet, rest and walk through at all times of the day or night.
 - (c) Direction 6: Resilient and Inclusive Local Communities: The establishment of outdoor alcohol restrictions enhances the safety and accessibility of civic spaces for a diverse population of residents, workers and visitors to enjoy.
 - (d) Direction 9: Sustainable development, renewal and design: The establishment of outdoor alcohol restrictions contribute to urban environments that promote health and wellbeing where people feel safe.

Risks

40. If Council does not endorse the proposal, Council's existing outdoor alcohol restrictions will cease to operate after 21 March 2020.

Social / Cultural / Community

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

Economic

42. Outdoor alcohol restrictions contribute to reduction in anti-social behaviour and increased amenity. 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.
43. Areas covered by footway approvals issued by the City of Sydney to licensed premises are exempt from outdoor alcohol 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

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

Relevant Legislation

46. Local Government Act 1993.
47. Liquor Act 2007.
48. Roads Act 1993.

Critical Dates / Time Frames

49. Council's existing outdoor alcohol restrictions will cease to operate after 21 March 2020.
50. Under the Local Government Act 1993, a council must publicly notify the establishment of an outdoor alcohol restriction.
51. An outdoor alcohol restriction 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

52. 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.
53. As part of the consultation process, and in accordance with the Ministerial Guidelines, the Anti-Discrimination Board of NSW were notified. No response was received within the 40-day time frame.
54. Consultation also occurred with the City's Nightlife 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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