

Outdoor Alcohol Restrictions

File No: X099118

Summary

Safety is essential to creating a vibrant, thriving city in which to live, visit, work, invest and study. Sydney ranked fourth in the Economist Group's 2021 Safe Cities Index which measures the multifaceted nature of urban safety including digital security, health security, infrastructure security, personal security, and environmental security.

Alcohol restrictions in public places aim to create safer streets and public spaces by preventing alcohol-related antisocial behaviour and crime. Outdoor alcohol restrictions include alcohol-free zones and alcohol-prohibited areas. Alcohol-free zones apply to public roads, footpaths and public car parks which can be established for up to four years. Alcohol-prohibited areas apply to parks and civic spaces.

Alcohol restrictions provide NSW Police with an early intervention measure to confiscate alcohol within identified locations. The City of Sydney currently has 379 alcohol-free zones and alcohol-prohibited areas which will expire on 15 December 2023. The process for proposing and establishing alcohol-free zones and alcohol-prohibited areas is regulated under the Local Government Act 1993. A resolution of Council is required to for establishment.

The NSW Ministerial Guidelines on Alcohol-free zones, in conjunction with section 644A of the Local Government Act 1993, prescribe the consultation requirements to establish alcohol restrictions. The public exhibition period took place between 25 September to 25 October 2023.

Community engagement was conducted through Sydney Your Say and targeted consultation with NSW Police, Anti-discrimination Board NSW, community organisations, liquor licensed premises, neighbourhood advisory boards, state and local government.

The City received 50 submissions at the completion of the consultation period, with 39 submissions in support, six opposed, and five neither supporting nor opposing proposed alcohol restrictions.

This report recommends the renewal of existing alcohol restrictions in the City of Sydney local government area, as well as the establishment of new alcohol-free zones in 15 streets and two new alcohol-prohibited areas in two parks.

Recommendation

It is resolved that Council:

- (A) note the public exhibition process for proposed alcohol-free zones and alcohol-prohibited areas undertaken in accordance with the Local Government Act 1993, and the matters raised in submissions as summarised in Attachment C to the subject report;
- (B) approve the establishment of alcohol-free zones and alcohol-prohibited areas listed in Attachment A to the subject report for a four-year period
- (C) approve the establishment of the timed areas as outlined in Attachment A to the subject report;
- (D) approve the establishment of temporary alcohol-free zones outlined in Attachment A to the subject report; and
- (E) not approve the proposed alcohol-free zone at Harris Street, Ultimo and alcohol-prohibited area at High Street Gardens, Millers Point for the reasons outlined in the subject report.

Attachments

- Attachment A.** List of Recommended Alcohol-Free Zones and Alcohol-Prohibited Areas
- Attachment B.** Map of Recommended Alcohol-Free Zones and Alcohol-Prohibited Areas
- Attachment C.** Submissions Summary

Background

1. The City's applications for alcohol-free zones and alcohol-prohibited areas are always open to community, with all applications processed every four years to align with the expiry of alcohol-free zones. The City's existing alcohol-free zones will expire on 15 December 2023.
2. Alcohol-free zones apply to public roads, footpaths and public car parks. Alcohol-prohibited areas apply to parks and other open civic spaces.
3. Alcohol restrictions are established to prohibit the consumption of alcohol to prevent alcohol-related antisocial behaviour and crime including malicious damage, public urination, littering and noise impacts as well as alcohol-related assault.
4. Alcohol 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.
5. Under the Local Government Act 1993, Council can establish an alcohol-free zone for up to four years. The City uses best practice and applies this approach to alcohol-prohibited areas to ensure a community consultation opportunity is provided every four years in relation to all alcohol restrictions. Alcohol-free zones can be established temporarily for events and for specified times.
6. As part of the preparation for community consultation, all proposed new alcohol restrictions were provided to the relevant Police Area Command along with existing alcohol restrictions for review and recommendation.
7. All six Police Area Commands in the City of Sydney recommended the renewal of all existing alcohol-free zones and alcohol-prohibited areas in their commands. South Sydney and Inner West Police Area Commands applied for new locations.
8. One business and 22 residential applications were assessed, with all valid applications placed on public exhibition. Ten applications for existing alcohol restrictions are recommended for renewal. All residential and business applications were supported for the community consultation process by Police.
9. All recommendations have been assessed according to crime data, consultation submissions and insights from local Police who enforce alcohol restrictions. Crime trends have been disrupted due to Covid-19, with data considerations focussed on emerging two-year trends as the local economy, including entertainment precincts revitalise.
10. The renewal of existing alcohol restrictions in the City of Sydney local government area and the establishment of new alcohol-free zones in 15 streets and new alcohol-prohibited areas in two parks are recommended.
11. One new alcohol prohibited area and two streets were placed on public exhibition for the Sydney City Police Area Command. All new proposed sites in the Sydney Police Area Command are resident applications.
 - (a) The Towns Place proposal is recommended for establishment, receiving a number of submissions supporting this proposal from local residents and strata.

- (b) The High Street Gardens alcohol prohibited area is not recommended for establishment as the applicant advised the activity reported is no longer an issue in this location.
 - (c) The proposal for Harris Street Ultimo is not recommended as no submissions or supporting data supported this application.
12. A resident application for a new alcohol-free zone in Blackburn Street Surry Hills is supported as it is a narrow residential street surrounded by existing alcohol-free zones and supported by the Surry Hills Police Area Command.
 13. The South Sydney Police Area Command has two new alcohol prohibited areas and three streets recommended for new alcohol-free zones:
 - (a) The resident applications for Bartley Lane (alcohol-free zone) and Strickland Park (alcohol-prohibited area) are recommended for establishment in Chippendale. Bartley Lane is a small narrow laneway behind Strickland Park which is a child's playground located in a residential area. The proposed restrictions complement existing alcohol free-zones in Balfour and Bartley Street.
 - (b) The South Sydney Police Area Command application for sections of Danks Street and Bourke Street for alcohol-free zones and Crystal Park as alcohol-prohibited in Waterloo are recommended to manage the impacts of an early trading bottle shop in the local area.
 14. Resident applications for the establishment of Buckland Lane, Egan Street, Watkin Street and Whateley Lane in Newtown as new alcohol-free zones are supported due to the number of submissions and to complement existing zones proposed for renewal. These applications are also supported by Inner West Police, to address pre-loading and antisocial behaviour.
 15. Inner West Police have applied for an extension to the existing King Street alcohol-free zone to be extended south from Newman Street to Sydney Park Road. The City of Sydney side of King Street only applies to the eastern side of King Street south.
 16. The proposal for King Street South is recommended for establishment noting that Inner West Council are conducting a corresponding consultation process for the western side of King Street. Inner West Police have identified increased activity including alcohol-related antisocial behaviour and crime related to the Enmore Road Precinct in Inner West Council.
 17. Inner West Council's existing alcohol-free zones in Newtown expire on 17 December 2023, with planning underway for their exhibition process, including consultation with the Inner West Police Area Command.
 18. The new proposed alcohol-free zones in Glebe in the Leichhardt Police Area Command are recommended for establishment around Broadway Shopping Centre to manage antisocial behaviour identified by Broadway shopping centre security and supported by Police.
 19. This recommended alcohol-free zone includes Bay Street, Francis Street, Franklyn Street, Greek Street and Grose Street, complementing the restriction in Minogue Reserve. The Leichhardt Police Area Command support this application, providing data on alcohol-related assault in the proposed streets.

Consultation

20. The 30-day consultation period for the renewal of existing alcohol restrictions and new proposed alcohol-free zones and alcohol prohibited areas was completed through Sydney Your Say as well as targeted communications to 1,476 liquor licensed premises located within proposed location and the City's network through Liquor Accords.
21. The Anti-Discrimination Board of NSW was notified of the consultation process as required by the Ministerial Guidelines on Alcohol-free Zones 2009 and an acknowledgement of the receipt of the notification was provided.
22. In addition, the public notice and invitation to provide feedback on proposed alcohol restrictions was sent to health services, homelessness services, community legal services, social housing neighbourhood advisory boards, the Waterloo Wellbeing and Safety Action Group, Aboriginal community-controlled organisations, NSW Land and Housing Corporation and NSW Department of Communities and Justice.
23. Of the 50 community submissions received, 42 are from residents, including one resident and local business owner, two community groups, two businesses, one strata manager, a community organisation, the NSW Land and Housing Corporation and NSW Health.
24. Submissions in support of alcohol restrictions expressed feeling safer in areas with restrictions, especially at night, and the positive impact of alcohol restrictions in managing noise and antisocial behaviour.
25. Five submissions supported the ongoing application of alcohol restrictions on NSW Land and Housing property in Redfern and Waterloo. The City works in partnership with residents, community organisations and state government to enhance the safety, liveability and amenity of social housing communities and properties through the Waterloo Wellbeing Safety Action Group and Neighbourhood Advisory Boards
26. The South Sydney Police Area Command provided crime data analysis and an outline of calls from Waterloo residents to manage alcohol-related antisocial behaviour at Waterloo Green. The proposed renewal of alcohol restrictions was presented to the Waterloo Wellbeing Safety Action Group.
27. The Sydney Local Health District submitted their support for alcohol restrictions as one part of a holistic approach to mitigate alcohol-related antisocial behaviour. Drug Health Services reinforced their commitment to work with residents, services and community through neighbourhood advisory boards and the Waterloo Human Services Collaborative to support a collective commitment to focus on health, safety and wellbeing for residents.
28. Eleven submissions expressed a concern regarding a lack of enforcement of alcohol restrictions across different locations in the local government area. It is noted that enforcement of alcohol-free zones and alcohol-prohibited areas is a matter for the NSW Police.
29. All six submissions opposing alcohol restrictions came from individual residents from a range of locations. The submissions were opposed to all alcohol restrictions, with some raising concerns about the impact on the night-time economy and observing that most people do the right thing.

30. The City supports a safe and vibrant night-time economy including the consumption of alcohol in well managed locations such as liquor licensed premises and alfresco dining areas where the responsible service of alcohol is practiced. Liquor licensed areas, including footway licenses and liquor licensed areas at outdoor events are exempt from alcohol restrictions.
31. Submissions in support of alcohol restrictions from business, workers and residents highlighted that current alcohol restrictions manage disorderly behaviour in entertainment precincts.
32. One resident specified that the proposed new King Street south alcohol-free zone will not be effective if Inner West Council does not establish similar restrictions on the opposite side of King Street. This is acknowledged as a risk but is a matter beyond the City's control due to the nature of the boundaries of the local government areas. Staff will continue to liaise with staff of the Inner West Council to facilitate a common approach in this area.
33. Three submissions identified equity concerns for people who cannot afford to drink alcohol in licensed venues, people who are experiencing homelessness and people who consume alcohol in publicly accessible spaces on NSW Land and Housing property.
34. City staff work collaboratively with NSW Health, NSW Police and local services to support people who drink in public places to improve health outcomes and reduce risk of alcohol-related harm. This includes partnerships with specialist homelessness and health services to provide daily outreach to people sleeping rough supporting them to access drug and alcohol services, health care and housing.
35. The City is working with Waterloo social housing residents to improve safety on the estate as part of the Waterloo Human Services Collaboration. This includes the Waterloo Health and Wellbeing Peer Education Program, a peer education model led by the Sydney Local Health District that connects community with local health services and information on topics including drug and alcohol harm reduction.
36. The Waterloo Safety Plan is being planned and delivered by the Waterloo Wellbeing Safety Action Group, chaired by the City and made up of social housing residents and local services including the Sydney Local Health District, South Sydney Police Area Command, Mission Australia and the NSW Department of Communities and Justice.
37. Three submissions highlighted the need for an inclusive and holistic approach, recommending that alcohol restrictions are complemented by outreach programs and dedicated alcohol-permitted areas where support services can engage, and community can gather safely.
38. It is acknowledged that alcohol restrictions need to be part of a wider range of strategies to address alcohol impacts in community. The City is working with community, local services, NSW Health, NSW Police, NSW Department of Community and Justice and the NSW Land and Housing Corporation to investigate further outreach programs and service delivery models to address alcohol-related harm in community with a person-centred approach with focus on social housing areas in Redfern and Waterloo.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

39. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This program is aligned with the following strategic directions and objectives:
- (a) Direction 7 - Resilient and diverse communities - Objective 7.5 People feel safe in the City.
 - (b) Direction 10 - Housing for all - Objective 10.2 Work in partnership to enhance the safety, liveability and amenity of social housing communities and properties.

Risks

40. If alcohol restrictions are not endorsed, alcohol-free zones and alcohol prohibited areas will no longer operate in the City of Sydney from 15 December 2023 prior to the peak holiday season.
41. If the Inner West Council does not endorse an alcohol-free zone on the section of King Street, Newtown under its care and control this may lead to community confusion and limit the effectiveness of the alcohol-free zone on the City's side of King Street.

Social / Cultural / Community

42. The City is working in collaboration with state government and local non-government organisations to develop strategic responses to the health impacts of alcohol use for priority communities, including people experiencing homelessness and social housing residents.

Economic

43. Alcohol restrictions contribute to the reduction of antisocial 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.
44. Liquor licensed areas are exempt from alcohol-free zone restrictions, including footway approvals and outdoor dining areas.

Financial Implications

45. Sufficient funds for the proposed signage updates are provided for in the 2023/24 operating budget.

Relevant Legislation

46. Local Government Act 1993

Critical Dates / Time Frames

47. All alcohol restrictions in the City of Sydney expire on 15 December 2023. Signs will be updated for continuous operation of existing alcohol restrictions proposed for renewal in this report.
48. Council must notify the community of the establishment of an alcohol-free zone. New alcohol restrictions are not operational until seven days after notice is given, and the location is adequately signposted.

Public Consultation

49. The statutory 30-day consultation period for the renewal of existing alcohol restrictions and new proposed alcohol-free zones and alcohol prohibited areas was completed through Sydney Your Say as well as targeted communications.
50. The City received 50 submissions at the completion of the consultation period, with 39 submissions in support, six opposed, and five neither supporting nor opposing proposed alcohol restrictions. In addition, written submissions providing information in support of the requested alcohol-free zones and alcohol-prohibited areas were provided by each of the relevant NSW Police local area commands.

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