

Relevant Information for Council

FILE: X099118 **DATE:** 16 November 2023

TO: Lord Mayor and Councillors

FROM: Emma Rigney Director City Life

THROUGH: Monica Barone, Chief Executive Officer

SUBJECT: Information Relevant To Item 10.3 – Outdoor Alcohol Restrictions

Alternative Recommendation

It is resolved that:

- (A) Council 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) Council approve the establishment of alcohol-free zones and alcohol-prohibited areas listed in Attachment A to the subject report for four-year period
- (C) Council approve the establishment of the timed areas as outlined in Attachment A to the subject report;
- (D) Council approve the establishment of temporary alcohol-free zones outlined in Attachment A to the subject report; ~~and~~
- (E) Council 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;
- (F) ***the Lord Mayor be requested to write to the Minister for Local Government to request an evaluation of alcohol-free zones and alcohol prohibited areas in preventing alcohol-related crime and anti-social behaviour without exacerbating disproportionate impacts on Aboriginal and Torres Strait Islander communities, social housing residents and people experiencing homelessness; and***

- (G) ***the Chief Executive Officer be requested to continue to work with local residents and Aboriginal community-controlled organisations to co-design person-centred approaches to address alcohol-related harm alongside NSW Health, NSW Land and Housing Corporation, NSW Police and the NSW Department of Communities and Justice.***

Purpose

The purpose of this memo is to provide additional information on proposed outdoor alcohol restrictions and an Alternative Recommendation for Council consideration.

Background

At the meeting of the Resilient Communities and Economy on 6 November 2023, further information was sought on the proposal to renew and establish alcohol restrictions as follows:

- **Provide further information on the proposed new zone - Strickland Park.**
- **Are some people disproportionately impacted by these zones?**
- **Provide further detail on the impact on the Aboriginal community.**
- **Provide the number and relative proportion of arrests of Aboriginal people in this context.**
- **Is there evidence that the zones reduce crime and antisocial behaviour?**
- **What is the City doing, or what can the City do, about trading hours (selling alcohol).**
- **What is the nature of current complaints, noting that historically, the main issue has been noise / amenity impacts?**
- **Provide a detailed assessment of these issues, including feedback from the community.**

All capital cities in Australia have alcohol restrictions in public spaces, with variations across each city depending on state legislation. Some capital cities, such as Melbourne and Adelaide have blanket restrictions across their whole central business district. In other capital cities, such as Brisbane, Perth, Hobart and Darwin, restrictions apply to all public spaces and a permit or license is required to consume alcohol in public spaces.

According to NSW legislation, all councils in NSW are required to respond to applications for alcohol restrictions and place valid proposals on public exhibition for a 30-day consultation period, inviting feedback from community. City staff summarise community feedback to inform Council's decision as well as consult with NSW Police, council records and crime data to support proposed new zones.

All current alcohol restrictions expire on 15 December 2023 which coincides with peak alcohol-related crime associated with the summer season according to the NSW Bureau of Crime Statistics and Research. NSW Police have advised that their operations over this period would be severely impacted at short notice should these restrictions discontinue at this time of year.

The report recommends the renewal of existing alcohol restrictions and 17 new locations for a period of up to four years:

- Eleven new streets proposed by residents and business
- Four streets proposed by NSW Police
- One park proposed by a resident in Chippendale
- One park proposed by South Sydney Police in Waterloo

The 50 submissions cited in the report to council are from residents (42), businesses (2), NSW Health (1), NSW Land and Housing Corporation (1), a strata management group (1), a community organisation (1) and community groups (2):

- 39 supported alcohol restrictions
- Six opposed alcohol restrictions
- Five were neither in support or opposition

In addition, the NSW Anti-Discrimination Board provided written advice that they have no objection to the proposed renewal and establishment of new alcohol restrictions, provided the consultation process is in accordance with that set out in the Ministerial Guidelines on Alcohol-Free Zones.

In accordance with the Ministerial Guidelines, City staff wrote to 25 community organisations, health services and legal centres, including 16 Aboriginal community-controlled organisations:.

- Aboriginal Housing Company Ltd
- Aboriginal Legal Service (NSW/ACT) Limited
- Aboriginal Medical Services Redfern
- AIME (Australian Indigenous Mentoring Experience)
- Babana Aboriginal Mens Group
- Deadly Connections Community and Justice Services
- First Peoples Disability Network Australia Limited
- Gadigal Information Service
- Kinchela Boys Home Aboriginal Corporation
- Metropolitan Local Aboriginal Land Council

- Mudgin-Gal Aboriginal Corporation
- National Centre of Indigenous Excellence
- Redfern Youth Connect
- Tranby National Indigenous Adult Education and Training
- Tribal Warrior Aboriginal Corporation
- Wyanga Aboriginal Aged Care
- BaptistCare Hope Street
- Counterpoint Community Services Inc
- Kirketon Road Centre
- Redfern Legal Centre
- Uniting Medically Supervised Injecting Centre
- St Vincent De Paul Society: Matthew Talbot Hostel
- St Vincent's Homeless Health
- Sydney Local Health District Drug Health Services
- Wayside Chapel

Strickland Park

Strickland Park is a small pocket park that is mainly dedicated to a playground area on the corner of Balfour and Bartley Streets in Chippendale. Balfour and Bartley Streets are current alcohol-free zones. Strickland Park Playground is currently alcohol prohibited.

The playground has alcohol-prohibited signage installed. The resident application for this local area includes Bartley Lane which is adjacent to this small park and notes issues in the area leading to the entrance of Strickland Park.

The concerns in this park and adjacent laneway relate to glass bottles being left in the laneway and area leading into the park entrance. This aligns with information received by City staff.

Due to the small size of this park, it is recommended that the existing alcohol prohibited area apply to Strickland Park and the new alcohol-free zone resident application for Bartley Lane is supported.

The neighbouring streets to Strickland Park are a mix of social housing, private housing, businesses, strata properties, and three mixed developments comprised of commercial and residential premises.

Impact on priority communities - social housing residents

The 2010 amendment to the Local Government Act 1993 to enable NSW councils to establish alcohol-prohibited areas on public housing property was initiated by social housing residents in Waterloo and actioned through their local Member of NSW Parliament. Advocacy efforts by the Waterloo Neighbourhood Advisory Board and Waterloo Wellbeing Safety Action Group, led by the People's Precinct resulted in this legislative amendment.

NSW Health are currently developing an options paper that will include models for health outreach at Waterloo Green and are leading this conversation as part of the Waterloo Human Services Collaborative. Working groups have been established to develop holistic approaches to alcohol-related harm in Redfern and Waterloo social housing estates.

The Sydney Local Health District have provided a submission supporting ongoing alcohol-restrictions and their commitment to work with the City to encourage and promote a collective commitment to address alcohol-related antisocial behaviour with a focus on health, safety, and wellbeing for residents.

Submissions from REDWatch, NSW Health and Counterpoint Community Services speak to the need for a person-centred approach to alcohol management in public places alongside alcohol restrictions.

In their submission, REDWatch urged the prioritisation of projects that focus on safety in public spaces and to consider safe areas people can drink in public places without being approached by Police, referring to models that give community responsibility over an area and at the same time allow access to health and social supports.

Counterpoint noted they receive regular complaints about alcohol-related antisocial behaviour and calls for more consistent and effective enforcement of alcohol restrictions. Counterpoint supports approaches that prioritise the health and wellbeing of people who experience health impacts in relation to their alcohol consumption and the need for consistent and secure resourcing to utilise program models that have proven successful locally.

Five of the six resident and business submissions from Redfern Waterloo were in favour of the continuation of alcohol-prohibited areas, including social housing residents. One submission specifically outlined experiences of noise near the Marton building late at night and requests consistent enforcement.

Waterloo Wellbeing and Safety Action Group and the Waterloo Safety Plan

Chaired by the City, the Waterloo Wellbeing Safety Action Group includes social housing residents and local services including Sydney Local Health District, South Sydney Police Area Command, Mission Australia and the NSW Department of Communities and Justice. Identified priorities include mental health, domestic and family violence, community safety and emergency preparedness for residents, and holistic responses to manage alcohol-related antisocial behaviour in open spaces and streets.

Waterloo Health and Wellbeing Peer Education Program

The City supports the Waterloo Health and Wellbeing Peer Education Program, led by Sydney Local Health District, connecting the community with local health services and information on topics including drug and alcohol harm reduction in the broader community.

Aboriginal and Torres Strait Islander Communities

There is no data that can directly link arrests for alcohol-related offences with the enforcement of alcohol restrictions as there are no charges associated with the act of consuming alcohol in an alcohol-free zone or alcohol prohibited area, and no related crime category.

Resourcing Aboriginal community-controlled organisations to design culturally appropriate approaches to alcohol-related impacts are prioritised in collaboration with NSW Health and other relevant state and local agencies. Counterpoint Community Services have written to NSW Health to support this approach as part of their contribution to the Sydney Local Health District's Options Paper.

It is recommended in this Information Relevant Memorandum that the Lord Mayor requests the NSW Minister of Local Government to investigate any disproportionate impacts on Aboriginal and Torres Strait Islander communities as a result of legislation restricting the consumption of alcohol in public places in consultation with Aboriginal and Torres Strait Islander Communities across New South Wales.

Homelessness

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, well-being support and housing. The City supports the coordination of Mob Connects, a one stop service hub for Aboriginal and Torres Strait Islander people experiencing homelessness in Woolloomooloo.

Effectiveness of alcohol restrictions

NSW Police preference this softer approach as an early intervention measure that attracts no fines or charges to manage alcohol impacts in community.

City staff consult crime data to inform the assessment of proposed new alcohol-free zones and alcohol prohibited areas. There are challenges to determine the effectiveness of existing alcohol restrictions, including the consistency of recording incidents of enforcement and how this may have prevented more serious incidents of alcohol-related anti-social behaviour and crime.

It is noted that alcohol restrictions are valued by community as they increase perceptions of safety and amenity in public spaces and improve public space management, including the reduction of alcohol-related litter and public urination.

City staff acknowledge there is limited evidence to demonstrate the effectiveness of alcohol-free zones and recommend a review of the legislative framework be undertaken by the NSW Government.

It is recommended that the Lord Mayor write to the Minister for Local Government to request an evaluation of alcohol-free zones and alcohol prohibited areas in preventing alcohol-related crime and anti-social behaviour.

Liquor Trading Hours

The City works closely with local Liquor Accords and businesses to assist them in adhering to their responsibilities under the Liquor Act and enhance community safety. Liquor licensing hours are a matter for NSW Government under the Liquor Act 2007.

Current Complaints

Support of the continuation of alcohol restrictions has been reflected in submissions from residents, including social housing residents. Alcohol-related antisocial behaviour is raised regularly at Waterloo Lord Mayor Forums with concerns articulated regarding the need for consistent enforcement, especially late at night to manage noise impacts.

Staff at the Waterloo Metro Quarter development have advised City staff that they have had to cease operations and close the site on different occasions when there has been an escalation of alcohol related anti-social behaviour that was determined not safe for staff.

The most common issues identified in submissions were antisocial behaviour; noise impacts including swearing, arguments, and shouting; litter including broken glass; safety concerns due to intoxicated persons and human waste left behind by intoxicated persons. Nine submissions stated they would like to see greater enforcement of alcohol restrictions.

Five submissions specifically supported a new proposed alcohol-free zone for Town's Place to manage the impacts of party boats.

Memo from Emma Rigney Director City Life

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Approved

P. M. Barone

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Chief Executive Officer