

Attachment A

**Outdoor Alcohol Restrictions Review
Report - Urbis**



OUTDOOR ALCOHOL RESTRICTION REVIEW

Insights and recommendations
report

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director Dianne Knott
Senior Consultant Hayley Kardash, Gilbert Elliott
Project Code P0050957
Report Number Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	This Report	1
1.1.	About Outdoor Alcohol Restrictions.....	1
1.2.	Restrictions in the City of Sydney	2
1.3.	Areas within the City of Sydney	2
2.	How restrictions are used in the City of Sydney	4
2.1.	Options available to police	4
2.1.1.	Under the Outdoor Alcohol Restrictions	4
2.1.2.	Under other Legislation	5
2.2.	Review of available data	6
3.	What we heard through consultation.....	9
3.1.	Who we consulted.....	9
3.2.	Summary of views.....	9
3.3.	Supporting safe residential neighbourhoods	10
3.4.	Supporting safe late-night entertainment precincts	10
3.5.	Acknowledging impacts on priority communities	11
3.6.	How restrictions are used within the city	12
3.7.	Options beyond Restrictions	12
4.	Feedback from Aboriginal Community Controlled Organisations	14
4.1.	Equity and systemic disadvantage	14
4.2.	Transparency and collaboration	14
5.	What we heard through Sydney Your Say survey	16
5.1.	About survey respondents	16
5.1.1.	Survey respondents' connection to the City of Sydney	16
5.1.2.	Survey respondents' cultural background	17
5.1.3.	Survey respondents' sexuality	17
5.1.4.	Survey respondents' age	17
5.2.	Safety and outdoor drinking	18
5.2.1.	Survey respondents' perceptions of safety and outdoor drinking	18
5.3.	Respondent Views on Outdoor Alcohol Restrictions	19
5.4.	Alcohol free zones	19
5.5.	Alcohol Prohibited Areas	20
5.5.1.	Open ended survey responses	21
6.	Recommendations	24
7.	Disclaimer	25

FIGURES

Figure 1 Alcohol Free Zones and Alcohol Prohibited Areas.....	2
Figure 2 Late night trading area map	3
Figure 3 Source: NSW BOCSAR; City of Sydney; Urbis. Data accessed 26 March 2024.	7
Figure 4 Source: NSW BOCSAR; City of Sydney; Urbis. Data accessed 26 March 2024	8
Figure 5 Survey respondents' connection to the City of Sydney	17
Figure 6 Number of survey respondents by age	18
Figure 7 Percentage of age groups - survey respondents / City of Sydney population	18
Figure 8 Survey respondents' perceptions of safety and outdoor drinking	19
Figure 9 Views on Alcohol Free Zones.....	20
Figure 10 Views on Alcohol Prohibited Areas	21

TABLES

Table 1 Enforcement options available under Outdoor Alcohol Restrictions	4
Table 2 Enforcement options in the absence of Outdoor Alcohol Restrictions.	5

1. THIS REPORT

The City of Sydney (the City) implements Outdoor Alcohol Restrictions under the Local Government Act (1993) with the aim of preventing alcohol-related crime and antisocial behaviour within its local government area (LGA).

In NSW, Outdoor Alcohol Restrictions (the Restrictions) can be established by councils under the Act for up to four years. The NSW Government is responsible for enforcing Restrictions through NSW Police. Every four years, Councils must review existing Restrictions and consider valid applications. Applications can be made by the NSW Police, local community representative or council. Councils must prepare and publicly exhibit the proposed Restrictions before a decision is made by the elected council.

The City of Sydney has 379 areas where the Restrictions apply, these are both alcohol-free zones and alcohol-prohibited areas (defined below).

There are also other Restricted areas within the City of Sydney that are managed and regulated by the NSW Government. The Rocks, Barangaroo, Darling Harbour, and waterfront areas in Pyrmont are managed by Place Management NSW. Restrictions apply to all bus stops, train stations and ferry wharves and are managed by Transport for NSW and regulated under the Passenger Transport (General) Regulation 2017.

This Report, prepared by Urbis, forms part of an expanded review passed by resolution of the City of Sydney Council in November 2023. This resolution required a comprehensive review of all existing alcohol-free zones and alcohol prohibited areas in broad consultation with local residents, communities in social housing estates, neighbourhood advisory boards, community services, Aboriginal and Torres Strait Islander communities – including Aboriginal community-controlled organisations – and culturally and linguistically diverse communities, business and relevant NSW government agencies, to determine which specific restrictions have broad community support and should be retained, and which can be lifted, and report back to Council with revised recommendations.

In addition, a rapid review of NSW Bureau of Crime Statistics and Research (BOSCAR) ‘Consume alcohol in alcohol free zone’ incidents (2019 to Q4 2023) data was completed. To enable the expanded review, Restrictions were temporarily extended by the City by nine months (from 15 December 2023 to 15 September 2024).

In parallel, the City is undertaking a more detailed review of data from NSW Police for each of the six Police Area Commands (PACs).

The expanded review is intended to assess the Restrictions in the context of evolving community needs and gather additional feedback from a broad range of stakeholders and community members.

In doing so, it provides additional insights to assist the City to identify locations where restrictions are warranted, should be removed, changed, be made temporary or timed to support the management of alcohol-related crime and antisocial behaviour within the City.

1.1. ABOUT OUTDOOR ALCOHOL RESTRICTIONS

Outdoor Alcohol Restrictions encompass several interventions:

- Alcohol Free Zones (AFZs): apply to public roads, footpaths and car parks – these apply 24 hours, 7 days a week
- Alcohol Prohibited Areas (APAs): apply to public open spaces, parks, and playgrounds – these apply 24 hours, 7 days a week
- Timed Alcohol Prohibited Areas (APAs): established to operate at certain times of the day (for example, between 6pm and 10am or 10pm and 10am)
- Temporary Alcohol Restrictions: established for special events (for example, New Year’s Eve).

Restrictions apply to residential areas and late-night entertainment precincts. These areas have been defined in Section 1.3.

The Restrictions provide NSW Police with the authority to tip out or confiscate alcohol. There are no fines associated with this.

The NSW Ministerial Guidelines on Alcohol-Free Zones (2009) note that Restrictions are more effective when they form part of a broader harm minimisation strategy including health interventions, public education, community programs, and public place design. Used in isolation, Outdoor Alcohol Restrictions may simply move a problem from one place to another.

1.2. RESTRICTIONS IN THE CITY OF SYDNEY

The map below shows where Alcohol-Free Zones and Alcohol Prohibited Areas (including temporary or timed APAs) are located across the City of Sydney.

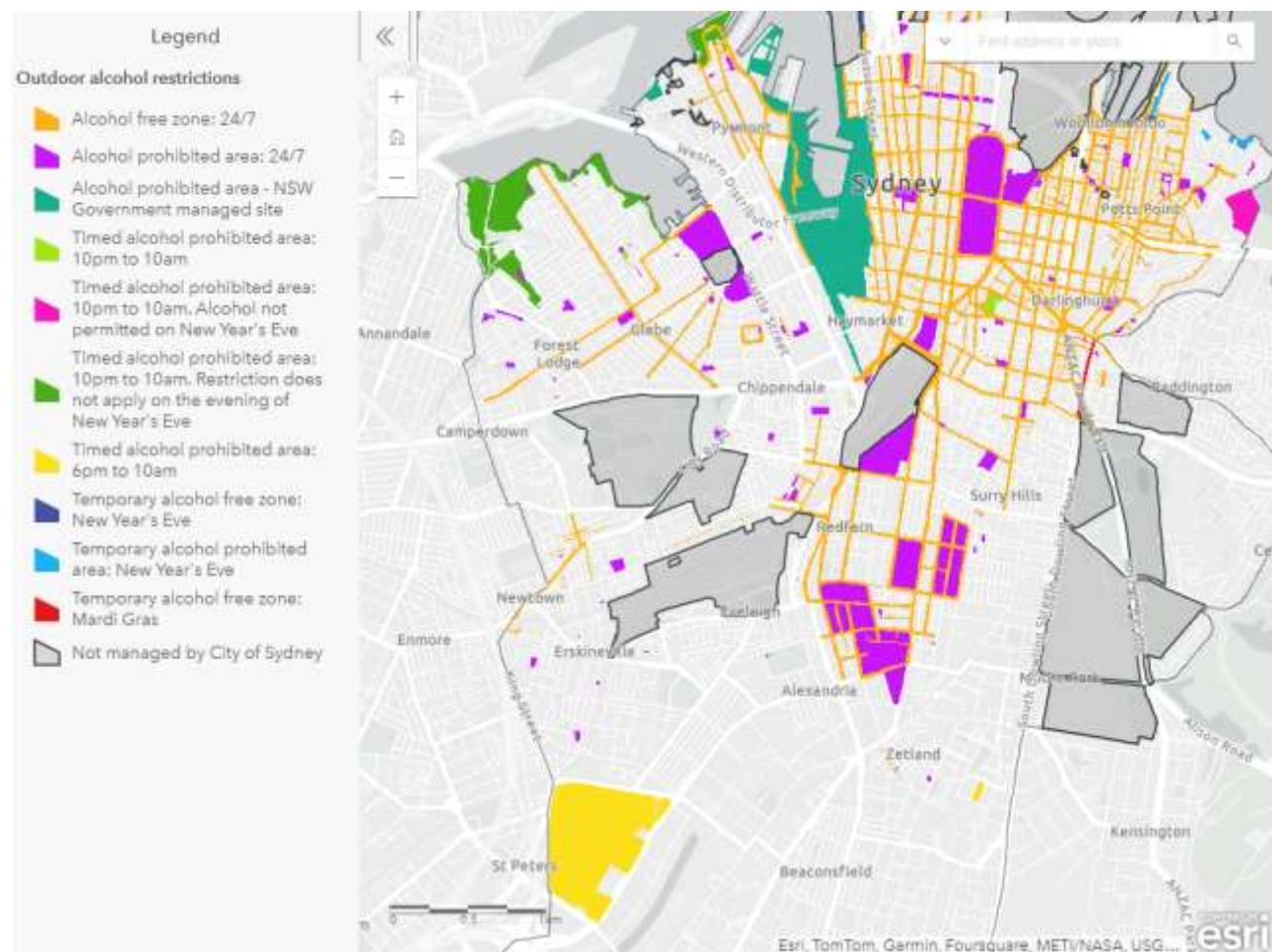


Figure 1 Alcohol Free Zones and Alcohol Prohibited Areas

1.3. AREAS WITHIN THE CITY OF SYDNEY

Restrictions apply to both residential areas and late night entertainment precincts.

For the purposes of this review, late night entertainment precincts have been defined as **Late Night Management Areas** (shown in the map below).

Residential areas are defined as **all other areas** (shown in the map below).

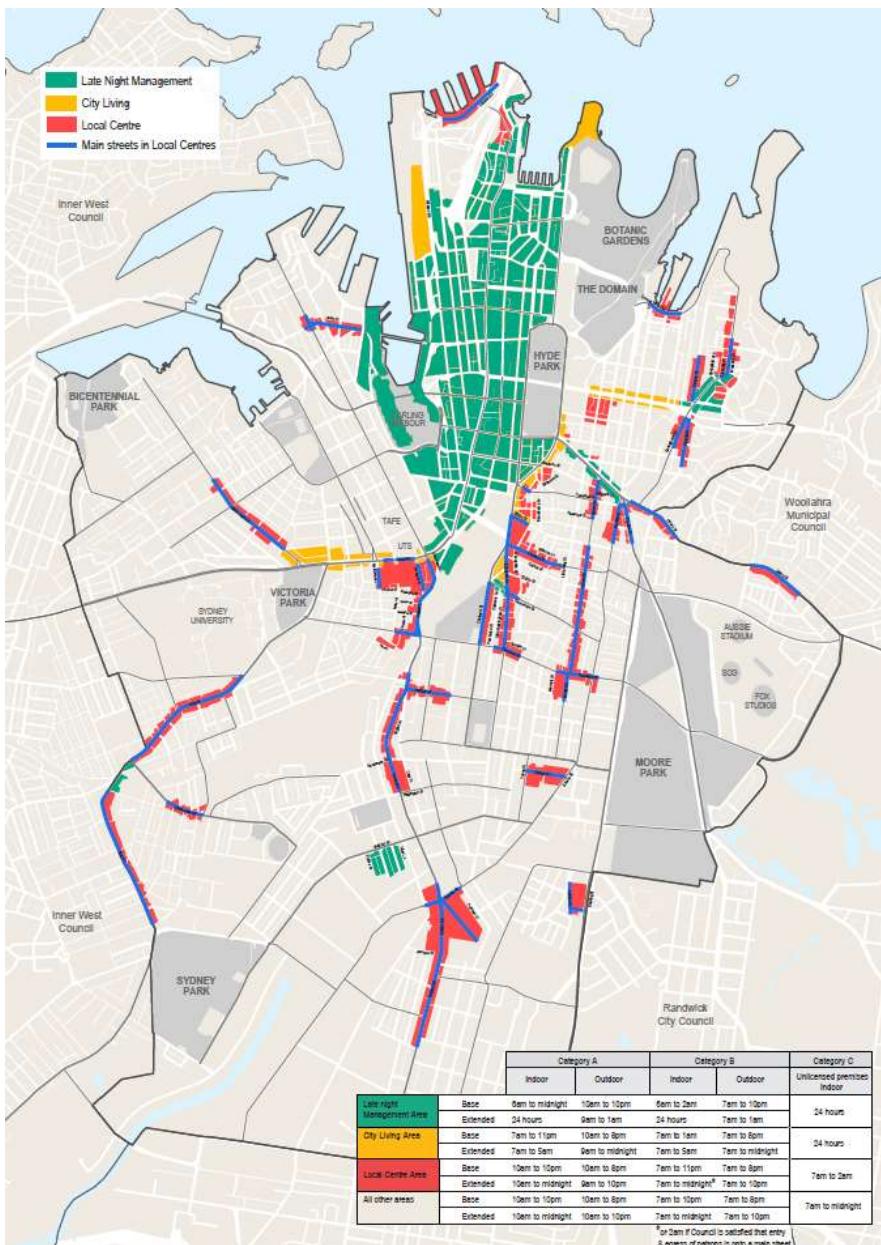


Figure 2 Late night trading area map

2. HOW RESTRICTIONS ARE USED IN THE CITY OF SYDNEY

2.1. OPTIONS AVAILABLE TO POLICE

2.1.1. Under the Outdoor Alcohol Restrictions

In locations where the Restrictions apply, NSW Police have the authority to:

- Seize, tip out, or dispose of alcohol:
 - Police can do this without issuing a warning.
 - No fine is issued.
- Use discretion to issue a warning to a person who is drinking in a restricted area (e.g. where the person may be unaware of the Restriction that applies).
- The NSW Ministerial Guidelines on Alcohol-Free Zones (2009) note the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning applies within an alcohol-free zone. This is regulated under Section 642 and 648 of the Local Government Act 1993.

The Act does not require Police to record this type of warning.

Table 1 Enforcement options available under Outdoor Alcohol Restrictions

Legislation	Enforcement	Governance options
Enforcement options under the Local Government Act 1993 (Outdoor Alcohol Restrictions)		
Section 644	Proposal for establishment of alcohol-free zone	A council may prepare a proposal for the establishment of an alcohol-free zone, either on its own motion or on the application of one or more of the following people: <ul style="list-style-type: none">▪ a person who the council is satisfied is a representative of a bona fide community group active in the area,▪ a police officer,▪ a person who the council is satisfied lives or works in the area.
Section 646	Guidelines for alcohol-free zones	Police and local council enforcement officers have the power to enforce alcohol-free zones (in compliance with Guidelines for alcohol-free zones).
Section 642	Confiscation of alcohol in alcohol-free zones	Confiscation of alcohol in alcohol-free zones; A police officer or an enforcement officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol-free zone if-- <ul style="list-style-type: none">▪ (a) the person is drinking alcohol in the alcohol-free zone, or

Legislation	Enforcement	Governance options
		<ul style="list-style-type: none"> ▪ (b) the officer has reasonable cause to believe that the person is about to drink, or has recently been drinking, alcohol in the alcohol-free zone.
Section 632	Acting contrary to notices erected by councils	<ul style="list-style-type: none"> ▪ (1) A person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence.
Section 660	Obstruction	<p>A person who wilfully obstructs [authority] in the exercise of any function under this Act, or any other Act or any regulation conferring functions on a council is guilty of an offence.-</p> <p>This is a maximum penalty of 20 penalty units (currently a fine of \$2,200).</p>

2.1.2. Under other Legislation

In addition to the Restrictions, the NSW Police has powers available to them under the Law Enforcement (Powers and Responsibilities) Act (LEPRA) 2002 to manage alcohol-related crime and antisocial behaviour. These are shown in Table 2 below.

Police can also issue fines of up to \$1100 at Tram, Bus and Train stations, Passenger Transport (General) Regulation 2017.

Table 2 Enforcement options in the absence of Outdoor Alcohol Restrictions.

Legislation	Enforcement	Governance options
Enforcement options under the Law Enforcement (Powers and Responsibilities) Act (LEPRA) 2002		
Section 198	Move on directions to intoxicated persons	Power to direct a person to leave a public place and not return for a specified period of time if the officers believe on reasonable grounds that the person's behaviour is likely to cause injury to any other person or persons, damage to property or otherwise give rise to a risk to public safety, or is disorderly.
Section 9, Summary Offences Act 1988	Continuation of intoxicated and disorderly behaviour following 'move on direction'	If someone refuses to "move on" after being instructed and there is a continuation of "intoxicated and disorderly" behaviour within 6 hours of when they were instructed, then they are guilty of an offence.
Section 206	Detention of intoxicated persons	NSW Police have the power to detain an intoxicated person found in a public place who is behaving in a disorderly manner, in a manner likely to cause injury to the person or another person or damage to property or in need of physical protection because the person is intoxicated.

Legislation	Enforcement	Governance options
Section 87C	Emergency alcohol-free zones	<p>Enables police of superintendent rank or higher to establish an emergency zone in a public place if they believe public disorder is occurring or there is a threat of it that needs to be controlled. The same laws apply then they would in current alcohol-free zones.</p> <p>An emergency alcohol-free zone must not exceed must not in any case exceed 48 hours.</p>
Place Management NSW Regulation 2022	Consuming liquor in breach of a sign	<p>Place Management NSW may place signs in the public domain prohibiting the possession or consumption of liquor.</p> <p>Once established, a person must not possess or consume liquor in breach of a sign.</p>

2.2. REVIEW OF AVAILABLE DATA

A rapid analysis of NSW Bureau of Crime Statistics and Research (BOSCAR) 'Consume alcohol in alcohol free zone' incidents (2019 to Q4 2023) data informed this review. The data analysis identified the number of incidents reported by NSW Police across the City's 10 Villages.

To support this preliminary analysis, the City has also requested data from NSW Police addressing each of the six Police Area Commands (PACs) that operate within the City.

According to data covering the last 5 years (2019-2023), recorded incidents of 'consume alcohol in an alcohol-free zone' in the City of Sydney LGA have **decreased by an average of 26% per year**.

Covid-19 lockdowns in 2020 and 2021 and a slow recovery in City activity levels in the post-pandemic years have likely contributed to a decrease in incidents.

It should be noted that the recording of incidents is not consistent across Police Area Commands.

In consultation undertaken for this review, NSW Police Regional Command also noted in that their preference is to not record incidents under the Restrictions to avoid in their words unnecessary time spent on administrative recording.

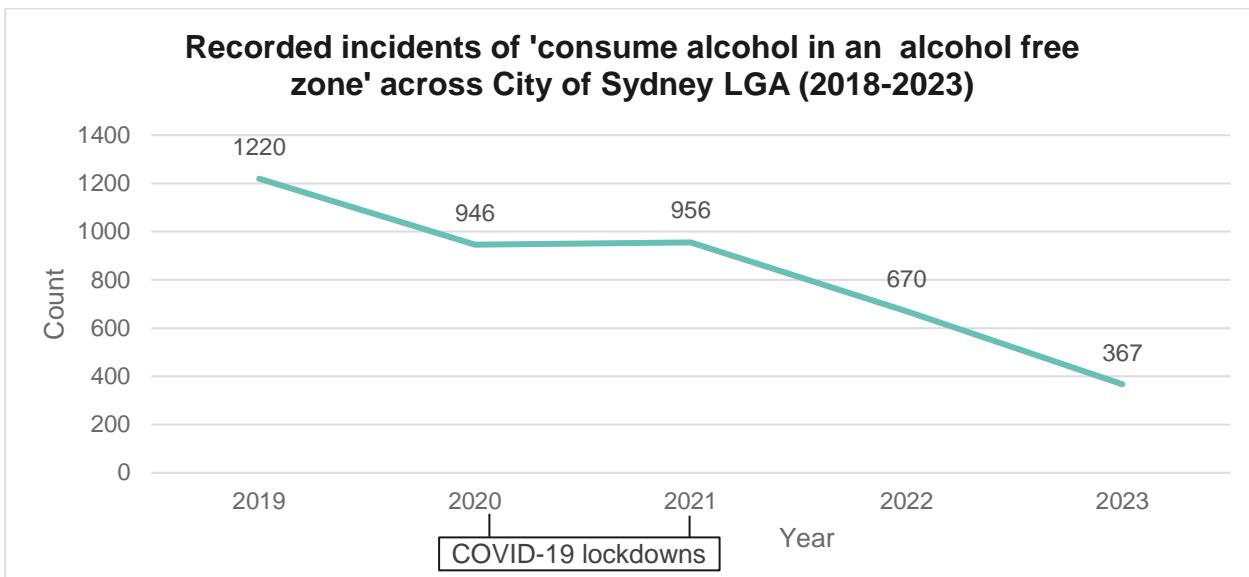


Figure 3 Source: NSW BOCSAR; City of Sydney; Urbis. Data accessed 26 March 2024.

Incident data: by Village

The City's Villages with the most 'consume alcohol in alcohol free zone' recorded incidents in 2023 were:

- **Macleay Street and Woolloomooloo** (includes the suburbs of Woolloomooloo, Potts Point and Elizabeth Bay): n=151.
- **Chinatown and CBD South** (includes Central Station, Chinatown and the western part of Darling Harbour): n=83.
- **CBD and Harbour** (includes the area around The Rocks, Circular Quay, Wynyard, Barangaroo and the eastern part of Darling Harbour): n=72.

These Villages comprise the City's major commercial, entertainment and nighttime activity precincts and are where the City's alcohol free zones and alcohol prohibited areas are most concentrated.

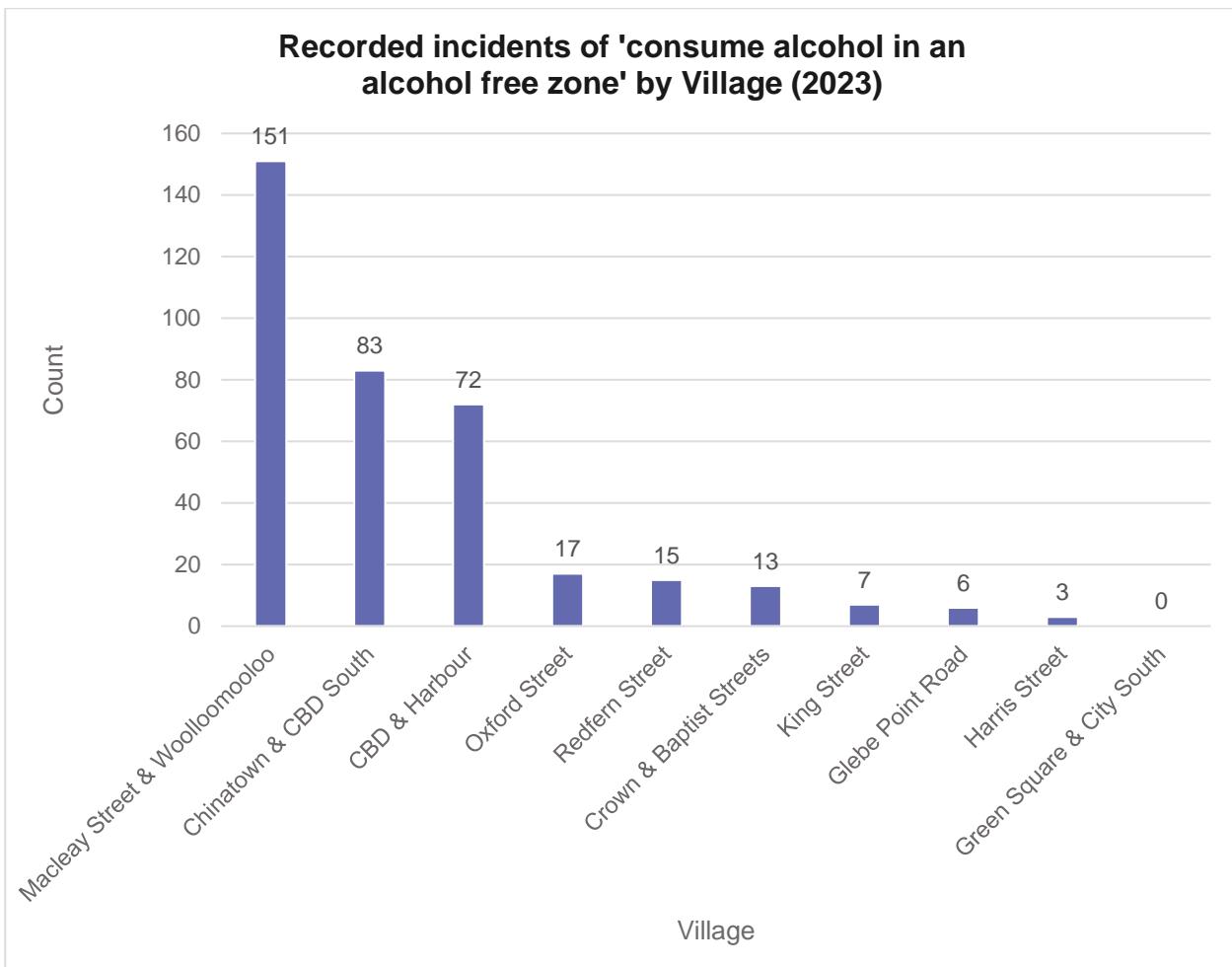


Figure 4 Source: NSW BOCSAR; City of Sydney; Urbis. Data accessed 26 March 2024

While most Villages have experienced decreases in 'consume alcohol in alcohol free zone' incidents over the last 5 years, there has been a **notable decrease** in the **CBD and Harbour** and **Chinatown and CBD South** and **Oxford Street** Villages.

The low number of recorded incidents in **Green Square and City South**; **Glebe Point Road**; and **King Street** have generally remained stable over the last 5 years.

3. WHAT WE HEARD THROUGH CONSULTATION

3.1. WHO WE CONSULTED

The following consultation was undertaken to inform this review:

- Workshops held with:
 - Aboriginal Community Controlled Organisations (given the importance of recommendations and feedback shared, a separate record of consultation with Aboriginal Community Controlled Organisations is included in Section 4).
 - Residents of social housing across Redfern, Surry Hills and Waterloo
 - Representatives of community legal centres, community service providers, public interest groups, representation of person lived expertise (sleeping rough in Woolloomooloo) and neighbouring councils.
- Interviews held with:
 - NSW Police Regional Command
 - Homes NSW and Department of Communities and Justice
 - NSW Health and community health providers
 - Office of the 24-Hour Economy Commissioner and Liquor & Gaming NSW
 - Community Legal Centre representatives including services representing people who are homeless and specialist services for Aboriginal and Torres Strait Islander Community members. Organisations consulted include Aboriginal Legal Service (NSW/ACT) Limited, Public Interest Advocacy Centre, Inner City Legal Centre and Redfern Legal Centre.
- 373 responses to an online survey made available to the public on the City of Sydney's Your Say portal.

3.2. SUMMARY OF VIEWS

Through consultation, we heard that the complexity of outdoor drinking requires an integrated response across state and local government and the community, which balances the needs of people who drink outdoors and community safety.

There was a range of views on the approach and effectiveness of the Outdoor Alcohol Restrictions across the City and some stakeholders requested that evidence on the application and effectiveness of the Restrictions be made publicly available.

The role and efficacy of Restrictions in residential areas (defined in Section 1.3) was also questioned by stakeholders. Representatives of Aboriginal Community Controlled Organisations told us that there is a need for the City's review to take account of the structural and systemic aspects of the Restrictions that disproportionately affect Aboriginal and Torres Strait Islander communities. Stakeholders requested more evidence on the efficacy of the Restrictions in maintaining community safety and called for the timeframe of the review to be extended to allow for consultation with people who drink outdoors.

Residents of social housing told us that the Restrictions help manage outdoor drinking and reduce the potential for alcohol-related crime and antisocial behaviour in housing estates and neighbouring streets and open spaces.

Representatives of community legal centres, community service providers, public interest groups, and NSW Health told us that the Restrictions do not support an overall approach to harm minimisation because they lead to the 'proactive policing' of priority communities, including Aboriginal and Torres Strait Islander people and people who are homeless.

Representatives from Homes NSW and the Department of Communities and Justice shared views that Restrictions support safer neighbourhoods within the LGA and help manage people congregating outside homes.

There were generally more consistent views about the role and efficacy of Restrictions in late-night entertainment precincts (defined in Section 1.3). Representatives from the Office of the 24-Hour Economy Commissioner and Liquor & Gaming NSW noted that Restrictions support and facilitate a vibrant nighttime economy while reducing the escalation of more serious harm due to street drinking within Sydney's CBD.

NSW Police Regional Command noted that the Restrictions provide an opportunity for engagement with people drinking outdoors that avoids the issue escalating to either anti-social behaviour or a charge under LEPRA (such as those referenced in Section 2.1.2.).

3.3. SUPPORTING SAFE RESIDENTIAL NEIGHBOURHOODS

Representatives of Homes NSW, which manages social housing across the LGA including within Glebe, Redfern, Surry Hills, Waterloo and Woolloomooloo, noted their support for the continuation of Restrictions on their lands. Social housing residents consulted also generally felt that Restrictions near where they live help them feel safer, by preventing noise, waste and anti-social behaviour in public spaces such as Waterloo Green and areas around Redfern.

Both Homes NSW representatives and social housing residents requested that the City's review consider the redevelopment of Waterloo South, specifically the cumulative impacts on the community during this time of change. Through consultation, it was reported that if Restrictions were removed, there may be greater issues with alcohol consumption and anti-social behaviour on the streets around these areas.

Social Housing residents consulted told us that Waterloo South and Waterloo Metro developments are impacting the community. Through consultation with Aboriginal Community Controlled Organisations, it was identified that communities are connecting the redevelopment process with displacement and disconnection. This is a result of rapid changes in the local area.

Whilst the City acknowledges the importance of considering potential cumulative impacts on the community at this time of change, it did clarify with stakeholders that this expanded review of Outdoor Alcohol Restrictions is not associated with the Waterloo redevelopment. Social housing residents consulted acknowledged that for some people in the community, alcohol is a health issue, and services should be made available for support.

Some social housing residents we spoke with stated they feel unsafe walking past groups of intoxicated people, including people coming home from licensed premises or passing through the area. An older social housing resident (female) identified they felt unsafe when walking past groups of men drinking alcohol, however, did not report experiencing threatening behaviour.

Other social housing residents told us they do not feel unsafe and are familiar with the groups who drink alcohol outdoors, in places such as Waterloo Green or local streets, and experience friendly interactions. Concerns were raised by social housing residents when drug use was also present. Residents noted impacts are higher at night when trying to sleep, especially at Waterloo Green. Redfern residents advised public drinking at Poet's Corner has not been an issue for some time.

Considerations:

- Work with Homes NSW and social housing residents to explore harm minimisation measures that improve the community's health and safety, particularly on the Waterloo Housing Estate.
- Explore options for timed Restrictions on Homes NSW property, and consider the establishment of safe areas that permit the consumption of alcohol.

3.4. SUPPORTING SAFE LATE-NIGHT ENTERTAINMENT PRECINCTS

There was a range of views about the effectiveness of Outdoor Alcohol Restrictions within Sydney's CBD and late-night entertainment precincts.

Consultation with the Office of the 24-Hour Economy Commissioner and the Office of Liquor & Gaming identified that Restrictions play an important role in facilitating a flexible and accessible nighttime economy for people. We heard it requires an integrated response that balances public order and community expectations while protecting people from penalties or offences associated with outdoor drinking.

Late-night entertainment precincts raised by the Office of the 24-Hour Economy Commissioner include Surry Hills, Darlinghurst, and the city centre.

Consultation with NSW Police indicated their view that the Restrictions are an effective, pre-emptive tool that helps them manage behaviour associated with intoxication in public places. NSW Police representatives also noted that Restrictions help police manage a safe and vibrant city nightlife, and prevent the escalation to more serious offences needing to be issued under the Local Government Act or Law Enforcement (Powers and Responsibilities) Act (LEPRA) 2002.

Consultations with Liquor & Gaming NSW identified a trend of packaged liquor sales, particularly during events like Mardi Gras, where crowded venues lead to long queues for alcohol purchases, often leading to breaches in Alcohol Free Zones and heightened security concerns.

Considerations:

- Consult with the Office of Local Government, NSW Police and the Office of the 24-Hour Economy Commissioner about exploring timed Alcohol Free Zones on streets within the Sydney CBD.
- Undertake additional consultation with NSW Police and the Office of the 24-Hour Economy Commissioner around the unintended consequences associated with removing Restrictions in these late-night entertainment precincts. Consultation should also seek access to additional data and evidence that can support the City further its understanding in regards to unintended consequences if the Restrictions were removed.

3.5. ACKNOWLEDGING IMPACTS ON PRIORITY COMMUNITIES

Consultation with community legal representatives identified that while Restrictions support the community's perceptions of safety, harm minimisation needs to be complemented by community outreach programs and health services.

It was reported that for 'actual' incidents where community safety is compromised, NSW Police have other options under the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) that they can use to manage crime.

Multiple stakeholders consulted told us that drinking outdoors may be the only option for people, and many reported there are equity implications for people who cannot afford to drink alcohol in licensed venues. We also heard that Restrictions can be inconsistently applied, which opens them to unfairly targeting certain segments of the community.

Consultation with community groups identified that Outdoor Alcohol Restrictions can limit social interaction and enjoyment of open spaces, especially for residents living in high-rise apartments. We also heard from Aboriginal Community Controlled Organisations that gathering outdoors holds significant cultural value and importance for Aboriginal communities.

Community legal representatives told us that Restrictions create another pretext for NSW Police to approach populations who experience vulnerability to systemic injustice and may disproportionately cause harm to communities.

In this context, they saw increased risks for people who prefer to socialise in public if Restrictions were extended. They noted the potential for adverse social impacts associated with expansion into areas such as Glebe and areas around Broadway Shopping Centre for example.

We heard from community legal representatives that their clients are experiencing negative interactions with police in these areas, and expanding Restrictions would exacerbate these interactions. Consultations with community groups also identified that priority populations generally gather during the day and reported that if Restrictions can't be removed, more timed zones should be considered.

NSW Health representatives told us there is an opportunity for the City to work with NSW Health services to support existing services such as the PACER (Police, Ambulance, Clinical, Early, Response) Program and explore options to support local health clinics to enhance services to people who drink outdoors.

They also noted that alcohol dependence could lead to behaviours that escalate into an offence if Police confiscate or tip out alcohol under the Restrictions. They saw a need for a managed alcohol program led by a harm minimisation, rather than policing, approach.

Community legal representatives noted that more effective harm minimisation methods include homeless services, mental health services or alcohol support services. It was noted that these methods should be considered to manage outdoor drinking.

Considerations:

- Work with community legal representatives to explore options for harm minimisation, and identify how the City of Sydney can continue to support community safety if Restrictions were removed.
- Working with NSW Police, NSW Health and other relevant state agencies, identify designated areas for alcohol consumption, informed by consultation with people who drink alcohol outdoors.
- Continue to work through the Waterloo Human Services Working Group and Homes NSW, to identify harm minimisation initiatives in priority locations such as Poet's Corner and Waterloo Green.
- Working with NSW Health, explore options to support the trialling of a managed alcohol program in a location identified in consultation with stakeholders and community members.

3.6. HOW RESTRICTIONS ARE USED WITHIN THE CITY

There were a range of views on the effectiveness of the Outdoor Alcohol Restrictions across the City. A range of stakeholders, including NSW Health, Aboriginal Community Controlled Organisations and some community representatives, requested more data on the efficacy of Outdoor Alcohol Restrictions to support communities to provide more informed feedback during the consultation process.

In areas with priority populations, such as Woolloomooloo, Waterloo and Redfern, some community and state agency representatives felt that the Restrictions allowed for “proactive policing” of some groups and called for a harm minimisation rather than enforcement-led response.

Some people we spoke with provided instances where Police use of regulatory authority under the Restrictions has led to an escalation of issues and the committing of an offence under the Local Government Act or Law Enforcement (Powers and Responsibilities) Act (LEPRA) 2002.

Community legal representative highlighted the importance of accurately recording incidences. It was identified that these kinds of offences are common entry points into the criminal justice system for many clients. They told us that a clear and accurate record of offences is necessary to support them help their clients.

Other members of the community we spoke with acknowledged the difficulties for Police in balancing their response to community safety whilst not over-policing people who regularly drink outdoors.

The Police representatives we spoke with noted their role is to work within the Regulations to manage incidents so that a crime or antisocial behaviour does not occur.

Considerations:

- Assess the Restrictions' impact on equity and inclusion within the community, especially how they impact people unable to afford to drink in licensed venues.
- Provide additional data on the impact of Restrictions and explore alternative approaches to address concerns associated with Restrictions.

3.7. OPTIONS BEYOND RESTRICTIONS

Stakeholders and community members identified a number of alternative measures to Outdoor Alcohol Restrictions. Those which were raised several times are outlined below.

Managed wet zones: Explore options for allocated wet zones that are managed and supported by wraparound services.

- The City to advocate to Homes NSW to consider alcohol permitted locations in open spaces, led by NSW Health and co-designed with community. Wet zones would provide a safer place for people who drink outdoors.

- It was recommended that wet zones should be supported by appropriate facilities, including bathrooms and public telephones. Dedicated areas should be designed with people who drink outdoors. The design of culturally safe services is to be led by Aboriginal and Torres Strait Islander communities.
- This was supported by representatives consulted with from NSW Health who told us an emergency phone – a line that goes straight to assistance (such as Homes NSW Security or NSW Police) should be considered.

Timed Alcohol Free Zones: Investigate options for timed Alcohol Free Zones (currently all restricted 24/7).

- Consultations identified that people who drink in public spaces generally gather during the day, and reported that Restrictions to manage harm and community safety should be timed from 10pm to 10am.
- Alcohol Free Zones are legislated under the Local Government Act 1993 (the Act). The option to time AFZs would require revised NSW Ministerial Guidelines. Investigations for timed AFZs should involve further consultation with NSW Police and the Office of Local Government.

4. FEEDBACK FROM ABORIGINAL COMMUNITY CONTROLLED ORGANISATIONS

The following section provides an overview of some key themes shared by Aboriginal Community Controlled Organisations. It does not detail the nuanced conversations.

This section of the report was made available for comment to the stakeholders who participated in the consultation process, to ensure the accuracy and consistency of reporting.

4.1. EQUITY AND SYSTEMIC DISADVANTAGE

Consultation with Aboriginal Community Controlled Organisations highlighted the need for the City's review to take account of the structural and systemic aspects of the Restrictions that disproportionately affect Aboriginal and Torres Strait Islander communities.

Gathering outdoors holds significant cultural value and importance. It's often a place for families to connect, for Elders to share information, and for people to feel part of community.

The significance of places like Waterloo Green as information centres, meeting places, and safe spaces for Aboriginal communities was highlighted.

For some in community, drinking alcohol outdoors may be the only available option as the cost of drinking alcohol in a licensed venue can be prohibitive and is increasing along with the overall cost of living.

For people who are experiencing homelessness outdoors is the only place people can drink.

We also heard that gentrification of inner-city areas alongside the increase in outdoor drinking permits and events, including those led by the City of Sydney such as Sydney Streets and Al Fresco, create an unfair divide, effectively sanctioning outdoor drinking by people who can afford it.

Stakeholders acknowledged that the City must balance the needs of priority communities and broader community safety. They noted that community safety is often considered narrowly and from the perspective of non-Aboriginal communities. This can result in groups of Aboriginal and Torres Strait Islander communities congregating outdoors being labelled as 'threatening' or 'unsafe' with this perception often based on racial bias.

Considerations:

- Directly engage with people who regularly drink outdoors as part of the review.
- Prepare a social impact assessment (SIA) to measure the social impacts of Outdoor Alcohol Restrictions across populations within the City, including priority communities.
- Work with Aboriginal and Torres Strait Islander communities to 'design in' spaces for the safer consumption of alcohol.
- Continue to work through the Waterloo Human Services Plan Collaborative Working Group to prioritise harm minimisation initiatives that support people who drink alcohol in public spaces such as Poet's Corner and Waterloo Green.

4.2. TRANSPARENCY AND COLLABORATION

Stakeholders requested more evidence on the efficacy of the Restrictions in maintaining community safety.

And they called for the timeframe of the review to be extended to allow for this evidence to be shared and discussed with communities as part of the consultation.

Stakeholders sought information on how Police interventions under the Restrictions are recorded by Police and the extent of cultural awareness training provided to officers who are enforcing them. They called for more transparency on the number of interventions under the Restrictions and how these are recorded as part of regular local Police Aboriginal Consultative Committee updates.

Stakeholders also noted that the effects of intergenerational trauma and dispossession must be an active consideration for Police when enforcing ‘move on directions’ and other orders under their powers.

Some stakeholders identified that the Restrictions provide Police with the means for “proactive policing” of priority communities. That is the deployment of Police in a systemic and programmed way to target issues. Several stakeholders noted that Police intervening under the Restrictions to confiscate or tip out alcohol can escalate into an offence such as obstruction, compounding the Police response.

The redevelopment of the Waterloo Metro Quarter and its use of ‘user pays policing’ has been experienced as an example of a police response without sufficient community engagement which further exacerbates tension in the local community.

Stakeholders considered that the Police had sufficient powers to manage alcohol-related crime and anti-social behaviour under other parts of the Local Government Act (1993) and the Law Enforcement (Powers and Responsibilities) Act (2002). They called for a harm minimisation rather than enforcement-led response. They considered the Restrictions an unacceptable extrajudicial power for the Police.

Stakeholders also expressed frustration at repeating the same conversations each time the Restrictions are discussed or reviewed.

Considerations:

- Work with the NSW Police to provide data on the use of enforcement under the Restrictions.
- Extend the review period to allow for this evidence to be shared and discussed with communities as part of the consultation.
- Work with Police to deliver regular updates on the application of the Restrictions as part of local Police Aboriginal Consultative Committee updates.
- To examine the extent and efficacy of cultural awareness training provided to Police in the six Local Area Commands operating within the City as it relates to exercising their authority under the Restrictions.
- Strengthen Police communications on how they are fulfilling their commitments under the NSW Police Aboriginal Strategic Direction 2024.

5. WHAT WE HEARD THROUGH SYDNEY YOUR SAY SURVEY

The City received 373 responses to an online survey promoted through the ‘Sydney Your Say’ portal.

About the survey:

- Open to the public from 29 January to 1 March 2024.
- Opt-in survey – it does not provide a statistically valid sample.
- Survey responses should be read alongside the feedback from the other consultation activities summarised in this report.

Key findings are summarised below and include:

- Of the 373 survey responses, 57% (n=212) support having Restrictions in public places and 37% (n=144) do not. 5% (n=17) stated having no opinion.
- When asked whether the act of people drinking outdoors made them feel unsafe, 49% either agree or strongly agree (n=183), 46% (n=172) either disagree or strongly disagree. 5% (n=18) stated having no opinion.
- Across Alcohol Free Zones in the City of Sydney, 58% of survey respondents support Restrictions in residential areas. 38% do not. 4% stated having no opinion.
- Survey responses show that the proportion of opposition for Alcohol Prohibited Areas (in parks and public spaces) is slightly higher in late night entertainment precincts (27%) compared to residential areas (22%).
- Nearly 80% of respondents could not identify further areas for Restrictions to be applied.

5.1. ABOUT SURVEY RESPONDENTS

The Survey responses provide a sample of public perceptions within the City of Sydney.

Insights on survey respondents included in this section are a representation only. We note that each question within the survey was opt-in, and in some instances, respondents were able to select and enter more than one response.

5.1.1. Survey respondents' connection to the City of Sydney

Of the 373 respondents, 282 specified their connection to the City of Sydney area. Respondents were able to select more than one option.

Of the 81% of respondents who reported living in the area, the City identified a minimum of approximately 12% being social housing residents. This identification was based on the City’s analysis of open-ended questions and review of respondents who identified themselves. It also includes the surveys undertaken at Waterloo Green on the Waterloo social housing estate.

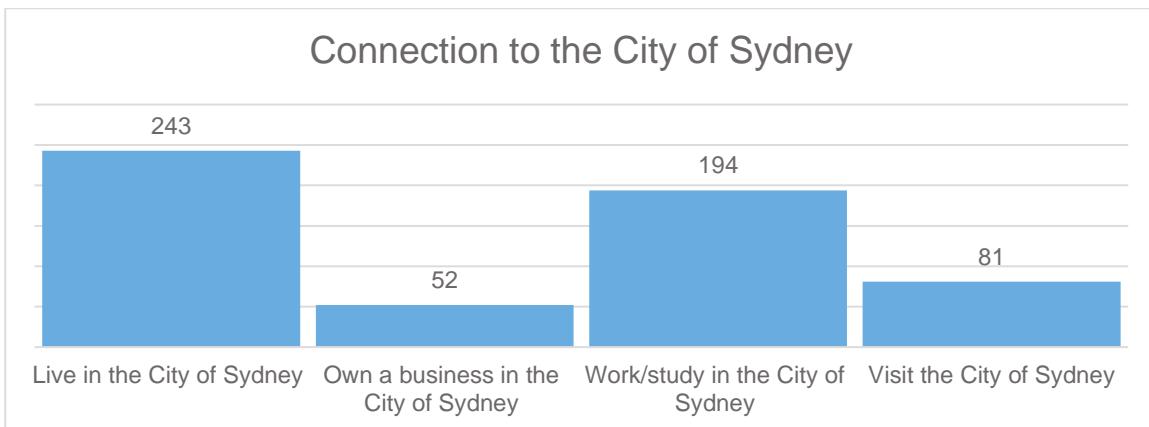


Figure 5 Survey respondents' connection to the City of Sydney

5.1.2. Survey respondents' cultural background

Of the 373 respondents, 195 (52%) provided information about their cultural background. This question was optional and presented as an open field, not categorised, so the data should be read with that in mind.

Of the 52% of respondents who answered this question, **7% (n=13) identified as Aboriginal and Torres Strait Islander**.

This compares to 1.4% of people in the City of Sydney LGA identifying as Aboriginal and/or Torres Strait Islander (Source: ABS 2021 Census).

5.1.3. Survey respondents' sexuality

Of the 373 respondents, 282 (75%) provided information on their sexuality. This question was presented as multiple choice.

Of the 75%, 58% identified as straight (heterosexual), 17% identified as gay, 4% identified as bisexual, and 4% reported using a different term not listed within multiple choice options.

17% reported preferring not to answer the question.

5.1.4. Survey respondents' age

Of the 373 respondents, 282 (75%) provided information about their age group. Of those who responded, 67% (n=189) were aged between 35 and 64. 38% of the City of Sydney population is between 35 and 64.

The survey data indicates that the 25-34 age group may have been underrepresented in the survey sample. This age group accounts for approximately one-third (33%) of the City of Sydney residents, however, only represented 12% of survey respondents (noting the opt-in nature of all questions).

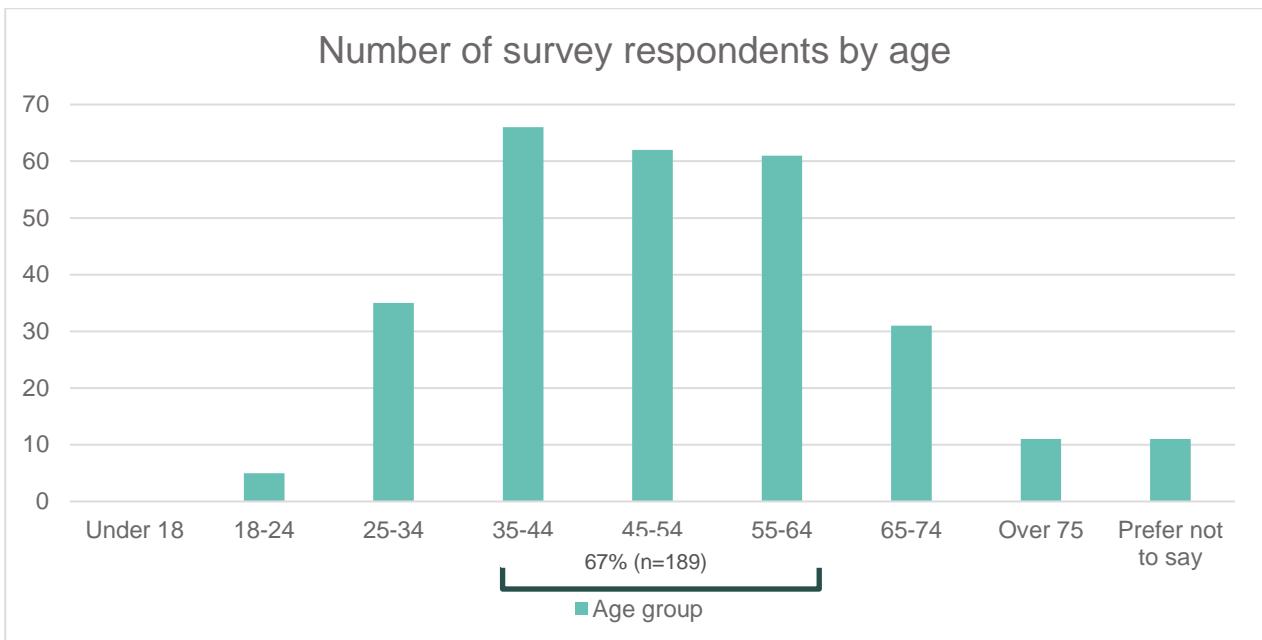


Figure 6 Number of survey respondents by age

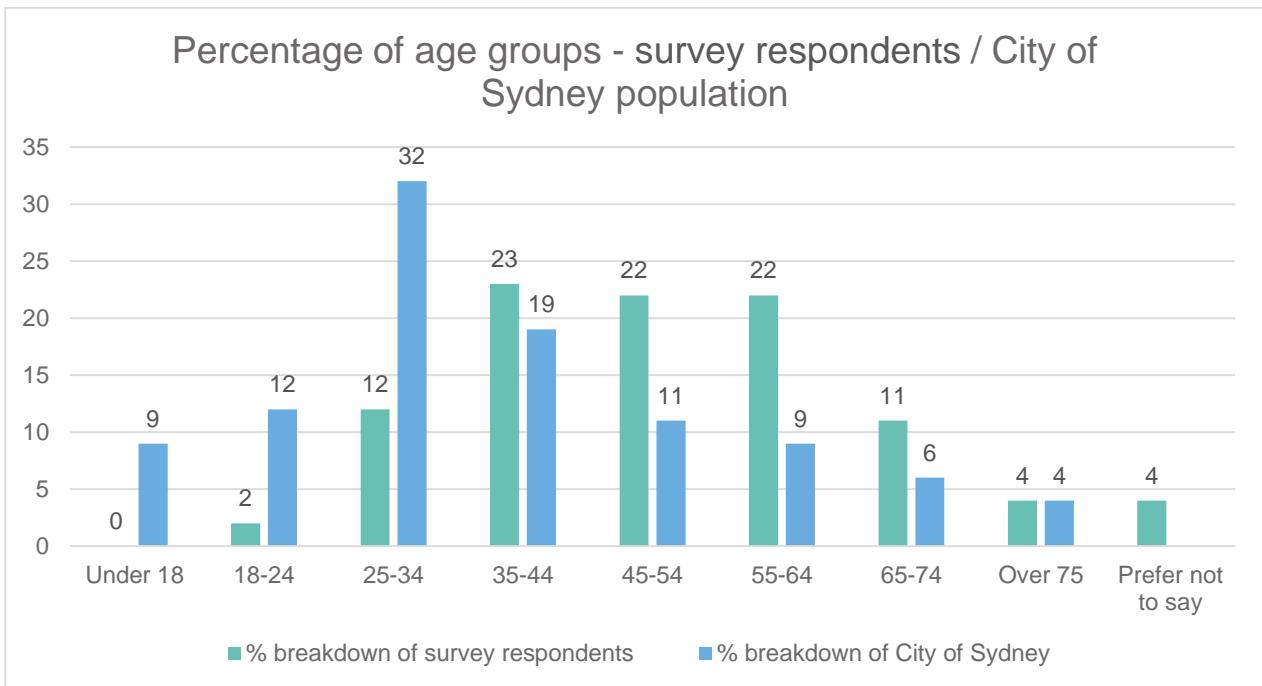


Figure 7 Percentage of age groups - survey respondents / City of Sydney population

5.2. SAFETY AND OUTDOOR DRINKING

5.2.1. Survey respondents' perceptions of safety and outdoor drinking

Survey respondents were asked about whether, in general, the act of people drinking in public places would make them feel less safe.

Responses to this question did not demonstrate a clear consensus. Of the 373 responses, close to half (49%) strongly agree or agree that the act of people drinking in public places makes them feel less safe. And 46% strongly disagree or disagree.

“Restricted areas need to be maintained in order for the community to be safe.” – survey respondent

"I understand that prevention of crime and safety are a priority. But I also think suppression has bred an overly compliant culture and driven out a late-night city environment." – survey respondent.

Of those who agree or strongly agree, there is an equal split between males (47%) and females (47%), with 5% of respondents identifying as non-binary and 1% did not specify their gender.

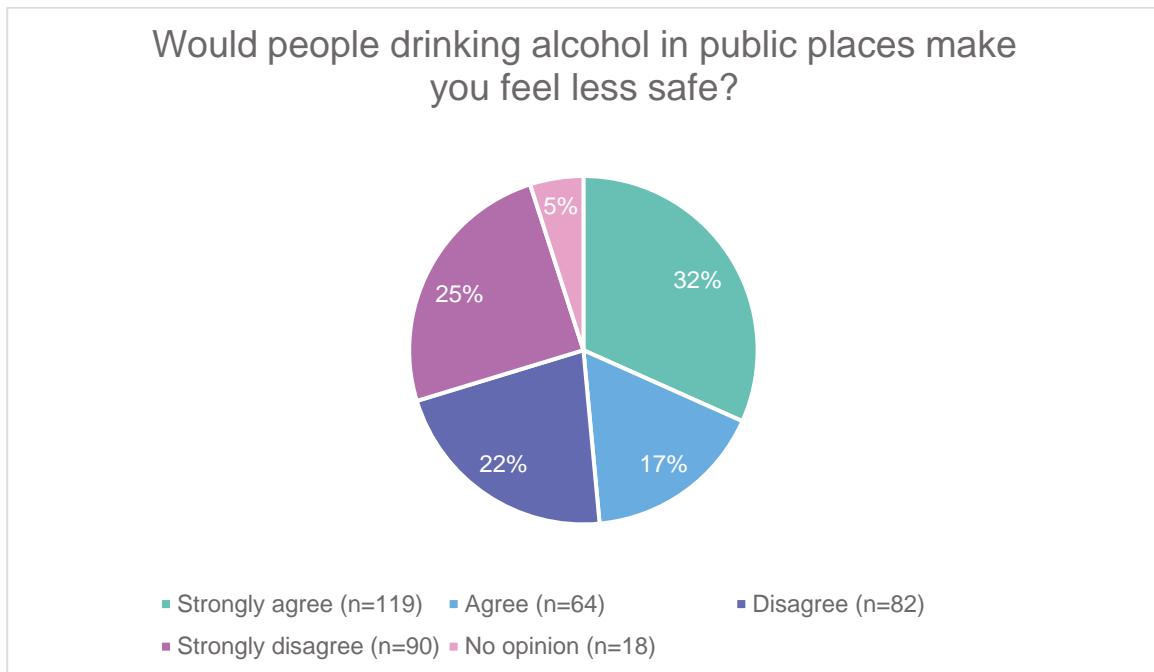


Figure 8 Survey respondents' perceptions of safety and outdoor drinking

5.3. RESPONDENT VIEWS ON OUTDOOR ALCOHOL RESTRICTIONS

Survey respondents were asked to identify their views on Outdoor Alcohol Restrictions by responding yes (support), no (don't support) or no option.

The following section includes:

- Views on Alcohol Free Zones (applying to public roads, footpaths and carparks)
- Views on Alcohol Prohibited Areas (applying to public open spaces, parks, and playgrounds).

Respondents were also asked to identify their view on each Restriction type in both late night entertainment precincts and residential areas (within the City of Sydney). Note that the survey question was worded "in your area" which we have assumed for the purpose of this report, refers to residential areas within the City of Sydney.

We also note that this data does not specify the location of residential areas and that some respondents' residential areas may be within a late night entertainment precinct.

Across both Alcohol Free Zones and Alcohol Prohibited Areas, there is a view of more support within residential areas and more mixed views within late night entertainment precincts.

5.4. ALCOHOL FREE ZONES

Of the 373 respondents, 58% support Alcohol Free Zones in residential areas (in the City of Sydney). And just over half (53%) support Alcohol Free Zones in late night entertainment precincts.

"There are quite a few pubs, restaurants and hotels in the area that provide access to alcohol safely with amenities. There should be no alcohol outside these areas in Redfern to avoid aggression, drunkenness and defecation in back streets and front yards of homes in the area." – survey respondent.

"Please drop the idea – Sydney's nightlife is already a national joke, and all alcohol restrictions would do is create more over policing and make the City of Sydney even less liveable than it already is." – survey respondent.

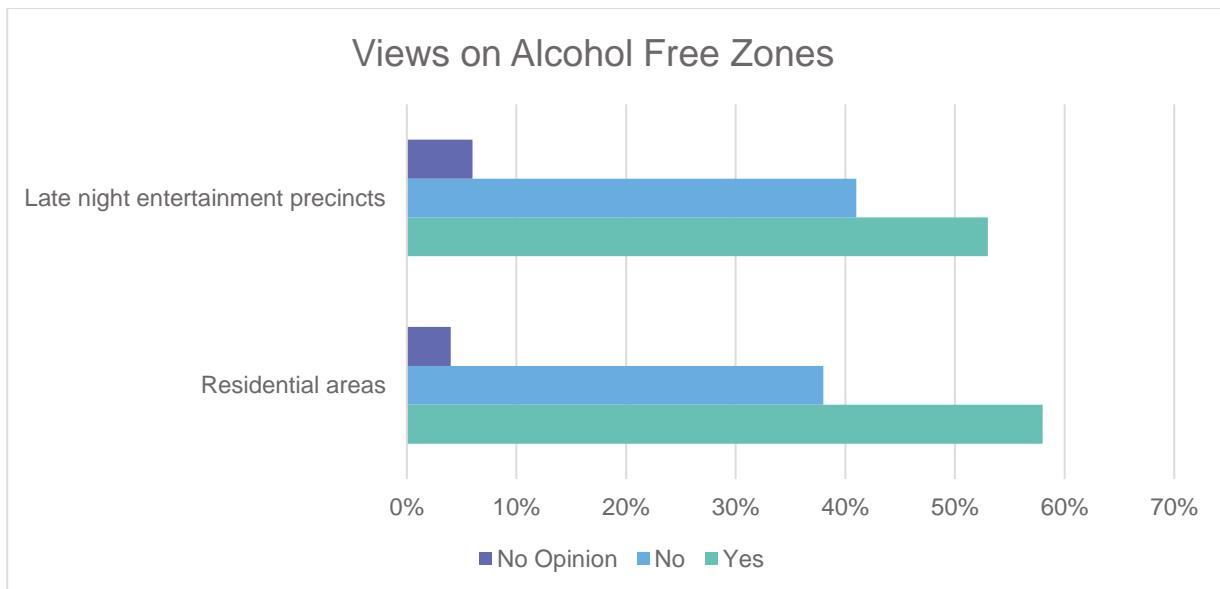


Figure 9 Views on Alcohol Free Zones

5.5. ALCOHOL PROHIBITED AREAS

While there was a strong view among respondents that Restrictions should exist in some form, there was a balanced view around how Alcohol Prohibited Areas should be applied (for example, some of the time, in some locations or all of the time).

Survey responses show that the proportion of opposition for Alcohol Prohibited Areas is slightly higher than in late night entertainment precincts (27%) compared to residential areas (22%).

Views on Alcohol Prohibited Areas in late night entertainment precincts:

- 24% - Yes, some of the time, such as 10pm – 10am.
- 27% - Yes, for certain types of spaces near playgrounds, places of worship or significant landmarks.
- 35% - Yes, all of the time
- 27% - No (do not agree).

Views on Alcohol Prohibited Areas in residential areas (in the City of Sydney):

- 27% - Yes, some of the time, such as 10pm – 10am.
- 32% - Yes, for certain types of spaces near playgrounds, places of worship or significant landmarks.
- 37% - Yes, all of the time
- 22% - No (do not agree).

"Given what we know about the strong association between alcohol and violence/aggression, I support all attempts to reduce public drunkenness, reduce excessive and risky alcohol intake." – survey respondent.

"A vibrant inclusive city allows people to use parks and public spaces as they would their own living room. Purchasing alcohol in a pub or bar can be very expensive." – survey respondent.

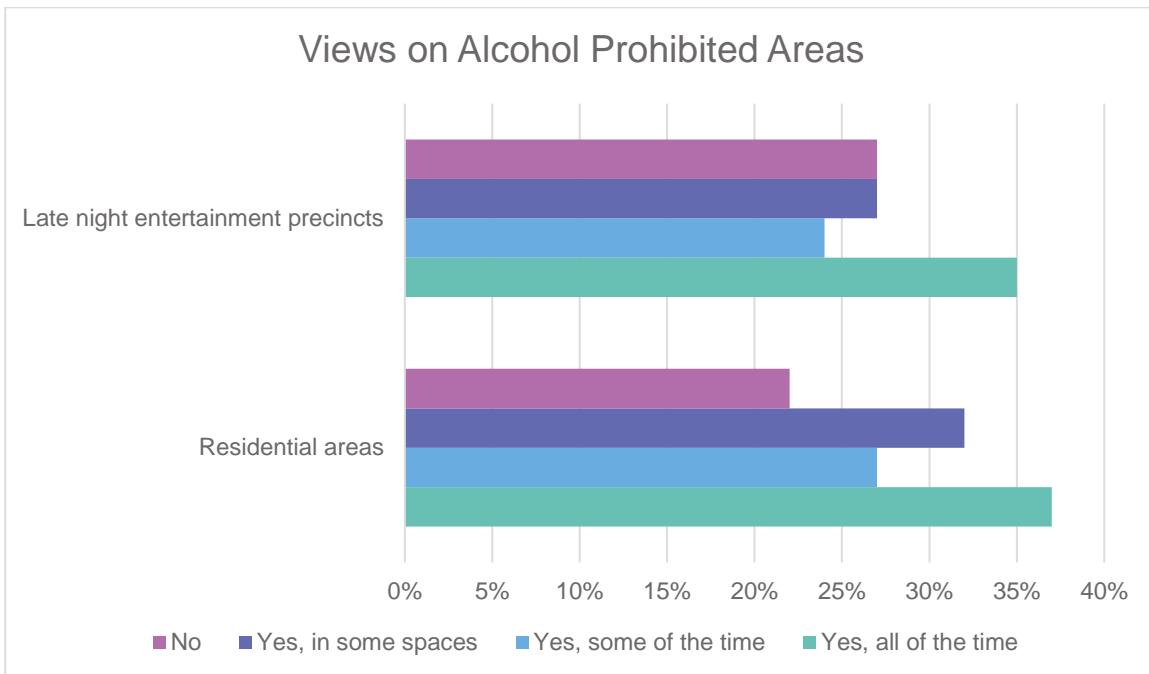


Figure 10 Views on Alcohol Prohibited Areas

5.5.1. Open ended survey responses

Survey respondents were also given the option to provide comments or suggestions on the Outdoor Alcohol Restrictions in the City of Sydney. This question was open field, and frequently raised topics are outlined below.

Harm reduction approaches

- “Restrictions are important and should be complemented with proactive harm reduction strategies.”
- “Strategies should be explored that promote responsible drinking and foster a respectful community environment.”
- “We should explore innovative approaches that balance public safety and individual freedom. This could involve community engagement initiatives, education campaigns, or policies that encourage responsible alcohol consumption.”
- “Banning people from drinking in public doesn't alleviate problem, and the harm flowing from it.”
- “The City should consider evidence-based harm minimisation programs and approaches which operate in problem spaces and provide services and support to people who need help.”

“We should explore innovative approaches that balance public safety and individual freedom. This could involve community engagement initiatives, education campaigns, or policies that encourage responsible alcohol consumption.”

Perceptions around public safety

- “Public drinking should be discouraged for the safety of the majority of the community.”
- “If Restrictions were removed, people would feel less safe visiting businesses in the area.”
- “Restricted areas need to be maintained in order for the community to be safe.”

- “Restrictions are essential. I am a single female and regularly get shouted out and whistled at each week and I’m starting to feel unsafe.”
- “Alcohol increases anti-social behaviour, a potential barrier to people accessing our service who may feel intimidated by drinkers gathering regardless of any conduct.”

Managing anti-social behaviour

- “Designated alcohol-permitted areas should be implemented and strategically located – away from residents and businesses.”
- “Alcohol is not the problem, but antisocial behaviour is. Sometimes people are showing antisocial behaviour without alcohol, and sometimes people are just having a good quiet time with alcohol without causing trouble.”
- Those likely to become intoxicated may become aggressive, less tolerant of the rights of others and misbehave.”

Minimising adverse social impacts

- “Outdoor alcohol Restrictions create unnecessary barriers to social interaction and community bonding.”
- “It creates limitations for people who enjoy drinking outdoors.”
- “As long as the areas are patrolled and alcohol is consumed responsibly many of these Restrictions would not be required.”
- “Evaluations of public drinking laws have shown that they often result in negative impacts to marginalised groups and lead to displacement.”
- “Drinking alcohol in bars is prohibitively expensive for many people, so I feel there needs to be some public spaces where people can congregate and drink together. We shouldn’t have a city in which only the well-off can get together outside their homes to drink.”

Minimising impacts on business and the nighttime economy

- “Increase anti-social behaviour, a potential barrier to people accessing our service who may feel intimidated by drinkers gathering regardless of any actual conduct, and may also be intimidating for staff.”
- “Smoking, drinking, talking loudly, and violence from over drinking.”
- “Keep Sydney vibrant and allow people to be responsible by modelling and policing social behaviours when they meet. They can still be respectful to those in the surrounding area.”

Policing and enforcement

- “Alcohol consumption should not be banned or policed, rather disorderly conduct should be policed.”
- “Restrictions can be inconsistently applied, which makes them a tool police can use to unfairly target vulnerable people.”
- “Keep alcohol off the streets and in the licence venues where alcohol violence can be controlled a bit better, reduces taking up police resources and keeps residents feeling safer if there is ideally no one drinking on the streets.”

Priority locations

- “As a resident of Woolloomooloo, I’m struck by the continuous antisocial behaviour that is an ongoing concern. Tom Uren Square is a no-go area for me and other residents – I fear for my safety.”
- “Towns Place, Millers Point is an area in desperate need of alcohol Restrictions.”
- “The entire Waterloo Estate must retain existing alcohol Restrictions.”
- “Darlinghurst area near Taylor’s square calls for 24/7 Restrictions on alcohol due to increasing antisocial behaviour.”

- “Warren Park, Redfern Park and Kettle Street Park need to maintain an alcohol-free zone in order my myself, my family and the community to be safe.”

6. RECOMMENDATIONS

The following recommendations have been summarised from the targeted evidence review and consultation.

1. Take more time for consultation

- Given the complexity of the issue, the associated social impacts, and the diverse perspectives of stakeholders, community members, and experts in relation to Outdoor Alcohol Restrictions, the City of Sydney should provide additional time for consultation prior to making a decision in locations identified as a higher risk for priority populations.
- That consultation should be supported by information that clearly outlines the impacts and benefits of the current Restrictions and data on their efficacy.

2. Enhancing collaboration by integrating services for strategic harm reduction work across government and the community to adopt a ‘harm minimisation’ first approach

- Many stakeholders we consulted agreed there is a clear need for state and local governments to take a more integrated, harm minimisation-led approach to address the underlying issues, health and wellbeing impacts, and broader social impacts associated with outdoor drinking.
- To support this, the City could consider supporting a pilot led by NSW Health, and other relevant government agencies, designed with the community. The approach could include complementing Restrictions with health-related support. This could focus on priority locations such as Waterloo Green, or Poet’s Corner. This recommendation acknowledges the current Health Outreach support in Woolloomooloo.
- Consider the establishment of the ‘wet zones’ concept outlined in Section 3.7 of this report.

3. Encourage the sharing of evidence on the efficacy of Outdoor Alcohol Restrictions with communities, to allow informed and community-led decision-making

- Many stakeholders we consulted noted that further research into the efficacy of Outdoor Alcohol Restrictions is necessary and important to inform the City’s decision-making.
- Some stakeholders requested that the existing Police Community Safety Precinct Committee Meetings and Police Aboriginal Consultative Committees forums led by Police Area Commands, be a forum to present and discuss reported incidents/enforcement of the Restrictions. Discussion and feedback from the community should be invited and focus on: trends in reported incidents and underlying issues; efficacy of the Restrictions for managing actual and perceived community safety; options for more integrated or harm minimisation-led approaches in collaboration with the City, state agencies, and the community, outdoor drinking and its unintended consequences.
- This research could then inform decisions regarding alternative measures to the removal or extension of Restrictions, including the option to put time limitations on existing AFZs, as outlined in Section 3.7 of this report.

7. DISCLAIMER

This report is dated 1 May 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of City of Sydney (**Instructing Party**) for the purpose of Insights and recommendations report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



URBIS.COM.AU