

Item 3.

Post Exhibition - Outdoor Alcohol Restrictions

File No: X109840.001

Summary

In accordance with its legislative obligations under the Local Government Act 1993, the City considers valid applications for outdoor alcohol restrictions. These restrictions include alcohol-free zones which apply to public roads, footpaths and public carparks and alcohol prohibited areas which apply to parks and civic spaces. Council can resolve to establish an outdoor alcohol restriction for a maximum of four years or on a temporary basis for special events.

Based on the findings of a comprehensive review of outdoor alcohol restrictions, at its meeting on 24 June 2024, Council approved the 30-day public exhibition of the list of alcohol-free zones and alcohol-prohibited areas on City streets and public spaces for a four-year period. A total of 236 areas were included in this list.

The list included locations with higher than average incidents of alcohol-related assaults and areas of concern as identified through the review. In addition, it included 10 new alcohol-free zones which were proposed by residents and/or business and were placed on public exhibition in accordance with the NSW Ministerial Guidelines on alcohol-free zones. The City is required to exhibit all valid applications for alcohol-free zones.

A total of 236 areas were placed on public exhibition, including ten resident and business applications for new outdoor alcohol-free restrictions.

The public exhibition process was undertaken in accordance with Section 644A of the Local Government Act 1993 which outlines the consultation requirements to establish alcohol restrictions. The public exhibition period took place between 27 June 2024 to 29 July 2024.

A total of 162 submissions in relation to the list of proposed alcohol-free zones and alcohol-prohibited areas were received. All were assessed through internal review. The details of the issues raised in the submissions, together with responses and staff recommendations, are included in the Engagement Report at Attachment A.

Of the 236 areas placed on public exhibition, eight areas have been removed from the list as it has been identified they come under the management of Placemaking NSW and the 10 resident and business applications for new outdoor alcohol-free restrictions are not recommended to be established.

As a result, this report recommends Council approve the establishment of 218 areas as either an alcohol-free zones or alcohol prohibited areas for a four-year period, noting that this includes timed and temporary restrictions, as outlined in Attachment B.

If approved by Council, and as per Section 644B of the Local Government Act 1993, a notice will be placed on the City's website declaring the establishment of outdoor alcohol restrictions.

Recommendation

It is resolved that:

- (A) Council note the submissions received from the community on the list of proposed alcohol-free zones and alcohol prohibited areas as summarised in Attachment A to the subject report;
- (B) Council approve the establishment of alcohol-free zones and alcohol prohibited areas for a four year period as outlined in Attachment B to the subject report;
- (C) Council note that the Chief Executive Officer will continue to undertake advocacy to the NSW Government in relation to necessary reforms in this area and work with relevant entities to develop appropriate strategies for managing alcohol consumption in the public domain, in accordance with the resolution of Council of 24 June 2024; and
- (D) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the locations of the alcohol-free zones and alcohol prohibited areas will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Attachments

- Attachment A.** Engagement Report
- Attachment B.** List of Recommended Alcohol-Free Zones and Alcohol Prohibited Areas
- Attachment C.** Map of Recommended Alcohol-Free Zones and Alcohol Prohibited Areas
- Attachment D.** List of Alcohol Restrictions Not Recommended for Establishment

Background

1. In accordance with its legislative requirements under the Local Government Act 1993, the City considers valid applications for outdoor alcohol restrictions. These restrictions include alcohol-free zones which apply to public roads, footpaths and public carparks and alcohol prohibited areas which apply to parks and civic spaces. Council can resolve to establish an outdoor alcohol restriction for a maximum of four years or on a temporary basis for special events.
2. Alcohol-free zones apply 24 hours a day. Alcohol prohibited areas can be timed sites where alcohol consumption is permissible within designated times, usually between 10am to 10pm.
3. NSW Police are responsible for enforcing outdoor alcohol restrictions. Restrictions provide NSW Police with the authority to tip out or confiscate alcohol within designated public areas. There are no fines associated with the offence in NSW.
4. Under the Law Enforcement (Powers and Responsibilities) ACT (LEPRA) 2002, the NSW Police have other powers for managing alcohol-related crime and antisocial behaviour however these can result in fines and/or detainment.
5. Based on the findings of a comprehensive review of outdoor alcohol restrictions, at its meeting on 24 June 2024, Council approved the 30-day public exhibition of the list of alcohol-free zones and alcohol-prohibited areas on City streets and public spaces for a four-year period.
6. The list of proposed alcohol-free zones and alcohol-prohibited areas placed on public exhibition met one or more of the following criteria:
 - Locations with higher than average incidents of alcohol-related assaults – these were identified using NSW Bureau of Crime Statistics and Research crime data for alcohol-related (24hr) assaults for 2023.
 - Areas of concern as identified through the review – this includes locations on land owned by NSW Government, such as Waterloo Green, Tom Uren Place and Poet's Corner.
 - Resident and business applications for new alcohol-free zones – the City is required to place on public exhibition all valid applications received for alcohol-free zones.
7. A total of 236 areas were placed on public exhibition, including ten new locations proposed as alcohol-free zones.
8. The public exhibition process was undertaken in accordance with Section 644A of the Local Government Act 1993 which outlines the consultation requirements to establish alcohol restrictions.
9. As per the legislative requirements, a copy of the proposed list of alcohol-free zones and alcohol-prohibited areas was provided to Anti-Discrimination NSW, who advised in writing that they had no objection subject to the City following of the 2009 Ministerial Guidelines on Alcohol-free Zones.
10. The public exhibition period took place between 27 June 2024 to 29 July 2024.

11. Through the public exhibition period the following community engagement was undertaken:
 - (a) Sydney Your Say survey;
 - (b) email notifications regarding the public exhibition process were sent to key stakeholders, including targeted engagement via with Aboriginal and Torres Strait Islander community-controlled organisations, liquor licensed premises, neighbourhood advisory boards, NSW Police, Ant-Discrimination NSW and other government agencies; and,
 - (c) direct community engagement at events in Waterloo.
12. A total of 162 submissions in relation to the list of proposed alcohol-free zones and alcohol-prohibited areas were received. All were assessed through internal review. A summary of the issues raised in the submissions, together with responses and staff recommendations, is included in the Engagement Report at Attachment A.
13. Generally, the feedback received through the public exhibition period was marginally supportive of the proposed list of alcohol-free zones and alcohol-prohibited areas to be established for a four year period.
14. During the public exhibition Place Management NSW notified City staff there were eight areas that come under their management that had been incorrectly included in the list placed on public exhibition. These locations have been removed from the list of alcohol-free zones and alcohol prohibited areas recommended to be established for a four-year period as outlined in Attachment B.
15. NSW Police made a general submission during the public exhibition period advising they were concerned about the substantial list of outdoor alcohol restrictions which are expiring on 20 August 2024. They have requested that all of the previously existing 428 areas be established as alcohol-free zones and/or alcohol-prohibited areas. Details about their submission are included in the Engagement Report at Attachment A.
16. When reviewing the ten new locations proposed for outdoor alcohol restrictions, consideration was given to feedback received through the public exhibition period and if these were locations with high incidents of alcohol-related crime and assaults. Of these new locations, none are being recommended to be established as alcohol-free zones for the following reasons:
 - (a) Bay Street, Ultimo - not a location with higher than average incidents of alcohol-related assaults.
 - (b) Buckland Lane, Newtown - not supported by community during public exhibition period.
 - (c) Frances Street, Glebe - not a location with higher than average incidents of alcohol-related assaults.
 - (d) Greek Street, Glebe - not a location with higher than average incidents of alcohol-related assaults.
 - (e) Grose Street, Glebe - not a location with higher than average incidents of alcohol-related assaults.

- (f) Oatley Road, Paddington - not a location with higher than average incidents of alcohol-related assaults.
 - (g) Regent Street, Paddington - not a location with higher than average incidents of alcohol-related assaults.
 - (h) Regent Street Reserve, Paddington - not a location with higher than average incidents of alcohol-related assaults.
 - (i) Towns Place, Millers Point - not a location with higher than average incidents of alcohol-related assaults.
 - (j) Watkins Street (between King and Wilson Streets), Newtown - not supported by community during public exhibition period.
17. The City will work with relevant Police Area Commands to address community concerns, improve perceptions of safety and minimise alcohol-related impacts in the above locations.
 18. It is noted that, if evidence emerges that impacts are arising from the removal of the alcohol-free zones, or if there is increased indication of harm in the newly requested areas that are not supported in this report, further applications for alcohol-free zones can be considered by Council in accordance with the process set out in the Local Government Act 1993 and guidelines.
 19. During the public consultation period several respondents to the Sydney Your Say survey identified new areas they would like established as an alcohol-prohibited area or an alcohol-free zone. These respondents will be notified about how they can apply to establish an alcohol-prohibited area or an alcohol-free zone using the City's online application form. Any applications received will be considered through the next review of the outdoor alcohol restrictions.
 20. Based on the outcomes of the public exhibition period this report recommends the establishment of 218 areas as either an alcohol-free zones or alcohol-prohibited areas, as identified in Attachment B to the report.
 21. If approved by Council, and as per Section 644B of the Local Government Act 1993, a notice will be placed on the City's website declaring the establishment of outdoor alcohol restrictions. City staff will also notify key stakeholders and community through our various channels.
 22. In accordance with Section 644C of the Local Government Act 1993, the outdoor alcohol restrictions will not come into effect until seven days after such notice and until roads and footpaths affected are adequately signposted.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

23. 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 - 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

24. All restrictions are currently scheduled to expire on 20 August 2024. Public exhibition of proposed outdoor alcohol restrictions was required to ensure that alcohol free zones and alcohol prohibited areas can be continued after that time in high priority areas and for events such as New Years Eve and the Sydney Gay and Lesbian Mardi Gras.

Social / Cultural / Community

25. Communities have expressed concerns that the enforcement of alcohol restrictions can disproportionately impact people from our diverse communities who consume alcohol in public places, including those experiencing systemic racism, homelessness, or social and economic disadvantage. Conversely members of the community have also supported the establishment of alcohol-free zones to reduce the impacts of alcohol-related anti-social behaviour.
26. The City is collaborating with NSW government agencies and local community organisations to develop strategic responses to the health impacts of alcohol use for priority communities, including people experiencing homelessness and social housing residents.
27. The City will continue to work with community legal centres, Aboriginal and Torres Strait Islander community-controlled organisations, community groups, social housing residents, local business and NSW Government agencies to determine appropriate strategies for managing alcohol consumption in the public domain.

Economic

28. Outdoor alcohol restrictions aim to reduce anti-social behaviour and increase public safety and 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.
29. The City supports a safe and vibrant night-time economy including the consumption of alcohol in 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.

Financial Implications

30. Sufficient funds for signage updates and removals are provided for in City Business and Safety Unit's operational budget for the 2024/25 financial year.
31. Funding for updates, installation or removal of signage is included in the City Infrastructure and Traffic Operations capital works budget.

Relevant Legislation

32. Local Government Act 1993.
33. Liquor Act 2007.
34. Roads Act 1993.

Critical Dates / Time Frames

35. All outdoor alcohol restrictions currently will expire on 20 August 2024.

Options

36. Not establish the areas as recommended - this is not recommended given the feedback from community and business during the review process and the public exhibition period demonstrates that these restrictions are supported in certain circumstances.
37. Establish the areas as recommended but for a shorter period - this is not recommended as a significant amount of time is required when undertaking a comprehensive review of outdoor alcohol restrictions. In addition, adequate time is needed in order to monitor data to determine if the recommended approach delivers improved outcomes for community.
38. Advocate for NSW Government to review the current regulatory framework on managing consumption of alcohol in public places with extensive community consultation undertaken given the diverse community interests. As part of this review consideration needs to be given to NSW Government taking on responsibility for establishing and managing outdoor alcohol restrictions.

Public Consultation

39. The City engaged Urbis to undertake a comprehensive review of outdoor alcohol restrictions which was informed by extensive stakeholder and community engagement including: a Sydney Your Say survey; workshops with social housing residents, community organisations, Aboriginal and Torres Strait Islander community-controlled organisations; and, interviews with community legal centres and state government agencies such as NSW Health, Homes NSW, the Office of the 24-Hour Economy Commissioner and NSW Police. The findings of the review informed the approach used to develop the proposed list of areas that were placed on public exhibition.
40. As part of the most recent public exhibition period the following stakeholder and community engagement activities were undertaken:
 - (a) A survey was conducted on Sydney Your Say from 27 June to 29 July 2024 and was advertised in the 'Sydney Your Say' emailed newsletter. The survey was also distributed to City community centres and libraries.
 - (b) Email notifications regarding the public exhibition process were sent to key stakeholders, including Aboriginal and Torres Strait Islander community-controlled organisations, liquor licensed premises, neighbourhood advisory boards, NSW Police, Ant-Discrimination NSW and other government agencies; and,
 - (c) Direct community engagement was undertaken at events in Waterloo.

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