

## 10.12.Re-establishment of Alcohol Managed Areas 2023-2027

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<b>ENDORSED BY</b>	Marcelo Occhiuzzi, Director Community, Planning and Environment
<b>ATTACHMENTS</b>	1. Submissions Summary [10.12.1 - 4 pages] 2. Maps: Alcohol-Free Zones and Alcohol Prohibited Areas - 11/2023 to 11/2024 [10.12.2 - 14 pages]
<b>CSP LINK</b>	4. Our Social Vitality 4.1 North Sydney is connected, inclusive, healthy and safe

### PURPOSE:

The purpose of this report is to seek Council's endorsement to re-establish the Alcohol-Free Zones (on streets) and Alcohol Prohibited Areas (in parks) in the North Sydney Local Government Area for a further four years from December 2023 to November 2027.

### EXECUTIVE SUMMARY:

- The current Alcohol-Free Zones (on streets) and Alcohol Prohibited Areas (in parks) will expire November 2023.
- At its meeting of 13 February 2023, Council resolved to place the renewal of the current Alcohol Prohibited Areas and Alcohol-Free Zones on public exhibition for 42 days, and that a further report be provided to Council following the conclusion of the public exhibition period, to consider any submissions received. The proposal is to extend the existing Alcohol Free Zones and Alcohol Prohibited Areas from 2023 to 2027.
- The *Ministerial Guidelines on Alcohol-Free Zones* (February 2009) require that Council undertake wide consultation by inviting public submissions, representations or objections from the Police Local Area Commander, liquor licensees, and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the zone or area; as well as any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.
- The public exhibition period ran from 7 March to 18 April 2023. A total of 17 submissions was received. The majority provided positive feedback, with submissions supporting the renewal (re-establishment) of Alcohol-Free Zones and Alcohol Prohibited Areas across the North Sydney local government area. Many noted improvements in crowd behaviour and rubbish dumping since alcohol consumption has been discouraged.

### RECOMMENDATION:

1. **THAT** the submissions received be noted.
2. **THAT** Council endorse the continuation of Alcohol-Free (on streets) and Alcohol Prohibited (in parks) areas in the North Sydney LGA for another four years from December 2023 to November 2027 as detailed in this report.

## **Background**

The intention of Alcohol-Free Zones and Alcohol Prohibited Areas is to create an early-intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. Alcohol-Free Zones and Alcohol Prohibited Areas are enforced by the police or by council enforcement officers where the Commissioner of Police gives written authorisation.

Council first established an Alcohol-Free Zone in 1996 in the North Sydney Business District, on the western side of Milsons Point and in intervening and adjacent areas. The Zone extended to Ridge Street, North Sydney. The Zone was established under sections 644, 644A, and 644B of the *Local Government Act 1993*.

## Establishment

An Alcohol-Free Zone may be established for a maximum period of four years, after which a re-establishment process must be carried out.

It is noted that Ministerial Guidelines (February 2009) govern Alcohol-Free Zones, however, there are currently no Ministerial Guidelines governing Alcohol Prohibited Areas. NSW Parliament passed the *Local Government Amendment (Confiscation of Alcohol) Act 2010* to provide consistent enforcement powers for both Alcohol-Free Zones and Alcohol Prohibited Areas.

Hence, while establishment of Alcohol Prohibited Areas is not restricted in the same way as Alcohol-Free Zones, Council has voluntarily adopted a process which enables public consultation on both categories at the same time (every four years), to ensure there is community support for the re-establishment of both.

In preparing a proposal to establish Alcohol-Free Zones and Alcohol Prohibited Areas, Council consulted with the relevant Police Local Area Commander regarding the appropriate number and location of signage and to gain Police approval.

## Restrictions

Alcohol-Free Zones are established on streets and are in force 24 hours a day. Restrictions in Alcohol Prohibited Areas (in parks) can be flexible. In consultation with the Police Local Area Commander, the proposed restricted times are listed below. Under the Ministerial Guidelines (February 2009) it is a requirement to include the restricted times in the Alcohol Prohibited Areas signage.

The current Alcohol Prohibited Areas and Alcohol-Free Zones in North Sydney LGA are listed below.

### **Alcohol-Free Zones (on streets):**

- Sergeants Lane, St Leonards
- North Sydney and Milsons Point - Various (excludes Council licensed outdoor dining)

- John Street and Dumbarton Street, Waverton
- McMahons Point Various (excludes Council licensed outdoor dining)
- Kirribilli - Various (excludes Council licensed outdoor dining)
- Military Road, Neutral Bay and Cremorne (excludes Council licensed outdoor dining)
- Neutral Bay - Various
- Murdoch Street and Cranbrook Avenue, Cremorne
- Parraween Street, Cremorne (excludes Council licensed outdoor dining)
- Cammeray Carpark
- Area adjacent to the Cammeray Skate Plaza

#### **Alcohol Prohibited Areas (in parks):**

- St Leonards Park, North Sydney: to be enforced 8pm to 6am all year round
- Cammeray Park: to be enforced 8pm to 6am all year round
- Bradfield Park, Milsons Point (excludes Council licensed outdoor dining): to be enforced 8pm to 6am all year round
- Mary Booth Lookout Reserve: to be enforced 8pm to 6am all year round
- St Peter's Park, Milson's Point: to be enforced 8pm to 6am all year round
- Weaver Park, Cremorne: to be enforced 8pm to 6am all year round
- McMahons Point Community Centre: to be enforced 8pm to 6am all year round
- Greenway Housing Estate: 24 hours, 7 days a week
- Christie Street Reserve, St Leonards (in cooperation with Willoughby Council): 24 hours, 7 days a week
- Waverton Park, Waverton: to be enforced 8pm to 6am all year round.

Attachment 2 shows the location of the Alcohol Free and Alcohol Prohibited areas across the North Sydney Local Government Area.

#### Public Housing Open Space

Where public housing open space is adjacent to a public place which is to be declared an Alcohol Prohibited Area or Alcohol-Free Zone, the public housing open space may be included by the council in the Alcohol Prohibited Area or Alcohol-Free Zone and the 'tip out' powers will apply. Greenway Housing Estate grounds now include Alcohol Prohibited Area signage at the request of tenants and the Department of Housing.

#### Penalties

On-the-spot penalties are confined to seizing and tipping out (or otherwise disposing of) alcohol. A penalty for an infringement in Alcohol-Free Zones or Alcohol Prohibited Areas may be applied in circumstances where a person does not cooperate with a police officer or authorised council enforcement officer. In these cases, they can be charged with obstruction under Section 60 of the Local Government Act 1993 which at present, carries a maximum penalty of \$2,200.

#### **Report**

Council at its meeting of 13 February 2023 resolved:

1. THAT the Alcohol Prohibited Areas in St Leonards Park, Christie Park, Cammeray Park, Bradfield Park, Weaver Park, Greenway Housing Estate and McMahons Point Community Centre be endorsed for public exhibition for a minimum period of 42 days.
2. THAT the Alcohol-Free Zones in Sergeants Lane, St Leonards; North Sydney and Milsons Point; Kirribilli; McMahons Point; Cammeray Car Park; Greenway Housing Estate, and in the area adjacent to the Skate Plaza be endorsed for public exhibition for a minimum period of 42 days.
3. THAT a further report be provided to Council following the conclusion of the public exhibition period, for the purpose of considering any submissions received and adopting the Alcohol Prohibited Areas and the Alcohol-Free Zones for 2023-2027.

### Options

Council has the following options in relation to this matter:

1. Do not re-establish the Alcohol-Free Zones and Alcohol Prohibited Areas which expire on 30 November 2023.
2. Re-establish the Alcohol-Free Zones and Alcohol Prohibited Areas from December 2023 to November 2027.

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Would require the dismantling of the current signage at Council's expense.	<ul style="list-style-type: none"> <li>– Creates the risk of the potential of increased violence due to excessive alcohol consumption in parks and streets. This puts the public's safety at risk.</li> <li>– Creates the risk of potential for increased levels of noise and disorderly conduct due to congregating groups in parks and on streets consuming alcohol and disrupting residents nearby.</li> </ul>	2 (of 16) submissions did not support extension of the signage, stating that having a picnic and a drink with family and friends in harbourside parks should be allowed.

2.	Procurement and labour to overlay the signage with updated dates will cost approximately \$12,000.	<ul style="list-style-type: none"> <li>– Opportunity to maintain the minimal incidents of alcohol fueled violence on North Sydney’s streets and within its parks.</li> <li>– Opportunity to maintain the minimal disruption to local residents, preventing increased noise and disorderly conduct of people consuming excessive alcohol in parks and on streets.</li> </ul>	12 (of 16) submissions support the proposed re-establishment of the Alcohol Free Zones and Alcohol Prohibited Areas.
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Option 2 is recommended for the following reasons:

- Re-establishing the Alcohol-Free Zones and Alcohol Prohibited Areas signage aligns with Council’s values of maintaining public safety, maintaining minimal noise disruption to residents, and preventing the damage of property.
- Community feedback showed that support for the extension of the signage outweighed feedback against the proposal.
- The cost of updated signage is not excessive and can be funded within existing budget lines.

### **Consultation requirements**

Community engagement was undertaken in accordance with Council’s Community Engagement Protocol and pursuant to sections 632A(4-8), 632A(11), 644, 644A, 644B and 644C of the *Local Government Act 1993*.

### Public Exhibition

In accordance with the Council resolution of 13 February 2023, the 42-day public exhibition period was conducted from 7 March to 18 April 2023 during which time effort was made to ensure stakeholder awareness of the opportunity to provide feedback on the proposed amendments. The following summary details the methods used to promote the public exhibition and their reach:

- Signage - A4 laminated posters were installed on all Alcohol-Free Zone and Alcohol Prohibited Area signs in the North Sydney LGA advising of their proposed renewal and promoting the feedback opportunity:



- Have Your Say web page - 138 page visits, including 16 downloads of the maps and 7 downloads of the report.
- Direct notification:
  - relevant Council Departments
  - NSW Police
  - Harbourside Liquor Accord and its members
  - Aboriginal Heritage Office
  - Lower North Shore Multicultural Network
- Council's eNewsletters including:
  - Council eNews, March 2023 - 1,409 subscribers, opened by 2 subscribers, 3 link clicks
  - Council eNews, April 2023 - 1,409 subscribers, opened by 3 subscribers, 5 link clicks
  - Precincts eNews weekly during exhibition period - 160 subscribers, average opened by 73 average per issue, nil link clicks
- Signage displayed at Customer Service Centre and Stanton Library
- Council Noticeboard promotion (Civic Park)

### Submissions

A total of 17 submissions were received (attachment 2), including 15 online submissions and two email/written submissions, including one from the Local Area Police.

### **Financial/Resource Implications**

The cost of this signage is estimated to be \$12,000 which can be funded from Council's existing Regulatory Signs Maintenance budget allocation.

### **Legislation**

The legislative requirements relevant to this matter are sections 632A, 642, 644, 644A, 644B and 644C of the Local Government Act 1993.

## **Alcohol Free Zones & Alcohol Managed Areas - Signage Renewal Summary of submissions received during public exhibition period (7 March - 18 April 2023)**

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Alcohol Free Zones & Alcohol Managed Areas - Signage Renewal **would be** amended if issues raised in the submission:

- a provided additional information of relevance.
- b indicated or clarified a change in government legislation, Council's commitment or management policy.
- c proposed strategies that would better achieve or assist with Council's objectives.
- d was an alternate viewpoint received on the topic and is considered a better option than that proposed or;
- e indicated omissions, inaccuracies or a lack of clarity.

2. The Alcohol Free Zones & Alcohol Managed Areas - Signage Renewal **would not be** amended if the issues raised in the submission:

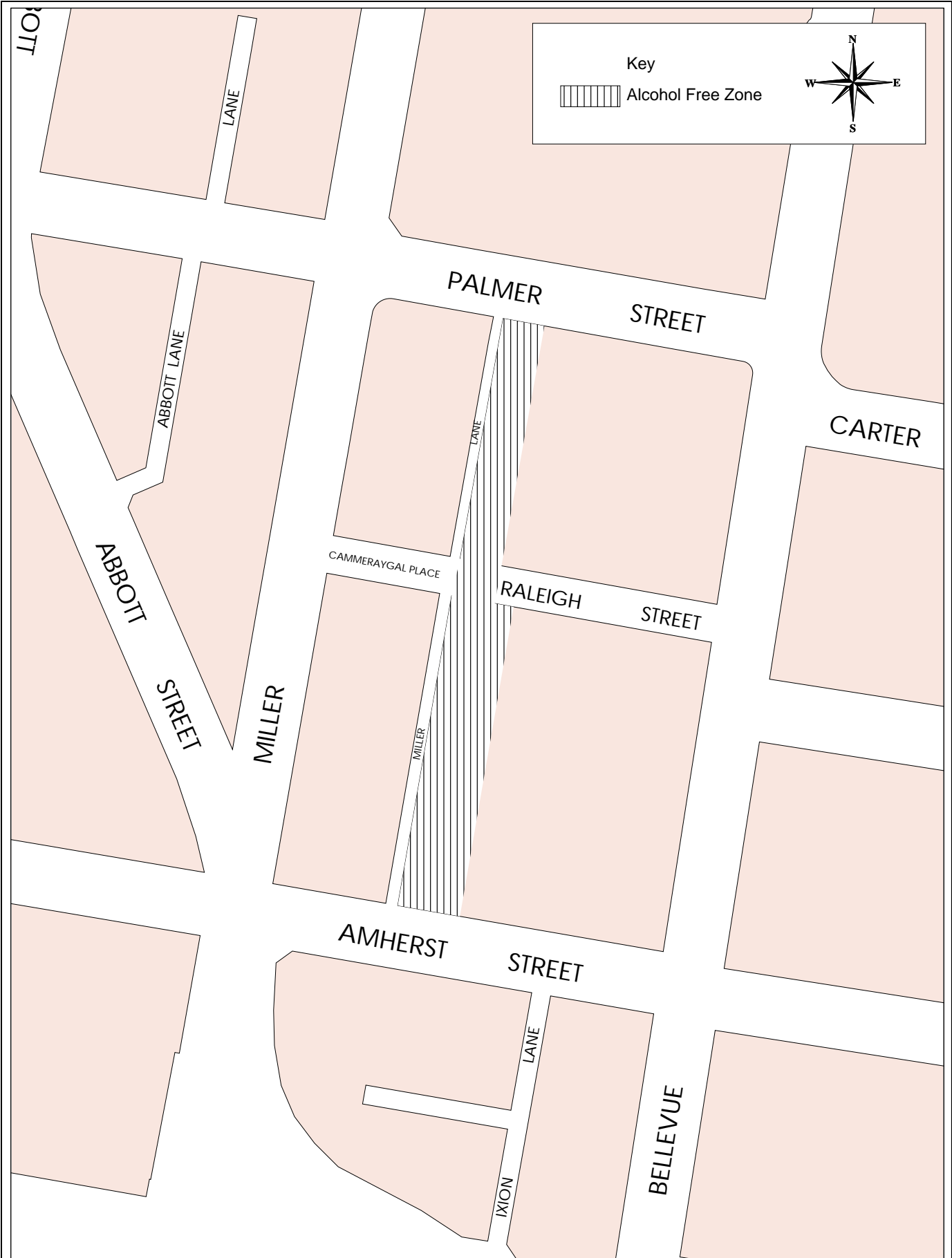
- a addressed issues beyond the scope of the proposal.
- b was already in the proposal or will be considered during the development of a subordinate plan (prepared by Council).
- c offered an open statement, or no change was sought.
- d clearly supported the proposal.
- e was an alternate viewpoint received on the topic but the recommendation was still considered the best option.
- f was based on incorrect information.
- g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

No.	Name and Address	Key Points Raised	Criteria
1	Glenn Bates 1/71 Kirribilli Ave KIRIBILLI	We would very strongly like to see Mary Booth Reserve remain an alcohol free area. The difference it has made to how this reserve has been since the alcohol ban was brought in, is huge. There used to be drunken parties of young people who were very loud and often left a mess. That has changed and the reserve has gone back to being used by families and people of all ages. The difference it makes on NYE is also enormous. It's gone from being taken over by backpackers and other young people who would typically be drunk well before it started to get dark. Now it is mostly families and people enjoying having a special evening. Please maintain this reserve as an alcohol free zone. Thank you	2d
2	Naghmeh Geroyan 150 Pacific Highway NORTH SYDNEY	I support the move to improve the safety and cleanliness of the neighbourhood	2d
3.	Alex Cotton 2/9 Herbert Street ST LEONARDS	Do not extend	2e
4.	Paul Hammett 80 Murdoch St CREMORNE	There is a direct correlation between alcohol consumption and violence and vandalism. I strongly support all measures to reduce alcohol use and sales within our municipality	2c
5.	Di Haskell 36 Euroka St WAVERTON	I agree with the renewal of the Alcohol Free And Prohibited Zones	2d
6.	Bronte 79 Broughton St KIRIBILLI	Would like the alcohol free zone to continue	2d
7.	Name and address withheld WAVERTON	<p>The notice for submissions is located in Waverton Park but that area is not listed on the existing sites. There has been a sign there previously. I consider that Waverton Park and Oval and Carradah Park as well as Balls Head reserve should be alcohol free out of daylight hours. As a HarbourCare volunteer I collect rubbish from the parks and frequently collect broken bottle glass. A few years ago the area had a problem with alcohol and drug use and I regarded it as a "no-go" area at night as most of the areas are poorly lit. There were frequent signs of vandalism. The problem was reduced during Covid but is now again apparent.</p> <p>Of course no regulation is useful if it is not policed and I realise that many patrols will occur without any offense detected. However I recommend that regular patrols occur and that there is a response to continuing reports of consumption from the community.</p> <p>We are short of park space to accommodate our growing population and I note the Mayor's information in the NS News that 64% of people want to enjoy a picnic in a park. Wine or beer is a popular accompaniment to a meal or celebration people will have outdoors so I agree that alcohol may be consumed in any park or reserve in daylight when associated with a meal. Police or ranger discretion can apply if the activity continues after twilight if there is no disturbance to others.</p> <p>I take the opportunity to ask that Council refuse any application for new drive through bottle shops such as Dan Murphys as these facilities promote the purchase of large amounts of alcohol, often associated with driving and groups of people acting inappropriately as well as encouraging binge drinking. There are enough outlets already and observation at stores</p>	1a



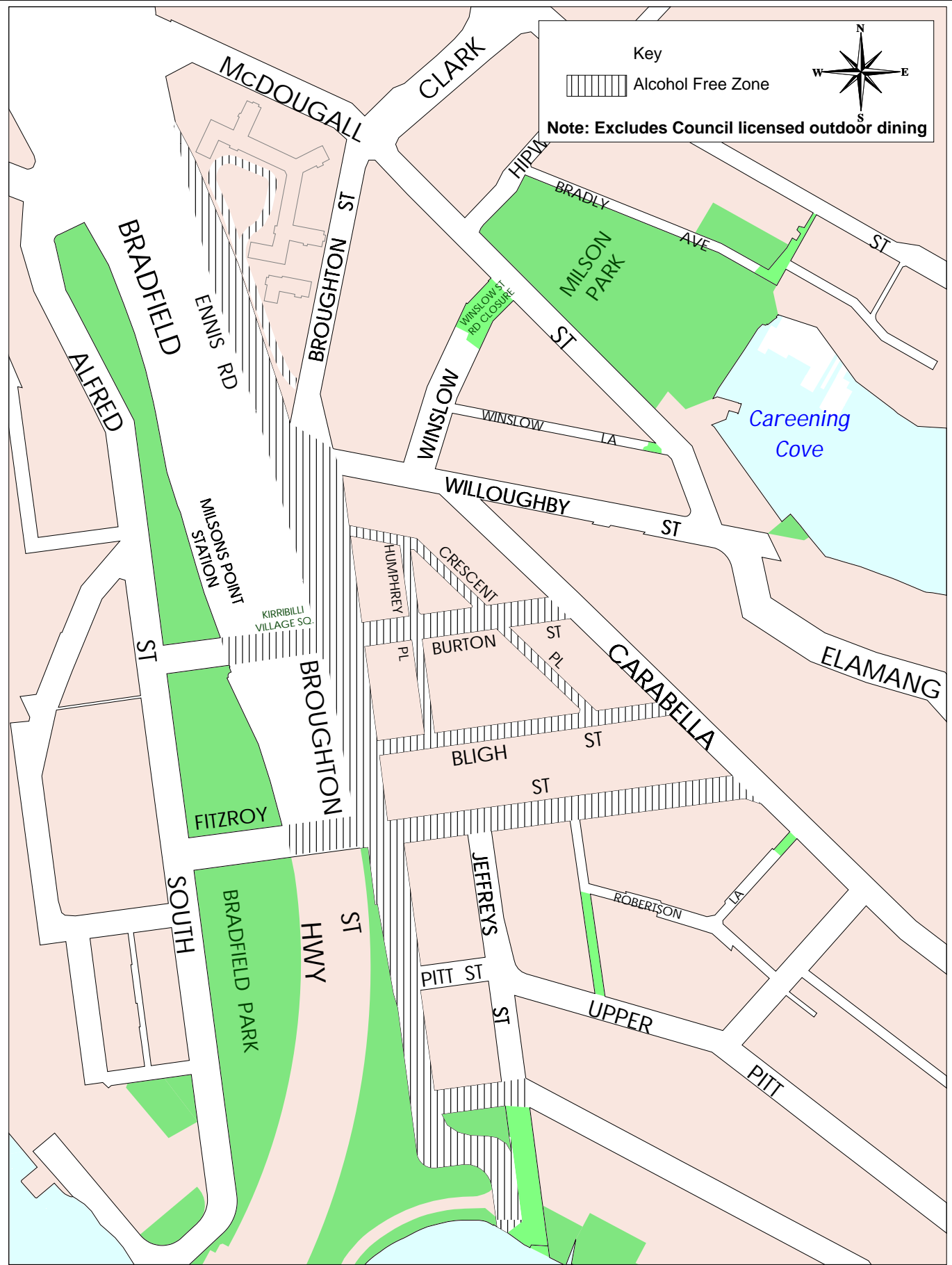
No.	Name and Address	Key Points Raised	Criteria
		like Aldi that have alcohol on sale show that people tend to buy minimal amounts.	
		This comment is in addition to a previous submission. I believe that all parks and reserves and streets should be alcohol free from sunset to sunrise. This will include such areas as Wendy's Garden. It is a secluded area and not well lit. I was there early in the morning a few years ago and found an area littered with bottles, some broken and some vandalism had occurred. Having all areas covered means that there is no doubt as to whether alcohol can be consumed after dark. Photo submitted is broken glass collected from the beach at Waverton Park. The beach is clearer of glass now due to HarbourCare cleaning but freshly broken glass is still found regularly. Probably a result of night time alcohol; consumption.	2e
8.	Anonymous	Hi there, Traveller from Europe here. Nearly shocked about your liberality "down under". Everything is forbidden and Everything is under supervision or controlled! Are you Calvinists or any other kind of puritans? Really have to find out where all this is coming from. And yes, I saw more smiling People in other Parts of the World ...	2c
9.	LJ Ferrara 37 Fox St RIVERVIEW	Love using the harbour foreshore parks with my dogs, kids and family/friends picnics. The inability to have a glass of wine or celebrate a special occasion with some champagne in our green spaces, especially overlooking the harbour is very disappointing. I understand on certain nights the need for greater "policing" of this however this seems very unfair to the vast majority that behave well. Having returned home to the north shore, after twenty years of living abroad, I am shocked at this. It seems to have been the norm for so long that people, past councillors especially, need to stop and think about the rights of locals (indeed anyone) to make use of our beautiful, public spaces for social gatherings. Visitors and tourists are shocked that we can't bring a beer or champers to a picnic for sunset. Locations chosen to accommodate ease of access and inclusion for all our friends and family, including those that may not feel a waterfront restaurant is within their means. We aren't talking about boozing until 1am here but a curfew of 6 or 7pm? Seriously? I voluntarily help many Aussies move home and do free walking groups around Australia but especially around Waverton, Milsons Point, Kirribilli and take people to all the local business. We would love to do picnics or wine and cheese events for those returning to the north shore (most expats do) but are so limited in summer evenings after people finish work. It's not just waterfront locations. St Leonard's Park is a popular spot but you have essentially forced anyone wanting to meet up with some friends with the dogs, teenagers kicking a ball around and a cheeseboard, to do all of that at the Greens. Have you seen their prices lately? How about letting us be grown ups and make our decisions about where we can enjoy the beauty of Sydney Harbour lights and the main parks. Streets, car parks, all the rest is fine and understandably a deterrent and I'm not opposed to that.	2e
10.	Harshana Martin 88-90 George Street HORNSBY	It is imperative that some of these beach front parks and streets are well maintained without trash, food waste as well as hazardous materials such as glasses thanks to the existing alcohol ban. So please continue the ban for the foreseeable future.	2d
11.	Name and address withheld WAVERTON	Lifting the alcohol prohibition in Waverton Park would be a very grim move. Directly opposite the park are rows of flat blocks, like our own, all exposed to noisy park activities at all hours. The noise echoes up at us loudly, bouncing off the Waverton Bowling Club buildings. People entertaining themselves in the park have little idea of - or concern for - the quiet wished for by residents, especially outside sociable hours. (Dog walkers play with their excited animals from 6am for	2d

No.	Name and Address	Key Points Raised	Criteria
		example, with no regard for our sleep.) It's only too clear what the noise would be like, potentially extending late into the night, if any park gatherings were to fuelled with alcohol. And who would dare to approach them to 'pipe down'. Please do not allow these park areas to become alcohol-tolerant	
13.	Jacob Rifkin 21 Raymond Road NEUTRAL BAY	Add smoking free zones and vaping free zones	2a
14.	Ash Berry 2 Atchison St ST LEONARDS	Keep it Alcohol-Free Zone	2d
15.	James Morgan 40 Albany St ST LEONARDS	Alcohol should be allowed in parks, the notion that drinking being allowed in parks attracts undesirable people or violence is untrue. One should be able to celebrate in a picturesque public park with friends.	2e
16.	Name and address withheld ST LEONARDS	I believe that public areas such as the parks and pedestrian pavements in North Sydney should be alcohol free and the managed areas should have signage to discourage use of public space for drinking and congregation. The sign I saw was on the corner of Sergeants Lane South and Christie Street where there are 2 hotels. I have never seen people drinking on the pavement outside either hotel but feel that the newly renovated hotel will be very popular and therefore I hope that North Sydney Council will discourage drinking on the pavement outside the hotels and in the park on the corner of Christie and Chandos Streets with appropriate signage.	2d
17	Crime Prevention Officer North Short Police Local Areas Command	<i>Regarding the recommendation of re-establishing the Alcohol Restricted Zone in Waverton Park</i> - Yes, police have been called to Waverton Park by local residents in relation to young persons consuming alcohol in the park late at night. Having the park endorsed as an Alcohol Restricted Zone will assist police with deterring anti-social behaviour from occurring at the location.  <i>The Alcohol Prohibited Areas (in parks) signs are also required to list the restricted times on the signage for the parks. What should the restricted times be for each of the parks?</i> In my opinion a fair and reasonable approach to restricted times for local Alcohol Prohibited Areas would be 8:00pm - 6:00am year round for all parks listed below with the exception of the two locations that I have noted, those being Greenway Housing Estate and Christie Street Reserve. Due to prior incidents at these locations a blanket 24/7 enforcement would be by local police.	2d



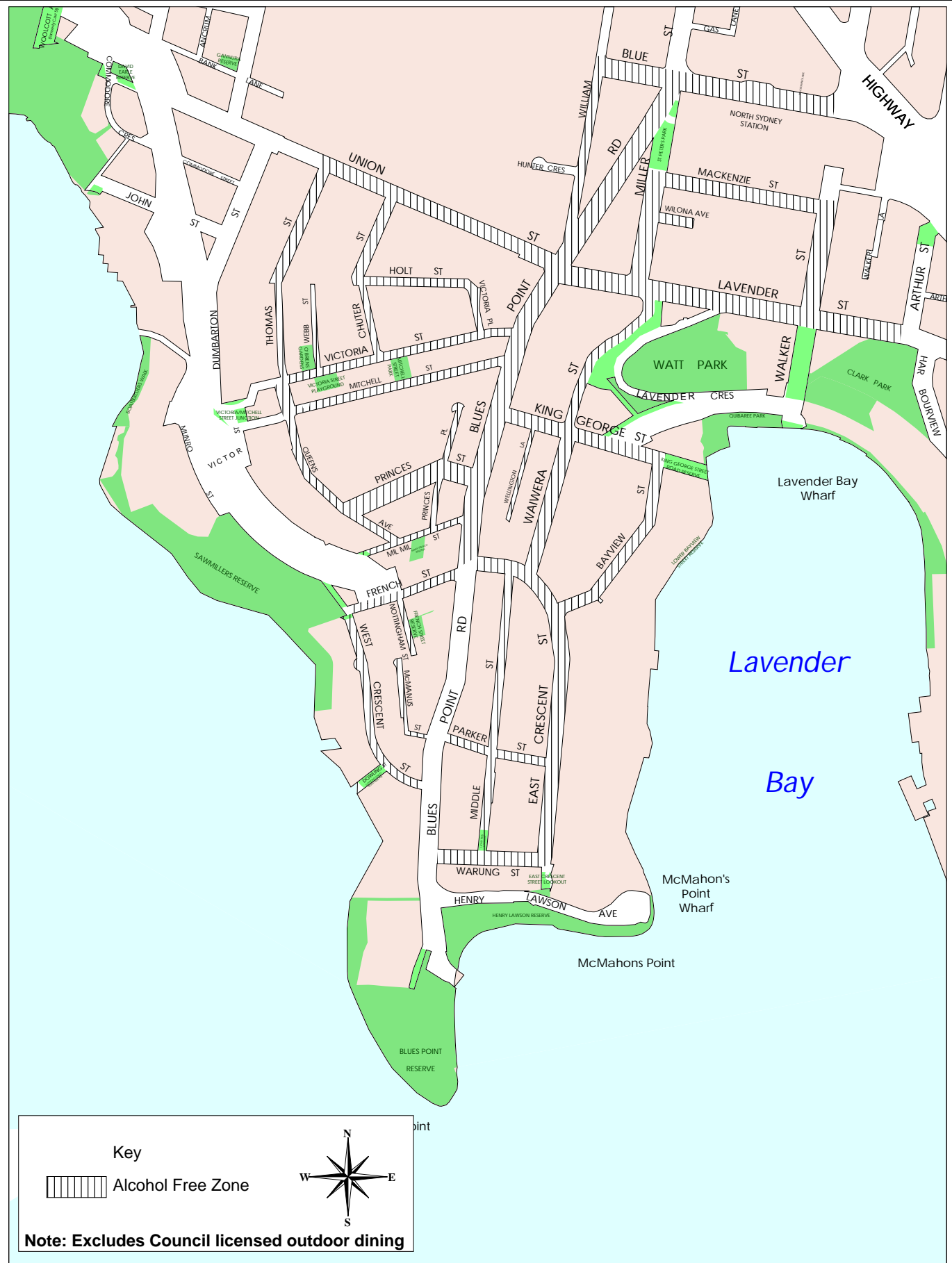
Alcohol Free Zone - Cammeray Carpark - Nov 2023 - Nov 2027

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Alcohol Free Zone - Kirribilli - Nov 2023 - Nov 2027

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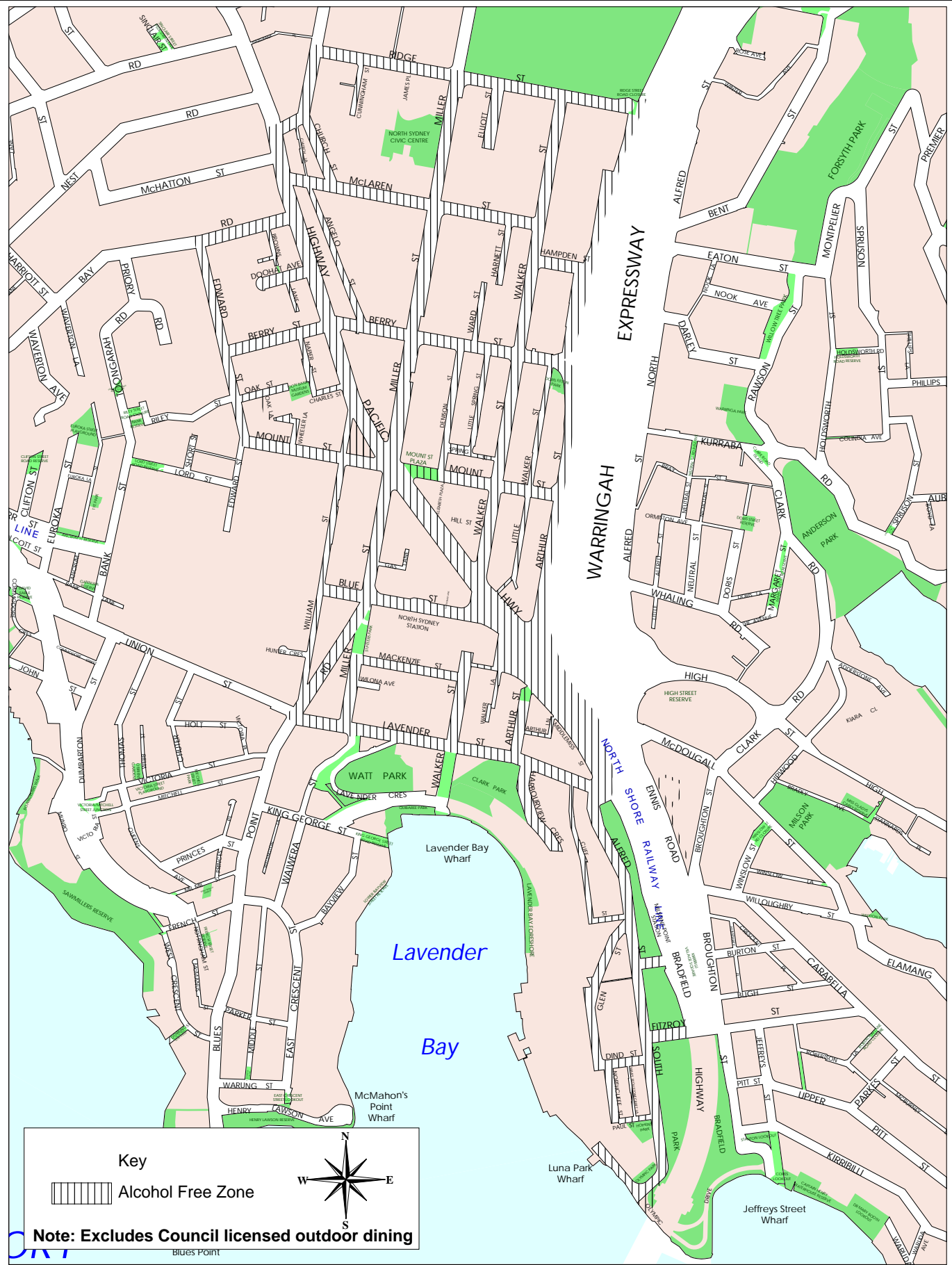
### Alcohol Free Zone - McMahons Point - Nov 2023 - Nov 2027

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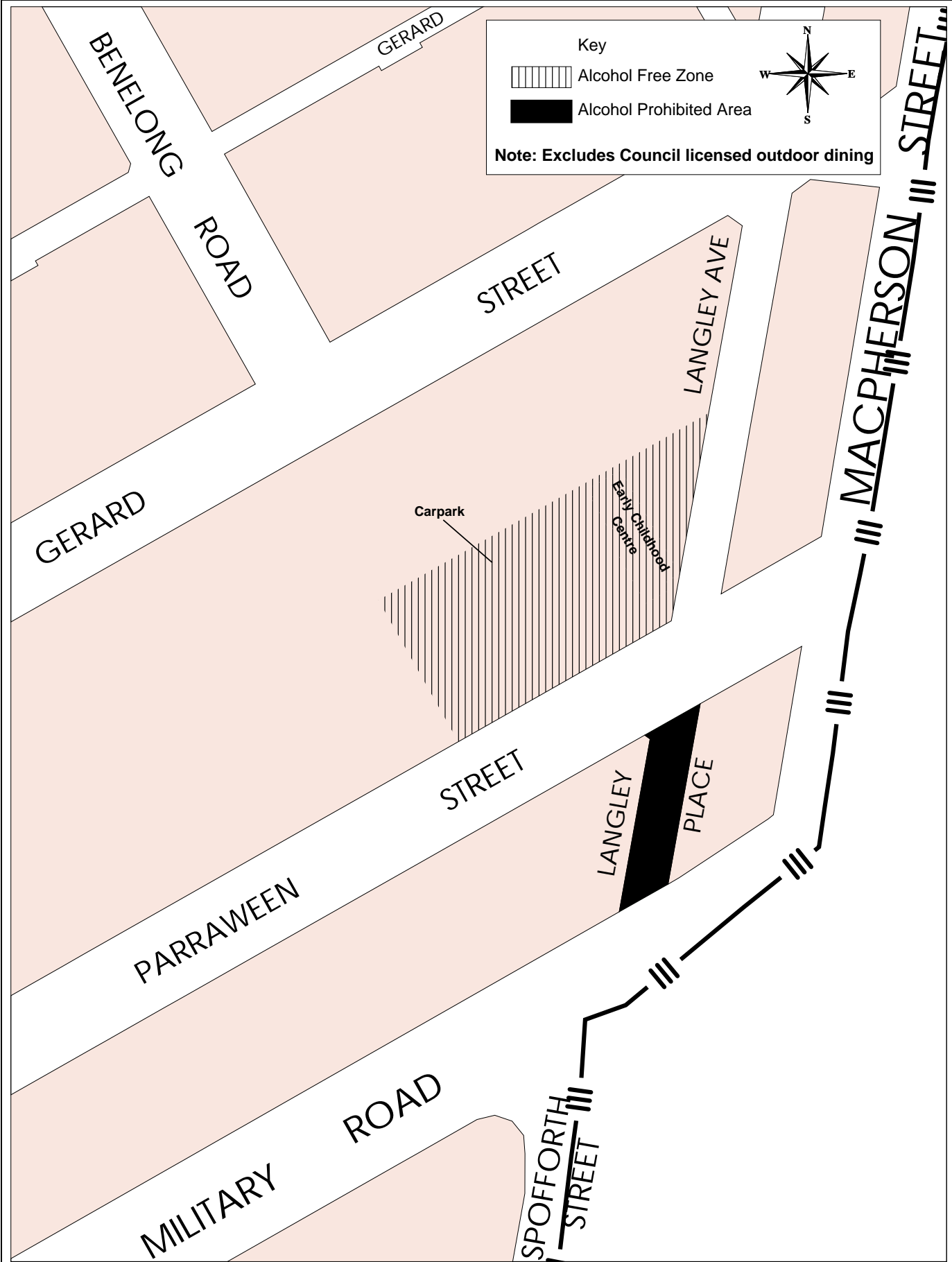
Alcohol Free Zone - Military Road - Nov 2023 - Nov 2027

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### Alcohol Free Zone - North Sydney & Milsons Point - Nov 2023 - Nov 2027

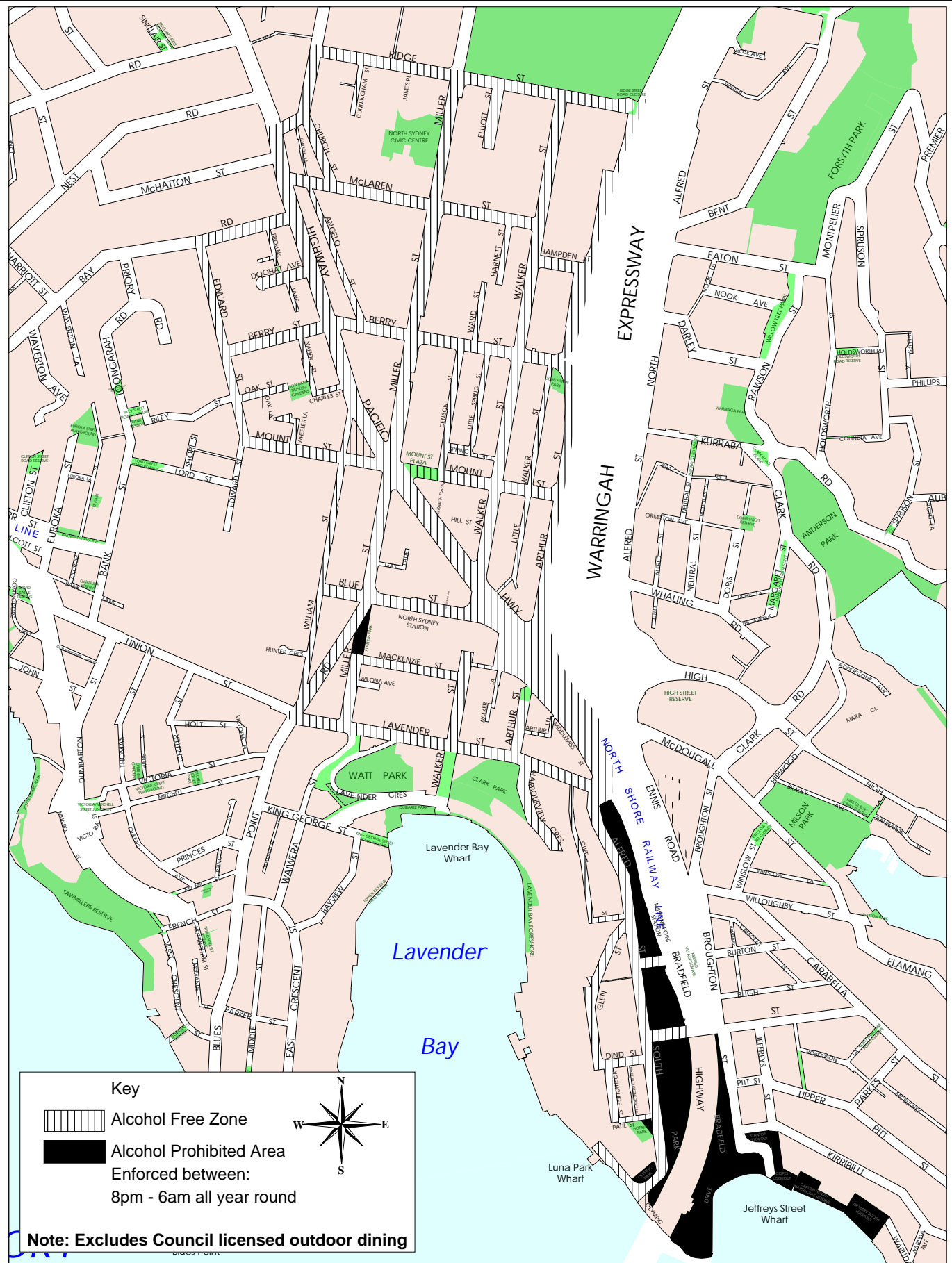
alcohol free zone\_north sydney and milsons point\_may 2023.swd



Alcohol Free & Prohibited Zones - Parraween Street - Nov 2023 - Nov 2027

alcohol free zone\_parraween street\_may 2023.swd





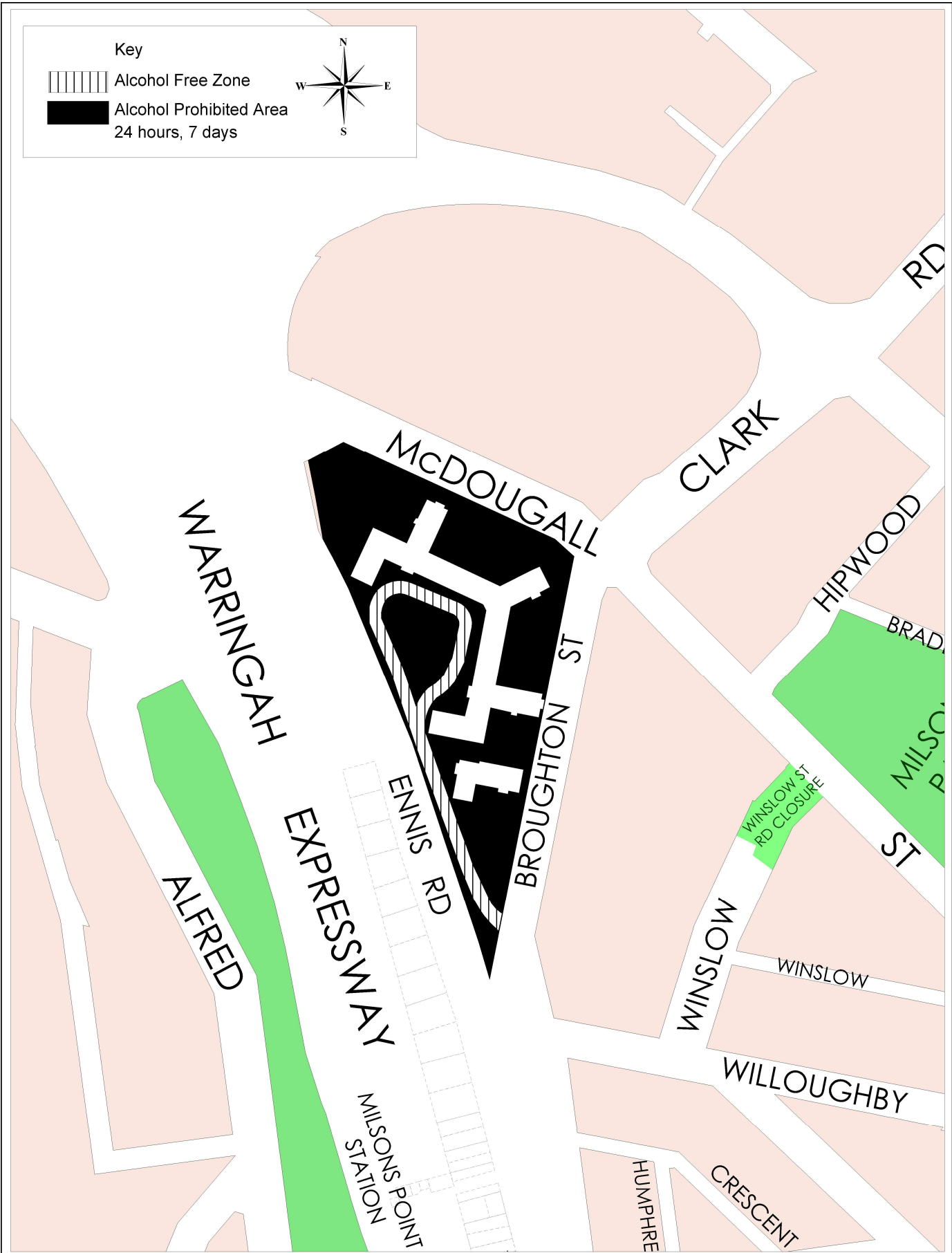
### Alcohol Free & Prohibited Zones - Bradfield Park - Nov 2023 - Nov 2027

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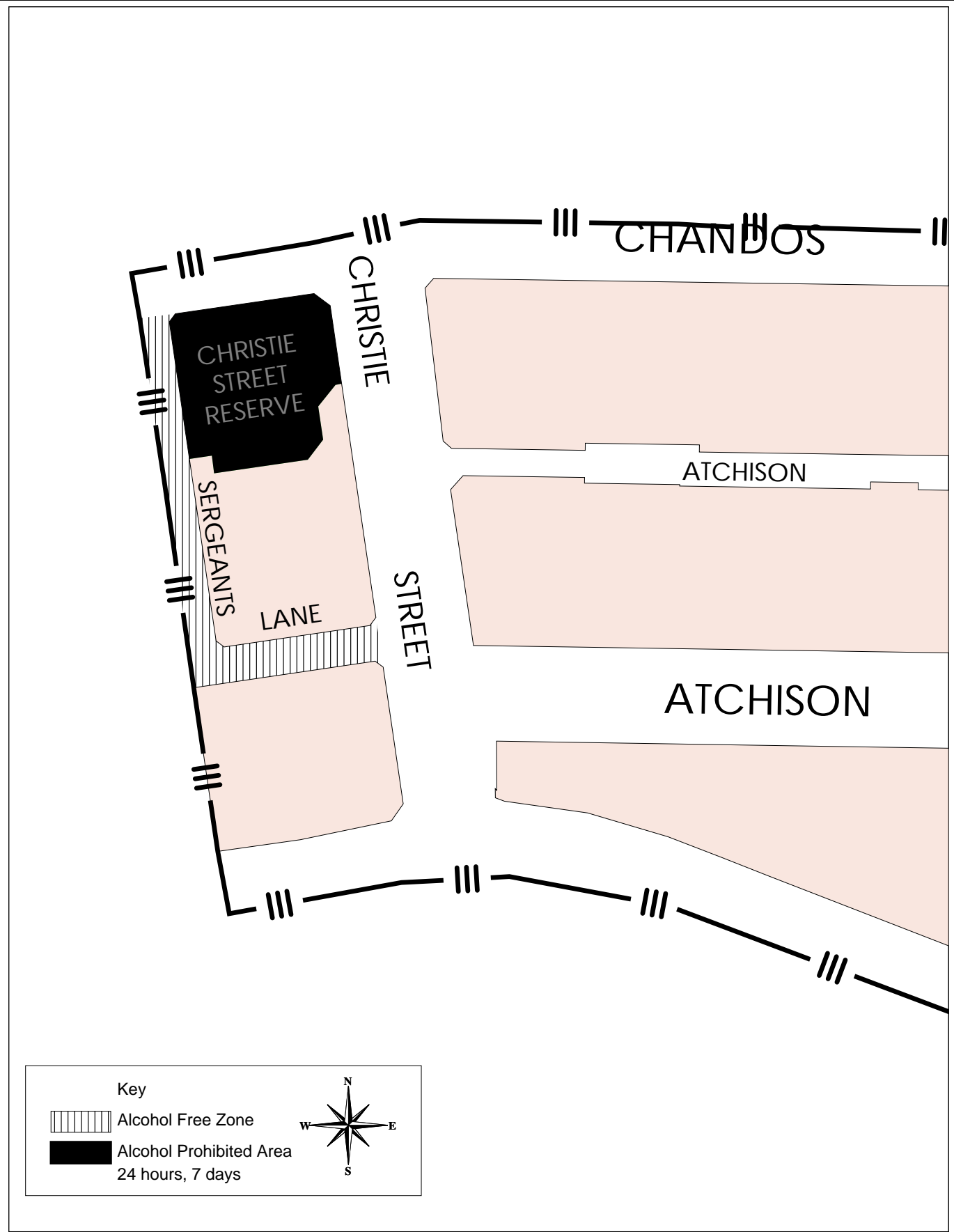
Alcohol Free & Prohibited Zones - Cammeray Park Skate Plaza - Nov 2023 - Nov 2027

alcohol free\_prohibited zones\_cammeray park skate plaza\_may 2023.sxd



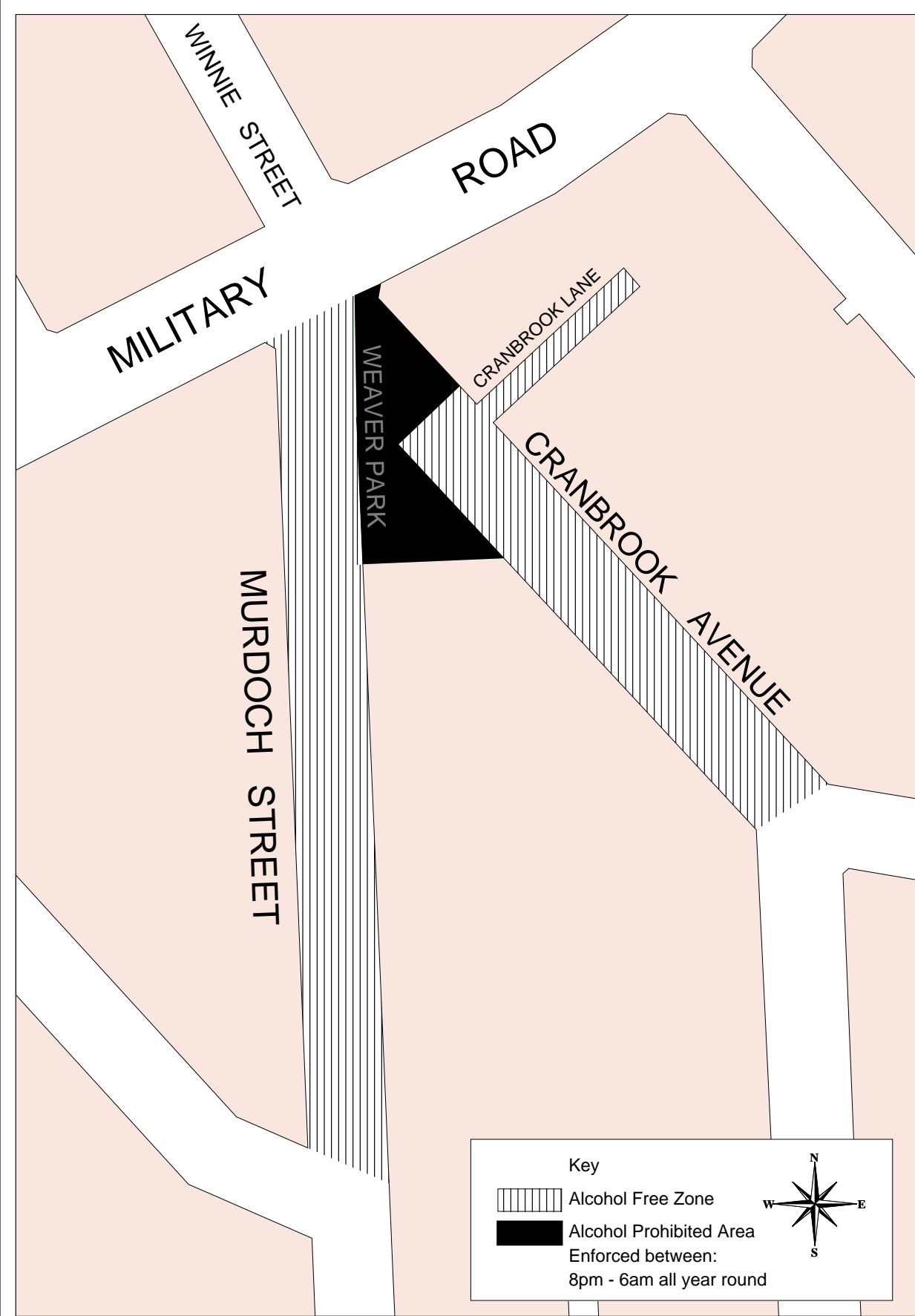
Alcohol Free & Prohibited Zones - Greenway Housing Estate - Nov 2023 - Nov 2027

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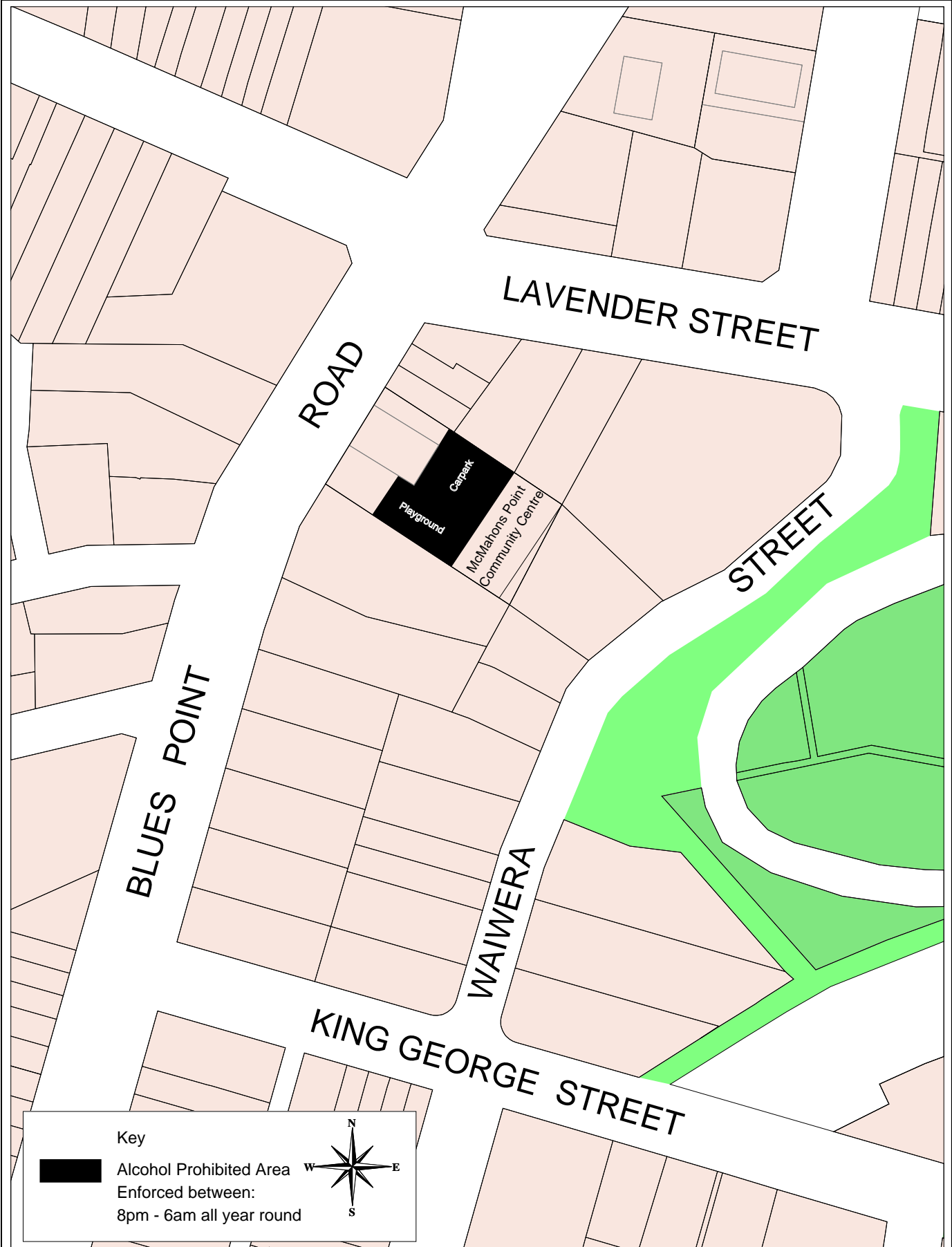
Alcohol Free & Prohibited Zones - St Leonards - Nov 2023 - Nov 2027  
(In Cooperation with Willoughby Council)

alcohol free\_prohibited\_zones\_st\_leonards\_may 2023.swd



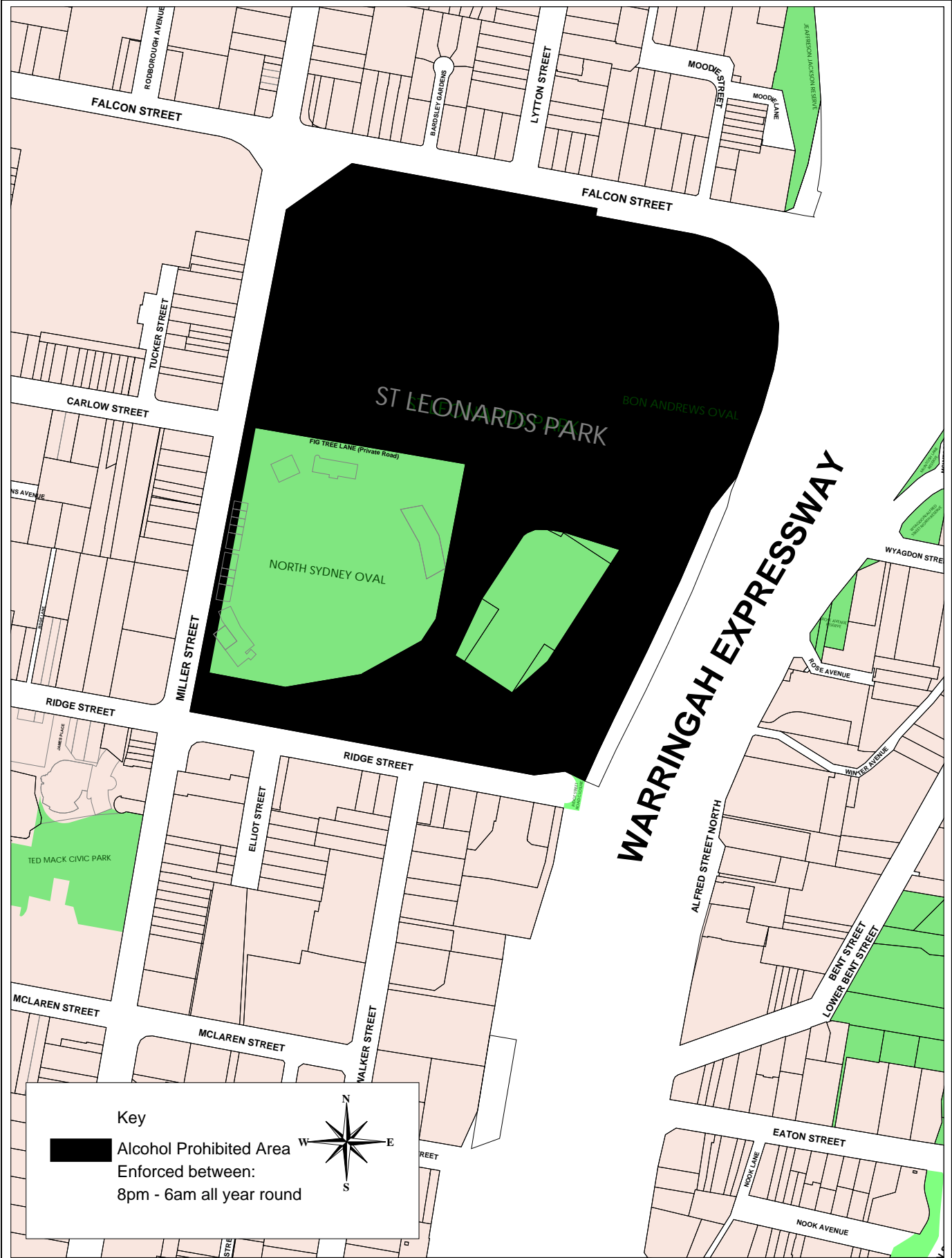
Alcohol Free & Prohibited Zones - Weaver Park - Nov 2023 - Nov 2027

alcohol free prohibited zones weaver park may 2023.swd



Alcohol Prohibited Area - McMahon's Point Community Centre - Nov 2023 - Nov 2027

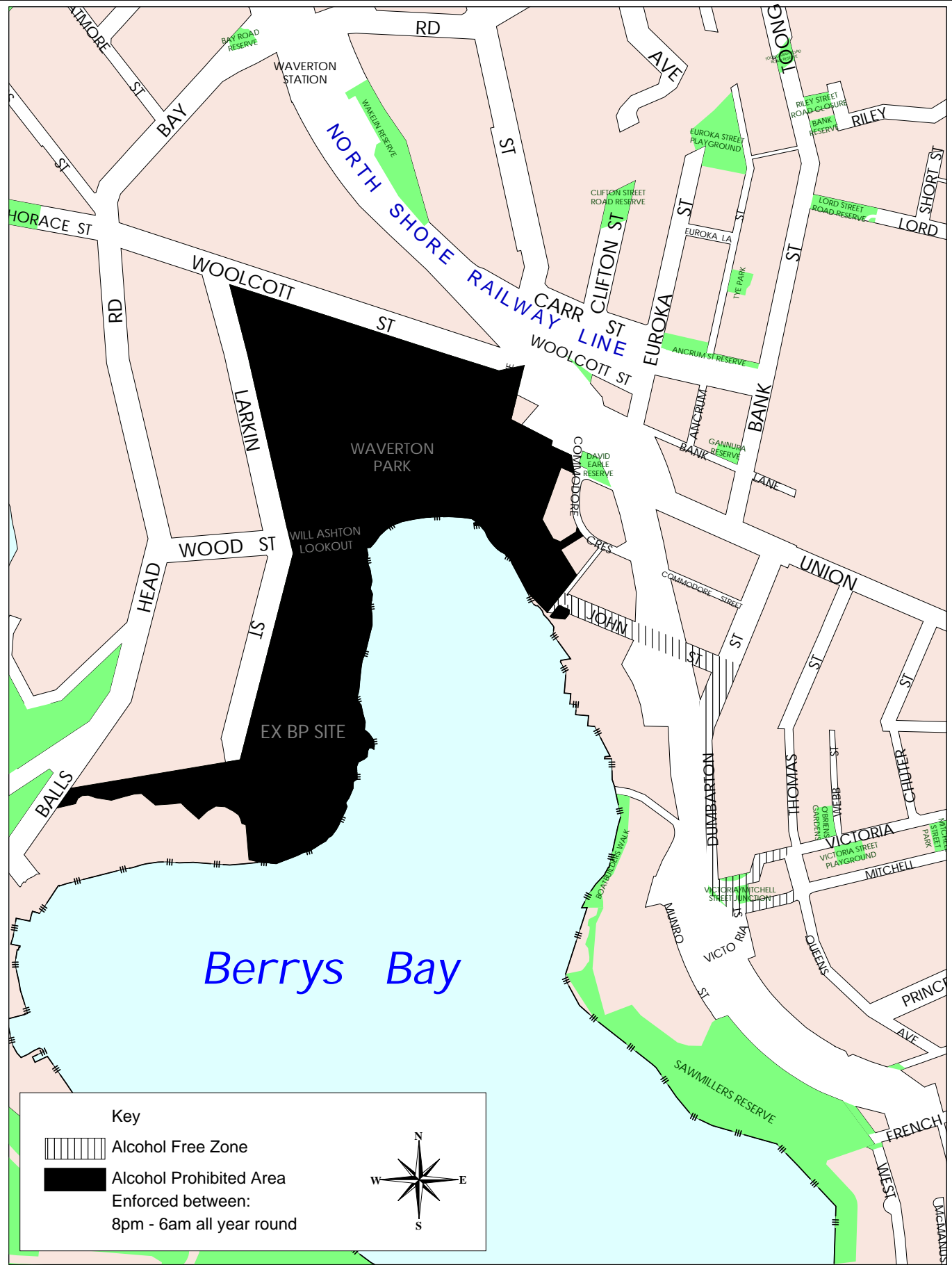
alcohol prohibited area\_mcmahons point community centre\_may 2023.swd



# Alcohol Prohibited Area - St Leonards Park - Nov 2023 - Nov 2027

alcohol prohibited area\_st leonards park\_may 2023.swd





Alcohol Prohibited Zones - Waverton - Nov 2023 - Nov 2027

alcohol free\_prohibited\_zones\_waverton revised\_may 2023.swd