

ITEM 3 POST EXHIBITION: REVIEW OF ALCOHOL FREE ZONES

Alcohol Free Zones (AFZs) are established under the *Local Government Act 1993* to improve public safety and prevent disorderly behaviour caused by the consumption of alcohol in public areas. AFZs have up to a four year term and apply to road related public areas including footpaths, roads and car parks. All of Council's seven AFZs are due to expire on 30 September 2022.

This report seeks Council endorsement to re-establish AFZs across seven locations and establish AFZ exemptions in key event locations.

RECOMMENDATION

- 1 Council endorse the proposed AFZs in Helensburgh, Thirroul, Corrimal, Wollongong, Berkeley, Warrawong and Dapto as shown in Attachment 1 of the report for a period of four years.
- 2 Council adopt a maximum of 10 events per annum in each of the following City Centre areas to be exempt from alcohol prohibition: Upper Crown Street Mall (including Crown Lane), Lower Crown Street Mall, Globe Lane, the Arts Precinct and Wollongong Foreshore area as shown in Attachment 2.
- 3 Authority is delegated to the General Manager to suspend the AFZ in other areas to a maximum of two events per year.
- 4 The exemptions in both Parts 2 and 3 be subject to the relevant event organiser undertaking a formal event approval process, including obtaining development consent, liaising with NSW Police and obtaining approval for a liquor licence from Liquor and Gaming NSW and that all conditions for the safe delivery of an event be the responsibility of the event organiser.

REPORT AUTHORISATIONS

Report of: Sue Savage, Manager Community Cultural + Economic Development
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Existing and Proposed Alcohol Free Zone Maps 2022 - 2026
- 2 Major Event Location Areas seeking Alcohol Free Zone Suspension
- 3 Review of Alcohol Free Zones Review 2022 - Engagement Report

BACKGROUND

Current AFZs and Re-establishment

AFZs prohibit alcohol consumption in road related public areas (eg road, footpath or carpark). AFZs are currently located in Helensburgh, Thirroul, Corrimal, Wollongong, Dapto, Warrawong and Berkeley (Attachment 1). The AFZs expire on 30 September 2022 which has triggered a review to be undertaken.

The main objective of an AFZ is to act as an early intervention measure to prevent the escalation of irresponsible drinking on streets and footpaths, to incidents involving serious crime. *The Local Government Act 1993* (the Act) sections 642-648 is the legislation underpinning an AFZ. The Ministerial Guidelines on Alcohol Free Zones 2009 outlines the procedures for establishment and reestablishment of an AFZ.

The Guidelines detail an AFZ:

- may be considered if 'the fact that irresponsible behaviour arising from the consumption of alcohol is occurring on those roads and footpaths.'
- should be as small as is possible and must only extend to areas that irresponsible behaviour from the consumption of alcohol is occurring.

- should 'primarily be located adjacent to outlets supplying alcohol where drinkers congregate. In the absence of such an outlet a zoning should be considered only in exceptional circumstances. For example, a known hot spot for inappropriate street drinking may be in a public carpark adjacent to a beach or public reserve'.
- may be established for a maximum period of four years. Once established, it applies 24 hours per day.
- enables NSW Police Officers to tip out, or otherwise dispose of, alcohol being consumed within the AFZ. The activity is prohibited, not illegal, it is not recorded as an offence and as such does not carry a fine.
- is a short term control measure and in many instances a zone will achieve the desired objectives within its operational period.

The criteria when considering the re-establishment of an AFZ should include:

- The factors which originally supported a zoning in that area?
- How successful was the previous AFZ in achieving a reduction in unacceptable street drinking?
- What do Police statistics indicate about the value of re-establishing an AFZ in that area?
- What other measures may need to be considered (eg a community education program) if unacceptable street drinking is still of concern in that area?
- Has the community's perceptions of safety improved?

AFZ Exemptions for Events

AFZs provide a tool that can help maintain safety in public places. Positive activation is also a tool to enhance community safety. In 2014 and 2018 Council passed a resolution to support exemptions of some AFZ areas to allow for events, inclusive of alcohol, to occur in our City Centre. Permission for these exemptions will expire on 30 September 2022.

To streamline the event application process, along with providing activation and economic benefits, Council adopted blanket development consents for major events in the City Centre areas of Lower Crown Street Mall, Upper Crown Street Mall (including Crown Lane), the Arts Precinct, Globe Lane and Wollongong Foreshore. These blanket development consents outline stringent conditions for events where alcohol is involved. The conditions were initially determined in consultation with the Wollongong Police District.

To further support the event application process, Council endorsed a maximum of ten major events per annum in each of these areas (except the foreshore area) to be exempt from alcohol prohibition. Council also authorised the General Manager to suspend AFZ in other areas to a maximum of two events per year.

The Council resolution removed the need to seek individual resolutions in order to suspend part of an AFZ for one-off events. This was effective in reducing the three month 'lead' time required to seek a Council resolution, therefore enabling more events and activation.

Pre-COVID the exemption was enacted annually on average eight times in Stuart Park and twice in Lang Park. The exemption has been enacted in Crown Street Mall for Nights on Crown and in Globe Lane for Yours and Owls New Year's Eve events.

This report seeks the same support for AFZ exemption for the major event locations of Upper Crown Street Mall (including Crown Lane), Lower Crown Street Mall, Globe Lane and the Arts Precinct and Wollongong Foreshore area.

Overview of AFZ Review

Options considered:

1. Re-establish AFZs as they currently exist for four years
2. Do not re-establish any AFZs
3. Establish AFZs only in two identified locations - Wollongong CBD and Dapto Square
4. Establish AFZs in current suburbs with a reduced/minimal footprint in consultation with Police.

A range of information was considered against each option including:

- Level of evidence of irresponsible behaviour arising from the consumption of alcohol
- Proximity to outlets supplying alcohol, where drinkers congregate
- AFZ should be as small as is possible
- Police advice on how AFZs are used to perform their duties
- Alcohol related crime data
- The influence AFZs have on perception of safety
- Feedback from Police and community.

Alcohol Related Crime Data

Alcohol related crime has been declining across NSW, including the Wollongong Local Government Area, for over 10 years. Incidents of Alcohol Related Assault (non-domestic assault) in Wollongong LGA has a declining ten year trend of 8% per year (compared to the NSW average decline of 8.4% per year). Incidents of Alcohol Related Assault on Road/Street/Footpath Premises also has a ten year declining trend of 9.1% per year (compared with the NSW average decline of 9.6%).

Feedback from Police

Lake Illawarra Police requested Berkeley and Warrawong AFZ be re-established as businesses in are directly affected by intoxicated behaviour. Police recommended a reduction to the Dapto AFZ boundary as alcohol consumption and unruly behaviour does not appear to be prevalent in the outer areas.

Lake Illawarra Police District submission presented crime data specific to each AFZ area presenting a case to re-establish all three AFZs. Data is not collected by NSW Police on how often they use 'tip out' powers

Lake Illawarra Police stated AFZs are part of their 'Crime and Harm Minimisation Management Plan' and have played an important role in crime reduction. AFZs enable a proactive approach to engage members of the community before behaviour escalates.

Lake Illawarra Police acknowledged lighting and design of family friendly environments, plus clear and visible signage are also measures that collectively help to improve safety.

Wollongong Police submission expressed strong support for AFZs in 'an endeavour to continue to make Wollongong LGA a safer community. AFZ's provide reassurance for families, young children, and the elderly that they can enjoy public spaces without the fear of engaging with intoxicated people'.

AFZs were stated as being a strong crime prevention strategy and invaluable tool to prevent antisocial behaviour and "preloading" prior to entering a licenced premise. The importance of the Wollongong AFZ was emphasised due to the licenced premise density (94 in total).

Graphs presented in the submission demonstrated the alcohol related crime trend over a 26-year period, showing a decline across all AFZs.

Wollongong Police oppose reduction and support re-establishment of all current AFZs. In addition, they presented a revised Thirroul AFZ boundary.

Wollongong Police acknowledged the final decision lies with Council.

Feedback from community

There is support both for and against AFZs. Feedback in support of AFZs suggests drinking continues to occur in the spaces, they need to be enforced and drinking in public should not be permitted. Feedback against AFZs suggests they should be a short term solution, they are inconsistent in size and location, there is no clear rationale/justification and Police have powers without AFZs.

Feedback highlighted AFZs provide a level of perceived safety however many community members are unaware of AFZ locations.

PROPOSAL

It is proposed:

- Corrimal, Berkeley and Warrawong AFZs are re-established without change for four years.
- Dapto, Thirroul, Helensburgh and Wollongong AFZs are re-established for four years with a reduced footprint (Attachment 1). The reduced footprint responds to Ministerial Guidelines which requires AFZs to:
 - Be as small as is possible
 - Only extend to areas that irresponsible behaviour from the consumption of alcohol is occurring
 - Be within close proximity to outlets supplying alcohol
- Continue AFZ exemptions to enable and welcome major events in Upper Crown Street Mall (including Crown Lane), Lower Crown Street Mall, Arts Precinct, Globe Lane and Wollongong Foreshore.
- Council delegates authority to the General Manager to suspend AFZs in other areas to a maximum of two events per year, if required.

CONSULTATION AND COMMUNICATION

In accordance with the NSW *Local Government Act 1993* and Ministerial Guidelines on Alcohol Free Zones 2009, Council undertook an engagement strategy to inform the community and invite public comment on the proposal to re-establish AFZs. Stakeholders included Wollongong Police Local Area Command, Lake Illawarra Police Local Area Command, Anti-Discrimination Board, Illawarra Local Aboriginal Land Council, Illawarra Aboriginal Corporation, Illawarra Aboriginal Medical Service, licensed premises located within each AFZ, Neighbourhood Forums, Register of Interest – Community Safety and community.

Written correspondence was sent to Police, organisations and businesses. Follow up conversations were also had with Wollongong and Lake Illawarra Police Local Area Commands. A public notice was placed in the newspaper and community members were invited to provide feedback via our online engagement platform. Information and paper based surveys were also made available in Council libraries, facilities and Customer Service Centre.

Council's internal City Centre team and Events team have been consulted regarding their needs moving forward in relation to event diversity and activation.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 5. It specifically delivers on core business activities as detailed in the Community Programs Service Plan.

The Wollongong Community Safety Plan 2021-2025 identifies Action Item 3.2 Alcohol Free Zones and Alcohol Prohibited Places are reviewed every four years.

The Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths Council Policy has been reviewed and will be considered under a separate cover as part of this agenda.

FINANCIAL IMPLICATIONS

Costs associated with updating AFZ signage will be as per current processes.

CONCLUSION

AFZs assist to improve and maintain community safety. They are one strategy, among many and act as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Re-establishment of AFZs demonstrates Council's commitment to community safety. It acts to further support NSW Police in reducing alcohol related crime and harm that can occur from the misuse and abuse of alcohol.

Enabling the suspension of parts of AFZs for events will ensure Council builds on the positive activation occurring within our City Centre and provides a streamlined process that supports event diversity.

ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

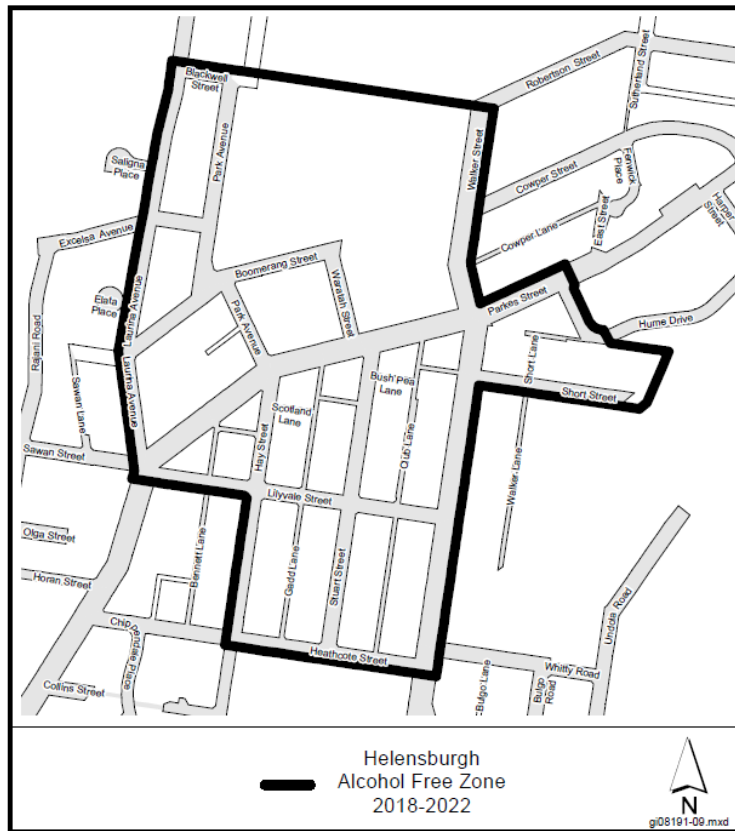
ATTACHMENT 1

AFZ REVIEW 2022

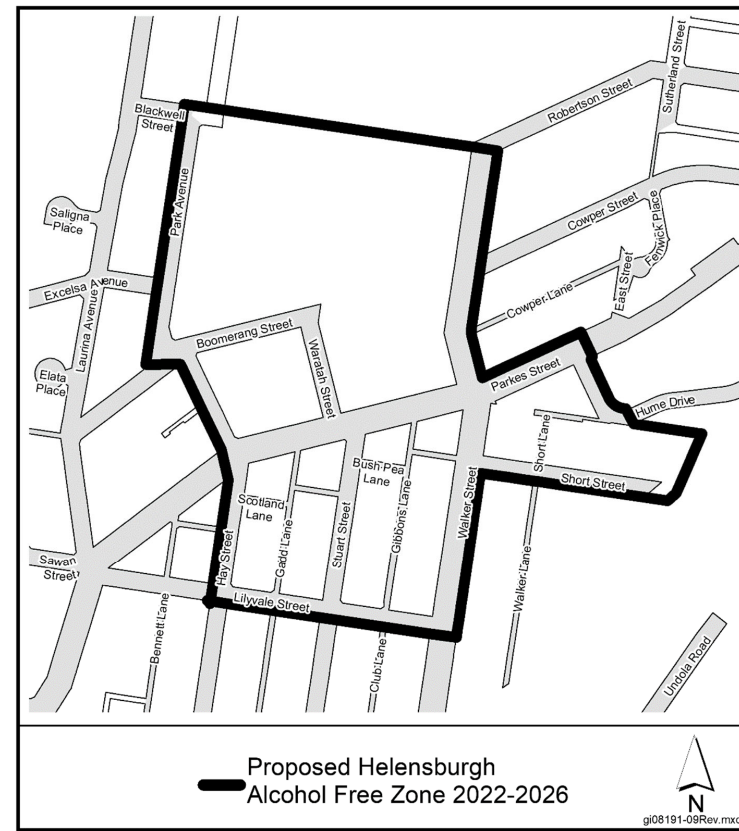
PROPOSED ALCOHOL FREE ZONES 2022-2026

ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

HELENSBURGH AFZ



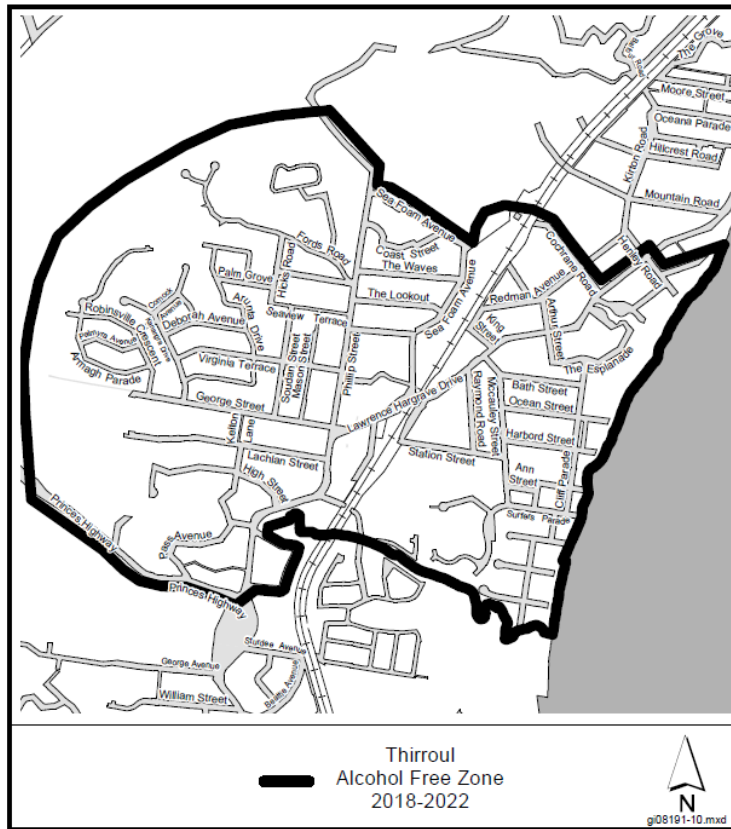
Existing AFZ 2018 – 2022



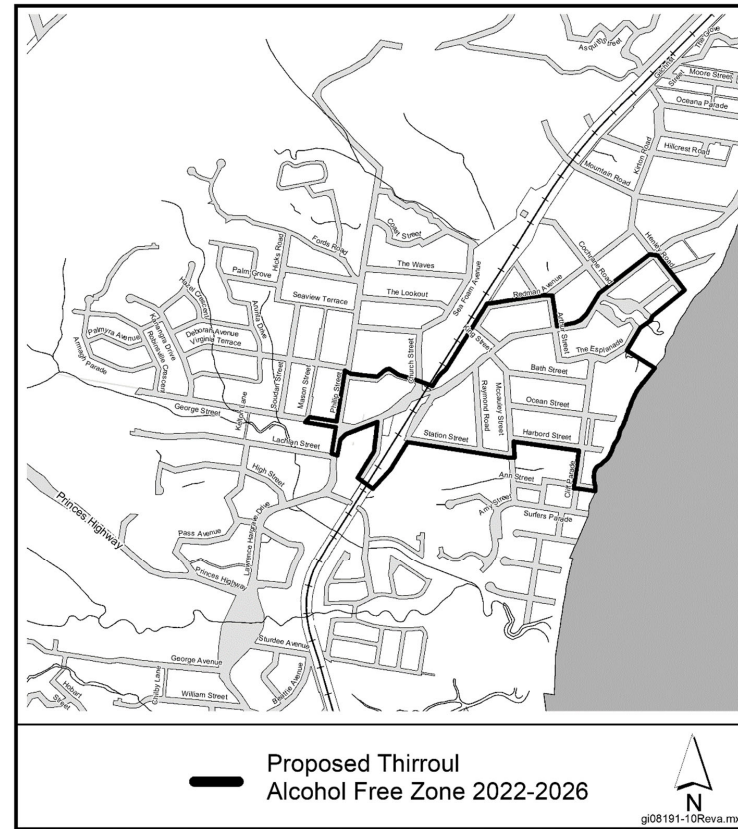
Revised and reduced AFZ proposed for 2022 – 2026

ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

THIRROUL AFZ



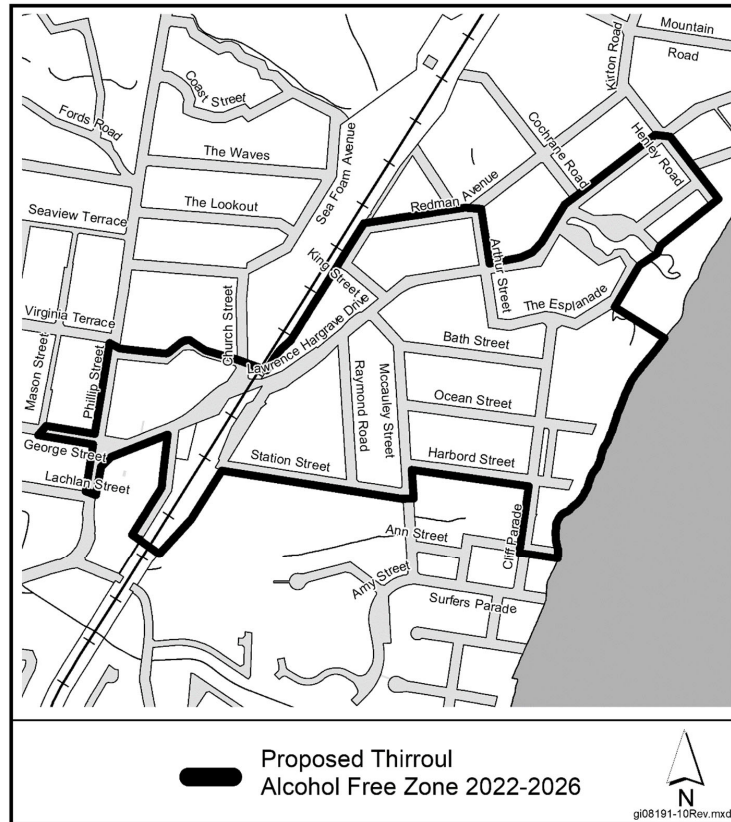
Existing AFZ 2018 – 2022



Revised and reduced AFZ proposed for 2022 – 2026 (comparison view)

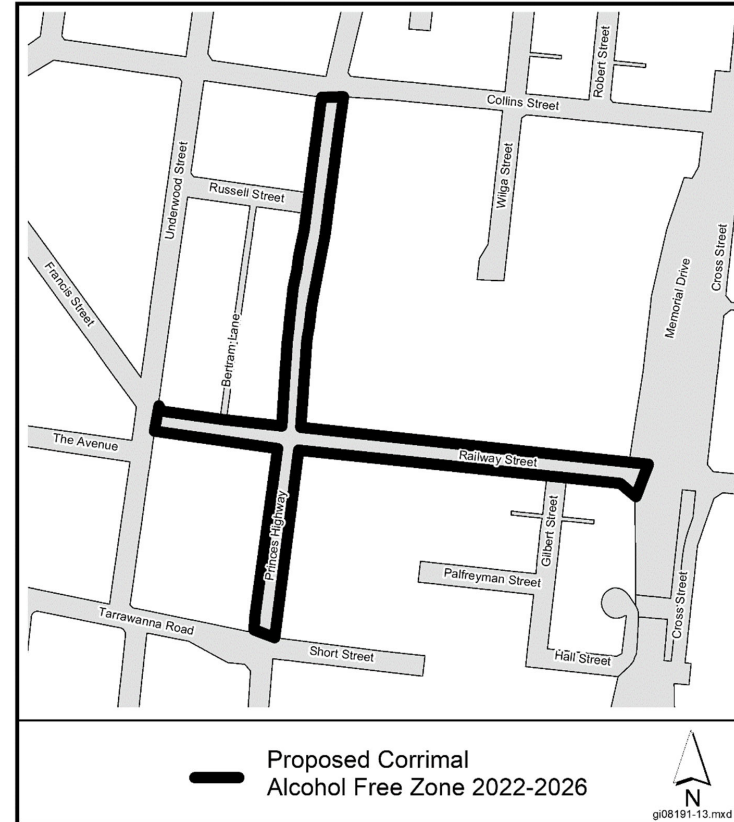
ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

THIRROUL AFZ



Close up - Revised and reduced AFZ proposed for 2022 – 2026

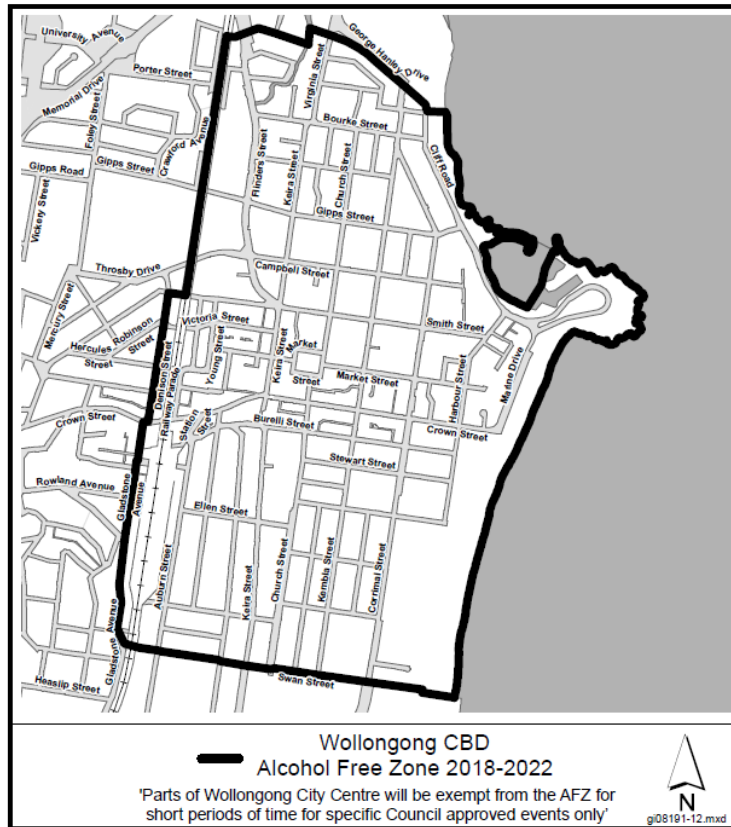
CORRIMAL AFZ



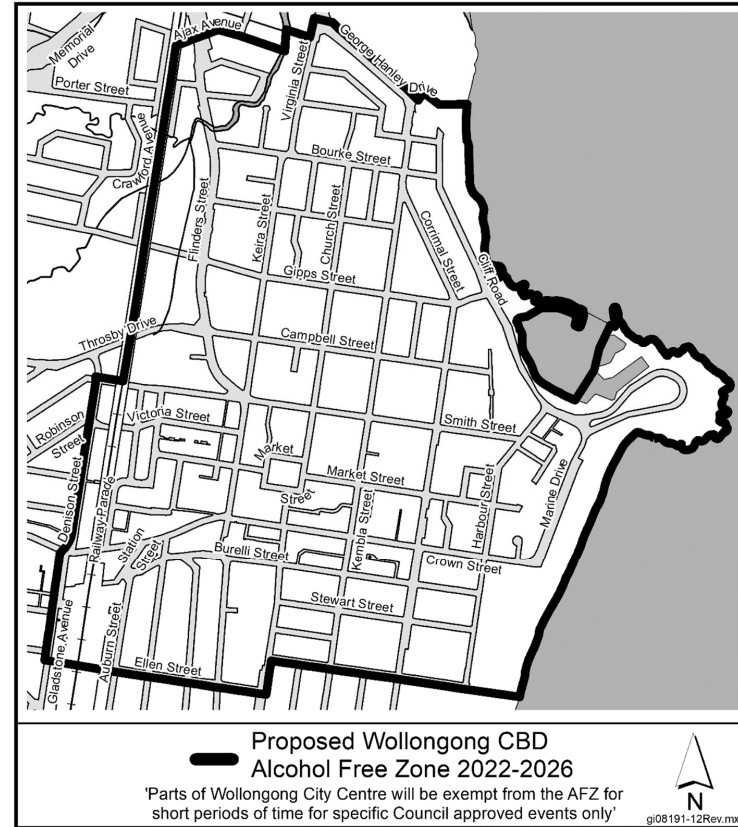
No changes to existing AFZ

ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

WOLLONGONG AFZ



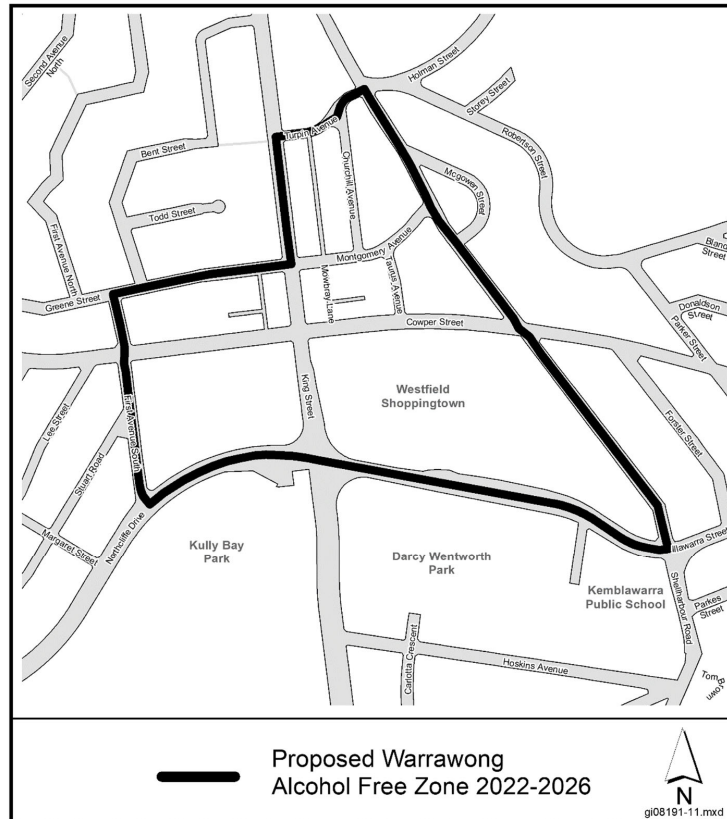
Existing AFZ 2018 – 2022



Revised and reduced AFZ proposed for 2022 – 2026

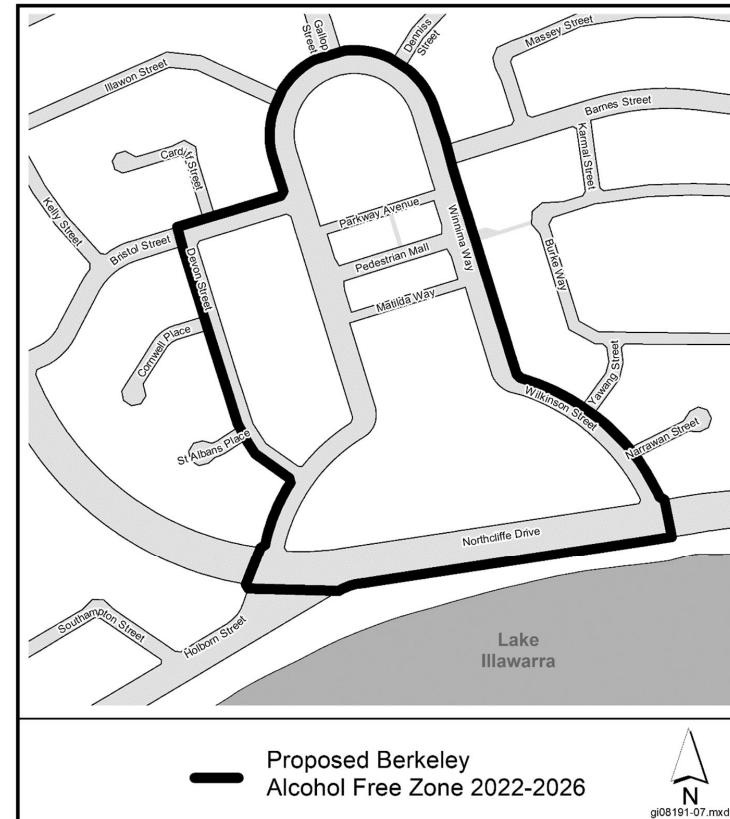
ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

WARRAWONG AFZ



No changes to existing AFZ

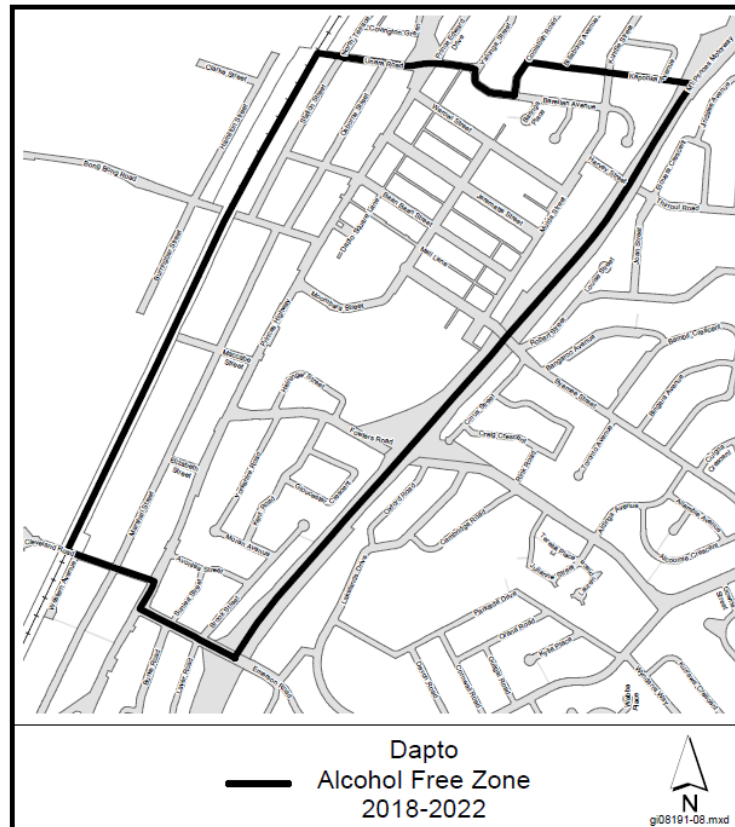
BERKELEY AFZ



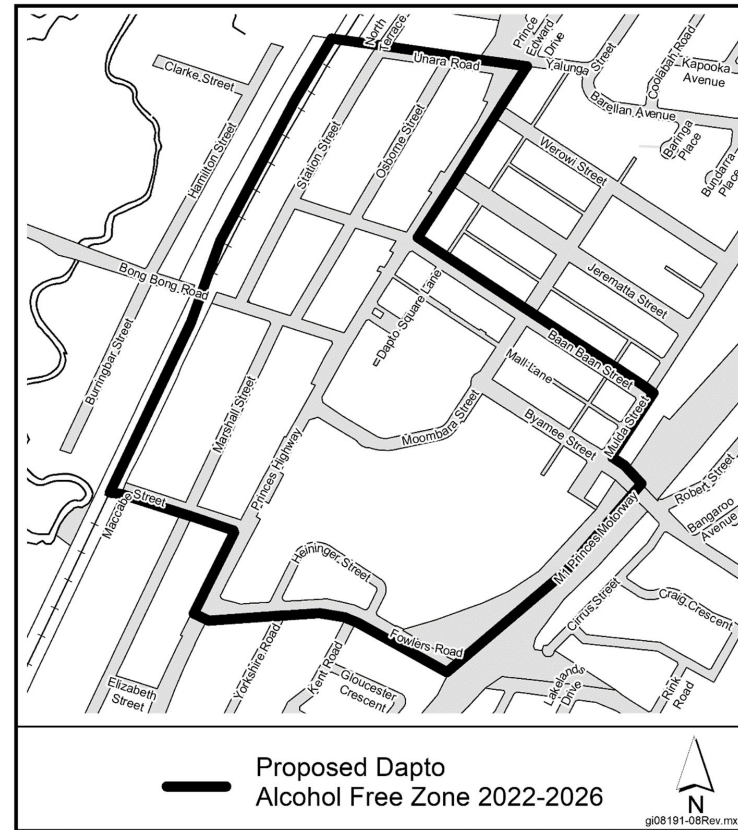
No changes to existing AFZ

ATTACHMENT 1 - AFZ Review 2022 - Proposed AFZ Maps – September 2022

DAPTO AFZ



Existing AFZ 2018 – 2022



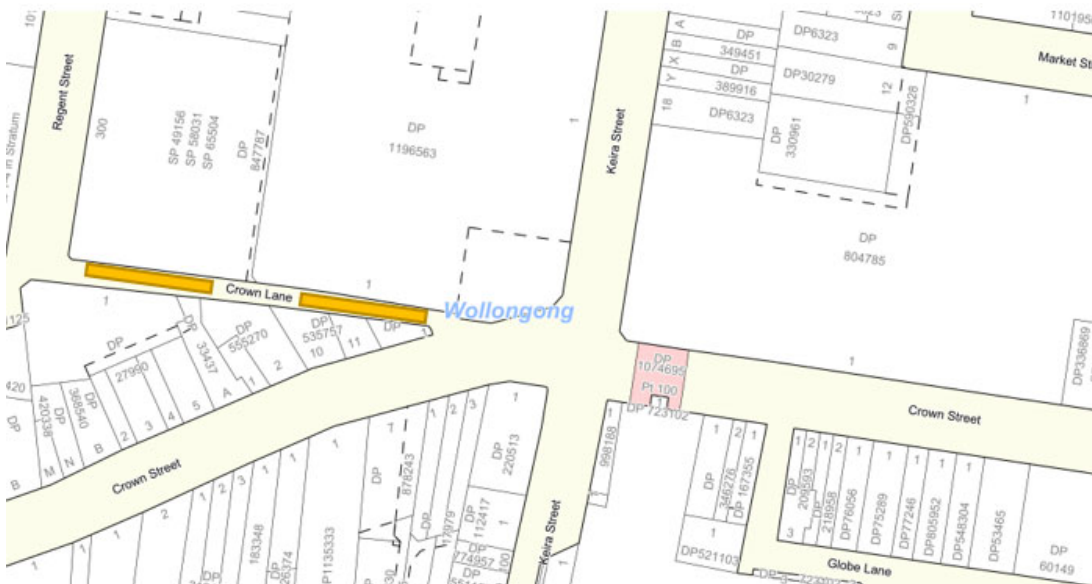
Revised and reduced AFZ proposed for 2022 – 2026

MAJOR EVENT LOCATION AREAS SEEKING ALCOHOL FREE ZONE SUSPENSION 2022-2026

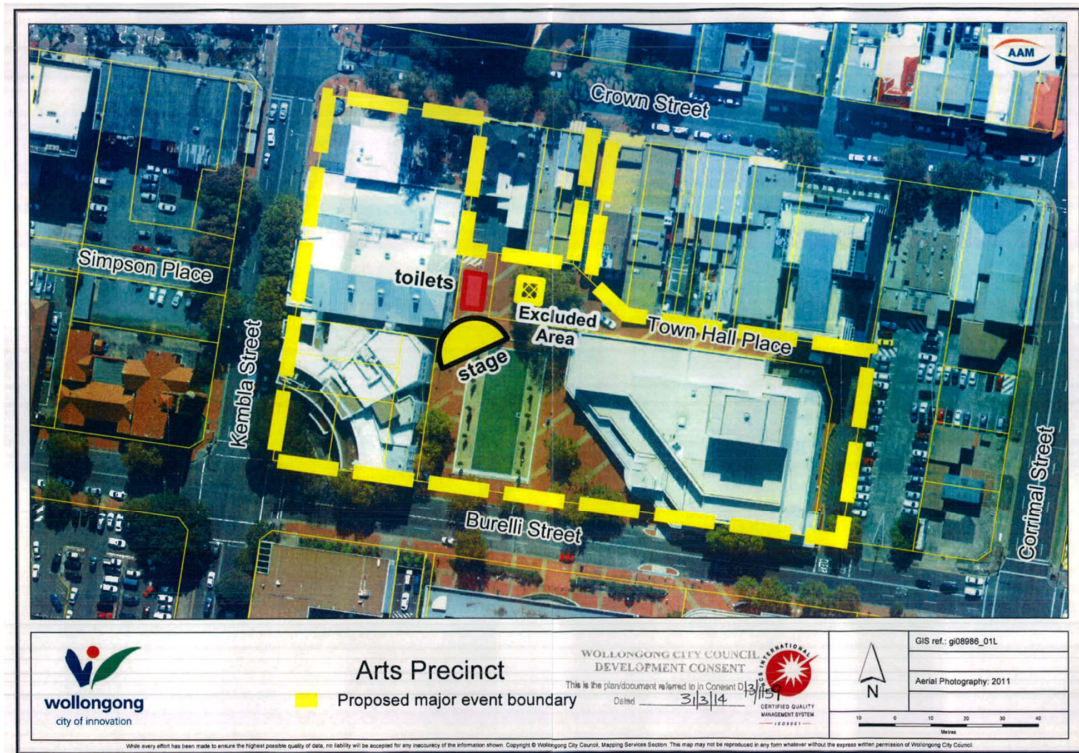
Upper Crown Street Mall Activation Area



Crown Lane, see below, has been added to the Event DA for Upper Crown Street.



Arts Precinct Major Events Area



Detail Plan Flagstaff Hill – Major event boundary



Wollongong Foreshore Area – Major event area (yellow solid areas)



Alcohol Free Zone Review

September 2022

OUR WOLLONGONG JOIN THE CONVERSATION



Table of Contents

Executive Summary.....	3
Background	4
Stakeholders.....	5
Methods.....	5
Results.....	6

AFZ Review 2022 - Engagement Report ECM 22888790

The information in this report is based on data collected from community members who chose to be involved in engagement activities and therefore should not be considered representative.

This report is intended to provide a high-level analysis of the most prominent themes and issues. While it's not possible to include all the details of feedback we received, feedback that was relevant to the project has been provided to technical experts for review and consideration.

Executive Summary

Council asked the community to comment on Alcohol Free Zones (AFZs) in Helensburgh, Thirroul, Corrimal, Wollongong, Warrawong, Dapto and Berkeley. The AFZ's will expire on 30 September 2022. AFZs have a four year term after which they are reviewed.

Methods and Stakeholders

An engagement strategy was undertaken in accordance with the NSW Local Government Act and Ministerial Guidelines on Alcohol Free Zones 2009. Stakeholders included Wollongong Police District, Lake Illawarra Police District, Anti-Discrimination Board, Illawarra Local Aboriginal Land Council, Illawarra Aboriginal Corporation, Illawarra Aboriginal Medical Service, licensed premises located within each AFZ, Neighbourhood Forums and community.

The AFZs were exhibited from 10 July to 12 August 2022. A public notice was placed in the newspaper and community members were invited to provide feedback via our online engagement platform. Information and paper based surveys were also made available in Council libraries, facilities and customer service centre.

Feedback

35 responses were received. This included 31 online surveys, two submissions via email and two formal submissions from Lake Illawarra and Wollongong Police Districts.

The majority of feedback related to Wollongong AFZ followed by Dapto AFZ and Thirroul AFZ. Many comments supported the re-establishment of the AFZs. While others questioned their rationale, extensiveness and the enforcement.

Background

Alcohol Free Zones

Alcohol Free Zones (AFZs) are established under the Local Government Act. The Ministerial Guidelines on Alcohol Free Zones 2009 outline the process and criteria for establishing an AFZ. They have a four-year term and apply to road-related public areas including footpaths, roads and car parks.

The main objective is to act as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. The criteria stipulates they should be a short term measure, as small as possible, and that it makes sense to locate them adjacent to Liquor supply outlets where drinkers congregate.

Police Powers

Anyone drinking in an AFZ will not receive a fine. As part of AFZ power, NSW Police are enabled to either confiscate or tip out the alcohol. Police also have the power to give a move-on direction to a person in a public place if the police officer believes the person's behaviour:

- a) is obstructing another person or persons or traffic, or
- b) constitutes harassment or intimidation of another person or persons, or
- c) is causing or likely to cause fear to another person or persons, so long as the relevant conduct would be such as to cause fear to a person of reasonable firmness, or
- d) is for the purpose of unlawfully supplying, or intending to unlawfully supply, or soliciting another person or persons to unlawfully supply, any prohibited drug, or
- e) is for the purpose of obtaining, procuring or purchasing any prohibited drug that it would be unlawful for the person to possess.

Police acknowledge these powers do not give police the power to prevent consuming alcohol in public places, which may lead to intoxication.

AFZ History

Most AFZs have been in place since the mid 1990's (Wollongong 1994, Berkeley 1995, Dapto and Helensburgh 1996, Thirroul pre 2007, Corrimal 2010). Historically AFZs existed in Unanderra and Port Kembla, however, safety concerns relating specifically to street drinking dissipated and benefits provided by the AFZ were not considered relevant.

Alcohol Related Crime Data

Alcohol related crime has been declining across NSW, including the Wollongong Local Government Area, for over 10 years. Incidents of Alcohol Related Assault (non-domestic assault) in Wollongong LGA has a declining ten-year trend of 8% per year (compared to the NSW average decline of 8.4% per year). Incidents of Alcohol Related Assault on Road/Street/Footpath Premises also has a ten-year declining trend of 9.1% per year (compared with the NSW average decline of 9.6%). (retrieved from BOCSAR Aug 2022. Data ranges from April 2012 to March 2022).

AFZ Review

Council's seven AFZs are due to expire on 30 September 2022 which has triggered a review. The criteria when considering the re-establishment of an AFZ should include:

- The factors which originally supported a zoning in that area?
- How successful was the previous AFZ in achieving a reduction in unacceptable street drinking?
- What do Police statistics indicate about the value of re-establishing an AFZ in that area?
- What other measures may need to be considered (e.g. a community education program) if unacceptable street drinking is still of concern in that area?
- Has the community's perceptions of safety improved?

A sign audit was also undertaken as part of the review process.

Stakeholders

Stakeholders identified prior to the start of the engagement period included:



Methods

Table 1: Details of Communication and Engagement Methods

Methods	Details of Methods
Communication Methods	
Email to key stakeholders	An email and summary of the Ministerial Guideline criteria was sent to our NSW Police partners. Follow-up emails and phone calls regarding the process occurred. Neighbourhood forums were notified via email.
Register of Interest	An email was sent to 995 participants registered on the Our Wollongong website with an interest in Safety.
Letter and phone calls	A letter about the public exhibition and how to submit feedback (via phone, email or online) was delivered to approximately 170 licenced venues that reside within each of the seven AFZs. Letter was sent to the Police Commander of Lake Illawarra and Wollongong Police Districts, the Anti-Discrimination board, local organisations representing our Aboriginal community with follow up email and phone call.
Our Wollongong website	The project webpage hosted background information and supporting documents.

The Illawarra Mercury	A notice appeared on the Council page in the 13 July edition of The Illawarra Mercury to promote the engagement.
Council Libraries	The AFZ review was promoted at Council libraries with a QR code directed to the online survey.
Engagement Methods	
Our Wollongong website	<ul style="list-style-type: none"> An online survey was used to capture participants' comments.
Email and phone	<ul style="list-style-type: none"> Feedback was received via email and phone
Councillor briefing	The opportunity to present at a Councillor briefing was offered to Lake Illawarra and Wollongong Police Districts

Results

Engagement Participation

This section provides details on the participation in engagement activities and feedback received during the exhibition period. Details of the number of participants for each engagement activity are presented in Table 2.

Table 2: Participation in Engagement Activities

Engagement Activities	Participation
Online Participation	
<ul style="list-style-type: none"> Aware – Total number of people who viewed the project webpage. 	227
<ul style="list-style-type: none"> Engaged – Total number of people who actively contributed to the project, e.g., by submitting comments via the survey or posting a question to the Q&A. 	31
<ul style="list-style-type: none"> Survey responses across the seven AFZs. (Of the 31 respondents some commented on more than one AFZ). 	65
Phone calls – Liaised with Lake Illawarra and Wollongong Police Districts	Ongoing
Formal submissions received from NSW Police (Lake Illawarra and Wollongong Districts)	2
Emails correspondence in response to the review	2

What we heard through the feedback

Survey

Some respondents commented on more than one AFZ with support provided both for and against re-establishment of AFZs. The majority of respondents were aware the AFZs exist, however, a significant portion were unaware. Wollongong, Warrawong and Dapto AFZs were the most familiar.

Over a half of the respondents commented on Wollongong AFZ. About one third responded on Thirroul and Dapto AFZs, while less than a quarter responded on Warrawong, Berkeley and Helensburgh AFZs.

In Helensburgh and Thirroul the majority of respondents had not witnessed drinking behaviour in the AFZ. For Wollongong, Dapto and Corrimal just over half of respondents acknowledged some experience with antisocial behaviour.

The following summarises the sentiment shared in the survey comments.

In support:

- AFZs make people feel safe
- AFZs are working and there is concern for escalation of problems without them
- Public drinking is occurring in some places
- The AFZ reduces the frequency of experiences with intoxicated people
- More enforcement required.

Against re-establishment:

- Support removing the AFZ if there are no ongoing issues
- Limit to a short period of time
- Limit to shop areas and around playgrounds
- Inconsistency in the size and extensiveness of some AFZs
- Elitist to prevent people from choosing to drink in a public place
- Police can enforce nuisance behaviour (regardless of alcohol consumption) without an AFZ
- No clear rationale.

Email submission

Two comments were received via email both in support of Dapto AFZ and one reflective of the business community.

Lake Illawarra Police District Response

Lake Illawarra Police District enforce Warrawong, Berkeley and Dapto AFZs.

Lake Illawarra Police District's submission (ECM_22783249) addressed the five key criteria set out in the 2009 AFZ Ministerial Guidelines. Crime data was provided specific to each AFZ area presenting a case to re-establish all three AFZs.

Lake Illawarra Police informed AFZs are part of their 'Crime and Harm Minimisation Management Plan' and have played an important role in crime reduction. The community are aware the AFZs exist and are quick to contact police. AFZs enable a proactive approach to engage members of the community before behaviour escalates.

Lake Illawarra Police acknowledged lighting and design of family friendly environments, plus clear and visible signage are also measures that collectively help to improve safety.

Lake Illawarra Police requested Berkeley and Warrawong AFZ be re-established with the same boundaries suggesting businesses in Warrawong are directly affected by intoxicated behaviour. Police recommended a reduction to the Dapto AFZ boundary as alcohol consumption and unruly behaviour does not appear to be prevalent in the outer areas.

Wollongong Police District Response

Wollongong Police District enforce Helensburgh, Thirroul, Corrimal and Wollongong AFZs.

The Wollongong Police submission (ECM:22887943) expressed unequivocal support for AFZs in 'an endeavour to continue to make Wollongong LGA a safer community. AFZ's provide reassurance for families, young children, and the elderly that they can enjoy public spaces without the fear of engaging with intoxicated people'.

AFZs were stated as being a strong crime prevention strategy and invaluable tool to prevent antisocial behaviour and "preloading" prior to entering a licenced premise. The importance of the Wollongong AFZ was emphasised due to the licenced premise density (94 in total).

Graphs presented in the submission demonstrated the alcohol related crime trend over a 26-year period showing a decline across all AFZs. The crime peak occurred between 2007-2009 for each zone (2012 for Corrimal). The submission pointed out AFZs were introduced in 2007, and therefore had a 'distinct link' to the decline and positive effect on crime statistics. (Authors note: Most AFZs, including Wollongong AFZ, were introduced in the mid 1990's). The submission also highlighted that there has been no crime displacement to areas outside the AFZ boundaries.

Wollongong Police oppose a reduction and support re-establishment of all current AFZs within the Wollongong LGA. Wollongong Police did provide feedback on a reduced Thirroul AFZ boundary and presented a revised version for Councils consideration.

Wollongong Police acknowledged the final decision lies with Council.