

ITEM 3 REVIEW OF ALCOHOL FREE ZONES

Alcohol Free Zones (AFZs) are established under the Local Government Act to improve public safety and prevent disorderly behaviour caused by the consumption of alcohol in public areas. AFZs have a four year term and require a review prior to proposed re-establishment.

All of Council's seven AFZs are due to expire on 30 September 2018. This report seeks Council endorsement to:

- 1 Renew all existing Alcohol Free Zones across the Wollongong Local Government Area.
- 2 Establish a new Alcohol Prohibited Area in Osborne Park, Wollongong.
- 3 Establish Alcohol Free Zone exemptions, for identified periods of time to enable delivery of a diverse suite of events across our city in key event locations.

RECOMMENDATION

- 1 Council endorses the renewal of Alcohol Free zones 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 adopts the replacement and updated Alcohol Free zone signage to be installed in Helensburgh, Thirroul, Corrimal, Wollongong, Berkeley, Warrawong and Dapto.
- 3 Council adopts the establishment of Osborne Park, Wollongong as an Alcohol Prohibited Area (refer Attachment 2).
- 4 Council adopts 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; Lower Crown Street Mall; Globe Lane; the Arts Precinct; and Wollongong Foreshore area (refer Attachment 3).
- 5 Authority is delegated to the General Manager to suspend the Alcohol Free Zone in other areas to a maximum of two events per year.
- 6 The exemptions in both Parts 4 and 5 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: Kerry Hunt, Manager Community Cultural and Economic Development
Authorised by: Jenny Thompson, Director Community Services - Creative and Innovative City (Acting)

ATTACHMENTS

- 1 Existing and Proposed 2018 Alcohol Free Zone Maps
- 2 Proposed Alcohol Prohibited Area - Osborne Park, Wollongong
- 3 Major Event Location Areas seeking Alcohol Free Zone Suspension
- 4 Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths - Council Policy 2014

BACKGROUND

Alcohol Free Zones and Alcohol Prohibited Areas are established and maintained by Council, while their enforcement is undertaken by NSW Police. NSW Police are empowered to seize and dispose of alcohol being consumed in a declared zone.

AFZs are an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Definition of an Alcohol Free Zone (AFZ) – Public Roads and Footpaths

AFZs apply to roads and footpaths within the designated area for a period of four years only, after which they are required to be reviewed. To establish an AFZ, Council must follow procedures set out in the Ministerial Guidelines on Alcohol Free Zones 2009. These requirements are detailed in Council's Establishment and Maintenance of Alcohol Free Zones on Public Roads and Footpaths Policy (Attachment 4). (Please note this policy renewal is with Council for adoption via a separate report to this Council meeting). After complying with the procedures a Council may, by resolution, adopt a proposal to establish an AFZ. The resolution itself will establish the zone.

An AFZ can only be suspended or cancelled by way of a Council resolution. The enabling of a suspension/cancellation allows Council to respond to community needs and support activities such as outdoor events where alcohol may be consumed. Liaison with NSW Police is essential before and after a Council resolution is sought to suspend an AFZ. Additionally, Council may undertake any other consultation considered necessary.

Definition of an Alcohol Prohibited Area (APA) – Parks, Reserves and Beaches

Parks, reserves and beaches are not automatically considered part of an AFZ. Following similar procedures to AFZs, a park reserve or beach will become an APA once declared via a valid Council resolution.

Unlike an AFZ which has a four year lifespan, APAs do not expire and do not require a Council resolution for suspension or cancellation. Suspension/cancellation of an APA can be managed by an appropriately delegated officer.

Current AFZs and Re-establishment

Wollongong City Council currently has seven AFZs established across the LGA. These AFZs are located in parts of Helensburgh, Thirroul, Corrimal, Wollongong, Dapto, Berkeley and Warrawong (Attachment 1) and all are due to expire on 30 September 2018.

AFZs provide an additional tool for NSW Police to help contribute to safe public areas. In preparing a proposal to establish an AFZ Council must consult with the relevant Police District Areas about the appropriate number and location of Alcohol Free Zones. Wollongong City Council works in partnership and relies on feedback and endorsement from NSW Police to determine any proposal to establish or re-establish an AFZ.

Council received letters of support from both Wollongong Police District and Lake Illawarra Police District for the continuance of AFZs located in the suburbs of Helensburgh, Thirroul, Corrimal, Wollongong, Dapto, Warrawong and Berkeley. NSW Police feedback highlighted that AFZs are an 'important tool for New South Wales Police Officers to use in reducing alcohol related crime and harm that can occur from the misuse and abuse of alcohol, in those areas that have previously been deemed 'high risk' and were subsequently and appropriately established as Alcohol Free Zones'.

The pending expiration and re-establishment of all AFZs has been raised at each of Council's Community Safety Reference Group meetings over the past six months, of which NSW Police representatives attended. Council received no requests from the Reference Group members or NSW Police for consideration to establish any new AFZs in the Wollongong LGA.

The only request received has been to consider the establishment of a new Alcohol Prohibited Area at Osborne Park in Wollongong.

Proposal for new Alcohol Prohibited Area

In March 2018 a Community Safety Audit was undertaken in Osborne Park at the request of the community. Council with NSW Police from Wollongong Police District, Paul Scully MP (invited by community members) and members of the public undertook the audit to investigate ways to improve

safety in the park and support NSW Police actions to reduce anti-social behaviour. A recommendation from the audit was for the park to become an APA to assist in the reduction of antisocial behaviour.

Police reconfirmed at the time of writing of this report, that while there have been no incidents reported to police since February (which is not to say they have not occurred) the prevalence increases during the summer months. Police have advised that over the past summer months, the majority of incidents reported have involved anti-social behaviour, intoxication and offensive language. The majority of the incidents occurred from 11am to 5.30pm with a few in the evening between 7pm to 11pm. Police informed they 'strongly oppose' alcohol prohibition from sunset to sunrise as a consideration, as the majority of offenses are occurring during the day or early afternoon.

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 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 when the AFZs expire.

To streamline the event application process, along with providing activation and economic benefits, Council adopted blanket development consents in 2014 for major events in the City Centre areas of Lower Crown Street Mall, Upper Crown Street Mall, 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 then Wollongong Local Area Police Command.

To further support the event application process, on 8 September 2014, Council endorsed a maximum of 10 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 Alcohol Free Zones in other areas to a maximum of two events per year.

This 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.

This report seeks the same support as that granted in 2014, opportunities for AFZ exemption for the major event locations of; Upper Crown Street Mall, Lower Crown Street Mall, Globe Lane and the Arts Precinct with the addition of the Wollongong Foreshore Area, which in 2014 did not have an event development consent and therefore was not considered in the AFZ exemption request.

The City Centre Team has advised four successful events inclusive of alcohol, have occurred in the City Centre since September 2014. There were no reported issues associated with these events.

PROPOSAL

It is proposed that Council endorses renewal of existing AFZs, including updating signage at Helensburgh, Thirroul, Corrimal, Wollongong (including the Blue Mile), Warrawong, Dapto and Berkeley.

Council endorsement to declare Osborne Park in Wollongong an APA based on recommendations of a Community Safety Audit and NSW Police is also proposed.

Continued AFZ exemptions to enable and welcome major events in our City Centre key locations of Upper Crown Street Mall, Lower Crown Street Mall, Arts Precinct, Globe Lane and Wollongong Foreshore, are also proposed.

This report recommends Council delegates authority to the General Manager to suspend Alcohol Free Zones in other areas to a maximum of two events per year, if required.

CONSULTATION AND COMMUNICATION

In accordance with provisions of the NSW Local Government Act 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 all seven AFZs as well as the proposal to establish Osborne Park as a new APA. Stakeholders identified at the commencement of the engagement period included:

- Neighbourhood Forums
- Wollongong Local Area Command (NSW Police) subsequently now referred to as Wollongong Police District
- Lake Illawarra Local Area Command (NSW Police) subsequently now referred to as Lake Illawarra Police District
- Anti-Discrimination Board
- Illawarra Local Aboriginal Land Council (ILALC)
- Illawarra Aboriginal Community Based Working Group (IACBWG)
- Council's Aboriginal Reference Group
- All licensed premises located within each AFZ – Helensburgh, Thirroul, Corrimal, Wollongong, Warrawong, Dapto and Berkeley

Stakeholders were notified of the draft policies via Council's pages in the Wollongong Advertiser on 2 May 2018 and again on 23 May 2018. The exhibition went live on Council's Have Your Say page on 2 May 2018, along with maps detailing each of the proposed AFZs. The online engagement page also included an online version of the Feedback Form.

Paper copies of the proposed AFZ maps and Feedback Form were made available at all Wollongong City Library Branches and via Council's Customer Service team.

A targeted letter inviting stakeholders to view the proposed AFZs and complete the online feedback form was sent to key stakeholders (including Police, the Anti-Discrimination Board, Aboriginal community groups and all licensed premises located in the proposed AFZs).

The total number of submissions received during the engagement period was eight, with five submissions via the Have Your Say website feedback form, two email submissions and one phone submission. Feedback was supportive of the AFZs, with respondents identifying litter, vandalism, noise and antisocial and drunken behaviour as primary concerns.

Wollongong Police District and Lake Illawarra Police District have forwarded formal correspondence to Council in support of re-establishing all seven AFZs.

Council's Community Safety Reference Group was consulted, as were Council's Legal Services, Property and Recreation and City Centre Operations. City Works and Infrastructure Divisions were consulted regarding the Operational Action Plan for renewal and installation of signs and stickers.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 Community Strategic Plan Goal 5 'We are a healthy community in a liveable city' and the Delivery Program and Operational Plan 2018-2019, Objective 5.4 Community safety and community perception of safety is improved under. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2018-2019
Strategy	3 Year Action	Operational Plan Actions
5.4.2 Local crime continues to be prevented and levels of crime reduced	5.4.2.1 Deliver projects and programs to reduce crime in the Wollongong Local Government Area	Monitor and maintain Alcohol Free Zones including new assessments as required

The Wollongong Community Safety Plan 2016-2020 identifies Action Item 3.2 Alcohol Free Zones and Alcohol Prohibited Places are reviewed every four years.

FINANCIAL IMPLICATIONS

Costs associated with the re-establishment of Alcohol Free Zones in Helensburgh, Thirroul, Corrimal, Wollongong CBD (including the Blue Mile), Warrawong, Dapto and Berkeley will be attributed to the Capital Projects Budget, with budgetary implications up to \$15,000 to cover new signs and installation costs.

CONCLUSION

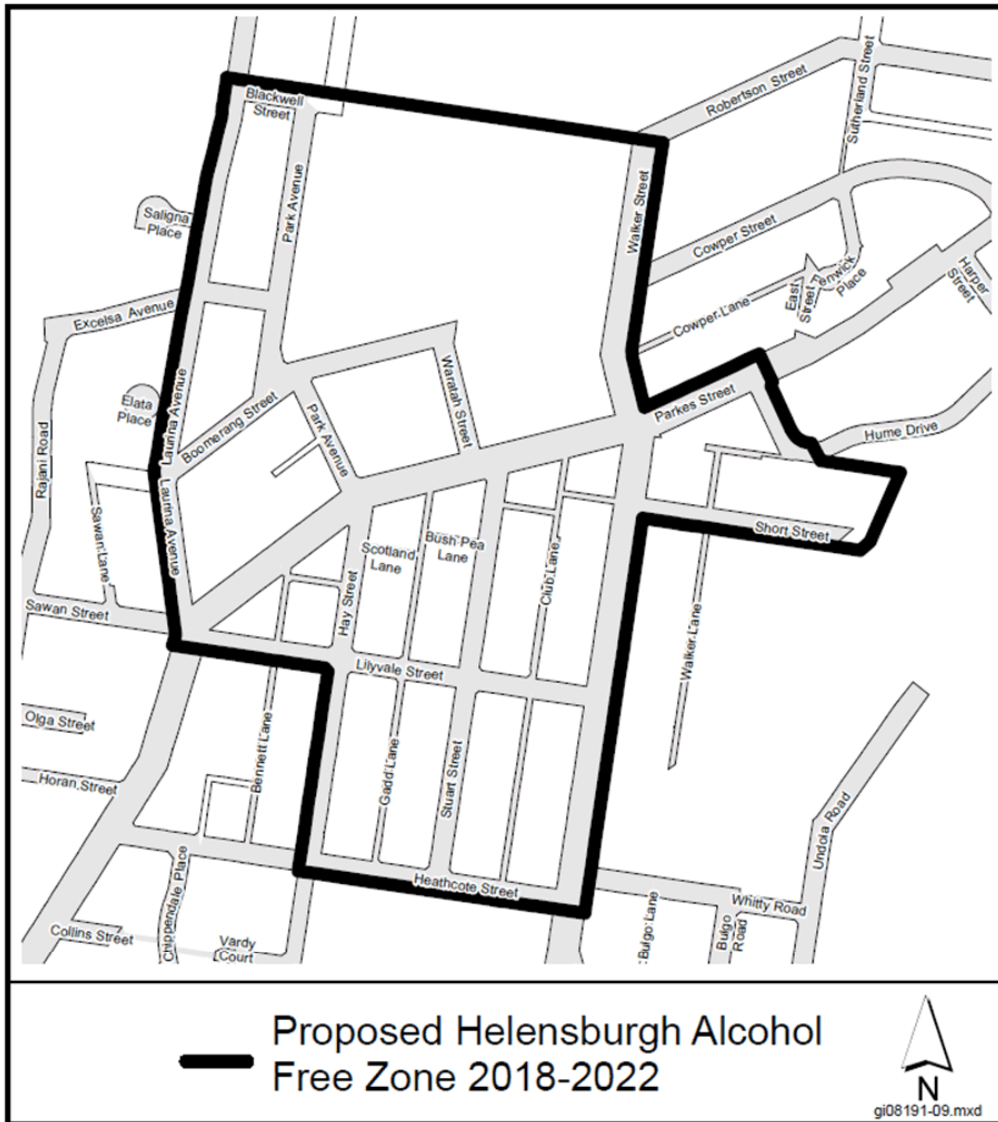
AFZs assist Council and NSW Police to improve and maintain community safety. They are one strategy, among many and act as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

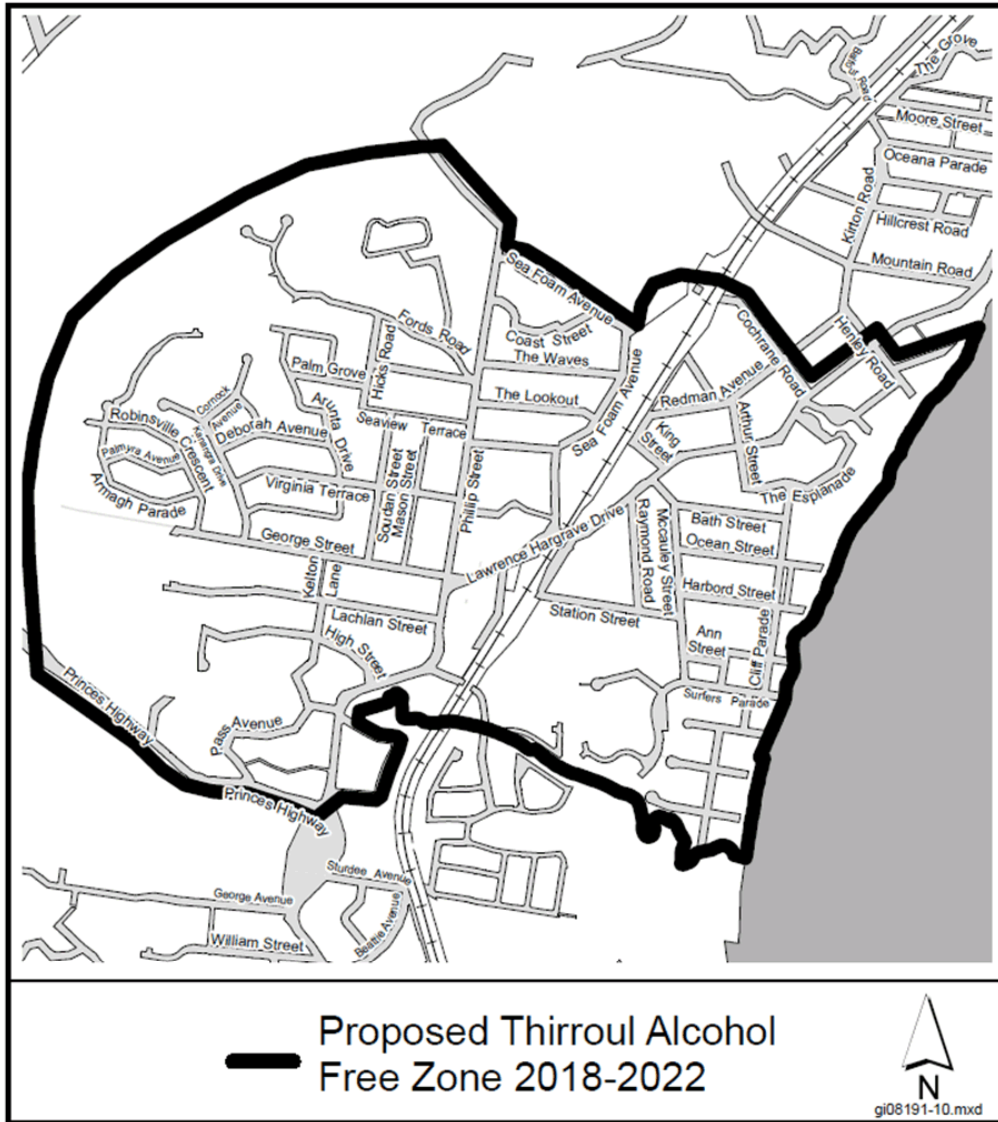
Renewal of AFZs in Helensburgh, Thirroul, Corrimal, Wollongong CBD (including the Blue Mile), Warrawong, Dapto and Berkeley, inclusive of a new APA in Osborne Park, demonstrates Council's commitment to community safety. It acts to further support NSW Police in reducing alcohol related crime and harm 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.

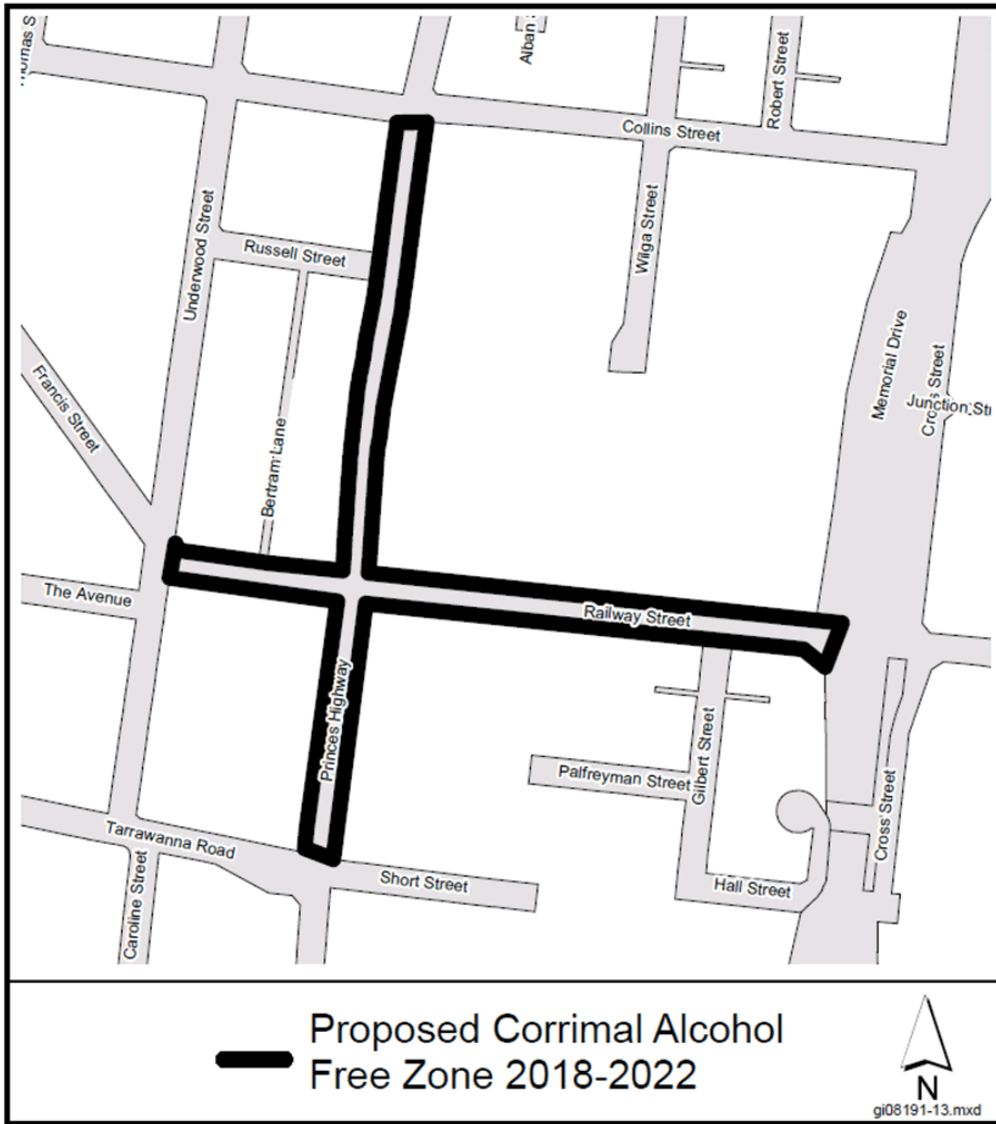
ATTACHMENT 1: EXISTING AND PROPOSED ALCOHOL FREE ZONES 2018-2022

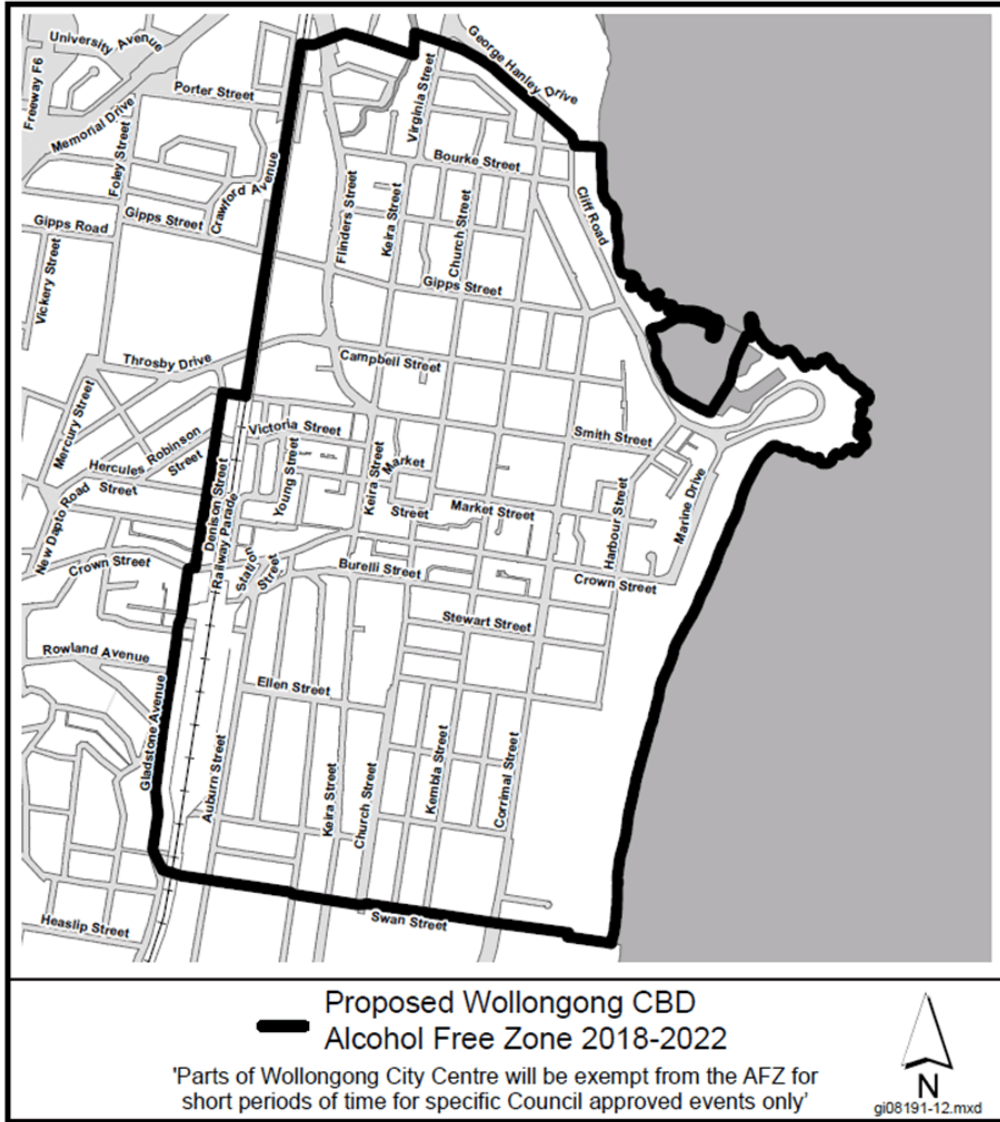
The proposed boundaries for all AFZs; Helensburgh, Thirroul, Corrimal, Wollongong, Berkeley, Warrawong and Dapto, remain unchanged from previous year boundaries.

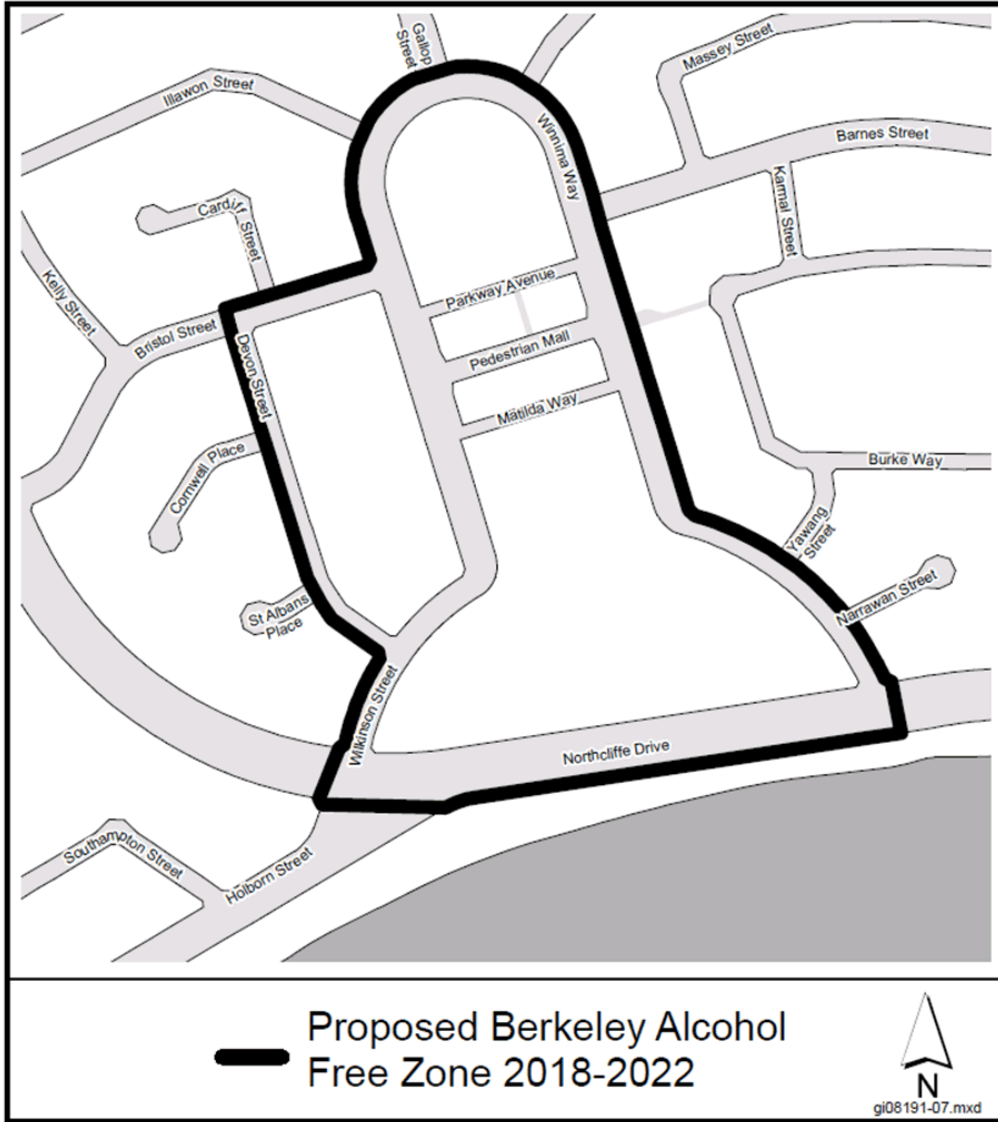




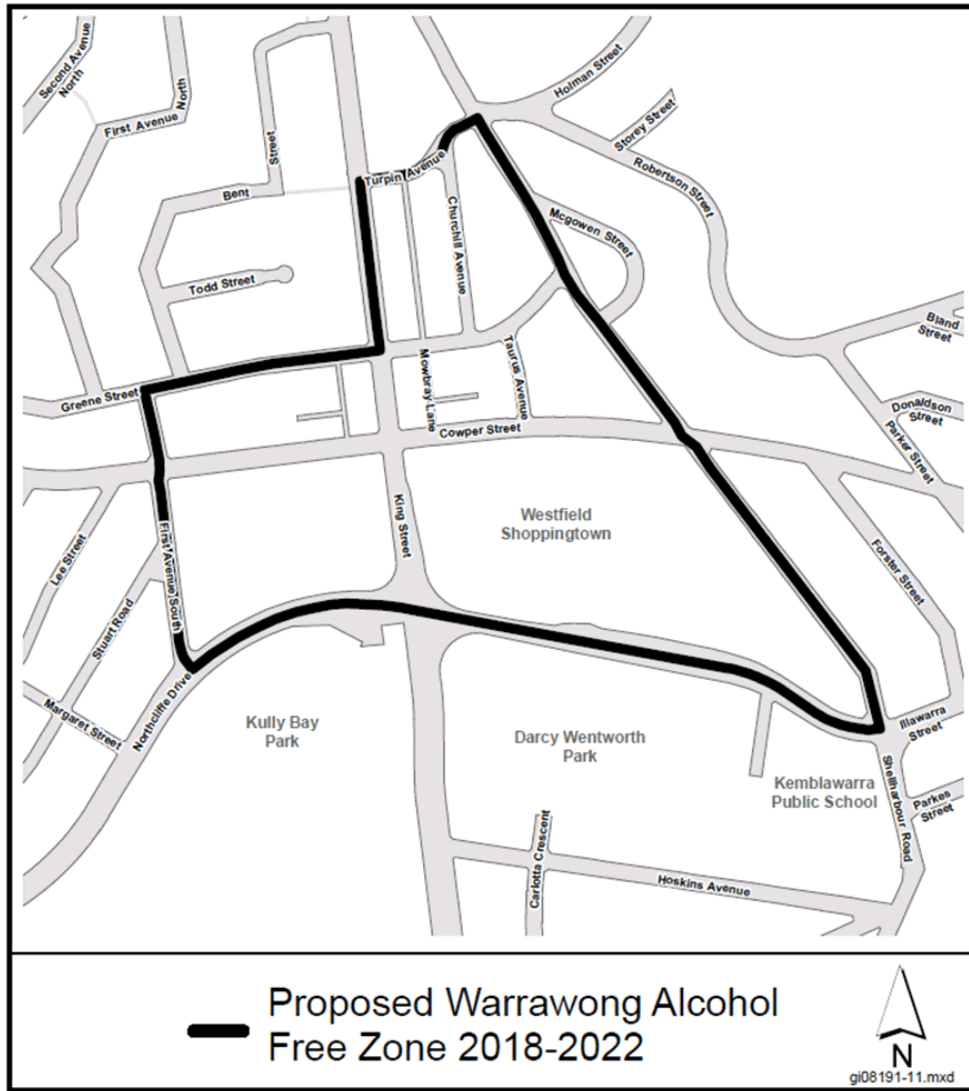
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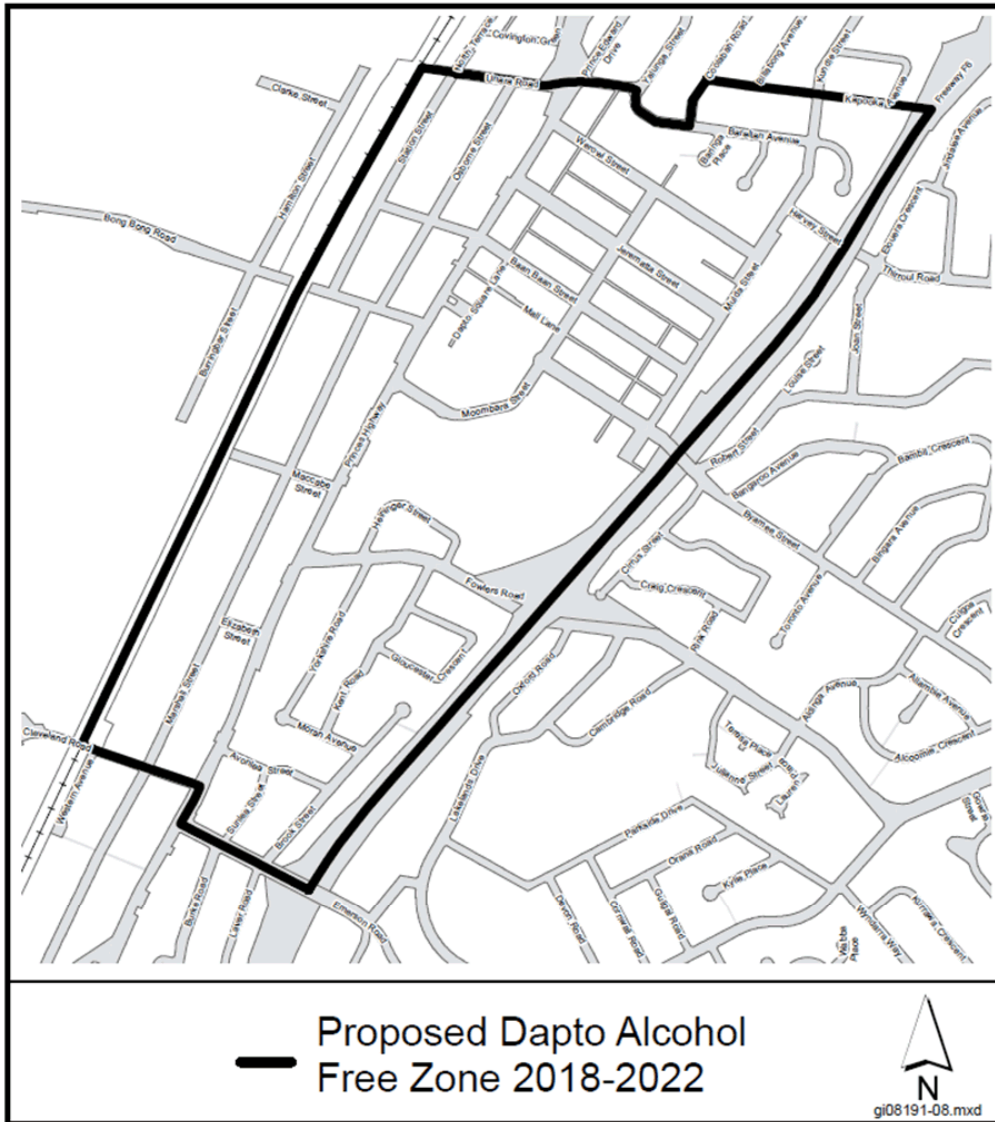




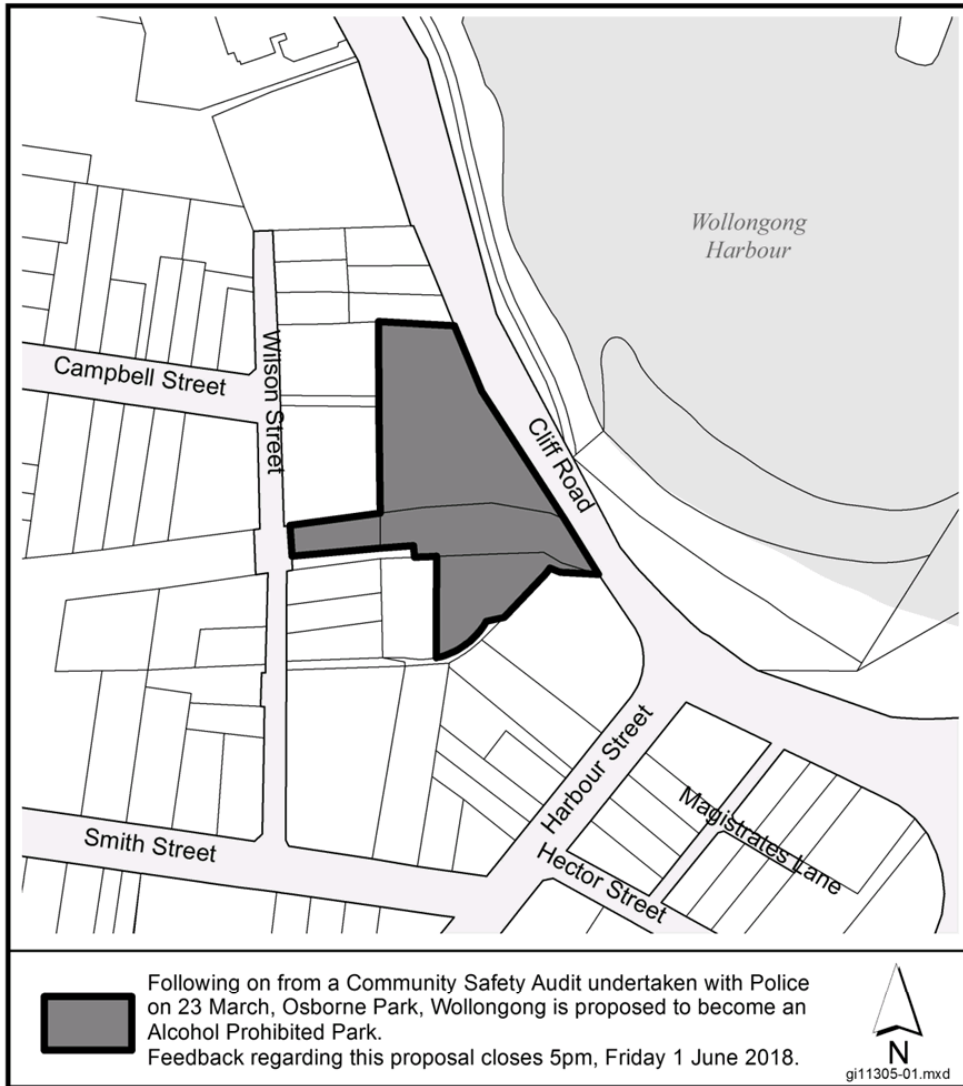


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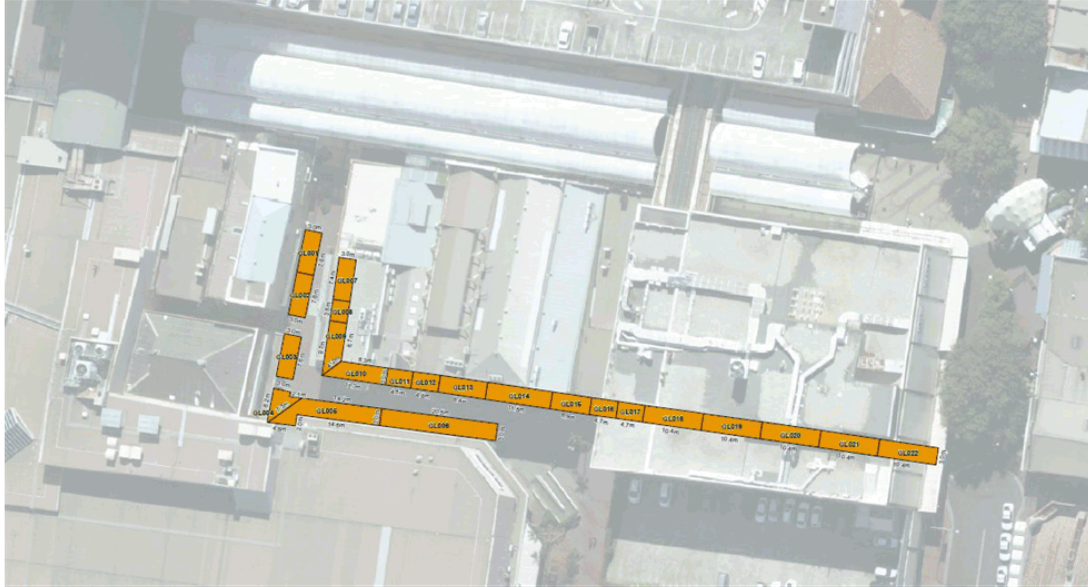




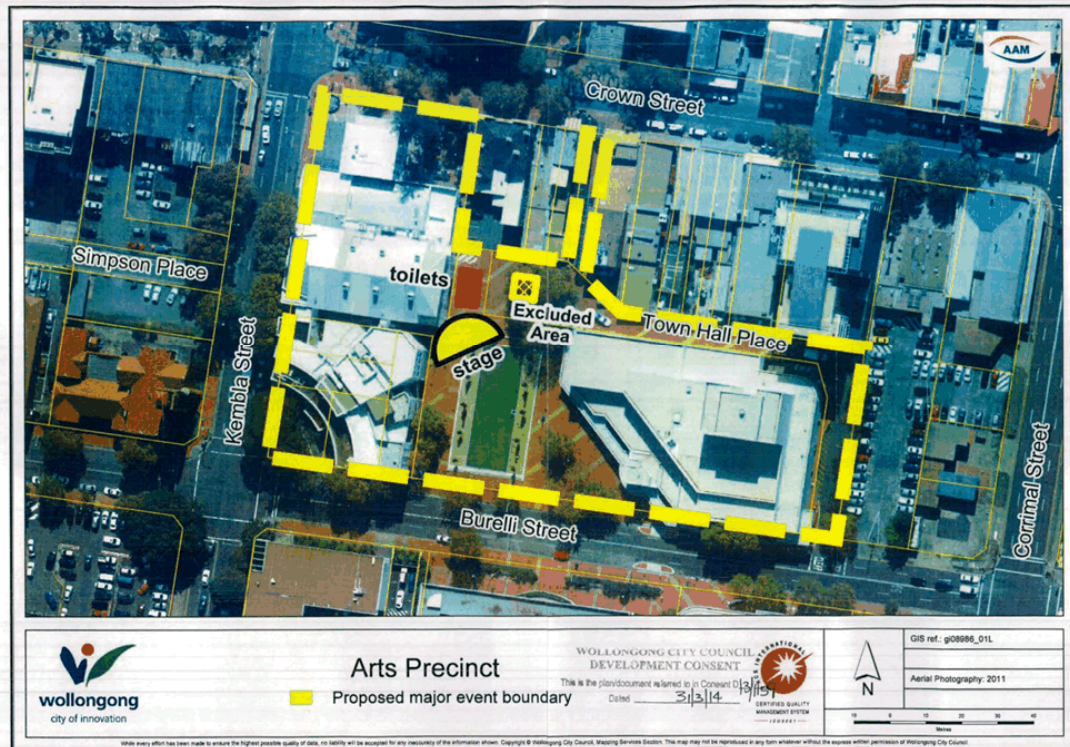
ATTACHMENT 2: PROPOSED ALCOHOL PROHIBITED PARK - OSBORNE PARK, WOLLONGONG



Globe Lane Street Activation Area



Arts Precinct Major Events Area



Wollongong Foreshore Area - Major event area (yellow solid area)



Detail Plan Flagstaff Hill – major event boundary





ADOPTED BY COUNCIL: 8 SEPTEMBER 2014

BACKGROUND

The NSW Local Government Act 1993 ('the Act') provides for the establishment of Alcohol-Free Zones ('AFZ') on roads and footpaths within Local Government Areas as part of a strategy to improve public safety and prevent disorderly behaviour caused by the irresponsible consumption of alcohol in public places. The Wollongong Community Safety Plan 2012-2016 identifies the review and establishment of AFZs as one method among many to help reduce alcohol related crime.

AFZs are established and maintained by Councils while their enforcement is undertaken by NSW Police. The consumption of alcohol in an AFZ is prohibited and Police are empowered by the Act to seize and dispose of alcohol being consumed in a declared AFZ.

OBJECTIVE

The main objective of this policy is to act as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. It provides a means for assisting NSW Police to regulate the public consumption of alcohol within the City of Wollongong.

POLICY STATEMENT

The establishment of AFZs on public roads and footpaths at particular locations within the City of Wollongong is undertaken as an early intervention measure to prevent the escalation of irresponsible drinking to incidents involving serious crime.

ESTABLISHMENT AND MAINTENANCE OF ALCOHOL-FREE ZONES ON PUBLIC ROADS AND FOOTPATHS

COUNCIL POLICY

STATEMENT OF PROCEDURES

- 1 Upon receipt of an application for an AFZ check that the application is valid in accordance with Section 644 of the Act.
- 2 Acknowledge receipt of the application together with advice summarising the process to be followed and the anticipated time frame.
- 3 Refer the application to the New South Wales Police and Council's Community Safety Reference Group for consideration and comment.
- 4 If the establishment of the Zone is supported by NSW Police prepare a report to Council, including the recommendations of the Police and Council's Community Safety Reference Group, for consideration and approval of the public exhibition of the proposed Zone.
- 5 Advertise the proposal to establish the Alcohol Free Zone and invite written comments from the community, the Officer in Charge of the Police Station within or nearest to the zone concerned, each holder of a licence in force under the Liquor Act 2007 for premises that border on, adjoin or are adjacent to, the proposed Zone and the Anti-Discrimination Board within 30 days.
- 6 Prepare a report including the recommendations of the parties consulted in paragraph 5 and submit to Council for final approval of the establishment of the Zone.
- 7 If Council resolves to establish an AFZ, the following notification is required to be given:
 - Notify the applicant, local police and all persons who have made submissions in respect of the proposal.
 - Publish an advertisement in the newspaper advising of the establishment of the Alcohol-Free Zone.
- 8 Install appropriate signposting at the boundaries of, and at regular intervals within, the Zone.
- 9 Review the Alcohol-Free Zone within 10 months of the expiration with a view to its re-establishment for a further term.
- 10 Alcohol Prohibited Areas – Section 632A(4) of the Act enables Councils to declare any public place or part of a place (such as a park or beach), to be an Alcohol Prohibited Area, except those places (public roads, footpaths and car parks) which are to be dealt with under the Alcohol-Free Zone provisions of the Act. The Local Government Amendment (Confiscation of Alcohol) Act 2010 passed on 7 December 2010 authorises NSW Police to confiscate and tip out alcohol in the possession of a person who is in an area where alcohol consumption is prohibited by a notice under Section 632 (for existing Alcohol Prohibited Areas) and Section 632A (for newly established Alcohol Prohibited Areas) of the *Local Government Act 1993*.

**ESTABLISHMENT AND MAINTENANCE OF ALCOHOL-FREE
ZONES ON PUBLIC ROADS AND FOOTPATHS**

COUNCIL POLICY

SUMMARY SHEET

Responsible Division	Community Cultural and Economic Development
Date adopted by Council	8 September 2014
Date of previous adoptions	13 December 1993
Date of next review	September 2017
Prepared by	Manager Community Cultural and Economic Development
Authorised by	Director Corporate and Community Creative, Engaged and Innovative City