



2011 Residents' Association Inc.

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SUBMISSION

by 2011 Residents Association Inc

to

City of Sydney

- Alcohol Restrictions Review -

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11 February 2016

SUBMISSION

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2011 Residents Association Inc

2011 Residents Association Inc is a community based organisation established to protect and enhance the residential amenity for those residents of the suburbs in the 2011 postcode area, namely Potts Point, Elizabeth Bay, Rushcutters Bay and Woolloomooloo.

As at census night in the year 2011 there were 18,038 residents of the 2011 postcode area.

Kings Cross

Within the postcode area is the location known as Kings Cross, which for local residents is the “shopping area”, providing supermarkets, shops, professional services, cafes and restaurants, coffee shops, gymnasiums and liquor outlets.

Kings Cross has a reputation as a night time entertainment area, particularly for those who do not live in the area and who visit, during the evening and particularly on weekends.

Between 2007 and 2013 there was an explosion of DA approvals, approving the use of premises for the supply of alcohol (see diagram). Armed with these DA approvals, the occupiers were able to obtain liquor licences from the NSW government, which permitted them to lawfully supply alcohol on the premises.



Alcohol outlets in #kingscross in 2007 (marked in red)



Alcohol outlets (marked in red) in #kingscross in 2013.

Concentration of alcohol outlets in a small area (alcohol outlet density) is a major driver of alcohol fuelled violence [Zhu, L, Gorman, DM & Horel, S 2004, ‘Alcohol outlet density and violence: a geospatial analysis’ *Alcohol & Alcoholism* vol. 39, no. 4, pp. 369-375]

Over-crowding on the streets of Kings Cross, particularly on weekend nights, and associated violence had been a major concern for residents for many years. There were two deaths resulting from coward punches which attracted huge media exposure.



In February 2014 the NSW government enacted a suite of measures (including limiting the time alcohol can be supplied) which have become known colloquially as “lockout laws”.

Residents have overwhelmingly welcomed the lockout laws and enjoyed a huge improvement in residential amenity over the past two years.

The City of Sydney proposal

It is proposed to introduce across the City:

- a. Alcohol prohibited zones (applying to parks and open spaces), and
- b. Alcohol free zones (applying to roads and footpaths)

to parks and streets listed in the proposal with a uniform commencement date in mid-2016 and ending on a uniform date 4 years later in 2020.

2011 Residents Association Inc supports the concept of having a uniform commencement and ending date, as it simplifies the process of renewal and avoids a plethora of zones with different dates which creates administrative difficulties for renewal.

It is noted there is nothing to prevent established zones from being deleted from the restrictions or new zones added during the course of that four-year period.

2011 Residents Association submits that in the event new zones are added the period for the operation of the zone end on the common ending date in 2020. Thus its renewal, will be considered at the same time as the whole of the zones are considered. This will reduce administrative work.

No specific submission on proposed zones

2011 Residents Association Inc makes no submission on the proposed zones. We note the ability to add to or delete from the zones during the four-year period. Should residents strongly request same, appropriate requests to the City will be made.

The review period for submissions was set between January 2016 and early February 2016. This period is the traditional Australian summer holiday season and we have been unable to fully consult with members and residents to make any worthwhile suggestions in this regard.

This submission

This submission addresses other matters vital to the effective operation of the zones.

1. Signage
2. Conundrum: Alcohol Free Zones and Outdoor Dining Area

1. Signage

1.1 Alcohol Prohibited Zone signage (parks)

This submission does not address the required signage for alcohol prohibited zones

1.2 Alcohol Free Zone signage (streets)

Section 644C(3) of the Local Government Act 1993 states:

(3) An alcohol-free zone operates only so long as there are erected at the outer limits of the zone, and at suitable intervals within the zone, conspicuous signs:

(a) stating that the drinking of alcohol is prohibited in the zone, and

(b) specifying the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate, as specified in the resolution by which it was established.

Thus to ensure a declared alcohol free zone is operational and enforceable there must be erected in the street the required signage.

The signage must be:

- Conspicuous
- Erected at the outer limits of the declared zone AND at suitable intervals within it
- State the period (the date at least until which the declared zone expires) the zone operates

1.2.1 Conspicuous

There have been complaints made by residents that signage erected in the 2011 postcode area is in certain areas not prominent enough, so that on occasions people have been drinking in the street, genuinely unaware it was an alcohol free zone.

Submission 1

An audit be conducted of signage to determine if existing signage is prominent enough be observable. If not, it is recommended that it be removed and replaced with conspicuous signage.

1.2.2 Signage at outer extremity of zone

Our attention has been drawn to Kellett Street, Potts Point which was declared an alcohol free zone by resolution of Councillors on 14 December 2015. At present there is NO signage at the southern extremity of Kellett St.



However, as at 17 January 2016 there was a sign at the southern extremity, but apparently it was removed sometime after 17 January. The sign was very old and disclosed an expiry date for the alcohol free zone in 2004!



1.2.3 Period of operation of Zone

There appears to be two types of signs displayed in Kings Cross:

1.2.3.1 Old white signage

This signage was before circa 2010.



It appears around about 2010 the dates on these old white signs was not updated, and since about 2010 many remained in place showing expired dates.

In late December 2015 it seems these old white signs, which up until then had been showing expired dates, were “updated” with stickers to show the current expiry date according to the resolution of December 2015.

For example the sign at the corner of Mansion Lane and Ward Ave is depicted in photographs below as at 23 December 2015 and 11 January 2016.

Mansion Lane (cnr Ward Ave)	@ 23 Dec 2015	@ 11 Jan 2016
		

Submission 2

An audit be conducted of all “old white” alcohol free zone signs to ensure they show an expiry date of the current declared alcohol free zone, and if they don’t appropriate sticker be affixed to them to show the correct date.

1.2.3.2 New brown signs

Possibly around 2010 there were erected “new brown” signs in alcohol free zones. These “new brown” signs when erected were devoid of any dates/time indicator of expiry of zone.



It seems sometime after late December 2015 expiry date stickers were added to these old brown signs.

For example, the sign in Ward Ave, near Roslyn Street is shown as at 23 December 2015 and 11 January 2016 in the photos below.



Submission 3

An audit be conducted of “new brown” signs to ensure they are displaying correct date information of the expiry date of the current declared alcohol free zone.

1.2.4 Importance of having correct signage to create operational (enforceable) zones

Whilst the City of Sydney has the responsibility of erecting the signage to create operational (and enforceable) zones, the NSW Police have the responsibility of enforcing the zones.

Wherever the signage is defective (for example the signage in Kellett St currently does not create an operational zone because of the lack of signage at its southern extremity, or the situation which existed for many years where the old white signage did not display dates of a current declaration or the situation which existed for many years where the new brown signage did not display any date notification) the zone is not operational and the Police are not legally justified in enforcing it. There is anecdotal suggestion that even though the signage was defective in the past, the Police enforced a declared zone by bluff.

However, where the Police act on the basis of “bluff” it has the potential to bring an institution of the state into disrepute and subject it to ridicule. This is an outcome to be avoided.

[see for example - Eamonn Duff, ‘*Performer dragged into police scandal*’, Sun Herald, 7 February 2016 p. 7



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Submission 4

An audit be conducted to ensure erected signage is effective in making a declared zone operational and thus enforceable by NSW Police.

2. Conundrum: Alcohol Free Zones and Outdoor Dining Areas

The conundrum exists that many streets are declared alcohol free zones but have extensive outdoor dining areas. In these outdoor dining areas liquor is consumed. e.g. Lankelly Lane. Whether this consumption of liquor in an alcohol free zone is justifiable, or whether it is not because of the over-riding provisions of the Local Government Act needs to be investigated. If it is not justifiable it does not seem an appropriate thing merely to turn a blind eye to it and not enforce it in the outdoor dining area but enforce it in the public space area.

Submission 5

An investigation be made as to the relationship of alcohol free zones and outdoor dining areas and recommendations made as to how any conundrum can be resolved.