



W A V E R L E Y  
C O U N C I L

## EXTRAORDINARY COUNCIL MEETING

A meeting of W A V E R L E Y C O U N C I L will be held at Waverley Council Chambers,  
Cnr Paul Street and Bondi Road, Bondi Junction at:

**6.30 PM, THURSDAY 17 OCTOBER 2019**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod', is positioned above the printed name.

Ross McLeod  
**General Manager**

Waverley Council  
PO Box 9  
Bondi Junction NSW 1355  
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### **Live Streaming of Meetings**

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

The Mayor will read the following Acknowledgement of Indigenous Heritage:

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

**1. Apologies/Leaves of Absence**

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

**3. Addresses to Council by Members of the Public**

**4. Notices of Motions**

CM/4.1/19.10E RESCISSION MOTION - CM/7.6/19.10 - Alcohol Free Zones and Alcohol Prohibited Areas .....4

**5. Meeting Closure**

**NOTICE OF MOTION  
CM/4.1/19.10E**

**Subject:** RESCISSION MOTION - CM/7.6/19.10 - Alcohol Free Zones and Alcohol Prohibited Areas

**TRIM No:** A03/0099

**Submitted by:** Councillor Burrill  
Councillor Goltsman  
Councillor Kay

**MOTION:**

That the resolution made by Council at its meeting on 10 October 2019 on Item CM/7.6/19.10 – Alcohol Free Zones and Alcohol Prohibited Areas be rescinded.

**Background**

Item CM/7.6/19.10 – Alcohol Free Zones and Alcohol Prohibited Areas was last considered by Council at its meeting on 10 October 2019. Following the meeting, Crs Burrill, Goltsman and Kay submitted a notice of motion to rescind the resolution made by Council at that meeting.

The report considered by Council is attached.

BELOW IS A DRAFT MINUTE EXTRACT FROM THE COUNCIL MEETING HELD ON 10 OCTOBER 2019:

**CM/7.6/19.10 - Alcohol Free Zones and Alcohol Prohibited Areas****MOTION / DECISION**

Mover: Cr Keenan  
Seconder: Cr O'Neill

That Council:

1. Re-establishes an Alcohol Free Zone for a four-year period from 1 November 2019 within the Bondi Beach area as indicated in the map attached to this report (Attachment 1), but excluding areas that are defined as 'Exempt Premises' in accordance with the *Liquor Act 1982*.
2. Re-establishes an Alcohol Free Zone for a four-year period from 1 November 2019 within the Bondi Junction area as indicated in map attached to this report (Attachment 2), but excluding areas that are defined as 'Exempt Premises' in accordance with the *Liquor Act 1982*.
3. Authorises the Director, Planning, Environment and Regulatory, to complete the necessary post re-establishment statutory notification in accordance with the *Local Government Act 1993*.
4. Notes the response from the Eastern Suburbs Police Area Command dated 1 October 2019 attached to this report.
5. Formally consults the Police Area Commander or Police District Commander to ensure compliance with section 632A(8) of the *Local Government Act 1993* to enable an Alcohol Prohibited trial period

at Bronte Park and Bondi Park from 1 December 2019 to 30 March 2020 (inclusive) between 7 pm and 12 noon, seven days a week.

6. Notes that Alcohol Prohibited Areas are in place at Bondi Beach, Bondi Park, Biddigal Reserve, Ray O'Keefe Reserve, Boundi Reserve, Hunter Park, Bronte Beach, Bronte Park, Tamarama Beach, Tamarama Park, and Clementson Park and Eora Park in Bondi Junction.
7. Increases Ranger patrols during the proposed trial period at Bronte Park and Bondi Park to monitor and help assess the trial, should it be endorsed at the November 2019 Council Meeting.
8. Consults the Bondi, Bronte, and North Bondi Surf Clubs and the Bondi Beach, Bronte and Bronte Beach precincts for their input on this matter.
9. Consults all remaining precincts within the Waverley local government area and the Bondi Chamber of Commerce for their input on this matter.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and O'Neill.

**Against the Motion:** Crs Burrill, Goltsman, Kay and Nemes.

*Sergeant P Bolt (on behalf of NSW Police) and J O'Donoghue addressed the meeting.*

**Attachments**

1. Report considered by Council at its meeting on 10 October 2019 [↓](#)

## REPORT CM/7.6/19.10



**Subject:** Alcohol Free Zones and Alcohol Prohibited Areas

**TRIM No:** A03/0099

**Author:** Tony Pavlovic, Executive Manager, Compliance  
Healey Holt, Manager, Health and Compliance  
Anne Bower, Project Officer

**Director:** Peter Monks, Director, Planning, Environment and Regulatory

### RECOMMENDATION:

That Council:

1. Re-establishes an Alcohol Free Zone for a four-year period from 1 November 2019 within the Bondi Beach area as indicated in the attached map (Attachment 1), but excluding areas that are defined as 'Exempt Premises' in accordance with the *Liquor Act 1982*.
2. Re-establishes an Alcohol Free Zone for a four-year period from 1 November 2019 within the Bondi Junction area as indicated in the attached map (Attachment 2), but excluding areas that are defined as 'Exempt Premises' in accordance with the *Liquor Act 1982*.
3. Declares Alcohol Prohibited Areas at Bondi Beach, Biddigal Reserve, Ray O'Keefe Reserve, Boundi Reserve and Hunter Park, as indicated in the attached map (Attachment 1).
4. Declares Alcohol Prohibited Areas at Bronte Beach, Tamarama Beach and Tamarama Park, as indicated in the attached map (Attachment 3).
5. Declares Alcohol Prohibited Areas at Clementson Park and Eora Park, Bondi Junction, as indicated in the attached map (Attachment 2).
6. Declares an Alcohol Prohibited trial period at Bronte Park from 1 November 2019 to 30 March 2020 (inclusive) between 8 pm and 8 am, seven days a week, as indicated in the attached map (Attachment 3).
7. Declares an Alcohol Prohibited trial period at Bondi Park from 1 November 2019 to 30 March 2020 (inclusive) between 8 pm and 8 am, seven days a week, as indicated in the attached map (Attachment 1).
8. Authorises the Executive Manager, Compliance, to complete the necessary post re-establishment statutory notification in accordance with the *Local Government Act 1993*.

### 1. Executive Summary

At the Council meeting on 21 May 2019, Council considered a report on current and proposed alcohol restrictions. A decision on restrictions was deferred to allow time for a Councillor workshop on the subject. A Councillor workshop took place on 31 August 2019, and a variety of options and issues were discussed

and considered. As a result of the discussion, it was proposed that some easing of restrictions should be considered subject to consultation with rangers and police.

Council has a number of Alcohol Prohibited Areas (APA), including Council's beaches and beach parks. This report seeks to have APAs and Alcohol Free Zones (AFZ) re-established, with amendments to the Bronte Park and Bondi Park APAs that ease the current restrictions.

Although there is no statutory period for APAs to stay in effect (i.e. once established they remain in effect), it is recommended that Council restates its position on the identified APAs, particularly in light of the suggested recommended changes to Bronte Park and Bondi Park restrictions.

The AFZ surrounding Bondi Beach expired in March 2019, and the existing Alcohol Free Zone in Bondi Junction expires on 30 November 2019. AFZs are intended to prevent the consumption of alcohol on roads, footpaths and car parks within the zone. The statutory period for an AFZ is up to four years, and it is recommended that the AFZs be extended (re-established with no change) for a further four years. There are exempt premises, including outdoor dining areas, within the zones that will continue to have an approval to sell alcohol.

## 2. Introduction/Background

Alcohol Prohibited Areas can apply to any public area or part of a public area in the council's jurisdiction that is not a public road (or part of a public road) or car park. APAs are declared in accordance with section 632A of the *Local Government Act*.

Alcohol Free Zones apply to nominated public roads and car parks. Alcohol Free Zones are established in accordance with sections 644, 644A, 644B and 644C of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol-Free Zones (February 2009). The guidelines advise that it is not appropriate to implement an AFZ across an entire local government area, but rather where drinkers congregate and are identified as problem areas.

Council currently has a number of AFZs and APAs established to deter and prohibit the consumption of alcohol in public places in order to reduce the instances of antisocial behaviour. The terms Alcohol Free Zone and Alcohol Prohibited Area appear to have been used at Council interchangeably over a period of time. This may be a result of changes to legislation in 2010. It has resulted in some incorrect signage being installed at certain locations. Incorrect signage will be addressed as part of implementing any Council endorsed changes.

## 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 May 2019	CM/7.4/19.05	That Council: defers this item to allow a Councillor workshop to be held as soon as possible.
Operations Committee 1 March 2016	OC/5.2/16.03	That Council writes to Southern Sydney Region of Councils (SSROC) to gain its support for a collaborative submission to the New South Wales Attorney General to give additional powers to the police, including consideration of: (a) Issuing an infringement for failing to stop drinking alcohol in an Alcohol Prohibited Area. (b) Issuing an infringement for vehicles being used for sleeping during certain hours overnight.

Meeting and date	Minute No.	Decision
Operations Committee 31 March 2015	OC/5.5/15.03(2)	That Council: 1. Receives and notes this report. 2. Endorses the re-establishment of an alcohol-free zone (AFZ) within the Bondi Beach area as indicated on the attached map (Attachment 1) but excluding areas that are defined as 'Exempt Premises' in accordance with the Liquor Act 1982. 3. Authorises the Director, Waverley Life, to complete the necessary re-establishment statutory notification in accordance with the Local Government Act 1993. 4. Investigates extending the Alcohol-Free Zone to include Hastings Parade from Military Rd down to and including Bay St; an Alcohol Prohibited Area at Ben Buckler Point; and also an Alcohol Prohibited Area for the Bondi Golf Course from sunset to sunrise. 5. Investigates extending the Alcohol-Free Zone from Warners Avenue to Blair Street, from Ramsgate Avenue to Blair Street and from Brighton Boulevard to Blair Street.
Operations Committee 2 December 2014	OC/5.6/14/10	That Council: 1. Receives and notes this report. 2. Endorses the extension of an alcohol free zone for four years within the Bondi Beach area as indicated on the attached map (Attachment 1) but excluding areas that are defined as 'Exempt Premises' in accordance with the Liquor Act 1982. 3. Authorises the Mayor and General Manager to finalise the extension of the alcohol free zone once the statutory consultation obligations have been completed. 4. Authorises the Executive Manager, Safe Waverley to complete the necessary extension of statutory notification in accordance with the Local Government Act 1993. 5. Subsequently investigates future Alcohol Free zones including the golf course and a wider neighbourhood around the Beach Road Hotel.
Council 17 September 2013	1309.12.2	That Council: 1. Receives and notes this report. 2. Endorses the re-establishment of an Alcohol-Free Zone as indicated on the attached map (Attachment 1). 3. Notes the necessary signs will be produced and erected in the key locations in accordance with the Local Government Act 1993.
FESP Committee 2 July 2013	F-1307.6	That the Committee: 1. Receive and note the report

Meeting and date	Minute No.	Decision
		<p>2. Endorse the re-establishment of an Alcohol Free Zone within the Bondi Junction Area with extended boundary modifications as indicated on the map attached to this report, but excluding areas as 'Exempt Premises' in accordance with the Liquor Act 2007.</p> <p>Note the necessary signs will be produced and erected in the key locations in accordance with the Local Government Act 1993.</p>
Council 15 November 2011	1111.12.3	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this report</li> <li>2. Endorses the re-establishment of an alcohol free zone within the Bondi Beach area, with extended boundary modifications as indicated on the attached map, but excluding areas that are defined as 'Exempt Premises' in accordance with the Liquor Act 2007.</li> <li>3. Authorises the Bondi and Beaches Division to complete arrangements for the necessary signs to be produced and erected in the key locations in accordance with the Local Government Act 1993.</li> </ol>
Council 15 February 2011	1102.12.2	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note the report</li> <li>2. Endorse the re-establishment of an alcohol Free Zone within Bondi Junction area as indicated on the map attached to the report but excluding areas defined as 'exempt premises' in accordance with the Liquor Act 1982.</li> <li>3. Authorise the Mayor and General Manager, in consultation with the Lawson Councillors, to finalise the re-establishment of the alcohol free zone once the statutory consultation obligations have been completed.</li> <li>4. Authorise the Director, Planning and Environmental Services to complete the post re-establishment statutory notification in accordance with the Local Government Act 1993</li> <li>5. Endorse the upgrade of the sign with anti-graffiti protective finish.</li> <li>6. Install an extra sign near the Community Garden in Clemenston Park.</li> <li>7. Officers prepare a report as to how Council and the Police can better enforce Council's Alcohol Free Zones especially in Bondi Junction.</li> </ol>
Council 17 February 2009	0902.13.1	<p>That this information be received and noted. (Changes to Legislation – Alcohol Free Zones)</p>
CHESPW Committee 2 December 2008	C-0812.5	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this report.</li> <li>2. Endorses the re-establishment of an alcohol free</li> </ol>

Meeting and date	Minute No.	Decision
		<p>zone within the Bondi Beach area for a further three years commencing 22 January 2009 as indicated on the attached map (Attachment 1) but excluding areas that are defined as 'Exempt Premises' in accordance with the Liquor Act 2007.</p> <p>3. Authorise the Divisional Manager, Bondi and Beaches to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.</p>
Council 22 August 2007	F 0709.2	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note this report.</li> <li>2. Endorse the re-establishment of an Alcohol Free Zone within the Bondi Junction area (with slight modifications) as indicated on the map attached to the report but excluding areas that are defined as Exempt Premises in accordance with the Liquor Act 1982.</li> <li>3. Authorise the Mayor and General Manager, in consultation with the Lawson Ward Councillors, to finalise the re-establishment of the Alcohol Free Zone once the statutory consultation obligations have been completed.</li> <li>4. Authorise the Director, Planning and Environmental Services to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.</li> <li>5. Include the closed section of Brisbane Street, Bondi Junction in the Alcohol Free Zone.</li> </ol>
Council 13 December 2005	0512.12.14	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this report.</li> <li>2. Endorses the re-establishment of an alcohol free zone within the Bondi Beach area (with slight boundary modifications) as indicated on the attached map (Attachment 2) but excluding areas that are defined as 'Exempt Premises' in accordance with the Liquor Act 1982.</li> <li>3. Authorise the Mayor and General Manager, in consultation with the Bondi Ward Councillors, to finalise the re-establishment of the alcohol free zone once the statutory consultation obligations have been completed.</li> <li>4. Authorise the Director, Bondi and Beaches to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.</li> </ol>
Bondi Junction Committee 1 June 2004	B 0406.2	<p>That:</p> <ol style="list-style-type: none"> <li>1. This presentation be received and noted</li> <li>2. Council request the NSW Police Service to extend the proposed alcohol free zone to both sides of Ebley Street to incorporate the Grant hotel and</li> </ol>

Meeting and date	Minute No.	Decision
		the adjacent closed section of road in Brisbane Street in Ebley Street.

#### 4. Discussion

Waverley has a high population density and a large number of visitors, and therefore its public spaces, particularly parks and beaches, are constantly in high demand. These areas along with certain identified commercial precincts are at times subject to people and groups displaying antisocial behaviour. Biddigal Reserve in North Bondi and Tamarama Park are two such 'hotspots' for antisocial behaviour due to their location and setting. Biddigal Reserve has BBQ facilities and provides a view of and immediate access to Bondi Beach. Tamarama Park sits below street level and offers a sense of seclusion, while also having easy access to the beach and other amenities. Both have good access to public transport.

Council continues to periodically receive complaints about anti-social and dangerous behaviour in relation to alcohol and undertakes regular summer patrols of all APAs. It is noted however, that Councillors and Council Officers have also received a number of complaints indicating that restrictions are unnecessarily prohibitive, particularly to law abiding people that simply seek to enjoy outdoor areas with family and friends - part of which may include quietly having a beer, wine or champagne.

The Councillor workshop on 31 August 2019 provided the opportunity for the positives and negatives of APAs to be discussed. There was a consensus that the community could and should be trusted to drink alcohol responsibly. A trial easing of restrictions at Bronte and Bondi Parks over summer was suggested as a way of introducing a change which would allow drinking of alcohol to occur. No changes will occur to the beaches at Bronte and Bondi. Beaches will remain alcohol prohibited.

The attached maps indicate the locations of the proposed AFZs and APAs.

#### Signage

APAs require that conspicuous signs are erected at the outer limits of the area and at suitable intervals within the area. An audit of current signs has identified a number of areas that should be signposted as APA but should have been signposted as AFZ. Accordingly, those signs would be removed and replaced with appropriate signs.

AFZs also require that conspicuous signs are erected at the outer limits of the zone and at suitable intervals within the zone. AFZ signs are currently in place and will be stickered with new dates to indicate the re-establishment of the zones. In cases where signs are missing or damaged, they will be replaced. It has also been identified that some additional signs within APAs and AFZs will be required.

With the exception of Bronte Park and Bondi Park, the signs for both AFZs and APAs will indicate that restrictions apply 24 hours a day, seven days a week. Signs for Bronte Park and Bondi Park will indicate restrictions are in effect from 1 November 2019 to 31 March 2020 from 8 pm to 8 am.

#### Enforcement

Council and the NSW Police have long been aware of problems associated with groups and individuals displaying dangerous and antisocial behaviour at Council's beaches, parks and reserves. Since March 2015, Council has worked with representatives from the Police Area Command to implement a number of measures to minimise the antisocial behaviour in public spaces. These include:

- Dedicated ranger patrols during holidays and peak season.
- Variable message signs in place during peak season.
- Enhanced police presence.

- Dedicated police on major public holidays.
- Shortened BBQ hours.
- Closure of toilets at sunset.
- No camping advisory signs erected (Tamarama).

Rangers and police meet periodically to communicate various issues and to review and confirm our cooperative and coordinated approach. As part of educating the community and enforcing restrictions, it has been identified that a consistent and equitable approach to enforcement should be undertaken for best results. This reduces the incidence of drinkers accusing rangers and police of discriminatory behaviour. This may create tension with residents or visitors who wish to enjoy a quiet drink in the park or at the beach, but the lack of a consistent approach places the rangers and police in an impossible position.

It is worth noting that neither rangers nor police can issue penalty notices for non-compliance with APA or AFZ signs, and that enforcement is undertaken by having persons remove or tip-out the alcohol.

##### **5. Financial impact statement/Time frame/Consultation**

The cost of amending and replacing signs is contained within the 2019–20 budget.

A preliminary sign audit has been undertaken and it is estimated that sign amendment and replacement can be undertaken from 11 October 2019 and can be completed by November 2019.

Council conducted an online 'Have Your Say' from 20 February to 22 March 2019 in relation to AFZs in keeping with the Ministerial Guidelines. There were 17 visitors to the page, and 14 submissions were received. Of those submissions, 12 were supportive of the continuation of Alcohol Free Zones and two were unsupportive. Comments indicative of support were as follows:

- 'I would strongly support the retention of the Bondi Junction Alcohol free zones to maintain the good order of the area.'
- 'Yes keep the AFZ active in Waverley.'
- 'I support Council's re-instatement of the AFZs in Bondi and Bondi Junction, as these two local areas are well established alcohol hotspot.'
- 'I think it is a brilliant idea and strongly support this re-establishment.'
- 'An excellent initiative and if other areas become problem locations should be added to the list.'

In addition to the above submissions, there was commentary requesting that Council consider what more can be done in relation to anti-social behaviour. Comments that were unsupportive of restrictions were as follows:

- 'I believe that the Alcohol free zone on the grassy areas of North and South Bondi should be lifted. Many people currently drink alcohol in these areas despite the ban as they are a good place to socialise and meet others. I have only ever had positive experiences with people consuming Alcohol in these areas and have never witnessed any violence.'
- 'No I think it is terrible. My family and friends feel we would love to be able to go and have a late afternoon beer at the park near the beach, a bbq or picnic. This feels like a police state. Stop over policing in Waverley.'

Council officers notified the following groups about the 'Have Your Say':

- Councillors.
- Eastern Suburbs Liquor Accord.
- Precinct Committees.
- WAYS.

- Anti-Discrimination Board.
- Police Area Command.

There is no requirement for Council to consult the public in relation to APAs. It is noted that community submissions for the AFZ 'Have Your say' did not generally differentiate between AFZs and APAs.

Council has received strong support from the Police Area Command in relation to the continuation of the existing APAs and AFZs, and the police raise concerns that a change to APAs at Bronte and Bondi Parks may lead to an increase in noise and anti-social behaviour complaints from residents and visitors of those areas. They have requested that zones and areas remain as is with no reduction or change. A letter from Acting Superintendent Matt Scott is attached (Attachment 4).

Rangers support the continuation of existing restrictions and, similar to the police, raise concern that an ease of restrictions will lead to amenity complaints and may lead to an increase in dangerous or risky behaviour, for example, swimming when intoxicated.

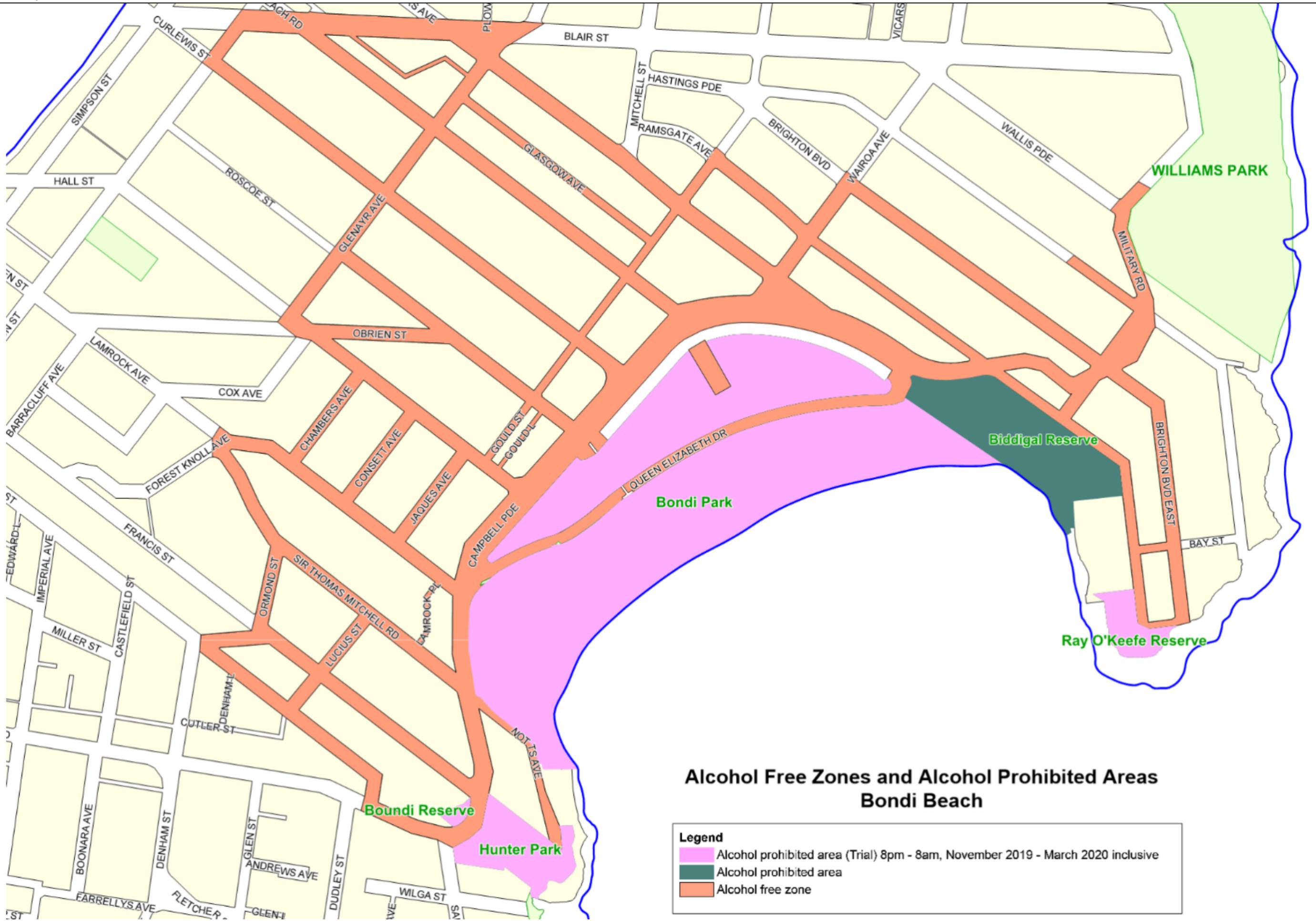
Councillors attended a Councillor workshop in August and discussed and debated the various related issues and the specific impacts alcohol consumption has and could have on residents and the community. Biddigal Reserve and Tamarama Park were identified in particular as areas where issues occur, particularly in summer. Councillors felt that no change to restrictions should occur in those areas. However, it was identified as being important to address the needs of all residents and to allow public areas to be fully enjoyed by residents. On that basis, Councillors indicated that they would like to consider allowing some alcohol consumption at Bondi and Bronte Parks.

## **6. Conclusion**

There has been a need historically to have APAs and AFZs at identified locations. They provide rangers and the police with a means of deterring anti-social behaviour. The Police Area Command supports retaining the identified APA and AFZ locations without change. Having given consideration to those factors, and having undertaken the required community consultation, it is recommended that Council re-establishes the identified Alcohol Free Zones for a further four years and re-declares the identified Alcohol Prohibited Areas. Council can determine whether it wishes to relax restrictions in specified areas.

## **7. Attachments**

1. AFZ and APA - Bondi Beach
2. AFZ and APA - Bondi Junction
3. AFZ and APA - Bronte and Tamarama
4. Letter from NSW Police .



### Alcohol Free Zones and Alcohol Prohibited Areas Bondi Junction

**Legend**

- Alcohol prohibited area
- Alcohol free zone







**NSW Police Force**

1 October 2019

Police ref. D/2019/880532

Mr Ross McLeod  
General Manager  
Waverley Council  
PO Box 9  
Bondi Junction NSW 1355  
Via email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

Dear Mr McLeod,

Eastern Suburbs Police Area Command has been alerted to considerations being undertaken by Waverley Council in respect to foregoing the re-establishment of Alcohol Prohibited Areas for Bronte and Bondi Beach parklands. In essence this would permit the consumption of liquor in those beachfront areas by members of the public without restriction. The Command strongly opposes any position that diminishes the current Alcohol Prohibited Areas, either through variance to location boundaries or timings.

The Command has acknowledged a report prepared by Mr Healey Holt (Manager Health & Compliance) and provided to Council on the 21 May 2019 (Ref No. A03/0099). The report titled *Alcohol Free Zones and Alcohol Prohibited Areas* provides a suitable context and overview as to the legislative considerations, history and operations of those areas within the Municipality. The following comments are provided to further supplement that report and outline the basis for the Command's position that all Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA) within the Municipality are retained without amendment.

The Waverley Municipality has established AFZ and APA for the primary beach front locations (Bondi, Tamarama, Bronte) and the central business districts of Bondi Beach and Bondi Junction. The AFZ and APA have been established for many years and have been renewed by Council consistently to minimise the harms derived from the misuse and abuse of alcohol.

Whilst some slight legislative variance exists between an AFZ and APA, the predominant action that can be taken by Police and Council enforcement officers is the ability to seize or tip out liquor in the event that a person is drinking, or is about to drink, or has recently been drinking. In respect to an AFZ the legislation is clear that 'no offence' is committed by a person whose actions are contrary to the requirements and that the regulatory response is limited to the aforementioned, unless of course the person obstructs or hinders Police in the execution of their duty. As such, the Command's policing of these areas has been consolidated to the education of persons in possession of liquor within the AFZ or APA, and the seizure or tipping out of liquor in necessary circumstances. Police do not record individuals particulars or further infringe upon the lawful entitlement of persons enjoying the amenity of the Municipality, with the exclusion of removing liquor in the described circumstances.

The legislative powers provided within AFZ and APA are well-tested and a profoundly useful strategy to ensure that large public areas remain safe and can be enjoyed by all. There is a natural propensity for large numbers of people to attend beach front locations to enjoy the available amenity. The inclusion of grassland areas, barbeque facilities and natural vistas supports this influx. The areas host not only an expected local demographic but large influxes of persons from metropolitan Sydney and international tourists. Acknowledgement that these beach front locations are alcohol free has been gradually established over many years through signage, education campaigns and regulatory work by Police and Council Rangers. This has resulted in safe public spaces that are largely free of the harms associated with the misuse and abuse of liquor.

The Command acknowledges the assertion occasionally raised that the establishment of AFZ and APA restricts the many members of the public who would drink alcohol responsibly. For instance, the couple enjoying a glass of wine, liquor ancillary to a small family get-together, or friends socialising whilst enjoying the views. Regrettably such responsible activities are captured by the prohibitions, but for the most part likely escape regulatory intervention due to their innocuous nature.

**Eastern Suburbs Police Area Command**

153 Bronte Road, Waverley NSW 2024

T 02 9369 9899 F 02 9369 9812 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

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## NSW Police Force

Removing the prohibitive regulations to support these often undetected circumstances opens the way for a plethora of likely harms that have previously been demonstrated and can be expected to be experienced within the Municipality. These include but are not limited to:

- No legislative authority will exist for Police or Council enforcement officers to intervene in instances of large public gatherings centred around the consumption of liquor. With the large tourist (backpacker) demographic there is a strong inclination towards large gatherings involving the consumption of packaged liquor. Social media platforms provide the ability for people to gather at locations on mass for ad hoc or 'pop up' style parties. This currently takes place within the Municipality during both day and night time hours. Numbers of persons can swell considerably and packaged liquor, often heavily discounted and considerably more affordable than at licensed premises, is preferred. With no prohibition present it can be expected that within a short period of time it will become known that the consumption of liquor is allowed at these locations and such gatherings are likely to take place. The likelihood of large numbers of persons being intoxicated and the associated harms of violence, sexual assault, criminal damage, anti-social behaviour, littering, and noise related harms are a real potentiality from such circumstances.
- Contrary to improving public amenity, the gathering of large groups often detracts from other members of the public utilising adjoining public spaces due to fear and the perception of unconstrained behaviour. Without the regulatory powers of AFZ and APA, Police intervention now moves from pro-active to reactive. In most instances a succession of detriment and offences will be required prior to Police being able to intervene. By that stage harm has already occurred and the amenity has been unduly disturbed. Intervention with large groups of intoxicated people is a dangerous policing proposition with many unknown variables. A number of violent disorder incidents' and matters of affray that occur within metropolitan Sydney have alcohol as an attributing factor.
- The Liquor Act acknowledges the serious consequences of intoxication upon licensed premises and as such provides offences for the licensee to 'permit intoxication' and additionally requires intoxicated patrons to be removed to minimise harms. Consuming liquor lawfully in a public space has no such requirements. No offence is created by being intoxicated, no restriction on the type or quantity of alcohol, no requirement for supervision or security, no other harm minimisation measures exist. Police action that can be taken for a person who is intoxicated and disorderly within a public place is to issue a 'move on' direction. Therefore, it can be expected that the amplification of intoxicated persons moving through the Municipality is a likelihood.
- 'Pre-fuelling' of liquor prior to attendance at licensed premises is a common phenomena. Again, this is driven by the lower price differential of packaged liquor. It can be expected that persons previously gathering at locations such as accommodation and other dwellings to 'pre-fuel' will likely migrate to public spaces. This activity is not confined to night time hours as many licensed activities commence during daytime hours.
- The cumulative effect of public place drinking was recently acknowledged by the Independent Liquor & Gaming Authority with the refusal of a packaged liquor licence for Kallin Pty Ltd (Chambers Cellars) on Bondi Road, Bondi. The matter progressed to the NSW Civil Administration Tribunal where it was acknowledged that despite the current prohibitions of consuming liquor in public spaces restricted by AFZ and APA, the pressures applied by the granting of an additional packaged liquor outlet would contribute to the amplification of public place drinking. It was accepted that public place drinking detracted from the amenity of community life within the Municipality and was a continuing challenge for regulators.
- The Eastern Suburbs Liquor Accord which represents member licensed venues within the Municipality has previously expressed concerns about the consumption of liquor in public places and how the attendance of intoxicated persons to venues creates additional challenges for management and security. Subsequently, the Accord released an education campaign in which all packaged liquor outlets within the Municipality used specially designed paper bags advertising that the consumption of liquor was prohibited on parks and beaches. These efforts were to support regulatory functions and minimise the harms associated with intoxicated persons moving through the Municipality. It can be expected that with any removal of these prohibitions increased pressures will be experienced by licensed venues in the management of intoxicated persons. This will further exacerbate the numbers of displaced intoxicated persons moving about the Municipality. There is an evidentiary nexus between intoxication and criminal offences, anti-social behaviour and other harms.

### Eastern Suburbs Police Area Command

153 Bronte Road, Waverley NSW 2024

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## NSW Police Force

- The adjoining Council area of Randwick has previously attempted to alter their existing APA. This resulted in the mass gathering of persons during daylight hours. The situation developed into a serious public safety issue and although it took place during a festive period, there is every expectation that such an event could take place at any time. The sheer amount of rubbish and instances of anti-social behaviour resulted in consultation with the Command and the APA was reinvigorated. It can be expected with the significant profile of Bondi and Bronte that circumstances experienced in Randwick are a strong potentiality.
- Police have previously borne witness to barbeque facilities along the beach front being dominated by large groups in possession of large amounts of packaged liquor. These groups, often of a younger demographic, expand their footprint throughout the immediate space, dissuading other members of the public from using the facilities provided. This is heightened and prolonged with the consumption and availability of liquor. Consideration for other members of the public is significantly impaired as persons get intoxicated and the sense of ownership over the space is exaggerated. Conflict may result. These spaces can often exhibit progression towards a 'beer garden' type atmosphere which regrettably can repel other members of the public from feeling comfortable in the area. With the regulatory ability of an APA, Police are in a position to restore the intent of the area and community expectations.

It is the view of Eastern Suburbs Police Area Command that the aforementioned comments provide sound evidentiary grounds as to the importance of maintaining AFZ and APA within the Municipality. The establishment of these areas has afforded Police the necessary legislative tools to keep public spaces safe and available to be enjoyed by all. The Command enjoys the strong collaborative partnership with Council and will continue to provide the best subject matter expert advice to assist in Waverley Council's decision making responsibilities.

Yours sincerely,

**A/Superintendent M Scott**  
Commander

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