Title of Paper:
Managing the challenge of anti-Social issues experienced by Sydney Beachside Councils

Participating Councils:
Manly Council
Pittwater Council
Randwick City Council
Sutherland Shire Council
Warringah Council
Waverley Council

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EXECUTIVE SUMMARY

This report has been prepared on behalf of Manly, Pittwater, Randwick, Sutherland Shire, Warringah and Waverley Councils (Sydney Beachside Councils). The paper discusses current and emerging anti-social issues experienced by these Councils and includes recommendations on how these issues can be collaboratively addressed with the NSW Government.

On 2 March, 2009 the Mayor and General Manager of Sutherland Shire Council facilitated a meeting amongst Sydney Beachside Councils to discuss issues relating to anti-social behaviour. The meeting was attended by Mayors, General Managers and key senior staff from Pittwater, Manly, Waverley and Randwick Councils (Warringah was an apology). Each Council shared issues experienced in their LGA, strategies that have been implemented to address these issues, strategies that have been successful and on-going and/or emerging challenges. All Councils present acknowledged that many of the issues and challenges are similar and that all or some of the issues could be better managed through partnerships and resource support from the NSW Government.

One of the outcomes of the meeting was the preparation of this paper which has been endorsed by the Mayors and General Managers of the respective Sydney Beachside Councils and will be submitted to various State Government Ministers for further discussion and consideration.

Sydney Beachside areas not only service residents and businesses but are also popular destinations for many visitors.

Popular beach destinations like Cronulla, Mona Vale, Manly, Bondi and Coogee can attract between 10,000 and 40,000 visitors each day over summer; greater than average crowds attending organised sporting matches and music events.

These destinations generally include a high concentration of café, restaurants, take-away food premises and licensed bars and hotels to service visitors (and locals) that create vibrant precincts that positively contribute to the social and economic wellbeing of the area. However, due to large crowds and a high concentration of venues and activities these destinations also attract significant pockets of anti-social behaviour.
The Sydney Beachside Councils agreed they are increasingly challenged with sustaining a positive environment for visitors whilst mitigating the negative impacts such as anti-social behaviour on the local community. They agreed that alcohol-related anti-social behaviour and graffiti are particularly becoming more problematic and require a collaborative approach by all levels of Government.

This paper specifically discusses the common negative impacts and problems experienced by Sydney Beachside Councils and offers recommendations on how to address them with NSW Government support.

In summary, the seven (7) significant anti-social issues that are negatively impacting on the Sydney Beachside Council areas are;

1. Late closing times of hotels and night-clubs
2. Alcohol related Legislation and its application
3. Graffiti and Vandalism
4. Uncontrolled alcohol-fuelled gatherings in public and private places
5. Enforcement, crime prevention and education resources and support
6. Transport from Late Trading Premises
7. Accountability of Licensed Premises of patrons within and leaving these premises

Although individual Councils have implemented strategies to address these issues with varying degrees of success, alcohol-related anti-social behaviour continues to be a complex and growing problem, and costs associated with vandalism and graffiti also continue to rise.

The Councils agreed these issues are not exclusive to one Local Government Area (LGA) but are common state-wide issues. Addressing the problems in one LGA in isolation to another does not address the underlying problems and may displace the issues to another area.

The responsibility and accountability of addressing these issues must therefore be shared with the NSW Government and Licensed Premises to provide a holistic approach to effectively addressing these complex issues.
SUMMARY OF RECOMMENDATIONS

The Beachside Councils have identified key recommendations on how the issues above can be addressed with the State Government. They are summarised below;

1. Late closing times of hotels and night clubs

   That the;
   a. **Sydney Beachside Councils** determine designated entertainment precincts and review planning instruments to manage and regulate these precincts. Eg. Applying a model similar to the Sydney City Council’s DCP model for late night trading premises
   b. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW. Conditions include trading hours, ‘Lock out’ Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or Liquor License Conditions
   c. Neighbouring **Councils** consult each other on the above to ensure a consistent approach and to reduce displacement of issues
   d. **Minister for Planning NSW** to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper.

2. Alcohol-related Legislation and its application

   That the;
   a. **Minister for Local Government and Minister for Gaming and Racing** review Local Government Act 1993 and amend the appropriate regulations to improve consistency in enforcement and penalties applied so that the same regulations and penalties apply to streets, parks and beaches
   b. **Minister for Gaming and Racing and, the Casino, Liquor and Gaming Control Authority** undertake a review in consultation with Local Government
representatives of the provisions of the Liquor Act 2007 and Liquor Regulations 2008 and their administrative processes to improve their practical application in response to issues discussed in this report.

c. **Sydney Beachside Councils** strongly support the Police Minister’s new laws recently proposed for ‘dispersing people found to be noticeably drunk’ in public places.

3. **Graffiti and Vandalism**

That the;

a. **Attorney General** introduce tougher penalties for graffiti and vandalism offenders

b. **Attorney General** consider developing a stronger and more specific community service program requiring offenders to clean graffiti and vandalism from public and private property

c. **Minister for Local Government** provide more funding opportunities for Councils to implement graffiti education and diversionary activities

4. **Uncontrolled alcohol fuelled gatherings in public and private places**

That the;

a. **Minister for Police and Minister for Local Government** facilitate a forum to develop integrated state-wide strategies, tools and resources to strategically address the increase in uncontrolled parties and associated anti-social behaviour occurring in public and private places. This issue appears to be escalating as a result of increased use of social networking technology

5. **Enforcement, crime prevention and education resources and support**

That the;

a. **Minister for Gaming and Racing and Minister for Police NSW** consider dedicating resources (e.g. high visible policing) to designated beachside entertainment precincts to ensure compliance by licensed premises, monitor crowd behaviour within licensed premises and public places within the precinct and respond quickly to issues and mitigate anti-social behaviour

b. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop, brand and fund an integrated
state-wide education campaign with tools that can be implemented by various agencies targeting parents, young people and peers about the inappropriate use and effects of Alcohol

c. **Premier’s Office (Incl OPSE), Minister for Tourism, Minister for Gaming and Racing and Minister for Local Government** consider pooling resources, streamlining and integrating some of the education and promotional material to achieve efficiencies and increase effectiveness by reinforcing common messages that apply to all Sydney metropolitan areas (*e.g. Tips on partying safely this summer guide*)

d. **Minister for Police NSW** undertake a review of policing resources to enhance crime prevention initiatives in Sydney beachside areas (particularly beaches, parks and entertainment precincts) to ensure;

- a high visible presence during peak (eg summer) and high risk times (e.g. night time when licensed premises are closing)
- the continuation and appropriate resourcing of ‘Operation Summer Safe’ at Sydney’s Beachside precincts
- regular attendance, information sharing and input from Police at Community Safety and Crime Prevention meetings and related forums
- Local Area Command Police representatives consult each Council to develop an annual program to meet the needs of each beachside precinct and achieve the objectives in the Community Safety and Crime Prevention Plans, i.e. a more collaborated and integrated approach to destination management

e. **Premier’s Department (OPSE), the Minister for Police NSW and Minister for Roads** undertake a review of the Police ‘user pay system’ to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives used as a strategy to mitigate anti-social behaviour.
6. Transport from Late Trading Premises

That the;

a. Minister for Transport, Minister for Police NSW, Minister for Gaming and Racing and Minister for Local Government facilitate transport forums attended by key stakeholders to develop and implement integrated transport strategies to better support designated entertainment precincts in Beachside Council areas.

7. Accountability of licensed premises of patrons within and leaving these premises

That the;

a. Minister for Gaming and Racing review the Liquor Accord operations to consider;
   - Requiring the Liquor Accords to meet twice a year with the relevant Council and Police representatives to discuss and collaboratively develop education initiatives for the area
   - Making it compulsory for all licensed premises to be a member of the local Liquor Accord
   - Improve reporting measures to ensure that the funds of the local Liquor Accord contribute to alcohol-related initiatives and that Councils (and the general public) are notified of these. Examples include education, transport, crowd management (including between venues), vandalism and street cleansing initiatives within and between the entertainment precincts
   - Requiring the Liquor Accord funds to be audited each year and publicly displayed to ensure the funds are being spent on the above initiatives

b. Minister for Liquor, Gaming and Racing, Minister for Police NSW, Minister for Local Government and Minister for Transport review the transport strategies currently implemented in and around entertainment and late night trading precincts of Sydney Beachside Councils to improve the integration (and safety) of transport to service patrons and visitors (particularly late at night) and to improve promotion of the transport options to patrons and visitors. One strategy may be making it compulsory for licensed premises to organise and/or contribute to transportation options for their patrons within these designated entertainment precincts
c. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW. Conditions include trading hours, ‘Lock out’ Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or liquor license conditions.

d. Minister for Gaming and Racing and Minister for Police NSW consider implementing a compulsory condition to all licensed premises which requires RSA officers to be employed separate to bar staff and stricter auditing is undertaken to ensure intoxicated patrons do not continue to be served.

e. Minister for Planning NSW to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper.

f. Minister for Planning supports restrictions on trading times on development consents for late night food traders so that they are aligned with and add value to the entertainment precinct reducing the risk of anti-social behaviour.
DISCUSSION ON KEY ANTI-SOCIAL ISSUES

1. Late closing times of hotels and night clubs

The Sydney Beachside Councils agreed many of the license premises closing times were too late. *Late was generally defined as after 2am.*

The late night venues create numerous risks and problems including:

- excessive intoxication of patrons who have been at the venue for long periods and/or who have arrived from other venues that have closed earlier
- ‘a lock out’ policy or strict RSA practices are not applied at all late trading venues compounding the risk of excessive intoxication and anti-social behaviour
- the venues are often not supported by an effective transport system to cater for staggered or pooling of patrons leaving the premises. Venues may close at times that bus or train routes have ceased and/or taxi shift change overs are occurring therefore limiting the transport available and/or encouraging groups to hang around the area until transport options do become available increasing the risk of anti-social behaviour, violence and sexual assault
- many venues do not co-ordinate or promote transport options for their patrons
- unreasonable noise levels until the early hours of the morning are experienced by neighbouring residents from venues or from their patrons leaving the premise

There were mixed views amongst the Councils represented in this report about whether venues should close at the same time or staggered times. The Councils did agree however that whatever the approach taken, appropriate crowd management, policing, noise management and transport strategies should be implemented to support it.

To address the above issues, it is recommended that:

a. **Sydney Beachside Councils** determine designated entertainment precincts and review planning instruments to regulate and manage these

b. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, ‘Lock out’ Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or Liquor License Conditions. This is a similar model to the City of Sydney DCP for late night trading premises

c. **Neighbouring Councils** consult each other on the above to ensure a consistent approach and to reduce displacement of issues

d. **Minister for Gaming and Racing and Minister for Police NSW** consider dedicating resources to designated entertainment precincts of Sydney beachside areas to provide a high visible presence and ensure compliance by licensed premises, monitor crowd behaviour in licensed premises and in public places, mitigate anti-social behaviour and respond quickly to issues

e. **Minister for Transport, Minister for Police NSW, Minister for Liquor and Gaming and Minister for Local Government** facilitate transport forums attended by key stakeholders to develop and implement transport strategies to better support entertainment precincts in Sydney beachside areas.
2. Alcohol-related Legislation and its application

2.1 Administrative processes of the Liquor Act 2007

Some existing administrative processes and policies of the Casino, Liquor and Gaming Control Authority (CLGCA) create barriers to the effective minimisation of harm to the community from the licensing regime. Some examples include:

- under the new Liquor Act 2007 an applicant for a ‘Limited Licence’ application is only required to submit a single page to the consent authority. This means that Council often does not have the detailed information necessary to form a position in relation to a proposal. The missing information includes: proposed function dates and times, proposed sale of alcohol times, licensed area and RSA strategies. Council is therefore restricted in assessing the application against the approved DA for the site.

- objections by Councils (and other authorities) to licenses are not always taken into consideration by the Casino, Liquor and Gaming Control Authority (CLGCA). As an example, one Council objected to the proposed licensed area of a sporting club as it included the entirety of the playing fields rather than the clubhouse only. The license was granted without amendment even though Council is the owner of the property and has not provided consent for use which includes sale of alcohol.

- communication between CLGCA and Local Government is extremely poor at the application and the determination phases. The authority does not inform Council of license applications, the onus is on Council to check CLGCA website on a regular basis to catch any applications that have not been forwarded to them. No action is taken against applicants who do not notify Council as required. It should be noted that applicants and/or solicitors working on the applicants’ behalf may use this in their favour, in that Councils don’t get the application and as such don’t respond to CLGCA and as stated above CLGCA don’t notify Council of an application.

- the website is not always up to date, often being up to six (6) days behind. This reduces Councils ability to respond within the required timeframes (as short as 14 days). The outcome of licence applications is not notified to Council. This means Council is unable to monitor or enforce license conditions. This has particular links to limited licence applications on Council land such as playing fields.

- There is ongoing confusion within the CLGCA, often with different answers to the same question being received from CLGCA staff.

To address the above issues, it is recommended that the;

a. Minister for Liquor and Gaming and the Casino, Liquor and Gaming Control Authority immediately undertake a review of the provisions of the Liquor Act 2007, Liquor Regulations 2008 and internal processes and procedures to ensure the concerns raised above are rectified and improve the practical application of these administrative processes. This should involve extensive consultation with Local Government.

2.2 Inconsistency in regulating and enforcing Alcohol Free areas in public places under the Local Government Act 1993

The proposed law recently announced by the Minister for Police NSW to ‘disperse intoxicated persons’ in public places particularly around entertainment precincts, parks and beaches is a very positive move to mitigating anti-social behaviour and is strongly supported by the Sydney Beachside Councils.
However, improving the legislation relating to consumption of alcohol in designated Alcohol Free Zones and regulated parks and beaches would further support authorities in regulating these areas.

The *Liquor Legislation Amendment Act* 2008 provides new guidelines on developing and enforcing Alcohol Free Zones with regulations administered under Section 642 of the *Local Government Act* 1993. These amendments were a consequence of the new liquor laws – the Liquor Act 2007 and Liquor Regulation 2008 introduced from 1 July 2008.

The Alcohol Free Zones apply to public footpaths, streets and carparks (excluding exempt premises). They do not apply to parks and beaches.

Section 642 of the Local Government Act enables the confiscation of alcohol in designated Alcohol Free Zones by Police and Council Enforcement and Compliance Officers and removes the penalty previously applied.

This change positively empowers the Police to confiscate the alcohol and move on the person/s hence effectively mitigating the risk of further intoxication and anti-social behaviour.

Consuming alcohol in public places like beaches and parks however, is regulated under a different section of the Local Government Act 1993. Section 632 of the Local Government Act 1993, enables Police and Council enforcement and compliance officers to fine (10 penalty points - $110) a person/s who has 'acted contrary to notices erected by Councils’ such as a ‘no alcohol’ sign. It does not enable the confiscation of the alcohol that is applicable under Section 642. Trying to fine a person/s for a breach proves problematic for officers and does not remove the risk of continued consumption when the officers have left.

Most of Sydney's beachside precincts have designated Alcohol Free Zones applied to the streets as well as ‘no alcohol’ regulation signs prohibiting alcohol consumption in neighbouring parks and beaches. Having different enforcement requirements and penalties apply to these areas creates confusion and numerous challenges for Police and Council’s Enforcement and Compliance Officers to consistently enforce the beachside precinct. It also increases costs to Council by having to erect two sets of signs.

The regulation of alcohol in public places can be more effective and easier to manage through streamlining regulations under the Local Government Act 1993 so that they are consistent and support each other. This can be achieved by amending the Local Government Act 1993 and Alcohol Free Zone guidelines so that;

- an Alcohol Free Zone encompasses streets and neighbouring beaches and parks
- one set of enforcement rules and penalties apply.

The Sydney Beachside Councils support both confiscation of alcohol and the discretion of issuing a substantial fine for breach in an Alcohol Free Zone by Police and compliance officers

It is also recommended that the penalty for ‘acting contrary to notices erected by Councils’ such as a ‘no alcohol’ sign in parks that may not be within an Alcohol Free Zone and/or form part of the beachside precinct should include the ability for authorised officers to confiscate the alcohol and issue a substantial fine.
To address the above issues, it is recommended that the;

a. **Minister for Local Government and Minister for Gaming and Racing**
   review Local Government Act 1993 and amend the appropriate regulations to improve consistency in enforcement and penalties applied so the same regulations and penalties apply to streets, parks and beaches.

b. **Sydney Beachside Councils** strongly support the new laws proposed by Minister for Police NSW in ‘dispersing crowds that appear intoxicated’ in public places.

### 2.3 Under-age Drinking

It is acknowledged that each Sydney beachside area experience issues with under-age drinking in public places particularly at beaches and parks.

Police and Councils work together to negate the activity by educating young people and enforcing relevant legislation and taking action against the alcohol suppliers. However, often the supplier is a relative or can not be identified.

This issue is therefore a complex social and cultural matter involving the education of parents and peers and young people.

To address the above issues, it is recommended that the;

a. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop and fund an integrated state wide education campaign with practical tools that can be implemented by various agencies, parents, young people and peers about the inappropriate use of Alcohol

### 2.4 Development consent and conditions

Many businesses located in beachside precincts do not have specific conditions around trading operations, crowd control and litter collection or the conditions although legally applicable are no longer consistent with the current planning instruments (e.g. late night trading DCP). This places numerous challenges upon Council and local authorities to effectively manage the beachside precincts.

It will be very challenging to implement a number of the recommendations in this paper if they can only apply to future businesses and not affect existing businesses. Some licensed premises that trade on old development consents do not take into consideration the current environment and future direction in trying to mitigate anti-social behaviour and better manage entertainment precincts. These businesses do not intend to close and/or modify their businesses in the near future so will continue to practice differently to those future businesses who have a different set of conditions that reflect changing needs in the area and current planning laws and instruments.

There is therefore a disconnection between the operations of these businesses and today’s community and environment they are located within. There is also inequity and inconsistency in trying to implement a holistic and integrated approach to managing these precincts.
Whilst beachside Councils understand the commercial and competitive nature of these businesses, there needs to be an equitable solution whereby existing development consents for late night trading venues and food businesses can be updated to reflect current planning instruments and the community and environment they now operate within.

The recommendations to address this issue are that the;

a. **Sydney Beachside Councils** develop a standard set of principles and conditions in the Local Planning Instruments for designated entertainment precincts that are applied to all late night trading venues and food premises and

b. **Minister for Planning NSW** consider allowing Council to retrospectively impose conditions of development consent consistent with the standard set of principles and conditions to address issues of concern with the operation of particular types premises that where not apparent at the time that the original consent was granted.

Currently the Environmental Planning and Assessment Act 1979 (the Act) confers power on a consent authority (CA) to give Orders pursuant to Division 2A of Part 6 of the Act. Orders which may be given by a CA are contained in the Table to s. 121B of the Act.

The Table to s. 121B of the Act could be amended to include an Order "to impose, modify or revoke a condition of development consent".

The Act could stipulate which type of development consent an Order to impose, modify or revoke a condition of development consent can apply. These types of development consents for the purpose of an Order to impose, modify or revoke a condition in a designated beachside entertainment precinct could include the following:

(a) entertainment facilities  
(b) function centres  
(c) nightclubs  
(d) pubs  
(e) registered clubs  
(f) food and drink premises  
(g) neighbourhood shops  
(h) business premises

**N.B.** The words and expressions used in (a) – (h) have the same meaning as they have in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

The terms of the Order could be limited to matters such as hours of operation, maximum patron numbers, crowd control measures, noise control, designated smoking areas and cleansing and litter collection.

Except in specific circumstances Orders given by a CA are subject to procedural fairness (natural justice) and Appeal provisions.

Alternatively, s. 96 of the Act could be amended to provide a Council, on its own motion (or the Court on application by a Council) with the power to modify development consents. The Regulation could specify the types of development consents which may be subject to such modification, the terms of the modification and suitable appeal provisions.
3. **Graffiti Control and prevention**

All Councils agreed that graffiti has become a pandemic and costs each Council many thousands of dollars each year to address. These costs continue to increase along with community pressure to take action. Various education (school visits) and diversionary programs (public art projects) are implemented and funded by Councils. Some of which have traditionally been the responsibility of other levels of Government. In summary some of the key issues relating to graffiti are;

- Local Government is responsible for a large proportion of public space and the demands of the community require rapid and repeated graffiti removal. Council does not have the resources to achieve this.
- the community often holds Council responsible for aspects of graffiti prevention that are actually under the control of other agencies such as the investigation of offences. The more projects Council implements the more responsibility for graffiti control it assumes.
- the community’s prioritisation of graffiti as a key issue of concern is often at odds with the priorities of the NSW Police and therefore the level of resources assigned to its investigation.
- current reporting mechanisms are resource intensive and uncoordinated. The Policing of malicious damage can not efficiently occur if they do not have the required evidence. Currently very few cases of graffiti on Council property is reported to Police due to the difficulty of providing these reports
- enforcement of recent legislative changes is not occurring, especially in regard to display of spray cans and sale to minors.
- the response to new graffiti tools is cumbersome. Adequate responses to etching have not yet been developed and the use of coloured hairspray seems to fall outside the legislation

Addressing the issues of crime prevention through environmental design (CPTED), maintenance, policing, education and social support needs to be driven by a central policy coordinating body. This would ensure a considered and funded strategy is implemented that is responsive to local needs and empowers Councils, in partnership with State Agencies, to deliver collaborative outcomes that effectively manage graffiti on a sustained basis.

To address the above issues, it is recommended that the;

a. **Attorney General** introduce tougher penalties for graffiti and vandalism offenders
b. **Attorney General** develop a stronger and more specific community service program requiring offenders to clean graffiti and vandalism from public and private property
c. **Minister for Local Government** provide more funding opportunities for Councils to implement graffiti education and diversionary activities
4. Uncontrolled alcohol-fuelled gatherings in public and private places

New technology such as text messaging, ‘My Space’ and ‘Facebook’ has increased accessibility to information and social networking. This technology has subsequently increased the risk in managing crowds in public places (and private places). By using the technology available, crowds in public places can spontaneously swell into the thousands negatively impacting upon an area, increasing the risk of alcohol fuelled anti-social behaviour and confrontation with those affected and clashes with authorities.

Councils (and Police) are generally well prepared in planning and managing significant celebratory days where thousands of visitors (national and international) descend to the beachside precincts through the implementation of specific cross-agency strategies to mitigate anti-social behaviour and crime, e.g. Christmas and New Year initiatives. However, costs for implementing these community safety initiatives are borne by the individual Councils. This includes costs charged by other Government Agencies such as ‘User Pay’ Police and RTA costs for road closures.

To address the above issues, it is recommended that the;

a. Premier’s Department, Minister For Police NSW and Minister for Roads undertake a review of the Police ‘User Pay’ system to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives used as a strategy to mitigate anti-social behaviour.

One of the significant challenges emerging for Council is the spontaneous ‘uncontrolled parties’ occurring in beaches, parks and/or streets through the use of new social networking technologies. Councils are not suitably prepared and resourced to tackle this complex issue and it is placing further pressure on resources for managing public places.

In the past 12 months all Councils represented have experienced this issue in varying degrees from a large street party on City to Surf Day at Bondi, a large youth party at Maianbar on Australia Day, a dance event on Clovelly rock face and unexpected crowd ambushing at Manly beach on Australia Day. Police were called on all occasions to defuse these situations and in some instances the Public Order Squad also had to attend.

Attendees are notified via various networking technologies which results in a crowd swelling from 20 to thousands within a very short time. It is difficult to identify and therefore respond if you are not part of the network. By the time the problem has been identified usually by a resident complaint, excessive amounts of alcohol are consumed increasing the risk of anti-social behaviour, and drowning. Once the crowd swells, it is difficult for compliance officers to control and Police including Public Order Squad are required to respond resulting in potentially dangerous confrontations and negative media.

Further, a confrontation in a public place by two people may swell to large numbers quickly via text messages to retaliate to the confrontation. Private ‘house parties’ have also gotten out of control via gate crashers that are notified of the party through networking sites. Parents and/or party organisers are usually ill equipped to respond to the issue.

These emerging incidences involving networking technology are a significant concern for Councils and require significant resources to monitor, identify and respond.
To address the above issues, it is recommended that the;

a. **Minister for Local Government** facilitates a forum with Police and Local Government representatives and other relevant agencies to discuss this issue further and develop state wide strategies and resources to address this emerging issue

5. **Enforcement and Funding for Crime prevention and educational resources**

5.1 Enforcement and Crime prevention support

The NSW Police ‘Summer Safe’ program implemented each summer across some of the Sydney’s beachside suburbs since the Cronulla disturbance in December 2005 has been effective in mitigating and preventing anti-social behaviour in these areas. Dedicated and highly visible resources have greatly assisted Council in planning and responding to issues during the peak visitation period. However, each year the resource level dedicated to the Sydney beachside areas appears to be reduced and/or these resources are required to respond to other priorities.

Beachside Councils simply do not have all the resources to manage significant levels of visitation during peak summer periods. Beaches and coastal reserves can experience crowds from 10,000 to over 40,000 each day which is larger than an average sporting event that has dedicated security and police resources.

It is crucial and appropriate that Councils are assisted in managing these highly visited coastal reserves by the continuation of a sufficiently resourced Police operation such as ‘Operation Summer Safe’ involving high visible police specifically designated to the coastal areas to monitor crowd behaviour, prevent crime and mitigate anti-social behaviour.

Other specific issues include;

a. Increase in requests for the installation of CCTV and additional lighting from Police and residents which cannot be actioned within limited budgets
b. Increase in requests for more Ranger or Enforcement Officer Patrols, often a lot of the requests are more closely related to policing rather than regulatory functions
c. Councils are being asked to fund traditional policing roles via the user-pays function of NSW Police
d. The discrepancy between the legal ranking of council ranger and police officer creates additional OHS concerns eg Council staff are not covered by legislation which increases penalties for offences against police officers such as assault. This is further compounded by the lower level of training and self defence PPE carried by council staff
e. Attendance by Police to community safety and crime prevention meetings and other related forums is often inconsistent due to staff turn over and/or competing priorities. This restricts the collaborative approach in addressing local issues.
The proposed law recently announced by Minister for Police NSW to ‘disperse intoxicated persons’ in public places particularly around entertainment precincts, parks and beaches is a very positive move to mitigating anti-social behaviour and is strongly supported by the Sydney Beachside Councils. However, a sufficient level of dedicated resources is required to regulate these laws so the purpose of the laws is achieved i.e. mitigating anti-social behaviour (and drowning) due to intoxication.

To address the above issues, it is recommended that the;

a. **Minister for Police NSW** undertake a review of policing resources to enhance policing initiatives in Sydney Beachside Council areas (particularly beaches and parks) to ensure;
   - a high visible presence during peak (eg summer) and high risk times (eg night time when licensed premises are closing)
   - the continuation and appropriate level of resourcing of ‘Operation Summer Safe’ at Sydney’s beachside areas
   - regular attendance, sharing of information and input from Police at Community Safety and Crime Prevention meetings and related forums
   - Local Area Command Police representatives consult each Council to develop an annual program that is proactive in meeting the needs of each beach precinct, addresses emerging issues and trends and achieves the objectives in Community Safety and Crime Prevention Plans. I.E. a collaborative proactive approach to destination management.

b. **The Premiers Dept, the Minister for Police NSW and Minister for Roads undertake** a review of ‘user pay system’ to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives to mitigate anti-social behaviour.

### 5.2 Education support

The ongoing challenge Councils face is to educate visitors before they arrive at their destination and then have key messages reinforced once at the destination. Eg advising an international visitor of the Alcohol Free Zone regulations and beach safety information before they arrive at the beach with their case of beer and lack of beach swimming knowledge. Educating visitors prior to their arrival can prevent risk, disappointment and confrontation.

Councils are also trying to fulfil a state-wide social responsibility in educating people on the harmful affects of alcohol and harmful substances but are not fully resourced to do so.

There is currently a lack of connectivity between Government Agencies and partners in promoting and educating visitors on key generic messages. Agencies tend to fund their own education and promotion strategies in isolation and/or cross charge each other for use of resources and/or are unaware that education resources already exist and/or have difficulty accessing them. Some Councils have more expertise or funds to develop the materials the other Councils. This has resulted in duplication of resources, mixed and conflicting messages to visitors, limited distribution capacity and varying degrees of quality in materials/resources produced.

For example, Tourism Australia and Tourism NSW or relating tourism industry representatives may run a campaign promoting beachside areas without consultation
with the Local Councils to ensure messages are not conflicting. There have been scenarios where there are conflicting messages confusing the visitor when they arrive at the beach and undermining local campaigns that cost Council thousands of dollars to implement. The Local Councils and authorities are then left to manage the ill informed visitors at the destination. On the opportunistic side, there are some wonderful campaigns, events and communication networks that the Tourism Industry can leverage from to further enhance their campaigns.

There are efficiencies to be gained in the Premiers Dept (Incl OPSE), Tourism Ministry, Office of Liquor, Gaming and Racing and Department of Local Government in pooling resources, streamlining and integrating some of the education and promotional material that reinforce common messages that apply to all Sydney metropolitan areas as well as sharing distribution networks to reach a wider audience.

An example is producing a generic visitor guide (hardcopy and web-based) that contains information on:

- partying safely in the summer at Sydney beachside destinations
- places to visit
- events and activity calendar
- liquor laws
- Alcohol Free Zones
- council services
- transport options
- drug, alcohol and safe sex messages
- surf safety messages
- notification process for social gathering in a public places and private places
- anti-littering messages
- consideration to neighbours in relation to noise
- emergency contact numbers
- web links

Alternatively, standard templates on key messages can be produced as a resource to various agencies and inserted into their education materials.

Branding is important as it provides connectivity and reinforces the campaign and its messages across many platforms.

Distribution methods could also be shared and/or centralised again reducing costs. Eg Standard advertisement campaign via in flight television, distribution of generic education brochure via Visitor Information Centres.

The above suggestions reinforce common education messages consistently across Council areas at a local, state, national and international level thereby strengthening them, reducing duplication and mixed messages and producing financial efficiency.

Further, the Local Liquor Accords need to take a more proactive and collaborative approach in using their membership funds to develop and implement annual education initiatives targeting patrons and the local community.
To address the above issues, it is recommended that the;

a. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop, brand and fund a state-wide integrated education campaign with tools that can be implemented by various agencies targeting parents, young people and peers about the inappropriate use and effects of Alcohol

b. **Premiers Office (Incl OPSE), Minister for Tourism, Minister for Gaming and Racing and Minister for Local Government** consider pooling resources and streamlining some of the education and promotional material to achieve efficiencies and increase effectiveness by reinforcing common messages that apply all Sydney beachside areas

c. **Minister for Liquor and Gaming** review the Liquor Accord operations and consider requiring the each of the Liquor Accords of the Council areas represented to meet with the Councils and Police at least twice a year to discuss and collaboratively develop education initiatives for the area.

### 6. Transport from Late Trading Premises

There is a critical need to provide access to transport services that enable the rapid dispersal of patrons from beachside entertainment districts to as close to home as is reasonably possible. A range of integrated safe transport options need to be funded and promoted to ensure that sufficient transport options are available.

**Taxi services** are a critical component of meeting this demand however their capacity to respond to a large exodus of patrons (or as people leave following the cessation of a major event) are limited. Not withstanding this some entertainment areas have implemented safe taxi ranks staffed by security guards that have reduced the incidence of assaults and anti-social behaviour.

A taxi voucher system is currently being implemented across NSW which should aid in the incremental dispersal of patrons from venues. Broader promotion of this initiative is required.

Increasing the number of taxis available at peak hours (peak service taxi licences) have also been used in Melbourne. Allowing an additional late night tariff for Taxis or on celebration evenings may also enable an increased supply of taxis to meet demand.

Further, reviewing taxi shift change over times as well as train time tabling in conjunction with activities and business operating times within the entertainment precincts is strongly suggested so that better transport options and supply is available to transport patrons quickly, safely and quietly to and from the precinct.

**Nightrider** services at beachside entertainment precincts need to be expanded to support the large exodus of patrons throughout the evening and especially at closing times. The services need to be effectively linked to smaller scale services at end points to ensure that late night services do not simply transplant the problem of large groups with no transport options from the beachside suburbs to drop off points. Coordination needs to be improved between differing local area police commands and transport boundaries where drop off points cross commands and boundaries to ensure a strategic and coordinated approach dispersal.
Clearly a more coordinated approach needs to be implemented between bus companies, taxi services, security guards and the licensed premises themselves to ensure a more strategic approach to public transport.

The above strategies need to be complemented with an effective communication strategy that promotes the availability of transport options in the range of licensed venues, over the internet and more general marketing techniques across the media.

To address the above issues, it is recommended that the;

   a. Minister of Liquor, Gaming and Racing, Minister of Police NSW, Minister of Local Government and Minister of Transport review the transport strategies currently implemented in and around entertainment and late night trading precincts and implement integrated transportation strategies that appropriately support activities occurring in these precincts (including late night activities)

   b. Minister of Liquor, Gaming and Racing, Minister of Police NSW, Minister of Local Government and Minister of Transport ensure the transport options are strongly promoted through licensed venues, late night trading businesses and within the community

7. Accountability of patrons within and leaving licensed premises

Beachside precincts attract visitor entertainment activities such as licensed bars, take away food stores, cafes and restaurants. These activities are generally neighbouring residential zones. It is challenging for Councils to manage these areas and balance the needs of the licensed premises and their patrons whilst minimising the impact upon residents.

The common complaints received from local residents and businesses about licensed premises and their patrons are;

   - vomiting in the street
   - urinating in the street and on private property
   - vandalism and damage to property
   - noise (from music within the premises to rowdy drunken patrons walking in the streets)
   - fighting and violence
   - heavily intoxicated and vulnerable patrons that are at risk of being run over, assaulted and/or sexually assaulted
   - litter.

These issues are exacerbated by;

   - late night food traders encouraging intoxicated people to remain in the area increasing the risk of anti-social behaviour
   - insufficient public transport
   - patrons moving from one licensed premises to another near by and/or patrons residing within walking distance from the licensed premises
   - failure of responsible service of alcohol by license premise/s resulting in heavily intoxicated and vulnerable patrons leaving the premises
   - licensed premises staff removing volatile and intoxicated patrons that are at risk to themselves and others from the premises onto the street with a ‘not my problem anymore’ attitude
insufficient high visibility policing and regulation to monitor activity in and around licensed premises particularly in areas that have a high concentration of licensed premises in the precinct
• delayed response by Police to incidences mentioned above often due to lack of resources and competing priorities.

Some licensed premises have development consent conditions that require security placed a certain perimeter around the licensed venue to ensure that patrons leave the premise in an orderly fashion. However, the area is very limited and is not consistently applied to all premises.

Further, the new liquor licensing laws require a patron ejected from the premises for being intoxicated and/or disorderly to remain outside a 50 metre perimeter of the licensed premise and the new smoking laws result in some patrons affected by alcohol smoking outside and/or near a licensed premises.

The issues above have shifted problematic behaviour into public places and lessen the accountability of licensed premises for anti-social behaviour, patron welfare and vandalism. It subsequently increases the responsibility and risk back onto local Councils and Police.

Council is therefore burdened with increased complaints and costs in trying to manage these public places. Costs including public place cleansing, complaint handling and protection of property. Local business operators and residents are also burdened with costs to protect their property and clean up after drunken patrons leaving licensed premises.

Councils also invest a lot of resources in implementing education campaigns and public cleansing programs to try and tackle what are state-wide social problems.

Lastly, Councils are often overturned in the Land and Environment Court when trying to impose conditions on licensed premises and late night food traders to mitigate some of the issues above.

The Councils represented feel that the licensed premises and late night food traders should bear more responsibility and accountability in managing patrons within and outside their premises and add value to the local community rather then detract from it.

The Councils also feel that the State Government Departments should provide more support to Councils in managing these precincts and the associated issues.

To address these issues it is recommended that the;

a. **Minister for Gaming and Racing** review the Liquor Accord operations to consider;
   - requiring the Liquor Accords to meet at least twice a year with the relevant Council and Police representatives to discuss and collaboratively develop education initiatives for the precinct
   - making it compulsory for all licensed premises to be members of a Liquor Accord
   - improving reporting measures to ensure that the funds of the Local Liquor Accord contribute to alcohol related initiatives and that Councils (and the
the general public) are notified of these. Examples include education, transport, crowd management (including between venues), vandalism and street cleansing initiatives within and between the entertainment precincts requiring the liquor accord funds to be audited each year and publicly displayed to ensure the funds are being spent on the above initiatives.

b. **Minister for Liquor, Gaming and Racing, Minister for Police NSW, Minister for Local Government and Minister for Transport** review the transport strategies currently implemented in and around entertainment and late night trading precincts of Sydney Beachside Councils to improve the integration (and safety) of transport to service patrons and visitors (particularly late at night) and to improve promotion of the transport options to patrons and visitors. **One strategy may be making it compulsory for licensed premises to organise and/or contribute to transportation options for their patrons within these designated precincts.**

c. **Sydney Beachside Councils** develop standard conditions for licensed premises to comply with within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Liquor Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, RSA standards, transport and crowd control strategies within and external to the licensed premise.

d. **Minister for Gaming and Racing and Minister for Police NSW** consider implementing a compulsory condition to all licensed premises that requires RSA officers to be employed separate to bar staff and stricter auditing is undertaken to ensure intoxicated patrons do not continue to be served.

e. **Minister for Planning NSW** to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper.

f. **Minister for Planning** supports restrictions on trading times on development consents for late night food traders so that they are aligned with and add value to the entertainment precinct reducing the risk of anti-social behaviour.
SUMMARY

Increasingly Manly, Pittwater, Randwick, Sutherland Shire, Warringah and Waverley Councils (Sydney Beachside Councils) are being challenged to manage popular destinations within their LGAs and respond to complex anti-social issues to ensure these destinations remain safe, clean and welcoming for everyone.

Vandalism, graffiti and alcohol related anti-social behaviour are common issues identified by the Sydney Beachside Councils and even with the implementation of strategies with varying degrees of success, Councils do not have the capacity and resources to continue to tackle these issues alone.

These complex issues are a state-wide problem and therefore require NSW Government intervention and support to address.

The recommendations outlined in this paper provide collaborative ideas and solutions that will create significant leeway into consistently and holistically mitigating current and emerging anti-social issues in Sydney’s beachside destinations that can also be transferred to other LGAs across the State.