

ESTABLISHMENT OF SHELL MEMORIAL ALCOHOL FREE ZONE



That Council endorse the establishment of the two following Alcohol Free Zones (in accordance with the Local Government Act, and Ministerial Guidelines) as per the attached proposals.

- 1) The Zone known as South Broken Hill including all public roads, footpaths and public car parks in an area bounded by Bonanza, Patton, Central and Hebbard Streets with an extension to include South Street from Piper Street through to Wilson Street with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those particular businesses.
- 2) The Zone known as Shell Memorial including all public roads and footpaths and public car parks in an area bounded by, Thomas, Bromide, Mica and Iodide Streets including Oxide Street from Thomas Street through to Morgan Street with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those particular businesses.

That Council endorse the re-establishment of the two following Alcohol Free Zones (in accordance with the Local Government Act, and Ministerial Guidelines) as per the attached proposals.

- 1) The Zone known as E.T.Lamb Memorial Oval including all public roads and footpath area and public car parks surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those particular businesses.
- 2) The zone comprising the area of Creedon Street, bounded by Rakow and Wills Streets.

That the necessary signage be installed showing operation of the four Zones from November 9, 2015 to November 9, 2019.

That re-establishment and establishment of the four Alcohol Free Zones be advised to the public by way of media release and advertisement in the Barrier Daily Truth.


That the advertisement reminds the public that the CBD Alcohol Free Zone in Broken Hill is also in force.

That all Alcohol Free Zones be published on Council's website.

That Council thank the Broken Hill Police for its ongoing support of alcohol free zones in Broken Hill and the Barrier Liquor Accord (Broken Hill) for its contribution.

October 28, 2015

(Minute No 45104)

A handwritten signature in black ink, appearing to read 'S. Hutch', written in a cursive style.

SHARON HUTCH
ACTING GENERAL MANAGER

1. **Background**

Council adopted to establish an existing Alcohol Free Zone in Broken Hill with an extension. The purpose of the extension of the Zone is to ensure that all areas surrounding licensed premises be enforceable areas. The Alcohol Free Zone is as follows:

The Zone known as Shell Memorial including all public roads and footpaths and public car parks in an area bounded by, Thomas, Bromide, Mica and Iodide Streets including Oxide Street from Thomas Street through to Morgan Street with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those particular businesses.

2. **Reasons for Establishing the Zone**

2.1 Views of the New South Wales Police Force

The Broken Hill Police Force has remained fully supportive of the operation of alcohol free zones in Broken Hill. The zones are a valuable tool for Police to maintain the peace and good order of public places by utilising the powers found in the Local Government Act, 1993.

The zone is also located in places which attract families or have especially vulnerable residents.

Alcohol related anti-social behaviour remains an issue especially during summer when more alcohol is consumed and the weather attracts people into public places. This is particularly applicable to the area covered by the zone proposed for establishment.

In addition, there are a number of licensed or registered premises in the City and patrons regularly walk between them. The carriage of alcohol containers and its consumption in public places when moving from one licensed premises to another only increases the propensity for public order offences to occur.

From a policing perspective, to abandon the Alcohol Free Zone would encourage further abuse of alcohol during the most problematic times, after the closure of licensed premises. This would undoubtedly lead to an escalation in street crimes and violence, which would be difficult to prevent and could only be tackled through reactive policing efforts. The maintenance of the Alcohol Free Zone is an important tool for police to proactively prevent crime.

2.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer's premises.

The establishment of Alcohol Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems. Alcohol Free Zones are essentially a short term measure as they operate for a defined period and in many instances a zone will achieve the desired objectives and outcomes within its operational period.

The success evidenced by the zoning of the current area as an Alcohol Free Zone should be continued and Council now proposes that the Alcohol Free Zone be established for a period of four years.

3. Duration of Zone

Council has established the zone for a further 4 year period until November 2019.

4. Suspension of the Zone for Short Periods

The Guidelines and legislation enables the suspension of Alcohol Free Zones for short periods during special events via liaison between Police, Council and the Traffic Committee. Notification of any such suspension is required to be given in the local newspaper.

5. Public Comment

In accordance with the requirements of the Local Government Act, 1993 comments on the proposal were sought from:

- (a) the general public;
- (b) the Officer in Charge of the Broken Hill Police;
- (c) holders of liquor licences under the Liquor Act 2007, for premises which border on, adjoin or are adjacent to the proposed zones;
- (d) the secretaries of Registered Clubs under the Registered Clubs Act 1976, border on, adjoin or are adjacent to the proposed zones;
- (e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

6. Parks and Reserves

It should be noted that Section 632A of the Local Government Act, 1993 provides councils with the power to declare any public place (or any part of a public place) in the council area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). Council introduced the same restriction at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, ET Lamb Memorial Oval, the Riddiford Arboretum and the Gasworks Reserve.

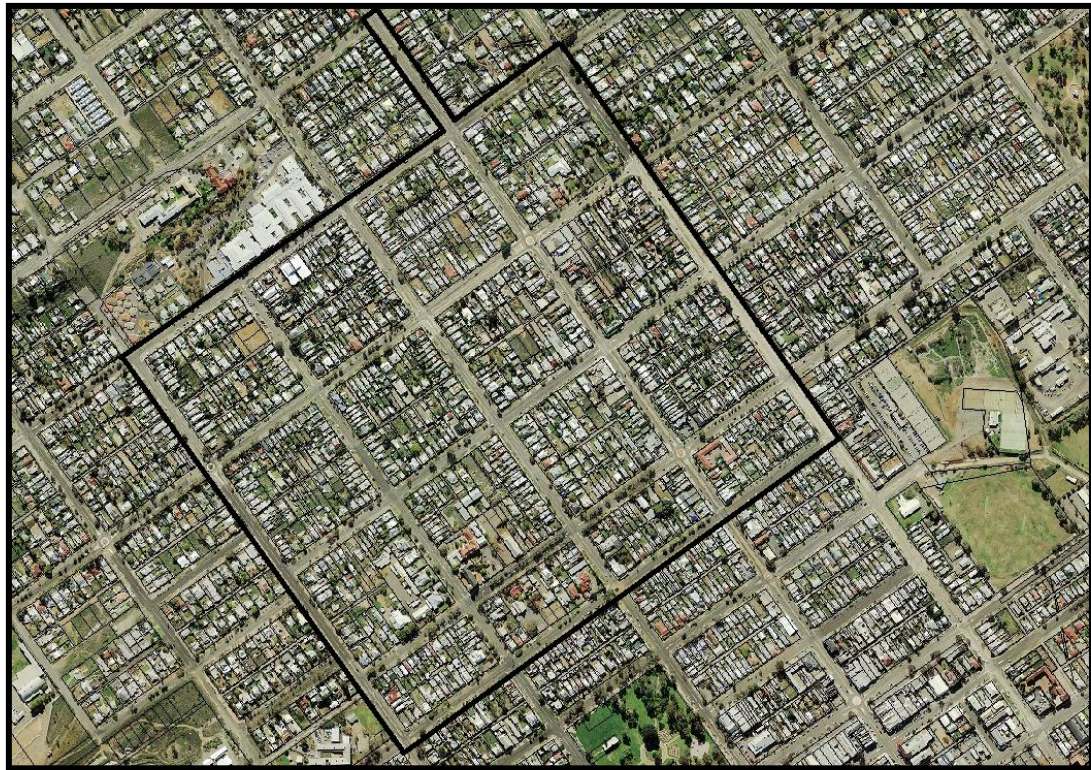
Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area. The only difference between Alcohol Free Zones (which specifically relate to public roads, footpaths and public car parks) and alcohol prohibited areas within Council Parks and Reserves is that two Sections of the *Local Government Act 1993* are in force.

7. Establishment of the Zone

Council considered re-establishment of the zone at its Ordinary Meeting held October 28, 2015 following a period of public exhibition.

8. **Zone Maps**

Zone map (including aerial photography) comprising an area known as Shell Memorial Zone including all public roads and footpaths in an area bounded by Thomas, Bromide, Mica and Iodide Streets including Oxide Street from Thomas Street through to Morgan Street.



SHARON HUTCH
ACTING GENERAL MANAGER

5 November 2015