

RE-ESTABLISHMENT OF ALCOHOL-FREE ZONE

SOUTH BROKEN HILL ZONE – BOUNDED BY BONANZA, PATTON, CENTRAL AND HEBBARD STREETS, INCLUDING SOUTH STREET FROM PIPER STREET THROUGH TO WILSON STREET; WITH EXTENSION FROM BONANZA STREET TO MORISH STREET AND OFF BONANZA STREET FROM WILSON STREET TO PICTON STREET

1. INTRODUCTION

Alcohol-Free Zones established by Council have been operating in Broken Hill since 2002 and promote the use of public roads, laneways, footpaths and car parks in safety.

Alcohol-Free Zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol-Free Zone may have the alcohol in their possession immediately seized and tipped out, or otherwise disposed.

The following outlines Council's recommendation for the re-establishment of the South Broken Hill Alcohol-Free Zone for a further four years, expiring 9 November 2027.

Written comment was sought from all interested persons and organisations regarding the proposal and received within 30 days of public notice. Comments were asked to be forwarded to the General Manager, Broken Hill City Council, PO Box 448, Broken Hill 2880 or alternatively via email to council@brokenhill.nsw.gov.au.

2. BACKGROUND

Council proposed to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the South Broken Hill Alcohol-Free Zone. The boundary of the proposed Alcohol-Free Zone is as follows:

- The Zone known as South Broken Hill including all public roads, laneways, footpaths and public car parks in the area bounded by Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street; with extension from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street, excepting 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 businesses with approved liquor licence and approved outdoor dining.

3. REASONS FOR RE-ESTABLISHING THE ZONE

3.1 Views of the Barrier Police District

The Barrier Police District (which encompasses Broken Hill) remains 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 the main commercial area in South Broken Hill and a significant location for liquor purchases/consumption in public areas. Safety and neighbourhood amenity are prime considerations.

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.

3.2 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 premises.

The re-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 will therefore re-establish the Alcohol-Free Zone for a period of four years.

4. DURATION OF ZONE

The South Broken Hill Alcohol-Free Zone will be re-established for a further four-year period, until 9 November 2027.

5. SUSPENSION OF THE ZONE FOR SHORT PERIODS

The Guidelines and legislation enable 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 of the Alcohol-Free Zone is required to be published in the local newspaper.

6. 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*, which 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.

Written comments were asked to be addressed to:

The General Manager
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

Or by email to the General Manager at council@brokenhill.nsw.gov.au.

Comments were accepted until 30 October 2023, being within 30 days of public notice.

7. 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's 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). The same prohibition has also been introduced by Council at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and at 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.

8. RE-ESTABLISHMENT OF THE ZONE

Council considered the re-establishment of the South Broken Hill Alcohol-Free Zone at its Ordinary Meeting held 29 November 2023, following closure of the period for comment. At this meeting Council resolved to adopt the re-establishment of the Zone.

The public are welcome to attend Council meetings and the order of business at the ordinary monthly meeting includes sessions for public comment on any issue affecting Council or its operations.

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

ZONE MAP

South Broken Hill Zone – Bounded By Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street; with extension from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street.

