

RE-ESTABLISHMENT OF CBD ALCOHOL FREE ZONE



That Council re-establish the Central Business District Alcohol Free Zone as described in the final Proposal attached to this report, for a period of four years from June 25, 2015 to June 25, 2019, that is:

Council re-establish the Alcohol Free Zone in the area generally bounded as follows:

A zone comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets, with the exception of businesses within the Alcohol Free Zone, with approved liquor licence and approved outdoor dining.

June 24, 2015

(Minute No 44980)

A handwritten signature in black ink, appearing to read "Manns".

THERESE MANNS
GENERAL MANAGER

1. Background

Council adopted to re-establish an existing Alcohol Free Zone in Broken Hill. The Alcohol Free Zone is as follows:

- A Zone comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets, with the exception of businesses within the Alcohol Free Zone, with 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 Re-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. Submissions received during public consultation when the zone was re-established in 2011 supported the re-establishment. Anecdotal evidence from local citizens would indicate that Council continues to have the support of the Community to maintain the current Alcohol Free Zone.

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 re-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. In addition, it is concerned for the safety and maintenance of the neighbourhood amenity in the public areas near a number of retirement villages in this zone.

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 now proposes that the Alcohol Free Zone be re-established for a period of four years.

3. Duration of Zone

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

4. Suspension of the Zone for Short Periods

Council intends to provide a mechanism enabling the suspension of the zone for short periods (e.g. 10:00 a.m. to 10:00 p.m.) during special events. Notification of any such suspension of the Alcohol Free Zone will be published in local newspapers.

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 Council's 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). Council introduced the same restriction at Patton Park in 2005. The same prohibition has also been introduced by Council at the Queen Elizabeth Park, Norm Fox Sportsground, ET Lamb Memorial Oval 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. With Sturt Park being located within the Alcohol Free Zone which is proposed for re-establishment, this requirement signposted in Sturt Park is still in force under Section 632A of the Local Government Act, 1993 and the operation of the Alcohol Free Zone is immediately outside the border of the reserve (park).

The ban on alcohol consumption remains, the only difference is that two Sections of the Local Government Act, 1993 are in force.

7. Re-establishment of the Zone

Council considered re-establishment of the zone at its Ordinary Meeting held June 24, 2015 following a period of public exhibition.

8. Zone Maps

CBD Zone maps (including aerial photography) comprising the Central Business District in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills and Gossan Streets.



THERESE MANNS
GENERAL MANAGER

4 June 2015