

# RE-ESTABLISHMENT OF ALCOHOL-FREE ZONE

## CENTRAL BUSINESS DISTRICT (CBD) ZONE – BOUNDED BY CRYSTAL, IODIDE (WOLFRAM), MICA, TALC (MERCURY), GRAPHITE, WILLS, GYPSUM AND GAFFNEY STREETS AND SOUTH ROAD

### 1. INTRODUCTION

**Alcohol-Free Zones** established by Council have now 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 of.

The following outlines Council's recommendation for the largest of its current Alcohol-Free Zones, the Central Business District (CBD) Alcohol-Free Zone, to be re-established upon expiry in June 2023. The City's other Alcohol-Free Zones remain in force.

A period of consultation with interested stakeholders and the general public closed on Sunday, 7 May 2023.

### 2. BACKGROUND

Council proposed to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the Central Business District (CBD) Alcohol-Free Zone. The proposed Alcohol-Free Zone is as follows:

- A Zone comprising the Central Business District (CBD) in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills, Gypsum, Gaffney Streets and South Road; except for businesses within the Alcohol-Free Zone, with an 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.

### 3. REASONS FOR RE-ESTABLISHING THE ZONE

#### 3.1 Views of the Barrier Police District

The Barrier Police District (which encompasses Broken Hill) remains 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 Alcohol-Free Zone is also located in places which attract families and visitors to the town. 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.

The proposed zone also considers other licensed premises within the wider CBD area of Broken Hill; and public park areas and streets, to prohibit the consumption of alcohol in the streets/parks in these areas. This is an additional measure to support the licensed venues that operate in this area, that have a license to sell alcohol either 'on premises' or for consumption 'off premises'.

From a policing perspective, Alcohol-Free Zones are a simple measure to ensure there is a reduction in anti-social behaviour and allow people to enjoy the CBD.

### **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'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.

## **4. DURATION OF ZONE**

Council proposed to re-establish the Zone for a further four year period, from 25 June 2023 to 25 June 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 Local Traffic Committee. Notification of any such suspension of the Alcohol-Free Zone will 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 groups within the local area.

The period for comment closed on Sunday 7 May 2023, with full support to re-establish the CBD Alcohol-Free Zone received from the Barrier Police District.

## 7. 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, E.T. 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.

## 8. RE-ESTABLISHMENT OF THE ZONE

Following the closure of the period for public comment, Council considered re-establishment of the zone at its ordinary meeting held 31 May 2023 and resolved Minute No. 47216, to adopt the re-establishment of the Central Business District Alcohol-Free Zone, for a period of four years from 25 June 2023 to 25 June 2027.

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

## 9. ZONE MAP

Current Central Business District (CBD) Alcohol-Free Zone map shown below, comprising the CBD in an area generally bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills, Gypsum, Gaffney Streets and South Road.



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