



KEMPSEY
Shire Council

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

9th October 2007

DCCS8	ESTABLISHING ALCOHOL FREE ZONES
	FILE: 744 MLB

SUMMARY:

Reporting on requests received from the community regarding the implementation of Alcohol Free Zones.

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At Council's meeting of the 13 September 2005, Council resolved,

"That the need for Alcohol Free Zones in Kempsey Shire be assessed via community and stakeholder consultation by the Social Strategic Planning Committee."

Council had six (6) Alcohol Free Zones that were established between 1993 and 2001. These zones included:

- Kempsey CBD
- Greenhills
- South West Rocks
- Smithtown
- West Kempsey
- South Kempsey

The period for all of these zones has since expired (in 2004).

The process for creating Alcohol Free Zones requires extensive community consultation, the publication of the proposal for a 30-day period, gaining approval from the NSW Police Service and lodging the application with the NSW Anti-Discrimination Board. Following this consultancy and approval process Council is required to pass a resolution to establish these zones.

As part of the consultation process residents of Crescent Head and Stuarts Point were also asked if they wished to apply for an Alcohol Free Zone.

Public consultations were held at the various localities with attendance at the meetings ranging from 10 people at West Kempsey and Greenhills through to no attendance at South West Rocks.

Kempsey CBD

One submission was received advising of their support for the previous Kempsey CBD Alcohol Free Zone to be re-established.

This area covers:

Smith Street from Belgrave Street to Woolworths Car Park (not including Woolworths Car Park)
Belgrave Street from Verge Street to Stuart Street
Clyde Street from Belgrave Street to Forth Street
York Lane from Forth Street to Belgrave Street

A detailed map of this area is attached at [\(Appendix D – Page J5\)](#).

Smithtown

Two (2) submissions were received for the establishment of an Alcohol Free Zone at Smithtown.

The submission sought to cover the following area:

All of Fitzgerald Avenue
Main Street from Fitzgerald Avenue to the riverbank
Croads Esplanade from Main Street to the northern side of the Smithtown Bridge

A detailed map of this area is attached at [\(Appendix E – Page J6\)](#).

West Kempsey

One submission and a petition containing 31 signatures were received for the re-establishment of the West Kempsey Alcohol Free Zone.

This area includes:

Leith Street between Sea and Cochrane Street
Cochrane Street between Leith and North Street
North Street between Cochrane and Sea Street
Gordon Nixon Avenue
Keith Moses Crescent
Milton Barnett Street
Eric Kennedy Street
Roscoe Turner Street
George Hardiman Street

A detailed map of this area is attached at [\(Appendix F – Page J7\)](#).

South Kempsey

One submission was received for the re-establishment of the South Kempsey Alcohol Free Zone.

This area includes:

Middleton Street from Railway line to Horatio Braham Place
Gowings Hill Road from Horatio Braham Place to Maria Street
Bloomfield Street from Railway Line to West Street
Nicholson Street from Queen Street to West Street
Yarravel Street from Railway line to Queen Street
Reginald Ward Street
Harry Boyes Avenue

Railway Street
Queen Street from Gills Creek to Bloomfield Street
Robert Eggins Street
Albert Street from Reginald Ward Street to Bloomfield Street
Vernon Street
West Street from South Street to Theresa Street
Francis Smith Place
Chifley Place
Horatio Braham Place

A detailed map of this area is attached at [\(Appendix G – Page J8\)](#).

Greenhills

One submission was received for the re-establishment of the Greenhills Alcohol Free Zone.

This area includes:

River Street from Nancy Ellis Street to Marramah Place
Marramah Place
Lionel Rose Street
Frank Archibald Street
Dave Sands Street
Dunghutti Place
Nancy Ellis Street.

A detailed map of this area is attached at [\(Appendix H – Page J9\)](#).

South West Rocks

One submission was received with respect to the proposed Alcohol Free Zone at South West Rocks. The submission indicated that the creation of the zone may cause difficulties for local alcohol retail shops. There would also need to be consideration of exemptions for Al Fresco diners at BYO and licensed premises.

Based on this submission Council staff are seeking further information from the NSW Police Service relating to Alfresco Dining in an Alcohol Free Zone and will therefore, form the basis of a separate report to Council.

Crescent Head

Fourteen (14) submissions were received for the provision of Alcohol Free Zones at Crescent Head.

The following Alcohol Free Zones areas are submitted for consideration:

Rankine Street from May Street to Pacific Street including Rankine Street Car park
Main Street from Rankine Street to High Street (grassed median strip)
Pacific Street from Main Street to Hill Street
Hill Street from Main Street to Pacific Street

A detailed map of this area is attached at [\(Appendix I – Page J10\)](#).

Hat Head

Whilst no community consultations were held for the provision of an Alcohol Free Zone at Hat Head a request has been received for the provision of a zone at Hat Head.

The requested area includes:

Myrtle Street from Bay Street to Creek Street
Straight Street from Myrtle Street entry of caravan park.

A detailed map of this area is attached at [\(Appendix J – Page J11\)](#).

Alcohol Free Zones v Alcohol Prohibited Areas

There has been some confusion over the difference between Alcohol Free Zones (covering roads and car parks) and Alcohol Prohibited Areas (covering parks and reserves).

Alcohol Free Zones cover all public roads and car parks within approved zones and are operational 24 hours a day for a maximum of three (3) years.

The NSW Police Service is responsible for enforcement of the Zones. Any person observed drinking within an Alcohol Free Zone must firstly be warned that it is prohibited and given the opportunity to stop drinking. A person who fails to stop drinking after a warning may have the alcohol confiscated and/or may be issued with a fine of \$20.

Alcohol Prohibited Areas prohibit the consumption and possession of alcohol in accordance with the terms of a notice erected by Council - these terms may include the hours of operation of the prohibition. These zones become operational after signposting and give the Police powers to issue substantial on-the-spot fines of \$550. Alcohol Prohibited Areas are applicable on public reserves only.

Council Policy C21:5, "Consumption of Alcohol on Public Reserves", provides for the prohibition on the consumption and possession of alcohol:

- a) on all Public Reserves in Kempsey Shire between 10:00pm and 10:00am, and
- b) for certain nominated Reserves (eg. Riverside Park) a total prohibition 24 hours per day.

Summary

At the Community Safety and Crime Prevention Working Party of the 23rd May 2007 it was resolved:-

"That the Social Strategic Planning Committee be requested that the Alcohol Free Zones be established for twelve (12) months."

This matter was forwarded to the Social Strategic Planning Committee meeting of the 7th August 2007 where it was adopted by the Committee.

In accordance with the guidelines for the establishment of Alcohol Free Zones this matter is now forwarded to Council for consideration.

Once the new signage is erected the public will be notified through the media that these zones will commence on 1st December 2007 (or seven days after advertisement).

REPORT IMPLICATIONS:

- ***Environmental***

The environmental impacts of this report are that appropriate signage would need to be erected for these areas. This, depending on the frequency of signage, may affect the aesthetics of the areas signposted.

- ***Social***

Anti-social behaviour related to the consumption of alcohol is having an ever-increasing impact on the community. The implementation of Alcohol Free Zones will assist in addressing this.

- ***Economic (Financial)***

New signage would need to be provided at approximately \$250 per sign. At this stage, it is unknown exactly how many signs are required. However, on the basis of approximately 120 signs (90 replacement and 30 new) being required to adequately cover the areas mentioned in this report a budget of approximately \$20,000 would be required. There is no provision in Council's 2007/08 Budget for this expenditure.

- ***Policy or Statutory***

The process being undertaken for the implementation of Alcohol Free Zones is in accordance with the Ministerial Guidelines on Alcohol Free Zones.

- ***Director's Review***

Council has been urged to support the implementation of the Alcohol free Zones in order to reduce anti-social behaviour in certain sectors of the community.

The process of establishing Alcohol Free Zones has required significant consultation and time. Whilst the recommendation of the Community Safety and Crime Prevention Working Party was for the Zones to be established for twelve (12) months it is recommended that they be for the maximum period of three (3) years to ensure the community is not left without adequate cover in the future, and in view of the substantial effort and cost to establish the Zones.

Council needs to consider the impact that the establishment of Alcohol Free Zones will have on the promotion of Al fresco dining at BYO and licensed premises. It is for this reason that the proposal for an Alcohol Free Zone at South West Rocks has been deferred. This issue could arise in other areas in the near future, but Council could address these if and when they eventuate.

On previous occasions Council has questioned the effectiveness of the regime for Alcohol Free Zones as a deterrent for anti-social behaviour on the basis of establishment costs, policing requirements, and weak penalty provisions.

If Council is of a mind to not accept the Recommendation, the matter could be referred back to the Social Strategic Planning Committee for assessment of effectiveness and consideration of funding issues.

RECOMMENDATION:

1. That Council establish Alcohol Free Zones as identified within the Directors Report.
2. That the Alcohol Free Zones be effective for a period of three (3) years commencing from the 1st December 2007.
3. That the public are notified in the media seven (7) days prior to the commencement of the Alcohol Free Zones.
4. That an allocation of \$20,000 be provided from Working Funds for the erection of the required signposting to delineate the areas of the Alcohol Free Zones.

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G B Snape
DIRECTOR CORPORATE AND COMMUNITY SERVICES