



**DIRECTOR CORPORATE AND COMMUNITY SERVICES
SUPPLEMENTARY REPORT**

11th December 2007

DCCS20	ESTABLISHING ALCOHOL FREE ZONES
FILE: 744	KEO {Folio No. *}

SUMMARY:

Reporting on a request received from the NSW Police regarding the implementation of Alcohol Free Zones to assist in police operations during the Christmas Holiday period.

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BACKGROUND

At Council's meeting of the 13th 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."

At Council's meeting of the 9th of October 2007 the following recommendations were put to Council for consideration:

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.

At the meeting of the 9th October 2007 Council resolved:-

That this report be referred back to the Social Strategic Planning Committee for further consideration.

The Social Strategic Planning Committee (SSPC) could not hold the meeting scheduled for November due to a lack of a quorum.

However at this time the Police representative made a verbal request that Alcohol Free Zones be established in preparation for the Christmas holiday operations.

As previously reported the following areas have been identified for Alcohol Free Zones. Out of date signage is erected in all locations with the exception of Hat Head and Crescent Head – these are newly identified zones.

An extract from the previous report to Council on 9th October 2007 is reproduced hereunder -

“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.

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 [\(Appendix G – Page J26\)](#).

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 [\(Appendix H – Page J27\)](#).

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 [\(Appendix I – Page J28\)](#).

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 [\(Appendix J – Page J29\)](#).

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 [\(Appendix K – Page J30\)](#).

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.

A detailed map of this area is attached at [\(Appendix L – Page J31\)](#).

Crescent Head

Fourteen (14) submissions were received for the provision of Alcohol Free Zones at Crescent Head. However, there has been some confusion over the difference between an Alcohol Free Zone (including roads and car parks) and Alcohol Prohibited Zones (covering parks and reserves).

It should be noted that there is a difference between Alcohol Free Zones and Alcohol Prohibited Zones.

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 value of fines issued under these zones is \$20.

Alcohol Prohibited Zones prohibit the consumption and possession of alcohol from 10pm one day until 10am the next. These zones become operational after signposting and give the Police powers to issue substantial on-the-spot fines of \$550. Alcohol Prohibited Zones are applicable on public reserves only. Council policy C21:5, Consumption of Alcohol on Public Reserves, provide details on the public reserves this policy applies.

Based on the information provided above 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 [\(Appendix M – Page J32\)](#).

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 [\(Appendix N – Page J33\)](#)."

It is acknowledged that the Department of Local Government is currently reviewing Alcohol Free Zone Policy. It is recommended in light of this review and considering the request received from the NSW Police, Kempsey Office that a 12month Alcohol Free Zone be implemented in the above noted areas, excluding Alfresco dining areas.

Out dated signage exists in some areas, the known exceptions being Kempsey CBD, Hat Head and Crescent Head. It is proposed that existing signage be updated with "stickers" noting new enforcement dates. Due to the time constraints in ordering permanent signage for Kempsey CBD, Hat Head, and Crescent Head, it is proposed that in the interim temporary signage be erected.

Council is required to provide notice of the Alcohol Free Zone areas via the media seven (7) days prior to the commencement of Alcohol Free Zones

REPORT IMPLICATIONS:

- **Environmental**

Minimal environmental impact as existing signage will be updated and temporary signage will be erected. Permanent signage in the areas of Hat Head and Crescent Head will have minimal impact.

- **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)**

An allocation of \$6,000 will be required from existing Crime Prevention budget of \$10,000 for the provision of stickers and temporary signage. Permanent signage for Kempsey CBD, Hat Head and Crescent Head will require an additional \$10,000 currently not budgeted for.

- **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 is in support of the request from Kempsey Police, the cost and benefit of establishing Alcohol Free Zones is seriously questioned.

Recent press articles have indicated that Police were to be given greater powers to deal with people where "drunken behaviour was likely to cause injury or property damage or risk public safety". See copy attached at [\(Appendix O – Page J34\)](#).

Whilst it appears that appropriate legislation is yet to be formally enacted, the State Government is pursuing the recommendations arising from the 2003 Alcohol Summit.

RECOMMENDATION:

1. That Council establish Alcohol Free Zones as identified within the report.
2. That the Alcohol Free Zones are operational for a period of 12 months commencing from the 21st December 2007.
3. That Council allocate \$6,000 from the Crime Prevention budget for the provision of stickers and temporary signage.
4. That provision of funds \$10,000 be allocated to install permanent signage at Kempsey CBD, Hat Head and Crescent Head.
5. That the public are notified in the media seven (7) days prior to the commencement of the Alcohol Free Zones.

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G B Snape
DIRECTOR CORPORATE & COMMUNITY SERVICES