

5. Alcohol Free Zone – Eden

This report recommends the establishment of an alcohol free zone in Eden and the declaration of the grounds of the log cabin as a reserve where the consumption of alcohol is prohibited.

Group Manager, Infrastructure

BACKGROUND

Acting on a NSW Police request, a proposal for an alcohol free zone (AFZ) was advertised as required by the State AFZ guidelines with general submissions closing on 12 December 2008. Other parties were directly notified in accordance with the guidelines, with responses sought by the end of December.

Three submissions were received:

- Management committee of Council's log cabin on the corner of Maling Street and Bass Street suggesting that the restrictions in other streets would exacerbate the current vandalism and other problems experienced in the vicinity of the log cabin. The committee requested that the area of the proposed AFZ be extended to include Bass Street from Maling Street to Imlay Street and Maling Street from Bass Street to Mitchell Street (the Princes Highway).
- Resident of Maling Street. Concerned about the existing vandalism, bottle smashing, brawling, noise and littering in Maling Street. Same suggestion made for extension of the proposed AFZ.
- Second resident of Maling Street. Similar concerns about vandalism, nuisance, antisocial behaviour and noise. Same suggestion made for extension of the proposed AFZ.

Two of the three submissions referred to the suggested extension including the grounds of the Log Cabin.

AFZ's can only apply to roads, footpaths and public carparks and are intended to assist in promoting the use of roads, streets and public carparks in safety and without interference from irresponsible drinkers. The intention is that they are established to provide short term control measures for the NSW Police who have responsibility for enforcing the zones. Council as the asset manager has the responsibility for the establishment of AFZ's. The Police have advised that AFZ's are useful in that they provide another tool to enable them to deal with irresponsible behaviour of alcohol drinkers where it occurs on public lands.

The grounds of the Log Cabin cannot be part of an AFZ but can be declared a reserve where the consumption of alcohol is prohibited and the recommendation at the end of this report includes that proposal.

40 In terms of the Ministerial Guidelines, it needs to be noted that AFZ's should be as small as possible and must only extend to areas that can be supported by good reasons for their establishment. AFZ's should, according to the Guidelines, be primarily located adjacent to outlets supplying alcohol where drinkers congregate. In the absence of such an outlet an AFZ should only be considered in 'exceptional circumstances'.

It is not considered that the extension suggested in the three submissions complies with the guidelines and the recommendation to Council is to limit the area to that requested by the NSW Police. It is open to Councillors to include the extension in Bass and Maling Streets.

Included with this report are the AFZ proposal which includes a sketch of the proposed AFZ and a separate sketch showing the AFZ area if the requested addition is included.

ISSUES

50 **Asset**

Additional signage would be erected which would be Council's maintenance responsibility.

Social / Cultural

As stated in the background comments AFZ's provide another tool for NSW Police in their attempts to reduce the impact of anti-social behaviour on the community.

Consultation

Has been undertaken in accordance with the AFZ guidelines.

Financial

60 The cost to Council of establishing and maintaining AFZ's has not been specifically funded in Council's budget. Should the application from the NSW Police be approved the costs of erecting signs can be funded from the signage vote. The initial costs are estimated at about \$600. Extension to include the two other streets as requested in the submissions received would add around another \$600 to the costs. The costs of establishment would be low because there are already posts sited at most of the points where signs would be required. It is possible that the AFZ's may reduce some of the costs to Council of cleanup and repair after anti social behaviour. Other costs such as advertising and staff time are additional.

CONCLUSION

70 While there is some debate on the general effectiveness of AFZ's the NSW Police believe such a zone would be useful in Eden and have requested its establishment. The Police are the agency with the on ground responsibility for controlling people who

have consumed too much alcohol and it is considered that the request should be approved.

RECOMMENDATION

1. That the application from the NSW Police Service for the establishment of an alcohol free zone in Eden on Imlay Street from Bass Street to Chandos Street, and along Chandos Street from Imlay Street to Flora Street (as depicted in the map in the report to Council) be approved in accordance with Section 644B of the Local Government Act 1993.
2. That the alcohol free zone in Eden be established for a period of three years and that the establishment of the zone be publicised in the local press once all signposting has been erected.
3. That the Council owned log cabin site on the corner of Maling and Bass Streets, Eden be declared a reserve in which the consumption of alcohol is prohibited in accordance with Section 632 of the Local Government Act.

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**BEGA VALLEY SHIRE
COUNCIL**

**Alcohol Free Zone Proposal
Eden**

DRAFT

November 2008



Proposal for Alcohol Free Zone - Eden

The proposal is for a zone which covers Imlay Street from Bass Street to Chandos Street and Chandos Street from Imlay Street east to Flora Street as per the attached map.

As proposed the zone would be in place for a period of 3 years from the time it is put in place.

Alcohol Free Zones are established under s644 of the Local Government Act and regulated by the NSW Police Service.

The application for the zone was made by the NSW Police and reasons included in the application were:

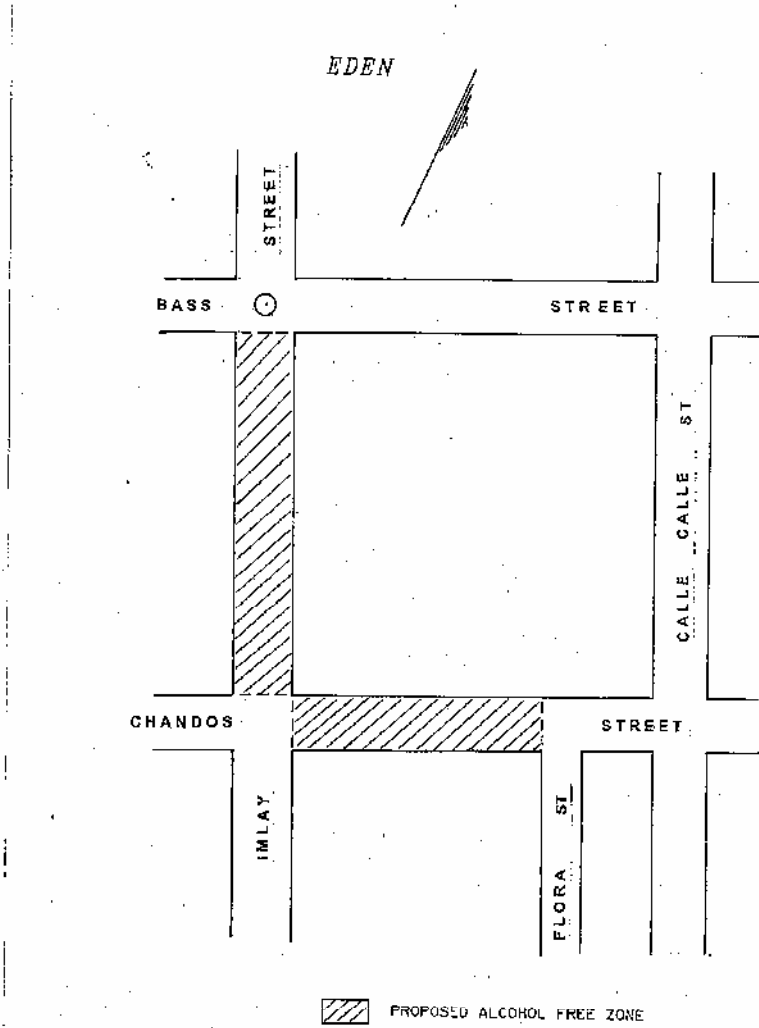
There has been an increase in the amount of alcohol related crime (ARC) in the Eden area which has been predominantly occurring in the main street, in close proximity to the licensed venues within that area. Street Offences, which include offences such as offensive behaviours, language, obstruction matters, and alcohol offences in regards to minors in public places indicate that during the period from July 2005 to June 2006, 95% of all these offences were alcohol related. The period July 2006 to June 2007 accounted for over 81% which were alcohol related and the period from July 2007 to June 2008 accounted for 75% of all reported street offences being alcohol related.

A further download of statistical data for the period October 2007 to September 2008 where people have indicated that they have consumed alcohol when involved in a street offence has indicated that 53% of males, 50% of females and 100% of juveniles have all indicated that they consumed their last drink in a public place prior to being spoken to by police.

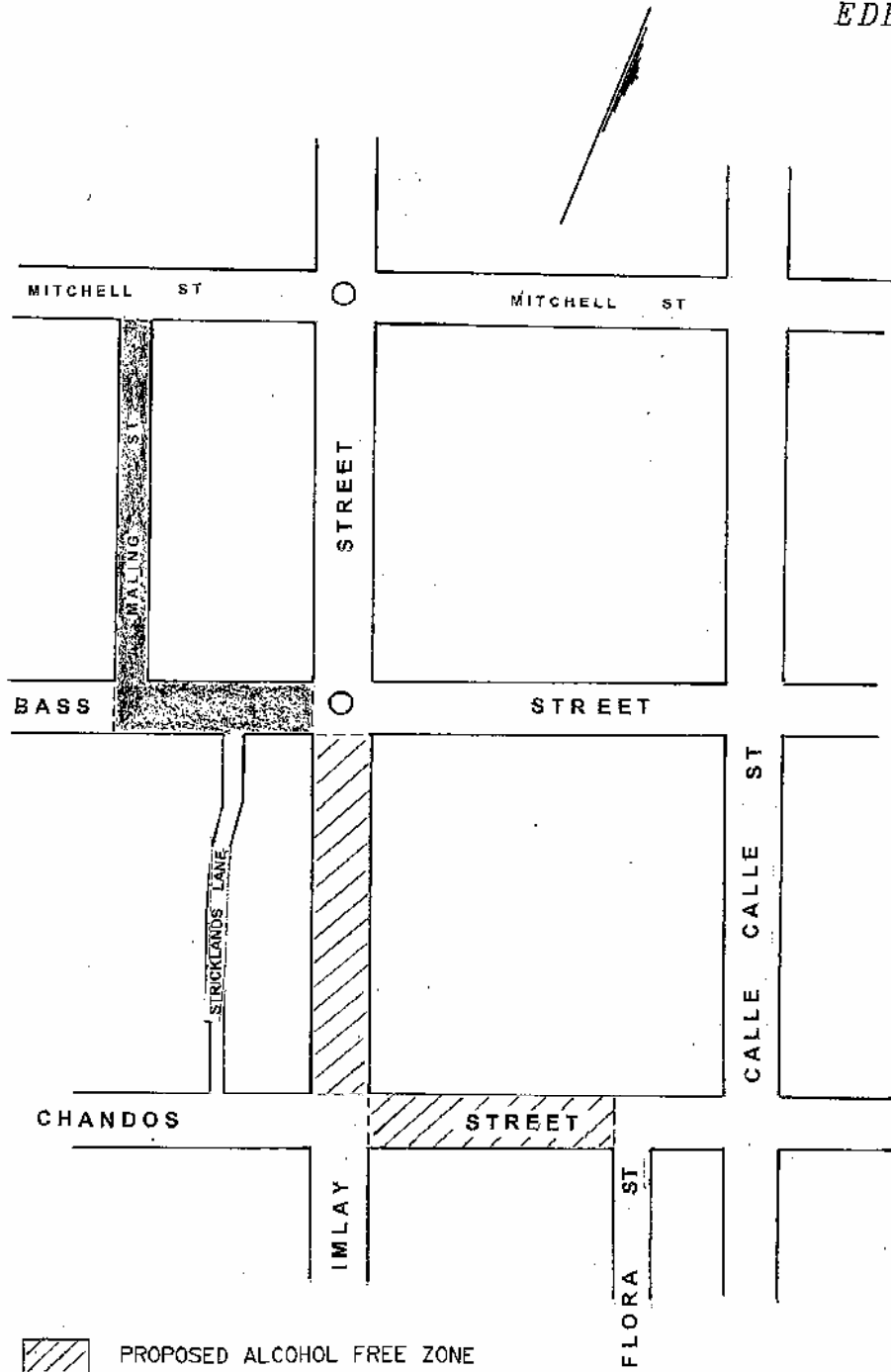
The introduction of the anti-smoking legislation in licensed venues has seen a dramatic increase in people congregating on footpaths and consuming alcohol whilst smoking. The congregation of patrons has resulted in an intimidation factor (albeit unintentionally) with many pedestrians crossing the road to avoid having to walk amongst patrons from licensed establishments. It has also resulted in a number of complaints relating to the footpaths being obstructed as a result of the large number of patrons milling in these locations.



The establishment of Alcohol Free Zones in the locations requested will provide police with a tool to reduce the incidence of these types of issues. It will also place an onus on the licensees of licensed venues in Imlay Street, Eden to ensure that alcohol is not consumed within an alcohol free zone (footpaths outside their venues) and would assist in the alleviating of number of alcohol related crime problems currently being experienced in the Eden area.

Council will receive written submissions regarding the proposed Alcohol Free Zone up until 5pm Friday, 12 December 2008.



EDEN



-  PROPOSED ALCOHOL FREE ZONE
-  REQUESTED EXTENSION TO ALCOHOL FREE ZONE