Proposed re-establishment of Alcohol Free Zones in Medowie and Shoal Bay

September 2022 - 2026

FILE NUMBERS

PSC2018-03515

LEGISLATION & POLICY

Local Government Act 1993 (NSW)

Ministerial Guidelines on Alcohol Free Zones 2009

Liquor Legislation Amendment Bill 2010

FIGURES

1. Shoal Bay Alcohol Free Zone
2. Medowie Alcohol Free Zone and proposed extension
3. Incidents, by type, with an alcohol factor in Medowie (October 2021 – March 2022)
4. Incidents, by type, with an alcohol factor in Shoal Bay (October 2021 – March 2022)

PROPOSAL

This proposal seeks to re-establish the exiting Alcohol Free Zones (AFZs) in Medowie and Shoal Bay and extend the Medowie AFZ. The AFZ will be established for a period of four (4) years, operating for 24 hours a day in accordance with Section 644A of the Local Government Act 1993 (NSW).

It is proposed to extend the Medowie AFZ west along Ferodale Rd to the intersection with Kirrang Drive, north on Peppertree and Medowie Roads to Muir Street and along the entire length of Muir Street as shown in red hatching in Figure 1.

The proposal is the result of a request from the NSW Police - Port Stephens Hunter Police District (PSHPD) to have Alcohol Free Zones retained in the subject areas.

BACKGROUND

The Ministerial Guidelines on Alcohol Free Zones 2009 (the Guidelines), which supplement the relevant provisions of the *Local Government Act 1993* (NSW), enable Council to prepare a proposal to establish an Alcohol Free Zone on a public road, footpath or public carpark. Private car parks (being on private land and not under the control of the council) may not be included. Council managed car parks, located on private land which is leased by Council may be included in the AFZ. In some circumstances an AFZ may be proposed for an area that includes cafés or restaurants with footpath alfresco dining areas, however these are exempt from the enforceable zone if the business holds a current appropriate liquor license.

An AFZ can be established for a period of up to four years, with the enforceable zones operating for 24 hours per day.

A request to establish an AFZ can be submitted by any person living or working in the area, the local police or a local community group. Alternatively, a local council itself can decide to establish an AFZ.

The principal objective of an AFZ is to prevent disorderly behavior caused by the consumption of alcohol in public areas in order to improve public safety.

Evidence indicates that when AFZs are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police to manage alcohol-related crime and improve public safety. Within an AFZ, an enforcement officer has the power to issue warnings, seize and dispose of alcohol or charge an uncooperative person with obstruction under section 660 of the *Local Government Act 1993* (NSW), which carries a maximum penalty of $2,200.

Police have noted the success of the existing AFZs in reducing alcohol related crime and anti-social behaviour, but have indicated that alcohol remains a factor for crimes such as assault, malicious damage and anti-social behaviour in these areas. The number of such offences would likely increase should the AFZs not be re-established.

PUBLIC CONSULTATION

Should Council endorse the proposal, public consultation will be undertaken in accordance with section 644A of the *Local Government Act 1993* (NSW), as follows:

- A notice will be published on Council's website, advising that Council proposes to re-establish the AFZs and expand the Medowie AFZ. The notice will clearly indicate the location and hours of operation of the proposed AFZs, the location, dates and times that the proposal can be inspected and will invite public comment to be made on the proposal within 30 days of the notice being published; and
- A copy of the proposal will be provided to the Port Stephens Hunter Police District and local licensed premises within the AFZ areas, allowing 30 days to provide a response.

Should objections to the proposal be received, a further report will be made to Council addressing the submissions, together with an amended proposal if required.

DURATION OF ALCOHOL FREE ZONES

Under section 644(3) of the *Local Government Act* (1993), Council can resolve to establish an AFZ for a maximum period of four years. Once established, an AFZ applies for 24 hours per day.

The AFZs will become operational 7 days after a notice advising of their establishment has been published on Council's website and the affected areas are adequately signposted.

PROPOSED LOCATION

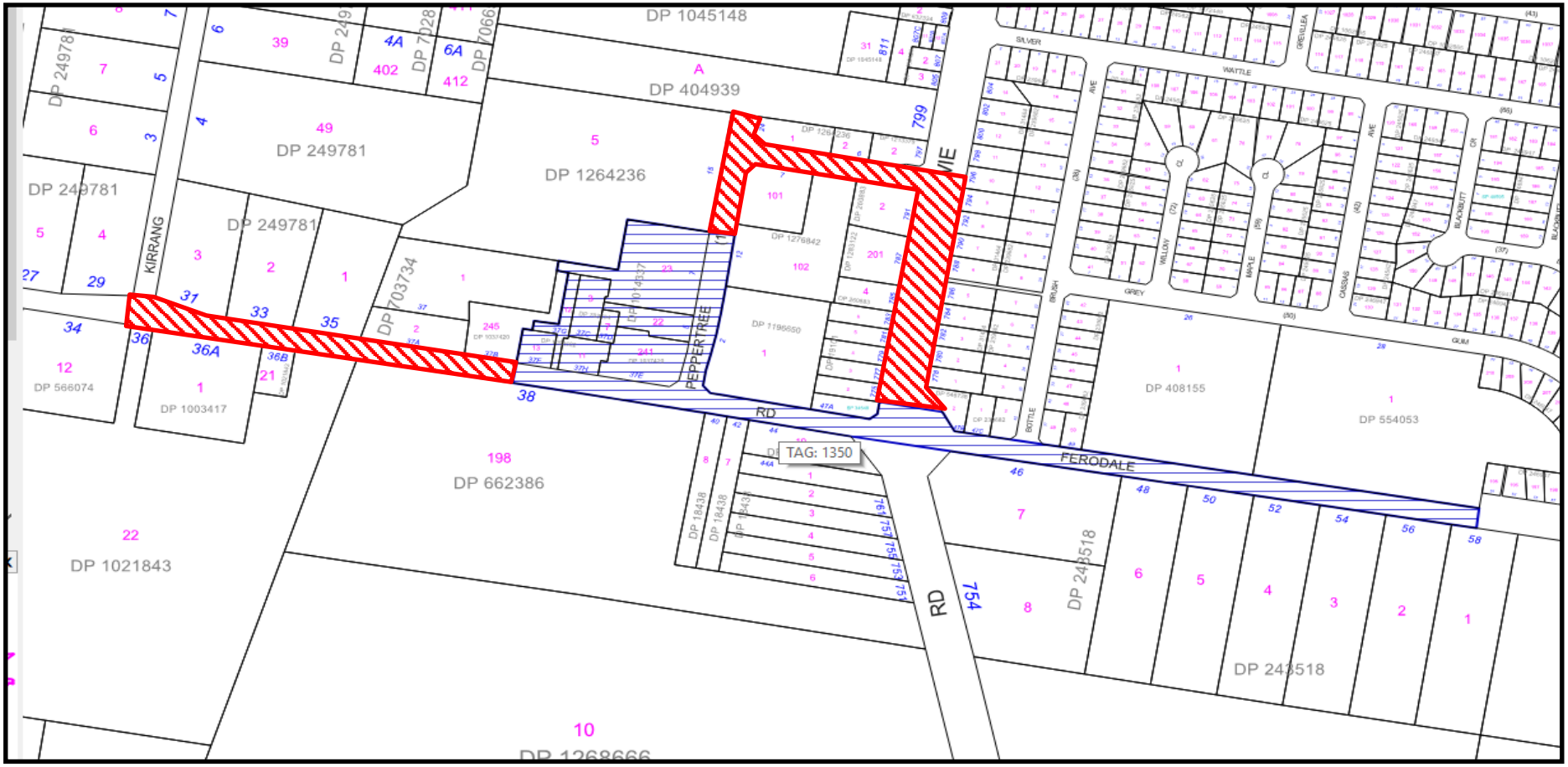

Figure 1: Medowie Alcohol Free Zone and proposed extension (shown in red hatching)

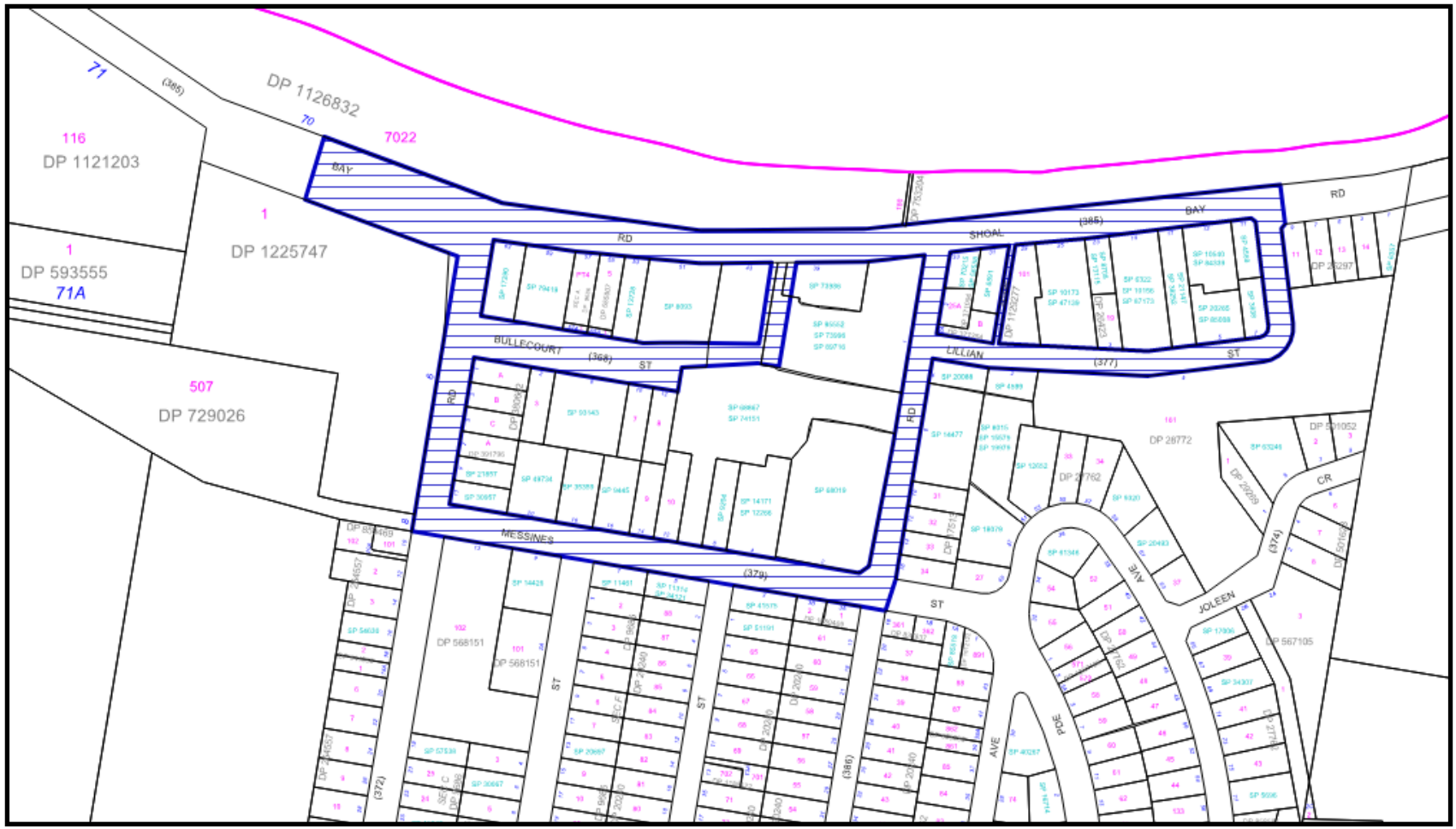

Figure 2: Shoal Bay Alcohol Free Zone

CRIME STATISTICS

Medowie

Figure 3 shows that a number of incidents, with alcohol as a factor, occurred in Medowie over the last 6 months, with the type of incidents varying considerably. Re-establishing the AFZs will continue to provide Police with a useful tool to manage this range of offences.

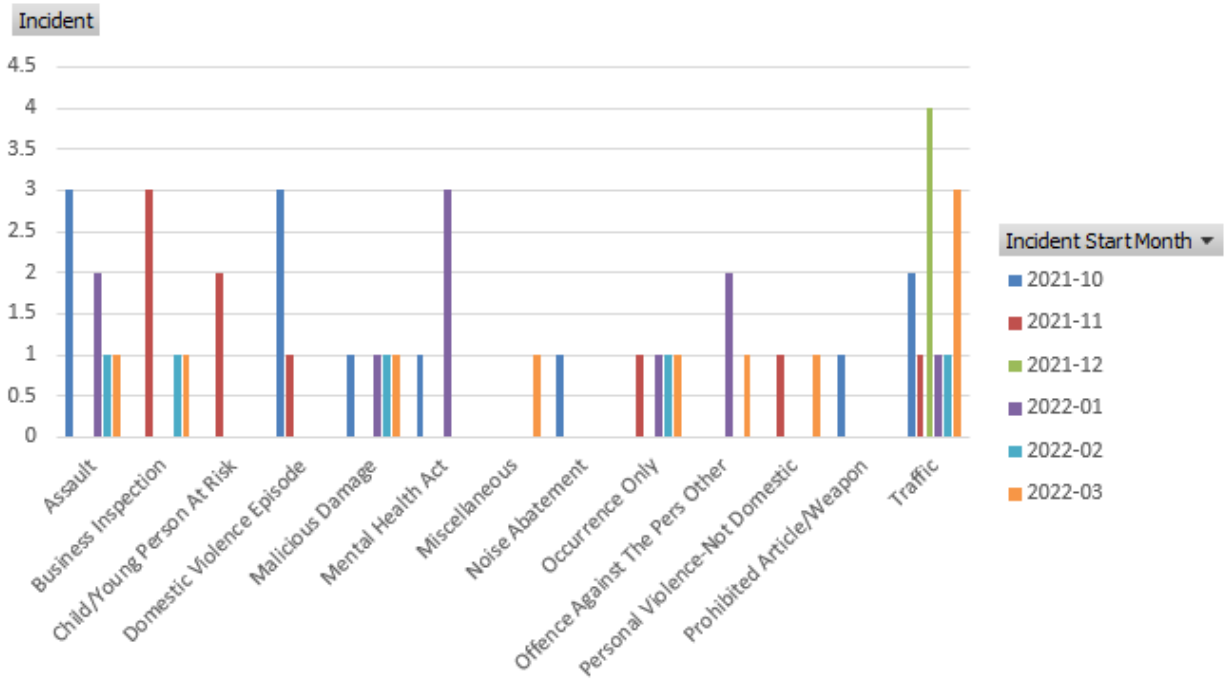

Figure 3: Incidents, by type, with an alcohol factor in Medowie (October 2021 – March 2022

Shoal Bay

Figure 4 shows the number of incidents, with alcohol as a factor, which occurred at Shoal Bay in the last 6 months. Re-establishing the AFZs will continue to assist Police in the management of this alcohol-related anti-social behaviour.

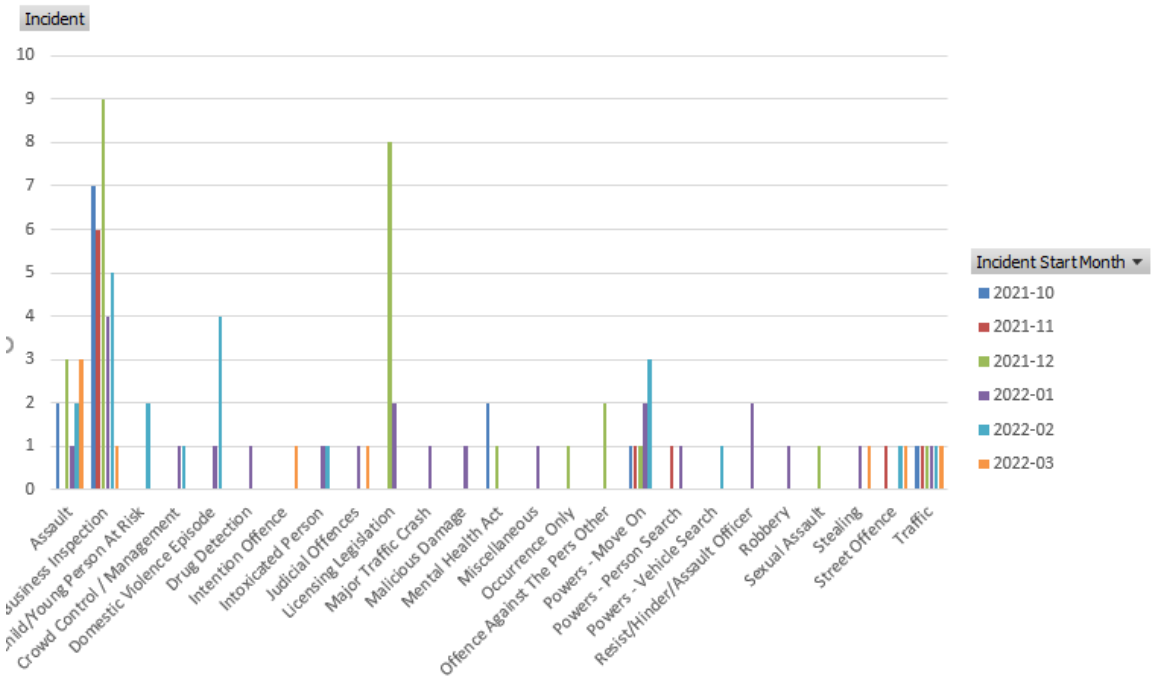

Figure 4: Incidents, by type, with an alcohol factor in Shoal Bay (October 2021 – March 2022)

CONCLUSION

The re-establishment of the AFZs in Medowie and Shoal Bay, and the extension of the Medowie AFZ, should be supported as the NSW Bureau of Crime statistics presented above indicate that alcohol-related crime is still occurring in these areas.

Local Police recommend the re-establishment of AFZs and have confirmed that the AFZs will continue to assist them in managing and enforcing alcoholrelated offences, containing anti-social behaviour and providing a safe street environment in these communities. Police have expressed concern that if alcohol consumption was permitted in these areas, anti-social behaviour would escalate to a significant level. It is therefore recommended that the AFZs be re-established for a period of four years.