

### **CM13.5. Review Alcohol Free Zones and Alcohol Prohibited Areas 2022**

<b>DATE</b>	9 August 2022	<b>FIL REFERENCE</b>	FIL22/00002
<b>CONFIDENTIAL</b>	No		
<b>FURTHER ENQUIRIES</b>	Simona Coad Community and Place	<b>PHONE</b>	6023 8145
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#### **Purpose of Report**

To provide Council with a review of the proposed establishment of Alcohol-Free Zones (AFZs) and Alcohol Prohibited Areas (APAs) in the Albury Local Government Area (LGA) and seek endorsement of the recommendations.

#### **Background**

The purpose of AFZs and APAs is to prevent anti-social behaviour and alcohol-related crime in public. These provide a short-term and early intervention measure for AlburyCity to prohibit alcohol consumption in public spaces. While AFZs and APAs are established and maintained by AlburyCity, their enforcement is undertaken by the NSW Police alone.

AFZs relate to public places that are public roads, footpaths, or public car parks within a defined area where the consumption of alcohol is always prohibited, except for that part of a public road that has Council approved footpath dining facilities and relevant liquor licence approval.

APAs relate to parks or parts of a public place within a defined area where the consumption of alcohol is always prohibited or is declared for specific days, times, or events.

Controls on alcohol consumption in public spaces are widely used by local governments across New South Wales to curb alcohol-related problems and anti-social behaviour. Moreover, legislative control at the local level is employed as a preventative measure Australia-wide. While the terms may differ across states, such as 'Dry Zone' or 'Dry Area', together with different procedural requirements, the principal aim of the preventative measure is the same.

Since 2009, AlburyCity has established AFZs and APAs across the Albury LGA to help assist and support the local Police in the prevention of anti-social behaviour and street crime. However, it should be noted that it is not a mandatory requirement for councils to undertake this preventative measure as delineated under the *Local Government Act 1993* (the Act).

Council, at its 25 October 2021 meeting, resolved to re-establish two AFZs for a period of 12 months in the Albury and Lavington Central Business Districts (CBDs) and three APAs in QEII Square, the Botanic Gardens and in Noreuil Park on Australia Day from 9.00am to 9.00pm. These current permits are due to expire at midnight on 23 December 2022. In addition, Council resolved that officers:

*"Provide a further report to Council reviewing all areas and zones beyond December 2022."*

Consequently, a comprehensive assessment was commenced to review the establishment of potential AFZs and APAs. This review was conducted in accordance with the project scope and Stakeholder Engagement Plan – Alcohol-Free Zones and Alcohol Prohibited Areas Review 2022, that was endorsed by Council at the 27 June 2022 Council meeting.

This review and subsequent feedback from our community is provided below.

### **Issues**

The review and establishment of Alcohol-Free Zones and Alcohol Prohibited Areas align to the following Towards Albury 2050 outcomes:

- *A Caring Community*  
3.5 Albury is a safe, inclusive, and accessible region for our entire community.
- *A Leading Community*  
4.2 AlburyCity engages with its community by being included in two-way conversations that contribute to local decision-making.

This project will also support one of the stated visions of the 2C1C Community Strategic Plan:

- *Our Community*  
3.4 We are a caring, equitable and inclusive community.

### **Review**

The Act defines the establishment of AFZs in the provisions of Sections 642 - 648 and APAs are defined within the provisions of Section 632A, including the *Local Government Amendment (Confiscation of Alcohol) Act 2010* which is supplemented by the *Ministerial Guidelines on Alcohol-Free Zones*, issued February 2009 and *Alcohol Prohibited Areas Amendments*, updated December 2010 by the NSW Office of Local Government (OLG).

Note, the OLG confirms no further updates have been released since the last Ministerial Guidelines were published in December 2010.

Accordingly, as required by legislation a proposal for the establishment of an alcohol-free zone must address the following matters, which have guided this review process:

- Examine the reasons for supporting AFZs and/or APAs including any statistical evidence relating to disorderly behaviours caused by the consumption of alcohol in public spaces.
- Determine appropriate location(s), if any.
- Determine the appropriate extent and timeframe for permits including recognising any specific 'special events' of significance to Albury, and
- Effectively engage key stakeholders including members of the NSW Police Murray River Police District and the broader community in the preparation of a proposal to establish AFZs and APAs.

### Statistical support

According to data collected from the NSW Bureau of Crime Statistics and Research (BOCSAR), since the establishment of AFZs and APAs across the Albury LGA in 2009 by Council, the incidents of liquor offences in the Albury LGA have shown a downward trend of 11.1% per year over this 13-year period. While across NSW during the same period, the data indicates a 6.8% per year downward trend.

A limitation of this data should be noted that liquor offences as a crime type include the police incident categories of not only 'consume alcohol in an alcohol-free zone', but also 'consume alcohol in public by minor', and Licensing Legislation Offences such as an offence by licensee/employee/secretary/minor/customer, supply liquor to juvenile, or an offence against registered clubs. These different crime categories need to be accounted for when considering the data sets outlined above for reported liquor offences. BOCSAR does not provide data at the police incident category level.

While the incidents of liquor offences are declining in the longer term, in the shorter term there has been a significant upward spike of incidents from April 2020 to March 2022 by a per cent change of 114.3% across the Albury LGA. The impacts of the health pandemic during these two years may be attributed to this increase.

When Council originally established the permits, it used the high crime figures in these initial locations as justification for the need for the measure. While there has been a general reduction in crime rates in Albury since this time, the Albury LGA is showing an upward trend in the crime types of domestic violence-related assault and malicious damage to property. There is a well-known association in the literature between the rates of alcohol consumption and these crime types.

Police reported the incidences of their enforcement of the alcohol-free zones have been low in the past few years, in part due to Covid-19 restrictions on businesses. However, whilst this indicates that the zones are being adhered to by people, it should not be automatically concluded that the education process has worked and that the zones are no longer required. To maintain the current low incidence of street drinking it is recommended that the zones and areas be maintained.

### Locations

As outlined in the Act, the proposed alcohol-free zones cover public roadways, footpaths, and car parks, while the alcohol-prohibited areas cover parks and other public areas gazetted for specific times. The proposed maps of AFZs and APAs are shown in Attachments 1, 2 and 3 for the Albury CBD, the Lavington CBD, and Parks, respectively. These maps show current permit boundaries with the proposed boundary extensions and reductions.

### *Albury CBD*

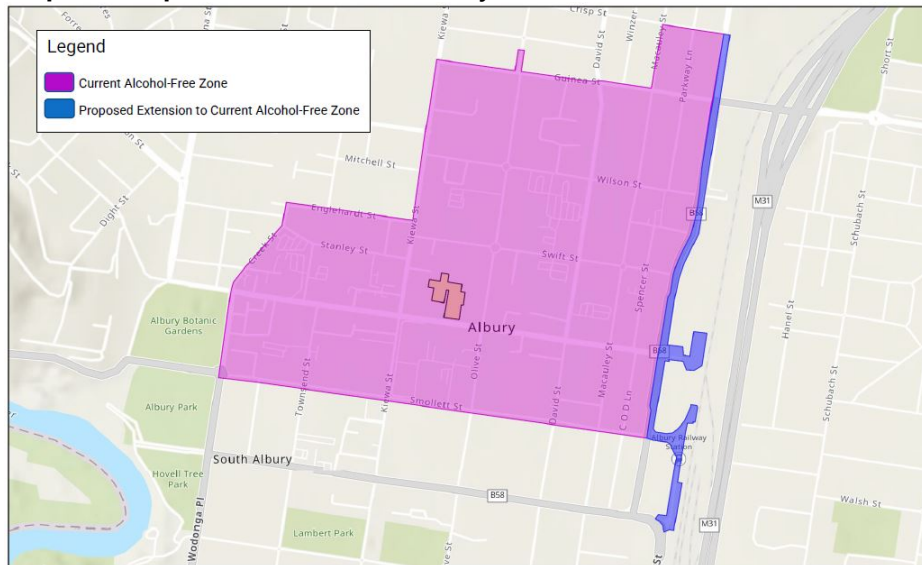
**Current AFZ boundaries** - includes the streets, laneways and footpaths bound by Smollett Street from Young Street west to Wodonga Place, Creek Street, Englehardt Street, Kiwa Street, Guinea Street, and part of Olive Street north, Macauley Street, Crisp Street to Young Street south.

**Proposed AFZ boundaries** - includes the current locations as listed above and extends the boundary to include both sides of the roadway for Young Street, encompassing the Dean Street Plaza / Nasho Garden to the Harold Mair Bridge and the Railway Station precinct in Railway Place to Atkins Street.

**Rationale** - the proposed extension to the current boundary is supported by Police data and supports the various requests from both external and internal key stakeholders to include these locations into the re-establishment of the current AFZ in the Albury CBD.

The following map illustrates the current and proposed boundaries of the AFZ in the Albury CBD.

#### Proposed Map Alcohol-Free Zone Albury CBD 2022-2026



#### Lavington CBD

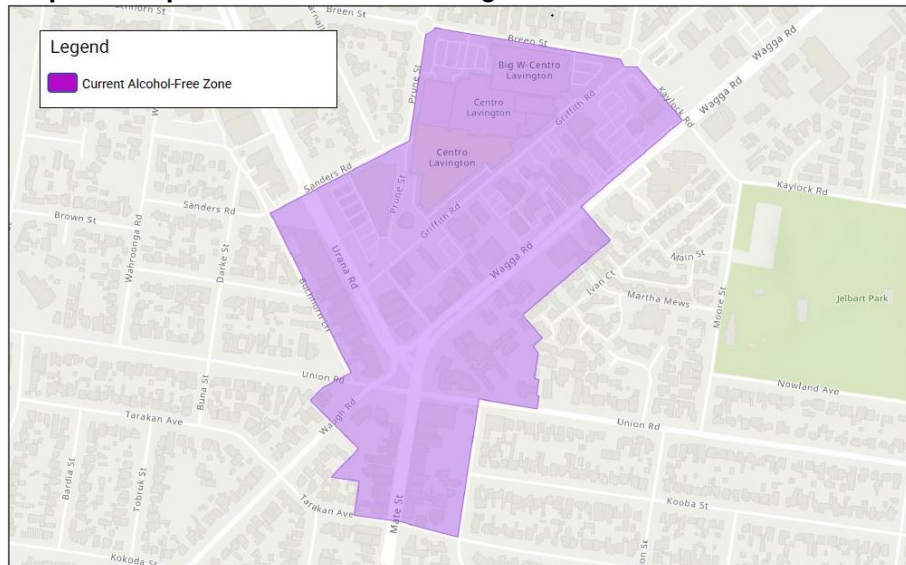
**Current AFZ boundaries** - includes the streets bound by Mate Street, Gulpha Street, Corella Street, Union Road, Wagga Road, Kaylock Road, Breen Street, Prune Street, Sanders Road, Urana Road, Buchhorn Lane, Union Road, and Tarakan Avenue.

**Proposed AFZ boundaries** - represents no change to the current permit boundary as described above.

**Rationale** - the area continues to necessitate the measure to support the Police in their actions to maintain the current low incidence of street drinking in the Lavington CBD.

The following map illustrates the current and proposed boundaries of the AFZ in the Lavington CBD.

### Proposed Map Alcohol-Free Zone Lavington CBD 2022-2026



Note, the AFZs do not override the service and consumption of alcohol in association with footpath dining, this is to enable outdoor dining to continue and expand as businesses in the zones are established with the appropriate liquor licences.

#### *Parks*

**Current APA locations** - include the parkland areas of QEII Square, Botanic Gardens, and Noreuil Park on Australia Day from 9am to 9pm.

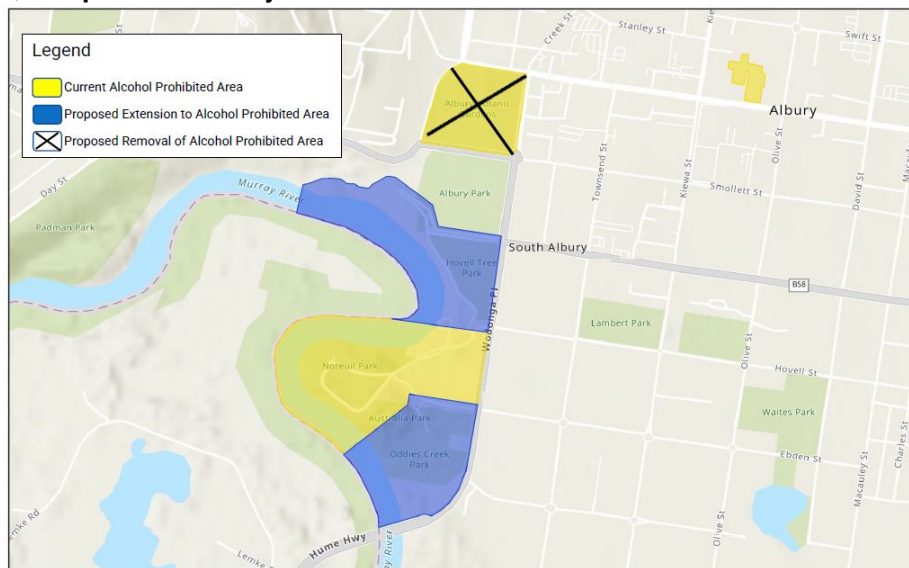
**Proposed APA locations** - include the parkland areas of QEII Square, and the Albury Riverside Precinct including Hovell Tree Park, Noreuil Park, and Oddies Creek Park including the new wharf/jetty and boardwalk areas through to behind the Albury Swim Centre for Australia Day from 9am to 9pm. It is also proposed to remove the Botanic Gardens as an alcohol prohibited area.

**Rationale** - the Botanic Gardens as an APA is not supported by data to be maintained as an early intervention measure, since the fencing and restricting access at night with locked gates has diminished this need.

The proposed extension of the APA to include the Albury Riverside Precinct for Australia Day is due to the anticipated increase in usage of the parklands considering the planned improvements to the area over the next four years and supports key stakeholder responses.

The following map illustrates the current and proposed boundaries of the APAs in prominent Albury parks.

### **Proposed Map Alcohol Prohibited Areas – QEII Square and Albury Riverside Precinct 2022-2026**



#### **Duration**

As AFZs are in effect only within a duration limit of four years under the Act, it is proposed to be established to operate 24 hours per day, 7 days a week from 24 December 2022 to 25 December 2026.

While APAs are not restricted to a duration limit under the Act, it is considered best practice for Council to review these permits within four years. Therefore, it is proposed to re-establish an APA at QEII Square 24 hours per day, 7 days a week from 24 December 2022 to 25 December 2026, except for events authorised by AlburyCity.

The Albury Riverside Precinct which includes Hovell Tree Park, Noreuil Park, and Oddies Creek Park including the boardwalk areas are proposed to be established APAs on Australia Day from 9am to 9pm for the following four years until 2026.

#### **Consultation**

The Albury Police have been verbally informed of the proposal and that they would be formally notified in writing of the proposal inviting their comment during the mandatory 30-day Public Exhibition period, should Council adopt the proposal. Initial indications are that the Police support the re-establishment of the current AFZs and APAs in the areas proposed with some modifications to boundary areas. These proposed modifications include extending the current boundary to both sides of Young Street and the parking areas adjacent to the Visitors Information Centre and the Railway Station precinct.

Concerning the APAs, the Police concurred with staff to remove the current APA permit at the Botanic Gardens as data suggests there is no evidence of the need for this measure since the park had been fenced and locked at night.

Additionally, Police raised the issue of lack of public awareness of the permits and that perhaps signage could be more prominently displayed.

There are currently 140 signs advertising the AFZs and APAs throughout the Albury LGA. If Council adopts the proposal to proceed to public exhibition, during this time the locations of current signage will be reviewed to determine if they are fit for purpose with the potential to remove or install further signage as required. In addition, as the signs must by law exhibit the expiry date of the four-year period that the zone is resolved to cover, replacing the existing artwork will also be considered to improve visibility and awareness within the community.

### Next Stage

As provided in the Act, after preparing a proposal to establish an AFZs and/or an APAs, the requirements include a public exhibition period of 30 days inviting representations or objections from the community. Further, once Council resolves to adopt the proposal to establish the AFZs and/or an APAs, and after complying with the procedures of the Act, the resolution itself will establish the permit. Council must inform the relevant Police Local Area District Commander, affected liquor licensees and other organisations advised of the original proposal of the adoption of the resolution. No further approvals are required from State Government agencies.

### Risk

- **Business Risk** – Adoption of the proposed boundaries will allow Council to determine where the consumption of alcohol is permitted in public spaces during the following four-year period, providing greater control over the reduction of alcohol-related anti-social behaviours.
- **Corporate Risk** – The public image of Council may be enhanced by providing an appropriate regulatory framework for the NSW Police to manage alcohol consumption in the city.
- **WHS and Public Risk** – Public safety may be enhanced by prohibiting alcohol consumption in some public spaces.
- **Environmental Risk** – No risks identified.
- **Delivery Program Risk** – Actions identified will be accommodated in Council's delivery program taking into consideration the resources available. Activities can be funded through operational budgets.

### Community Engagement

The review was conducted in accordance with the Stakeholder Engagement Plan as endorsed by Council on 27 June 2022. An engagement consultant (LightBulb Consulting) was contracted to manage and support our discussions with key stakeholders. We commenced this key stakeholder consultation for the review and proposed establishment of AFZs and APAs on 28 June 2022, with feedback received until 27 July 2022. Stakeholder feedback was sought via face-to-face meetings, telephone, email, and social media posts.

The Review Alcohol-Free Zones and Alcohol Prohibited Areas 2022 - Consultation Summary is provided in Attachment 4 detailing the scope of stakeholders consulted and their feedback from this preliminary consultation phase. The feedback received has now been incorporated into the proposed APZs and APAs, including the suggestions made by Councillors at the Councillor Pre-Meeting Briefing Session on 20 June 2022.

Note, maps of the current AFZs and APAs were prepared including potential amendments to boundary locations to provide a point of reference for the discussions with key stakeholders.

### Options

1. Endorse the establishment of the proposed Alcohol-Free Zones and Alcohol Prohibited Areas.  
**Recommended.**

This is the preferred option as the current AFZs and APAs expire on 23 December 2022. This option meets all legislative requirements of the Act.

2. Amend the establishment of the proposed Alcohol-Free Zones and Alcohol Prohibited Areas.  
**Not Recommended.**

This option could include changes to the proposed boundaries. For example, Council may seek to exclusively focus on one CBD area or precinct and remove the other proposed permit boundaries. This is not the preferred option as the proposed boundaries align with stakeholder feedback and can be supported by reasons as set out in the legislation.

3. Not proceed with the establishment of the proposed Alcohol-Free Zones and Alcohol Prohibited Areas. **Not Recommended.**

This is not the preferred option as it would imply the termination of the AFZs and APAs permit locations once the current permits expire on 23 December 2022. This option has the potential to not support contemporary community expectations, nor will it provide an appropriate regulatory framework for the NSW Police to manage alcohol consumption in the city.

### Conclusion

AlburyCity has established Alcohol-Free Zones and Alcohol Prohibited Areas across the Albury Local Government Area since 2009. The principal objective is to provide a short-term control measure within a maximum operational period of four years, to improve public safety by preventing disorderly behaviour caused by the consumption of alcohol in public spaces as defined by the *Local Government Act 1993*. In October 2021, Council endorsed the current Alcohol-Free Zones for the Albury and Lavington Central Business Districts and Alcohol Prohibited Areas for QEII Square, Botanic Gardens and Noreuil Park from 9.00am to 9.00pm on Australia Day for a period of four years, expiring on 23 December 2022.

It is proposed to establish an Alcohol-Free Zone in the Albury Central Business District with amendments to the current permit boundaries, re-establish the current Alcohol-Free Zone in the Lavington Central Business District, and re-establish an Alcohol Prohibited Area in QEII Square and the Albury Riverside Precinct extending the boundaries to include all parklands from Union Bridge to Oddies Creek including the boardwalk areas on Australia Day from 9am to 9pm. These permits are proposed for a period of four years, expiring in December 2026. These proposals meet the legislative guidelines for the establishment of these measures and are considered appropriate by Council to



protect the safety of the public and ensure the streets and open spaces are available equally for the enjoyment of everyone.

### **Recommendation**

That Council:

- a. Receives and notes the Alcohol-Free Zones and Alcohol Prohibited Areas Review 2022.
- b. Proceeds to the public exhibition for a period of 30 days for the establishment of the proposed Alcohol-Free Zones and Alcohol Prohibited Areas, providing a further report to Council on public submissions received.
- c. In the event no submissions are received during the public exhibition period, adopt the proposed establishment of Alcohol-Free Zones and Alcohol Prohibited Areas for a period of four years; and
- d. If adopted, informs the relevant Police Local Area District Commander, affected liquor licensees and other organisations advised of the original proposal of the adoption of the resolution.

### **Attachments**

1. Proposed Map Alcohol-Free Zone Albury CBD 2022-2026 (DOC22/154279).
2. Proposed Map Alcohol-Free Zone Lavington CBD 2022-2026 (DOC22/154275).
3. Proposed Map Alcohol Prohibited Areas – QEII Square and Albury Riverside Precinct 2022-2026 (DOC22/154271).
4. Review Alcohol-Free Zones and Alcohol Prohibited Areas 2022 - Consultation Summary (DOC22/154296).