

11.12 SCOTT'S PARK - ALCOHOL PROHIBITED AREA

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RECOMMENDATION

That Council:

1. Exhibit a proposal to establish an alcohol prohibited area at Scott's Park as shown in attachment 1 for a period of 30 days; and
2. Receive a report on the outcome of the exhibition.

BACKGROUND

As part of the redevelopment of Scott's Park new signs will be installed providing information about the Park. This provides an opportunity for Council to consider making Scott's Park an alcohol prohibited area (APA). It is recommended to Council that they undertake the appropriate public consultation and notification in relation to this proposal.

ISSUE/DISCUSSION

Scott's Park is located on the corner of Russell and Poitiers Streets and the redevelopment of the Park will incorporate what is known as the 'BMX Park'. Attachment 1 shows the location of the Park and extent of the proposed APA.

Council staff are aware of anti-social behaviour involving alcohol consumption that occurs in the Park at night. The establishment of an APA would give the NSW Police and Council the powers to seize any alcohol that is in the immediate possession of a person where there is reasonable cause to believe that the person is drinking, is about to drink or has recently been drinking alcohol in an APA. It is proposed that the APA would operate between the hours of 9pm and 6am. This is consistent with Council's other APA which covers Waring Gardens.

Public Exhibition

It is proposed to exhibit the proposal for a period of 30 days and in accordance with Council's 'Alcohol in Public Places' policy advise the following:

- The NSW Police;
- Each holder of a licence in force under the Liquor Act 2007 for premises that border on, adjoin or are adjacent to, the proposed ARA;
- Deniliquin Local Aboriginal Land Council;
- Yarkuwa Indigenous Knowledge Centre;
- Edward River Liquor Accord; and
- Adjoining landowners.

STRATEGIC IMPLICATIONS

There are no strategic implications for the establishment of the APA however Council's 'Alcohol in Public Places' policy does apply.

Council's policy states that Council will consult with the following when proposing an APA:

- The NSW Police;
- Each holder of a licence in force under the Liquor Act 2007 for premises that border on, adjoin or are adjacent to, the proposed APA;
- Any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area; and
- Any other group or organisation that Council believes may have an interest in the proposal.

COMMUNITY STRATEGIC PLAN

The proposal is consistent with target 1.2 'our community is safe, happy and healthy, both physically and mentally' and target 4.1 'our built environment is managed, maintained and improved'.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Section 632A(4) of the Local Government Act 1993 gives Council the power to establish an APA for any public place except for a public road or carpark. A public place is defined under the Act as including a public reserve which includes Scott's Park.

The alcohol prohibited area must operate in accordance with the terms of the declaration establishing the area, during such times or events as are specified in the declaration (s632A(6)). Signs must be erected at the outer limits of the area and at suitable intervals within the area stating that:

- Drinking of alcohol is prohibited in the area.
- Specifying the times or events, as specified in the declaration by which the area was established, during which it is to operate.

The alcohol prohibited area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed alcohol prohibited area is situated.

The Act only requires those Councils which have been identified under the 'Ministerial Guidelines on Alcohol Free Zones' (February 2009) as needing to notify the Anti-Discrimination Board when establishing an alcohol free zone to undertake consultation with the Board and the wider community when establishing an APA (these guidelines do not apply to this proposal but notification and exhibition is proposed to occur as per the guidelines).

Council is able to suspend the APA for a specific event and this is detailed in Council's Policy 'Alcohol in Public Places'.

ATTACHMENTS**1. Location of proposed alcohol prohibition area**