

10.3.3 Extension of existing Alcohol-Free Zone and Alcohol Prohibited Area into Melaleuca Park, Albion Park

To the Chief Executive Officer

Directorate: Community and Culture

Business Unit: Community and Creative Services

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Approver: Kate Jessep, Executive Director Community and Culture

Executive Summary

The purpose of this report is to seek Council's endorsement to publicly exhibit a proposal to establish a new Alcohol Prohibited Area (APA) in Melaleuca Park as part of an extension to the existing Alcohol-Free Zone (AFZ) and APA of Albion Park, Russell Street Community Precinct zone (area identified in **Attachment 1**).

The new APA at Melaleuca Park is proposed to operate 24 hours a day until 21 December 2025, in line with the next review of all Council's AFZs and APAs.

If the recommendation within this report is endorsed, the public exhibition period would be for a period of 40 days to accommodate the Christmas shut down period.

Recommendation

That Council:

- 1. Endorse the extension of an existing Alcohol Prohibited Area and Alcohol Free Zone to include an Alcohol Prohibited Area in Melaleuca Park 24 hours a day (as shown in Attachment 1) until 21 December 2025.**
- 2. Place this on public exhibition for a period of 42 days. If no relevant submissions are received during the public exhibition period, the establishment of the Alcohol Prohibited Area in Melaleuca Park be adopted without a further report to Council.**

Background

Council received a formal request through an 'Application to Amend or Establish an Alcohol-Free Zone or Alcohol Prohibited Area' from a representative of the Albion Park Shopping Village.

Council has an obligation to enhance the safety of the community, and the extension of this zone is supported by Lake Illawarra Police (**Confidential Attachment 2**).

It is expected that the establishment of this APA will have a positive effect on alcohol-related crime, harm minimisation and facilitate NSW Police to regulate the area and enforce the prohibition.

Shellharbour City Council has established a number of AFZs and APAs to help reduce alcohol-related crime, violence and anti-social behaviour and enhance the safety and wellbeing of the local community. It is illegal to drink alcohol in an AFZ and APA. This is enforced by NSW Police and, if caught, alcohol will be immediately seized and tipped out. This includes roads, footpaths, car parks and public land.

An AFZ is an area where it is illegal to consume alcohol 24 hours a day, 7 days a week. AFZs are road related public areas such as roads, car parks and footpaths. AFZs are established under NSW Local Government Act 1993 (section 644) in response to problems relating to anti-social behaviour and to discourage the public consumption of alcohol. Once established, each AFZ is in place for a maximum of four years. The current AFZs in Shellharbour Local Government Area were re-established on 21 December 2021 and are in force until 21 December 2025.

APAs are non-road related public places or part of a public place such as a park or reserve where the consumption of alcohol is also prohibited, and the police have the power to confiscate alcohol. APAs are established under NSW Local Government Act 1993 (section 632A). Timed restrictions are in place, however, vary from area to area. Shellharbour Council have APAs that operate 24 hours a day, 7 days a week or 6pm to 6am, 7 days a week. It is proposed that this new area will operate 24 hours per day, in line with the surrounding APAs in this zone (**Attachment 3**).

Melaleuca Park

Over the years, Shellharbour City Council and Lake Illawarra Police have received several complaints concerning alcohol-related anti-social behaviour and malicious damage in the Russell Street Community Precinct. Several Crime Prevention Through Environmental Design (CPTED) audits have taken place over the years in this area, with many recommendations provided and implemented.

Reports of anti-social behaviour and malicious damage are becoming more common in this area, and it is a known problematic area for Police in relation to public drinking, anti-social behaviour and street crime. This was also raised consistently by community members during a recent Community Safety Pop-Up Meeting, a partnership initiative between Council and Police. In addition, Melaleuca Park is in close proximity to licensed premises providing takeaway liquor sales and several facilities offering services to families and young people including Albion Park Pool, Albion Park Community Centre, Albion Park Library, Albion Park Skate Park, Con O'Keefe Sportfield and Di Gorman Oval.

Crime statistics in the year from July 2023 to June 2024 show that the area is a hotspot for non-domestic assault and malicious damage to property (Bureau of Crime, Statistics and Research, 2024). Surrounding business owners within Albion Park Shopping Village and NSW Police agree that the establishment of an APA in Melaleuca Park would assist in deterring such behaviour and regulating the area. During the public exhibition phase of the Con O'Keefe and Russell Street Precinct Masterplan, Lake Illawarra Police also recommended the establishment of new or extension of the APAs and AFZs in the master planned areas to address known issues in the area.

The public consumption of alcohol and the associated intoxication and anti-social behaviour can be intimidating to community members, impacting use of these spaces. This area is an integral pedestrian link, resulting in increased community exposure to these issues, including among children and families.

The prohibition of the public consumption of alcohol can assist in addressing such problems where they have been deemed to be an issue. Council has an obligation to provide a safe environment for the community and the establishment of this zone is supported by NSW Police.

It is proposed that Council establish this new zone until 21 December 2025, at which time it will be reviewed with all other established APAs and AFZs in the Shellharbour LGA.

Clear signage will be provided throughout the park and this information will be updated on Council's website and through Council's mapping system.

Council Implications

FINANCIAL / RESOURCES

The cost of new signage to identify the designated areas and dates will incur a cost of \$242 per sign.

It is proposed a total of three signs be installed at a total cost of \$726.

New signage will be funded from an existing Community Development budget.

Ongoing maintenance of signs will be funded through existing parks maintenance budgets.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

APAs can be established under the *Local Government Act 1993 (NSW)* s632A.

SOCIAL IMPACT

Social Impact Assessment Policy 2022

SUSTAINABILITY CONSIDERATIONS

The establishment of an APA in Melaleuca Park may result in a reduction of litter from alcohol bottles and cans as well as less loitering, resulting in less rubbish in this area.

LEGAL CONSIDERATIONS

Under the *Local Government Act 1993 (NSW)*, a Council may impose prohibitions against a range of activities (including the public consumption of alcohol) in public spaces (Section 632). Council is empowered under the Local Government Act 1993 to establish AFZs and APAs for periods of up to four years.

While proposed AFZs must be advertised and placed on public exhibition for a period of 28 days, it is best practice for councils to also undertake community consultation for APAs. Once established, appropriate public notices will be displayed at least 7 days prior to establishing an AFZ. It is also deemed best practice for Council to notify the public via public notice when establishing an APA.

It is proposed this new APA at Melaleuca Park, therefore, be declared in a local

newspaper. The public exhibition period is proposed to be extended to 40 days to account for the Christmas holiday period.

RISK CONSIDERATIONS

- WHS and Public Risk - The new APA aims to enhance public safety and staff safety by facilitating enforcement of the prohibition of alcohol consumption in the area.
- Delivery Program Risk - Instead of establishing the new APA for four years, the proposal is to operate the Melaleuca APA 24 hours a day until the 21 December 2025, which is the next review of Council's AFZ and APA. Aligning this timeframe with other established APAs/AFZs allows for a streamlined and consistent approach for Council's upcoming review.

It is acknowledged that this shorter timeframe may make it difficult to determine how effective the new APA has been through the use of Police data and Bureau of Crime, Statistics and Research data.

Link to Community Strategic Plan

This report supports the following objectives, strategies and actions of the Community Strategic Plan:

1.2 We are a liveable community

1.2.1 Inclusive, accessible and safe spaces for our entire community

1.2.1.01 Contribute to a City that is safe and has reduced crime through the implementation of the Community Safety Action Plan

Previous Council Resolutions

Nil

Consultation

Internal

Aboriginal Community Planner
Aquatics and Recreation Manager
Infrastructure Planning Manager
Acting Open Spaces Manager
Manager Compliance and Regulation
Manager Libraries and Museum
Strategic Planner

External

Lake Illawarra Local Area Command

Political Donations Disclosure

Not Applicable

Options

Option 1:

Endorse to extend an existing Alcohol Prohibited Area and Alcohol Free Zone to include an Alcohol Prohibited Area in Melaleuca Park 24 hours a day (as shown in **Attachment 1**) until 21 December 2025 and that Council place this on public exhibition for a period of 42 days.

If no relevant submissions are received during the public exhibition period, the establishment of the APA in Melaleuca Park be adopted without a further report to Council.

Option 2:

Council does not endorse the new Alcohol Prohibited Area in Melaleuca Park, as per **Attachment 1**, for the purpose of public exhibition.

Conclusion

Council has an obligation to enhance the safety of the community to keep public spaces safe and enjoyable for residents and visitors. This proposed APA is in response to ongoing alcohol related anti-social behaviour and malicious damage in the area.

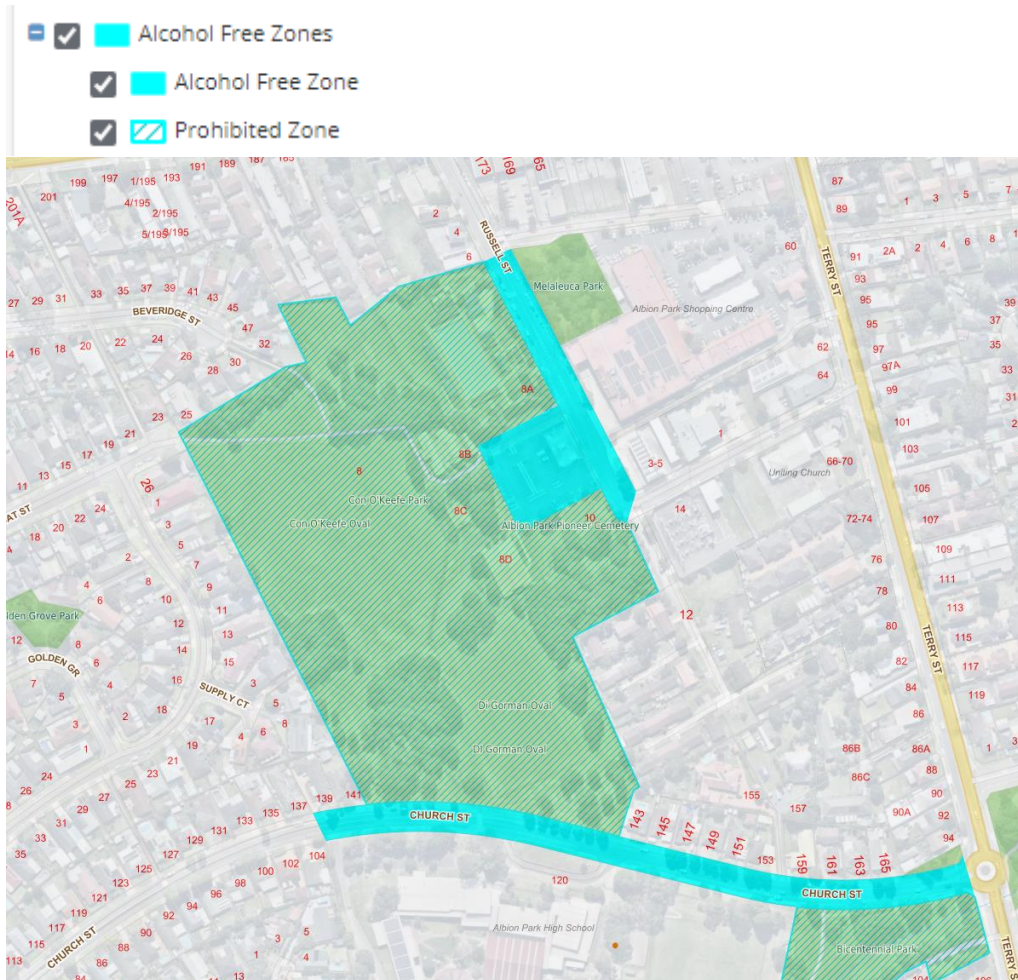
It is expected that the establishment of a new APA in Melaleuca Park will have a positive effect on alcohol-related crime, harm minimisation and allow NSW Police to regulate the area and enforce the prohibition. This measure will be used as part of broader community safety strategies to enhance community safety and activation in the area

Attachments

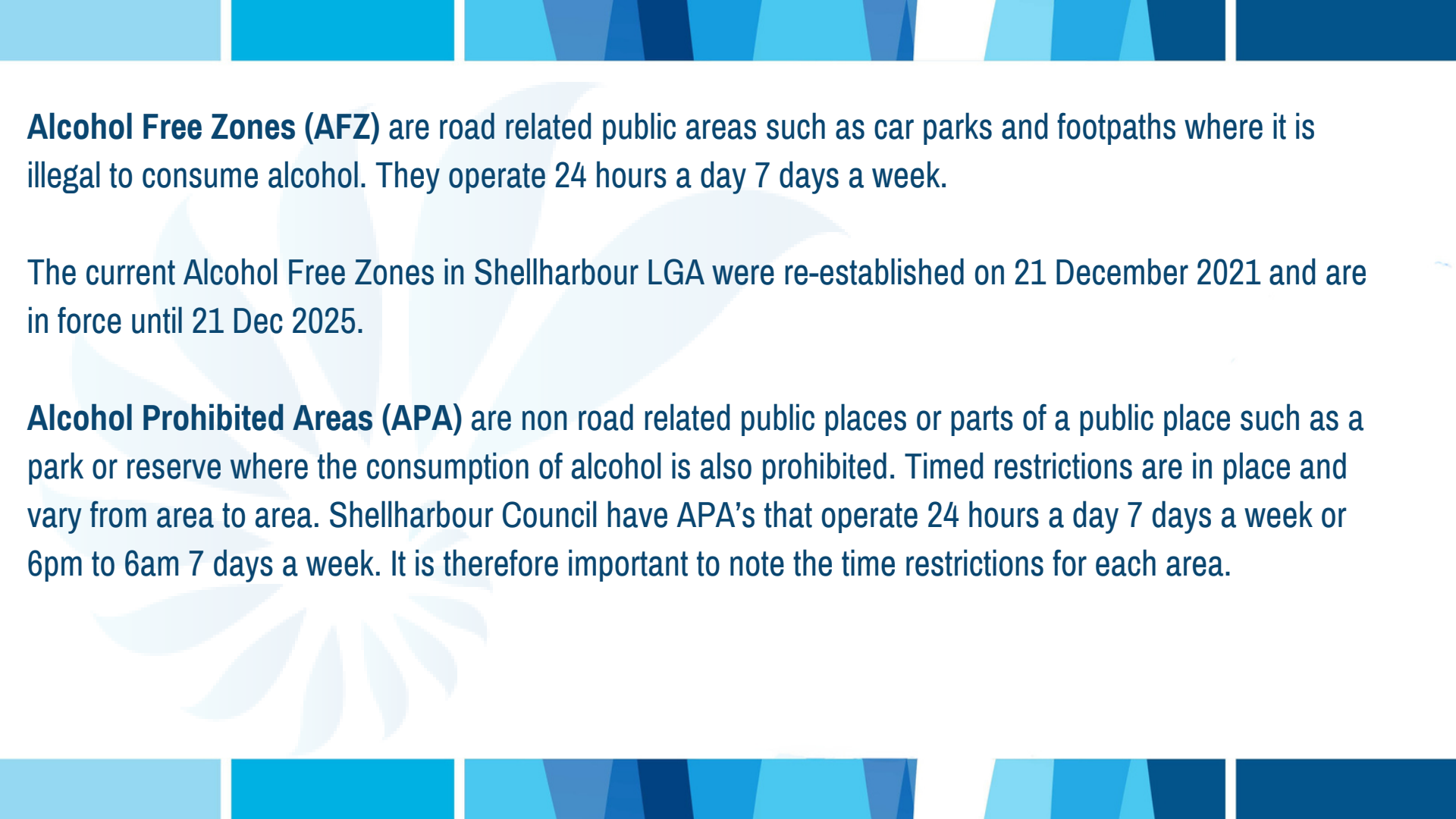
1. Proposed Extension Area
2. Letter of support (confidential)
3. Alcohol Free Zones and Alcohol Prohibited Areas in Shellharbour LGA

Proposed Extension Area

The existing Alcohol-Free Zones (including alcohol prohibited areas) covers most of the Master Planned site and Church Street but excludes Melaleuca Park. See below map. The proposed extension will include the establishment of an APA in Melaleuca Park.



Shellharbour LGA Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA)



Alcohol Free Zones (AFZ) are road related public areas such as car parks and footpaths where it is illegal to consume alcohol. They operate 24 hours a day 7 days a week.

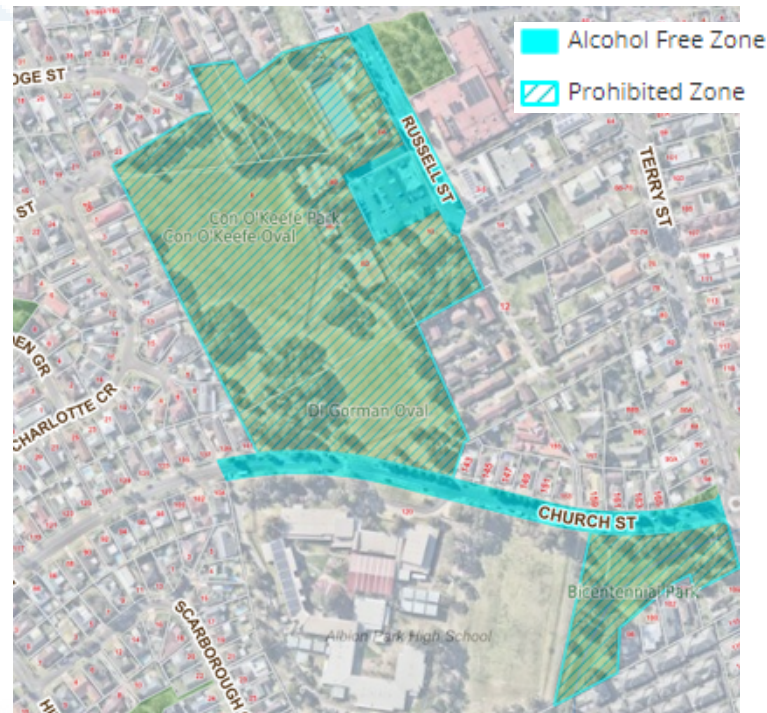
The current Alcohol Free Zones in Shellharbour LGA were re-established on 21 December 2021 and are in force until 21 Dec 2025.

Alcohol Prohibited Areas (APA) are non road related public places or parts of a public place such as a park or reserve where the consumption of alcohol is also prohibited. Timed restrictions are in place and vary from area to area. Shellharbour Council have APA's that operate 24 hours a day 7 days a week or 6pm to 6am 7 days a week. It is therefore important to note the time restrictions for each area.

Zone 1: Albion Park

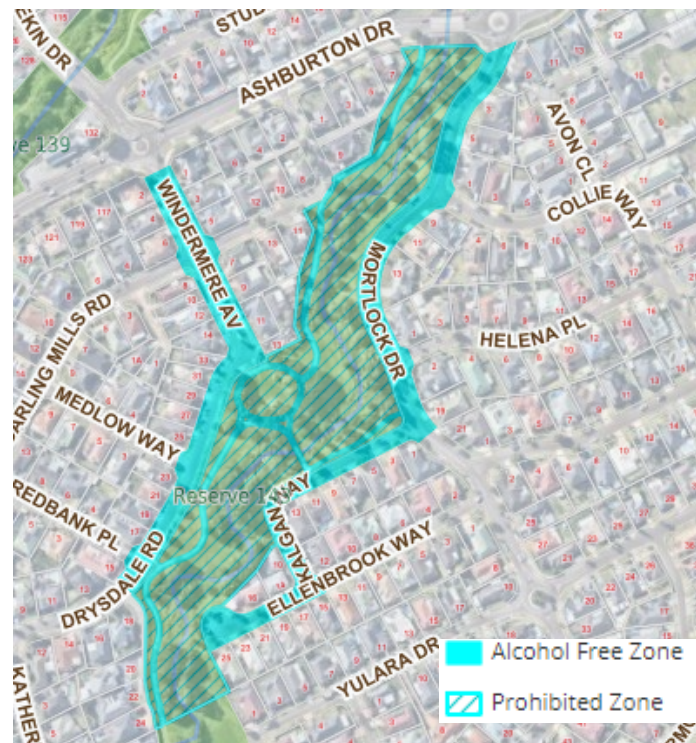
Russell Street Community Precinct

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Con O'Keefe Park		✓
Di Gorman Oval		✓
Bicentennial Park. The Reserve near Albion Park High School as far as Terry Street		✓
Russell Street car park and adjoining roadway	✓	
Church Street - the roadway in front of Albion Park High School	✓	



Zone 2: Albion Park Reserve on Drysdale Road

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Drysdale Reserve Lot 361 DP1032188		✓
Windermere Avenue, Drysdale Road (stretch adjacent to the reserve), Mortlock Drive (from Ashburton Drive to Kalgan Way), Ellenbrook Way (from reserve to Kalgan Way), Kalgan Way (from Mortlock Drive to Ellenbrook Way) All footpaths within Lot 361, DP 1032188	✓	



Zone 3: Albion Park Rail

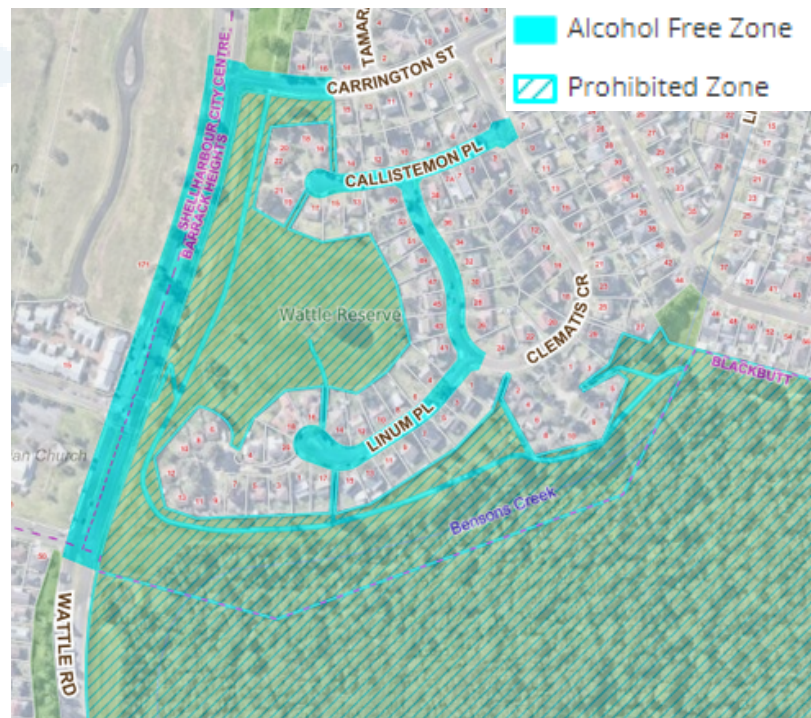
Albion Oval

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Albion Oval		✓
Adjacent stretches of Ash Avenue, Tongarra Road, Woollybutt Drive, Princes Highway, Albion Park Rail	✓	



Zone 4: Barrack Heights Wattle Reserve

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Wattle Reserve. All public land from Blackbutt Reserve to Carrington Street		✓
Wattle Road from Wallaroo Drive to Carrington Street	✓	
All laneways to Linum Place and Callistemon Place	✓	
All footpaths within Lot 79 DP 700658	✓	



Zone 5: Blackbutt Glider Reserve

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Public Reserve at Glider Ave, Blackbutt. Reserve 159 Lot 4187 DP 804877		✓
Laneway between the Public Reserve and Glider Ave, Blackbutt	✓	



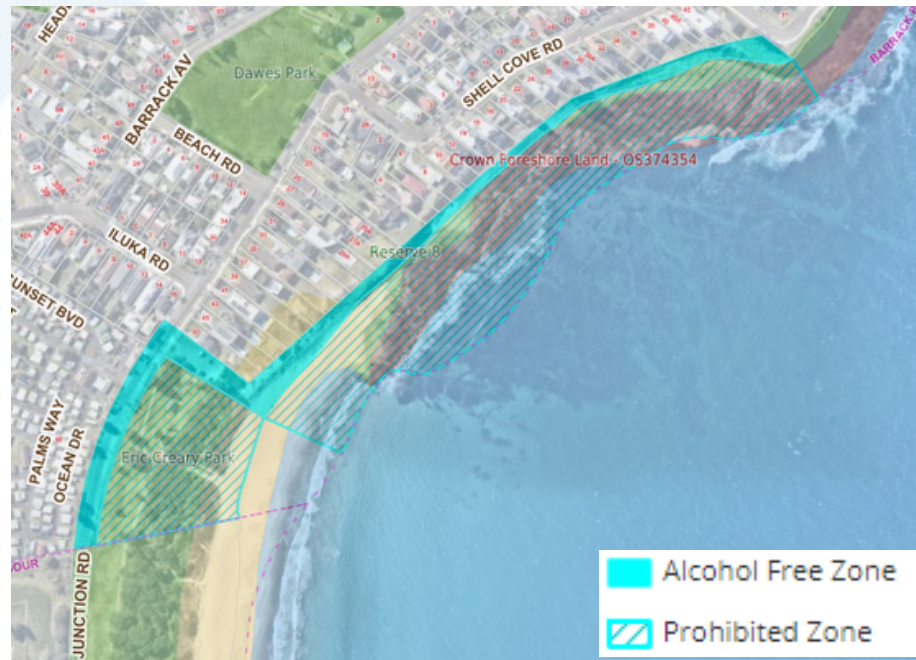
Zone 6: Blackbutt Blackbutt Forest Reserve

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Blackbutt Forest Reserve		✓
All carparks and footpaths within Blackbutt Forest Reserve	✓	



Zone 7: Barrack Point Eric Creary Park

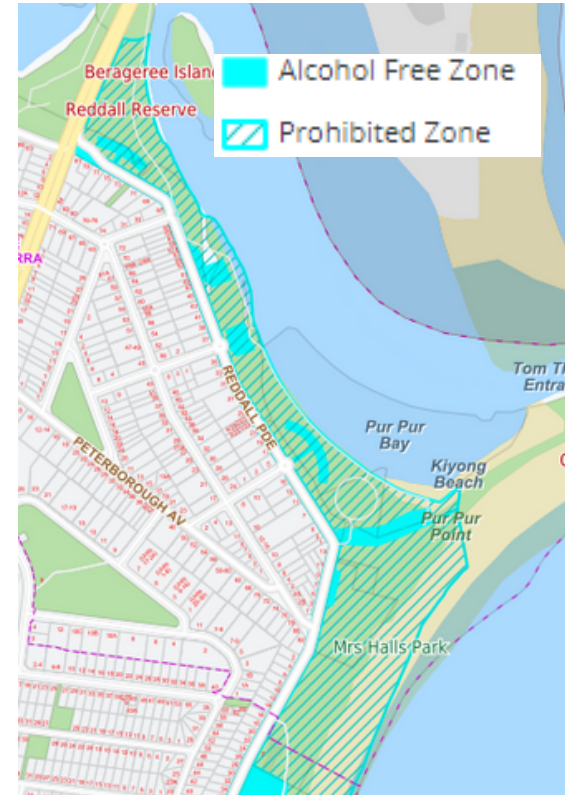
Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Eric Creary Park		✓
Eric Creary Park car park	✓	
The adjacent stretch of Junction Rd, Barrack Point	✓	
The strip of foreshore & beach between north boundary of Eric Creary Park & the intersection of Headland Pde and Cliff Ave, Barrack Point		✓
Footpaths within the strip of foreshore & beach between north boundary of Eric Creary Park & the intersection of Headland Pde and Cliff Ave, Barrack Point	✓	



Zone 8: Lake Illawarra

Reddall Reserve

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Reddall Reserve		✓
Roads, footpaths and car parks along Reddall Parade, Lake Illawarra adjacent to Reddall Reserve from Entrance Street to carpark adjacent to Shellharbour Road	✓	



Zone 9: Mount Warrigal Boonerah Point Reserve

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
The whole of Boonerah Point Reserve		✓
The adjacent stretch of Reddall Pde, Mount Warrigal (from Gathercole Ave, and the pathway at Strickland Ave)	✓	



Zone 10: Oak Flats Ski Way Park

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Ski Way Park		✓
Ski Way Park car park	✓	
The adjacent stretch of The Esplanade, Oak Flats	✓	



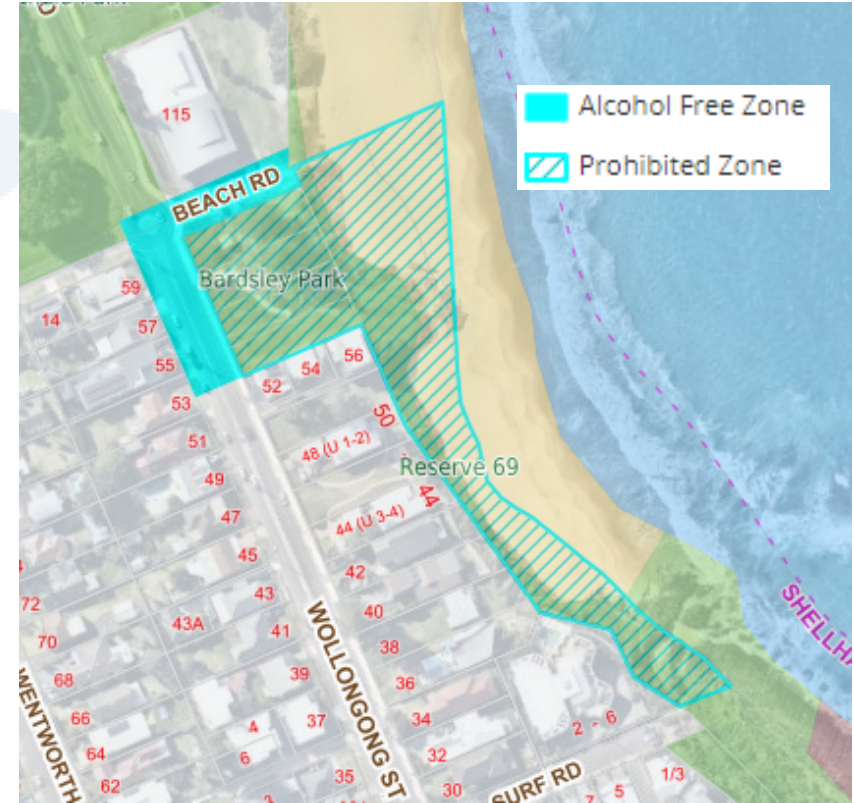
Zone 11: Shellharbour City Centre Area

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
All public roads, pathways, carpark within the City Centre area bound by New Lake Entrance Road, Minga Avenue, College Avenue, and Cygnet Avenue, including the road reserves of the mentioned roads and Blackbutt Youth Centre car park.	✓	
Harrison Park		✓



Zone 12: Shellharbour Bardsley Park

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Bardsley Park		✓
Stretch of public reserve adjacent to the beach as far as Surf Road, Shellharbour		✓
Adjacent stretch of Wollongong Street and Beach Road, Shellharbour	✓	



Zone 13: Shellharbour

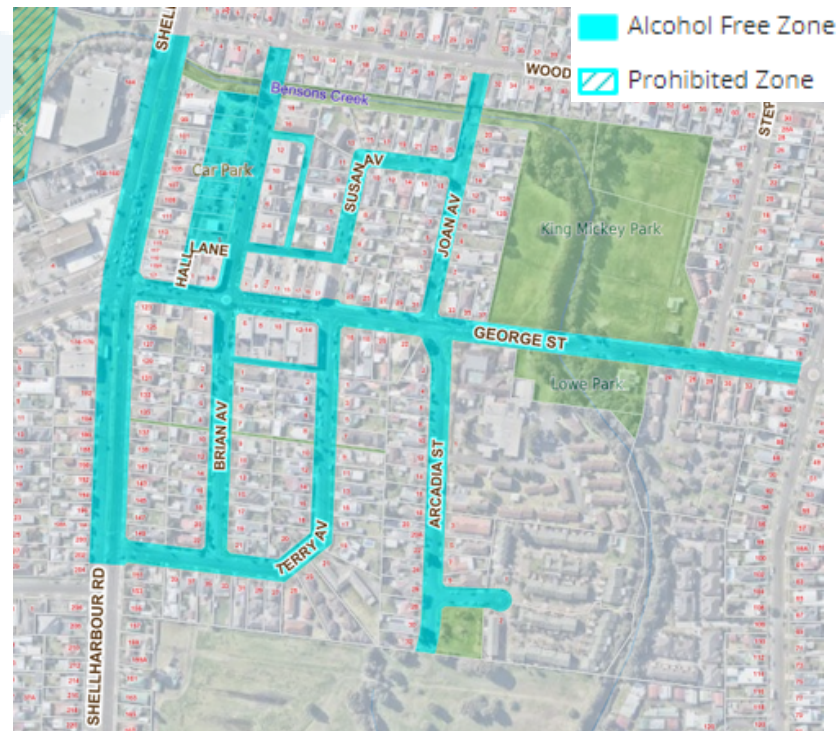
Shellharbour Village Area

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Pioneer Park, including Shellharbour Skate Park		✓
Cowrie Island Reserve		✓
Little Park		✓
Grey Park		✓
Addison Street	✓	
Wollongong Street (From Town St to Addison St)	✓	
Cowrie Island Reserve car parks	✓	
Car park from Little Park to John Street	✓	
John Street	✓	
Car park at the end of John Street	✓	



Zone 14: Warilla CBD

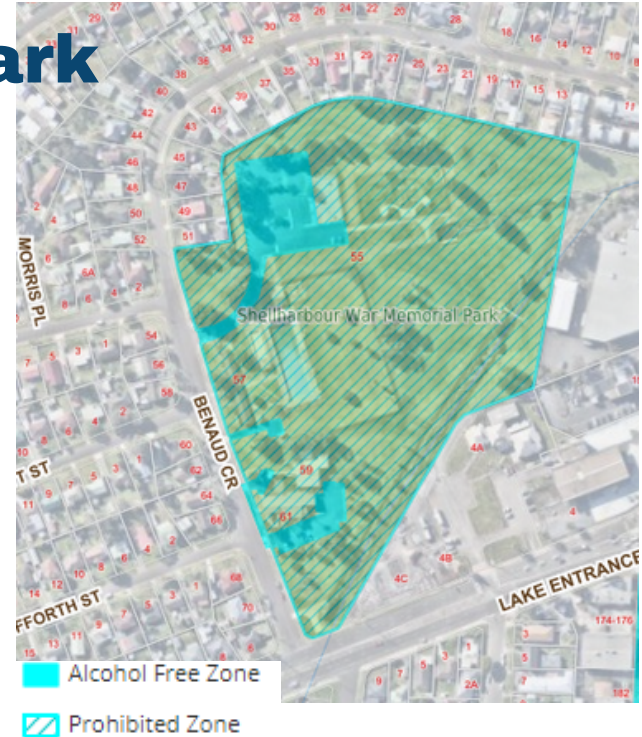
Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
George Street from Shellharbour Road to Osborne Parade	✓	
Beverley Avenue from George Street to Woodford Avenue	✓	
The car park to the west of Beverley Avenue	✓	
Hall Lane, Spanish Lane, Shacklock Lane, McKeon Lane	✓	
Susan Avenue	✓	
Joan Avenue (from George Street to Woodford Avenue)	✓	
Arcadia Street	✓	
Sparta Street	✓	
Terry Avenue	✓	
Brian Avenue	✓	
Shellharbour Road (from Terry Avenue to Woodford Avenue)	✓	



Zone 15: Warilla

Shellharbour War Memorial Park

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 6pm - 6am
Shellharbour War Memorial Park		✓
Car parks and footpaths within Shellharbour War Memorial Park at Lot 11 DP 1125335 including car parks for Warilla Pool, Warilla Senior Citizens Centre and Warilla Neighbourhood Centre at Warilla Community Centre	✓	



Zone 16: Warilla William Park

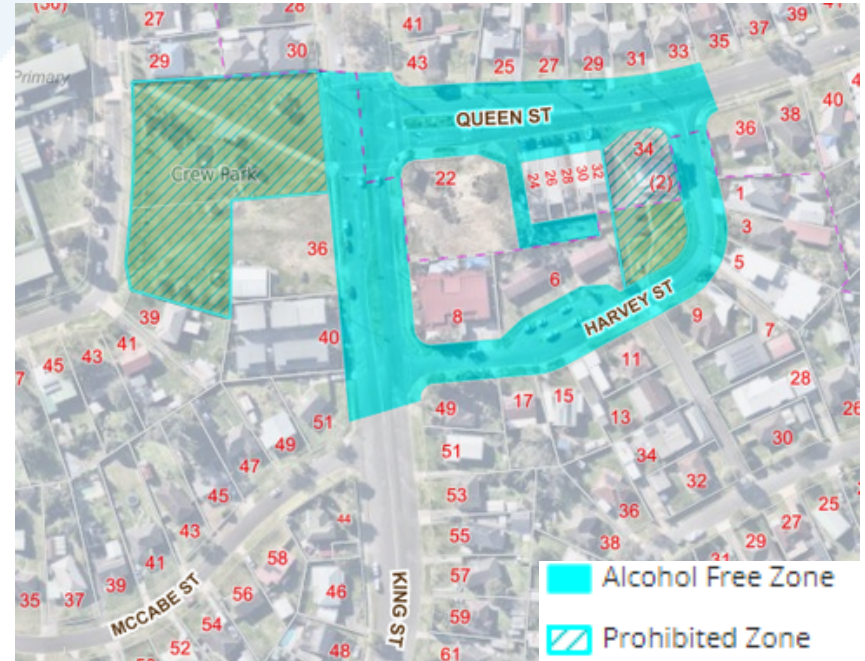
Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
William Park		✓
Adjacent stretch of Davidson Street	✓	
Adjacent stretch of King Street	✓	
Tallon Street	✓	



Zone 17: Warilla

Crew Park

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Crew Park		✓
Fryer Park		✓
Harvey Street	✓	
Adjacent stretch of Queen Street (from King St to Harvey St) and public land within including Cricketers Lane, Lake Illawarra	✓	
Adjacent stretch of King Street (from Harvey St to Queen St)	✓	



Zone 18: Warilla

Warilla Beach / Little Lake Cres Area

Location of Alcohol-Free Zone and Alcohol Prohibited Area	AFZ 24/7	APA 24/7
Strong Reserve in Little Lake Crescent, Warilla		✓
Little Lake Crescent that is adjacent to the reserve, as well as the footpaths that are adjacent to and directly opposite the reserve	✓	
Reserves along Warilla Beach from Breakwall at Elliot Lake to eastern most car park at Reddall Reserve		✓
Roads, footpaths and carparks from Little Lake Crescent to Osborne Parade and Entrance Street	✓	



Zone 18: Warilla Beach / Little Lake Crescent Area

Enlarged view

