

Decision Announcement

DCC Public Restricted Area Application – Bicentennial Park, Rapid Creek and Nightcliff Foreshores and areas of Coconut Grove.

The Darwin City Council initially made application to the Licensing Commission for the declaration of Public Restricted Areas on 6 March 2007. The areas applied for were Bicentennial Park, the Rapid Creek Foreshore and an area of Coconut Grove extending to Pavonia Place.

This application was advertised and several Submissions were received by the Commission. Based on comments received and community input into the application, the Darwin City Council then made application for an enlarged area including the Casuarina Coastal Reserve and areas of Nightcliff Foreshore extending from Bougainvilia Street to Aralia Street (or "Sunset Cove").

The revised application by Council was made on 08 November 2007. It is this application that has been the subject of recent public consultation and Licensing Commission Hearing on 22 February 2008.

Application was not made for the foreshore area along Casuarina Drive from Aralia Street to Chapman Road, which remains covered by 2K Law and for which the Council permits the drinking of alcohol from 4.00 pm to 10.30pm weekdays and 12 midday to 10.30pm weekends and public holidays.

The Commission confirms that the application and process which has been followed conforms with the requirements of Section 76 (2) of the Liquor Act.

The response to advertisements advising the public of the application in total included 12 written responses supportive of the application (none relating to Bicentennial Park) and a petition signed by 51 persons, largely representative of businesses

in the Nightcliff/Pavonia Place area. There was no submission opposing the application.

Submissions presented and discussions at community consultations provided graphic examples of the adverse impact on people's lives and business livelihoods which have arisen from alcohol fuelled anti social behaviour including public drunkenness, fighting, humbugging, abuse and destruction of private and public property. People working in Pavonia Place have at times been so fearful of their safety they have felt unable to leave their premises without a Police presence.

On the basis that:

- the application has been in train from March 2007;
- it is a valid application;
- there has been no opposition expressed before the Commission;

- it has the support of Council, Police, community groups and the local MLA (for the Nightcliff areas application); and
- it has been adequately demonstrated that the impact of public drinking is severely detrimental to the well being and livelihood of people residing or working in the areas under application.

the Commission grants the application with the areas to be declared Public Restricted or “dry” effective from 19 May 2008.

The Commission has been advised that the 19 May commencement date will enable the delivery of education and information material and programs and the erection of appropriate signage.

In making this decision covering a relatively small area of Darwin, the Commission realises it is not the ideal solution to public drinking and related anti social behaviour problems which negatively impact,

often significantly, upon community amenity and social harmony. It should however alleviate, to a significant extent, the Alcohol generated problem in the areas under application.

The Commission adds a note of caution. Assuming effective enforcement, this declaration is most likely to cause displacement and move problem drinkers on to other areas, which could give rise to further and consequential applications for dry areas. The Commission is therefore concerned over the potential of rolling applications in response to ongoing displacement

The Commission agrees with the Police submission to the Hearing that a holistic and more coherent approach is needed over the whole of Darwin and urges Government and Council to work towards such an approach.

The Commission would be responsive to and co-operate with such a whole of Darwin approach.

The Commission notes a broader usage of public Restricted Area legislation is feasible. A Darwin wide approach would add to enforcement powers in dealing with unlawful drinking, in particular by providing consistent policing measures across the Darwin area, and could enable designated and popularly used foreshores, parks and picnic areas to lawfully provide for and allow drinking for reasonable hours on week days and weekends.

The Commission also notes the application does not include the popularly used area of the Nightcliff foreshore from "Sunset Park" to Chapman Road (including the Jetty area), which will continue to come under the 2 K Law and for which the Council currently allows drinking from 4.00 to 10.30 pm weekdays and 12 to 10.30 pm weekends and public holidays.

The consumption of alcohol at Bicentennial Park will require a permit from 19 May 2008. It is envisaged these permits will be issued to allow alcohol

consumption during specified times and in association with conferences, events and special occasions. Current alcohol consumption hours allowed by Council under the 2k Law will therefore cease and be replaced by a permit requirement.

In making its decision the Commission is mindful of the recent announcement by the Chief Minister of a Plan to tackle anti social behaviour which includes dedicated response capacity to anti social activity, increased provision of short term accommodation, further resourcing of the Return to Home program and a revamped night patrol service.

IN SUMMARY

- The application for Public Restricted Areas, as applied by the Darwin City Council, is approved and therefore the areas affected will be declared "**dry**" from 19 May 2008.

- If further similar “neighbourhood” applications are lodged, this could give rise to a piecemeal approach, which while responsive to neighbourhood issues, is likely to result in displacement of drinkers, moving them on from one neighbourhood or locality to another. A more strategic and holistic approach is needed for the longer term in addressing this major issue of itinerant drinking and related anti social behaviour.
- Written Reasons For Decision will be handed down shortly.

Mr Richard O’Sullivan
CHAIRMAN
Licensing Commission

29 February 2008

