



# Alcohol Control Bylaw 2018

South Taranaki District Council



**South Taranaki**  
Alive with opportunity



# Alcohol Control Bylaw 2018

## South Taranaki District Council

### 1.0 Title

1.1 This Bylaw is made under sections 147(2) and (3) of the Local Government Act 2002, and shall be known as the South Taranaki District Council Alcohol Control Bylaw 2018.

### 2.0 Commencement

2.1 This Bylaw shall come into force on 12 November 2018.

### 3.0 Revocation

3.1 The South Taranaki District Council Public Places: Liquor Control Bylaw 2012 (and all amendments) is hereby revoked.

### 4.0 Purpose of the Bylaw

4.1 The purpose of this Bylaw is to protect the public from nuisance, offensive behaviour and to improve public safety by reducing crime, disorder and other anti-social behaviour that is caused or made worse by alcohol consumption in public places.

### 5.0 Interpretation

5.1 In this Bylaw –

**Act** means the Local Government Act 2002.

**Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

**Constable** means any New Zealand Police employee, who holds the office of constable and was appointed as a constable under either the Police Act 1958 or the Policing Act 2008.

**Council** means the South Taranaki District Council.

**District** means the South Taranaki District.

**Event** means an occasion, or gathering, or other celebration (e.g. New Years' Eve, St Patrick's Day), and includes a series of events.

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**Licensed premises** means any premises for which a licence, as defined under the Sale and Supply of Alcohol Act 2012, is held.

**Liquor Ban Area (Alcohol Ban Area)** means a public place within the District which the Council has designated as an area where the consumption of alcohol is prohibited.

**Public Notice**, in relation to a notice given by a local authority, means

- a) A notice published in:
  - i) One or more daily newspapers circulating in the region or district of the local authority; or
  - ii) One or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and
- b) Includes any other public notice that the local authority thinks desirable in the circumstances.

**Public Place** means:

- a) A place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- b) Does not include licensed premises.

**Specified times** means the days and hours determined by the Council under Schedule I of this Bylaw.

**Temporary Liquor Ban Area** means a public place(s) specified by the Council, where the same prohibitions and control for Liquor Ban areas will temporarily apply, due to the occurrence of a specific event.

## 6.0 Liquor Ban Areas

6.1 The public places in each of the areas identified in Schedule I of this Bylaw, are liquor ban areas.

6.2 No person may:

- a) consume alcohol;
- b) bring alcohol into;
- c) possess alcohol; and
- d) permit the presence of or consume alcohol in a vehicle in:

any alcohol ban area or temporary alcohol ban area, during the specified times.

## 7.0 Exceptions – transport of alcohol and licensed premises

7.1 Clause 6.2 of this Bylaw does not prohibit, regulate or control, in the case of alcohol in an unopened container:

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- a) the transport of the alcohol from licensed premises next to a public place, if—
  - i) it was lawfully bought on those premises for consumption off those premises; and
  - ii) it is promptly removed from the public place; or
- b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
  - i) the transport is undertaken by a resident of those premises; and
  - ii) the alcohol is promptly removed from the public place.

7.2 Clause 6.2 of this Bylaw does not prohibit the possession or consumption of alcohol at any licensed premises within a liquor ban area, provided that such possession or consumption is in compliance with the conditions of a licence issued under the Sale and Supply of Alcohol Act 2012. For clarity:

- a) licensed premises include any footpath areas that are licensed as part of those premises and are clearly defined on an approved plan of a current and appropriate licence (such footpath areas will remain subject to any other relevant South Taranaki District Council bylaws and policies); and
- b) the operating hours permitted by the licence must also apply at the time alcohol is being possessed or consumed within the licensed premises.

## 8.0 Temporary Liquor Ban Areas

8.1 Any person who intends to hold or organise an event can apply to the Council to designate a temporary liquor ban area in relation to that event. The application must be in writing and submitted at least 90 days prior to the event concerned, identify the proposed temporary liquor ban area, specified times, and reason for the application.

8.2 The Council may from time to time, by resolution designate a temporary liquor ban area in any public place in the District due to the occurrence of an event, either at its own initiative or in response to an application under clause 8.1.

8.3 A resolution under clause 8.2, if made in response to an application under clause 8.1, may also impose any conditions on the applicant that the Council considers necessary for the effective implementation of the temporary liquor ban area (for example, the installation of signage).

8.4 The Council may, at any time, by resolution, amend or revoke a resolution made under clause 8.2.

8.5 Before making a resolution under clause 8.2, the Council must comply with section 147B of the Act and, in doing so, will consider:

- a) the nature and duration of the expected event;

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- b) the number of people expected to attend;
- c) the history of the event (if any);
- d) the area in which the event is to be held;
- e) the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems;
- f) whether the Police support the proposed resolution; and
- g) any other information that the Council considers relevant.

8.6 Where a resolution under clause 8.2 is made in response to an application received under clause 8.1, any and all costs associated with the notification of the temporary liquor ban (for instance, public notice, signage and installation of signage) shall be covered by the applicant.

## 9.0 Dispensation for special events

9.1 Any person may make an application to the Council's Chief Executive for a dispensation from this Bylaw, for an event that is to be held in a liquor ban area. The application must be in writing, and submitted at least 14 days before the event.

9.2 The Chief Executive may, in writing, grant a dispensation from this Bylaw for any event, and impose any conditions on the dispensation that he or she considers to be appropriate.

9.3 A dispensation under clause 9.2 shall be granted for a time not exceeding 24 hours and concern only the location associated with the event, to enable better enjoyment of the event by members of the public.

9.4 Before granting any dispensation under clause 9.2, the Chief Executive must consult with the New Zealand Police.

9.5 If a dispensation is granted under clause 9.2, the Chief Executive may require public notification, specifying the areas where the dispensation applies, at least 7 days prior to the event taking place. Any and all costs associated with the public notification (for instance, the printing of temporary signage, and installation of temporary signage) shall be covered by the applicant.

**Note:** This Bylaw does not limit any individual or organisation from applying for a special licence under the Sale and Supply of Alcohol Act 2012 for any event to be held in a liquor ban area; however, a dispensation under 9.2 must be granted in conjunction with the granting of a special licence.

## 10.0 Powers of arrest, search, and seizure

10.1 In accordance with sections 169(2) and 170(1) of the Act, a constable may exercise powers of arrest, search, and seizure in relation to breaches of this Bylaw.

10.2 Despite clause 10.1, a constable may exercise the powers under section 170(2) of the Act (to search a container or vehicle immediately and without warrant) on specified dates or in relation to specified events notified in accordance with section 170(3) of the Act.

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**11.0 Offences and Penalties**

11.1 Every person who breaches of this Bylaw, commits an infringement offence under section 239A of the Local Government Act 2002, and is liable to an infringement fee under the Local Government (Alcohol Ban Breaches) Regulations 2013.

This Bylaw was adopted by resolution of the South Taranaki District Council on 12 November 2018. All amendments to this Bylaw are listed in Attachment I.

The **Common Seal** of )  
**The South Taranaki District Council** )  
was affixed in the presence of: )

\_\_\_\_\_  
Ross Dunlop - Mayor

\_\_\_\_\_  
Waid Crockett – Chief Executive



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**Schedule I   Liquor ban areas**

1.1 The following table lists the liquor ban areas within the South Taranaki District, where alcohol is prohibited:

Map	Township	Description	Specified time	Decision date	Reference
1A	Hawera	<p><b>Hawera CBD</b></p> <p>The Hawera CBD, which is defined as the following:</p> <ul style="list-style-type: none"> <li>i) High Street, from Argyle Street to Collins Street;</li> <li>ii) Princes Street between Nelson Street and Furlong Street;</li> <li>iii) Regent Street between High Street and Furlong Street;</li> <li>iv) Victoria Street between Nelson Street and Furlong Street;</li> <li>v) Union Street between High Street and Nelson Street;</li> <li>vi) Albion Street between Grey Street and Rowe Street;</li> <li>vii) Caledonia Street between High Street and Erin Street;</li> <li>viii) Erin Street between Albion Street and Caledonia Street;</li> <li>ix) All of Nelson Street, Little Regent Street, School Lane, Napier Street, Riddiford Street, Rowe Street and Furlong Street; and</li> <li>x) All public places adjacent to these streets and within this area, including service lanes, footpaths, car parks and parks i.e. Tower Grounds, Community Centre and Town Square.</li> </ul>	24 hours, 7 days a week	12/11/18	330/18
1B		<p><b>Parks and Reserves - Hawera</b></p> <p>Hawera Parks and Reserves which consists of the following:</p> <ul style="list-style-type: none"> <li>i) Hicks Memorial Park, but not including TSB Hub and grandstand;</li> </ul>	24 hours, 7 days a week	12/11/18	330/18

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Map	Township	Description	Specified time	Decision date	Reference
		ii) King Edward Park, including the PowerCo Aquatic Centre; iii) Naumai Park; iv) Goodson Dell; v) Clapham Common; vi) Hawera BMX Track; vii) McGuire Street Reserve; viii) Queen Elizabeth Park; ix) Kowhai Park; x) McCallum Park; and xi) Beech Place Reserve.			
1C		i) The Hawera Cemetery.	24 hours, 7 days a week	12/11/18	330/18
2A	<b>Normanby</b>	<b>Normanby Domain</b> i) All of the Normanby Domain and car park (excluding the Normanby Recreation Centre building).	24 hours, 7 days a week	12/11/18	330/18
3A	<b>Eltham</b>	<b>Eltham CBD</b> The Eltham CBD, which is defined as the following: i) High Street, between Moir Street and Conway Road; ii) London Street, between High Street and York Street; iii) York Street, between London Street and Bridge Street; iv) Bridge Street, between Stanners Street and Bedford Street;	24 hours, 7 days a week	12/11/18	330/18

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Map	Township	Description	Specified time	Decision date	Reference
		v) King Edward Street, between High Street and Bath Street; and vi) All public places adjacent to these streets and within this area, including service lanes, footpaths, car parks and parks.			
3B		<b>Parks and Reserves - Eltham</b> Hawera Parks and Reserves which consists of the following:  i) Soldier's Memorial Park and Skate Park; ii) Taumata Park; iii) Saunders Park; and iv) Taylor Park.	24 hours, 7 days a week	12/11/18	330/18
3C		i) The Eltham Cemetery.	24 hours, 7 days a week	12/11/18	330/18
4A	<b>Manaia</b>	<b>Manaia CBD</b>  i) South Road (State Highway 45) between Hassard Street and Kaipii Street; and ii) All public places adjacent to these streets and within this area, including service lanes, footpaths, car parks and parks i.e. the band rotunda.	The Friday immediately before Christmas Day each year, to the Sunday immediately after New Year's Day each year, for 24 hours of each of the days within this	12/11/18	330/18

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Map	Township	Description	Specified time	Decision date	Reference
			period.		
5A	Opunake	<p><b>Opunake CBD</b></p> <p>i) Tasman Street between Ihaia Road and Hickey Place and all public places adjacent to these streets and within this area, including service lanes, footpaths, car parks and parks.</p>	24 hours, 7 days a week	12/11/18	330/18
5B		<p>i) The public areas of the Opunake beach area (excluding the Opunake Beach Camp) and the surrounding cliff tops and the public areas of the Opunake Lake Reserve area surrounding the entire lake, and all public places adjacent to these streets and within these areas, including service lanes, footpaths, car parks and parks.</p>	The Friday immediately before Christmas Day each year to the second Sunday of January each year, for the full 24 hours of each of the days within this period.	12/11/18	330/18
6A	Patea	<p><b>Patea CBD</b></p> <p>i) Egmont Street from Hadfield Street to Beach Road;                      ii) Beach Road;                      iii) Patea Beach and car parks; and                      iv) All public places adjacent to these streets and within this area, including service lanes, footpaths, car parks and parks.</p>	24 hours, 7 days a week	12/11/18	330/18

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Map	Township	Description	Specified time	Decision date	Reference
7A	<b>Wai-inu Beach</b>	<ul style="list-style-type: none"> <li>i) Wai-inu Beach Road (from 373 Wai-inu Beach Road, adjacent to the entrance of the Wai-inu Beach Water Scheme) to the shore line;</li> <li>ii) Okiwa Terrace;</li> <li>iii) Pingao Place;</li> <li>iv) Nukumarū Parade;</li> <li>v) All public places adjacent to these streets and within this area, including service lanes, footpaths and the Nukumarū Domain; and</li> <li>vi) The beach frontage, for one kilometre in each direction from the road entrance.</li> </ul>	For 24 hours - 12 noon on the 31 <sup>st</sup> of December every year, until 12 noon on the 1 <sup>st</sup> of January every year.	12/11/18	330/18






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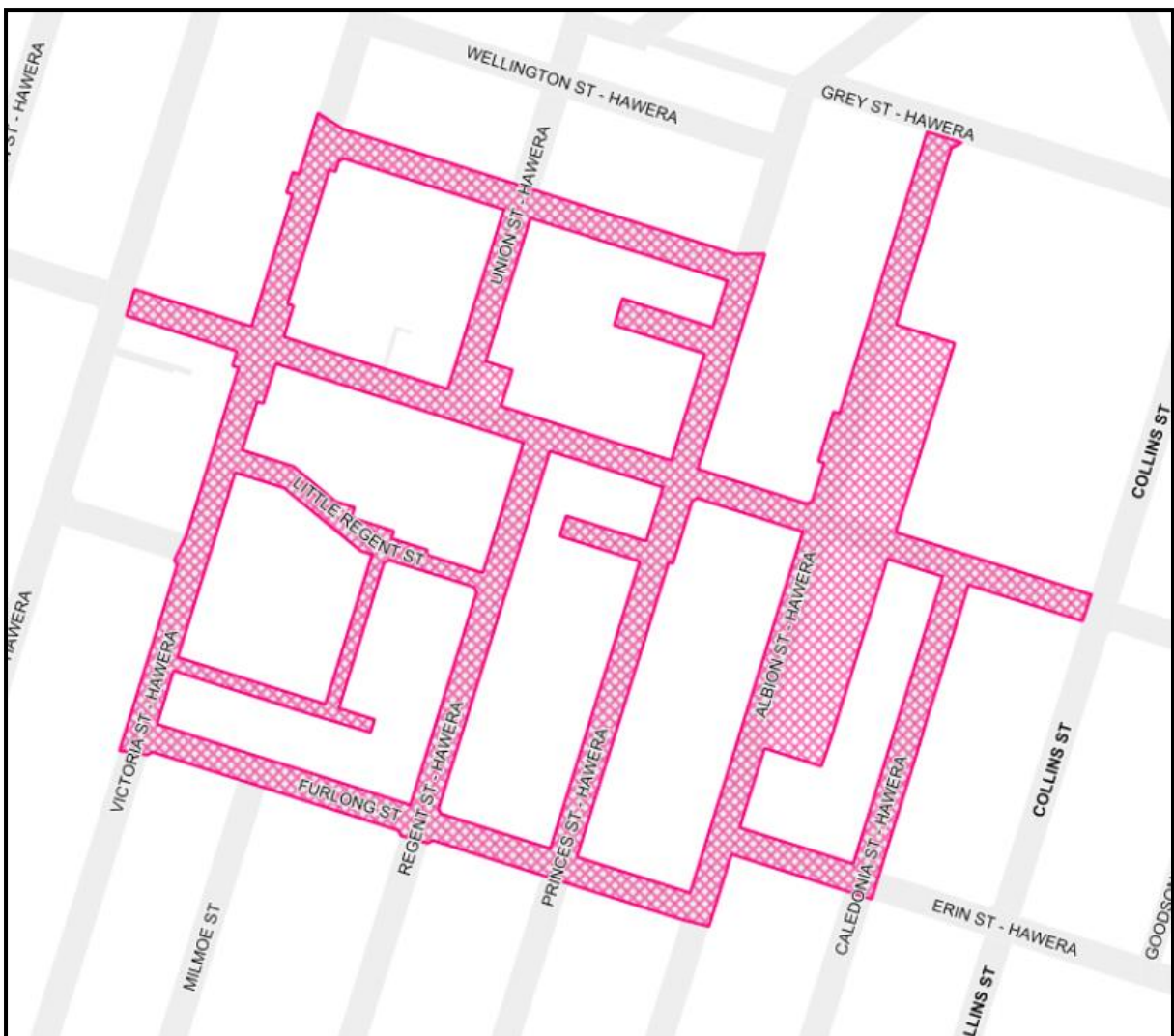
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**Maps of Restricted Places**

Key for the following maps under Schedule I of the Alcohol Control Bylaw 2018:

-  24/7
-  Xmas/New Year Period
-  24hr New Year

Map 1A – Hawera CBD



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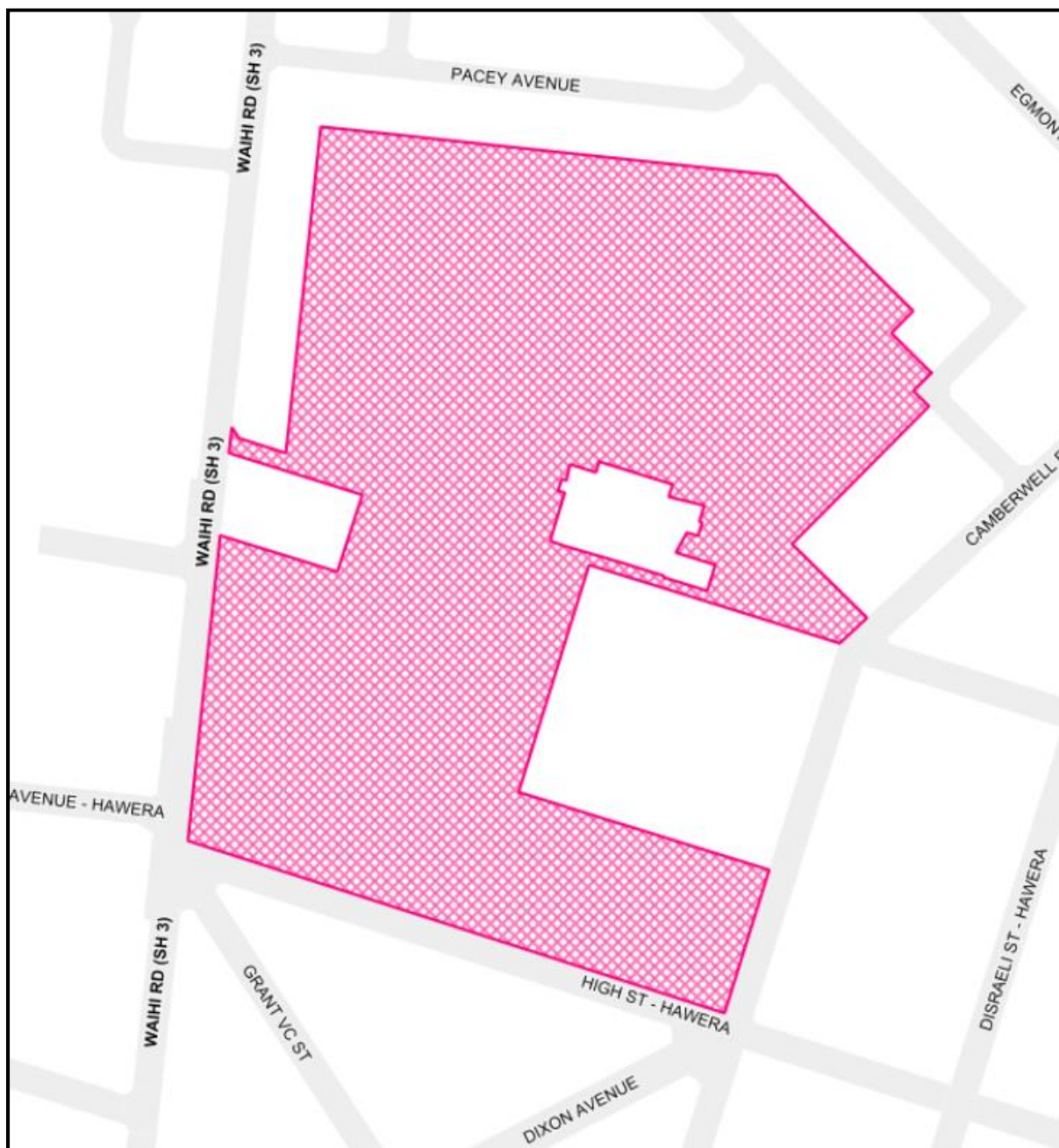
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Map 1B – Parks and Reserves Hawera

i) and ii) – Hicks Park and King Edward Park



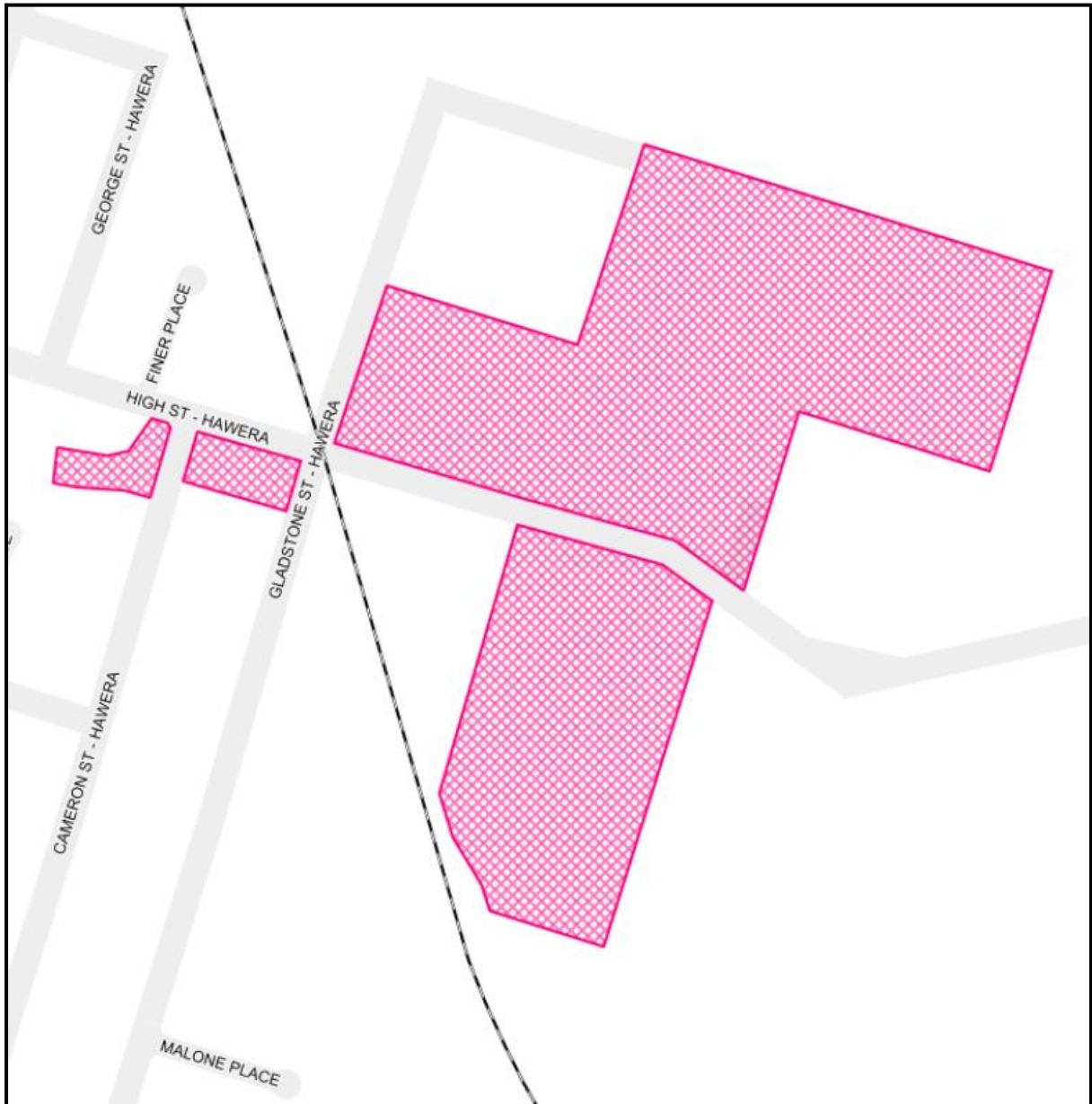
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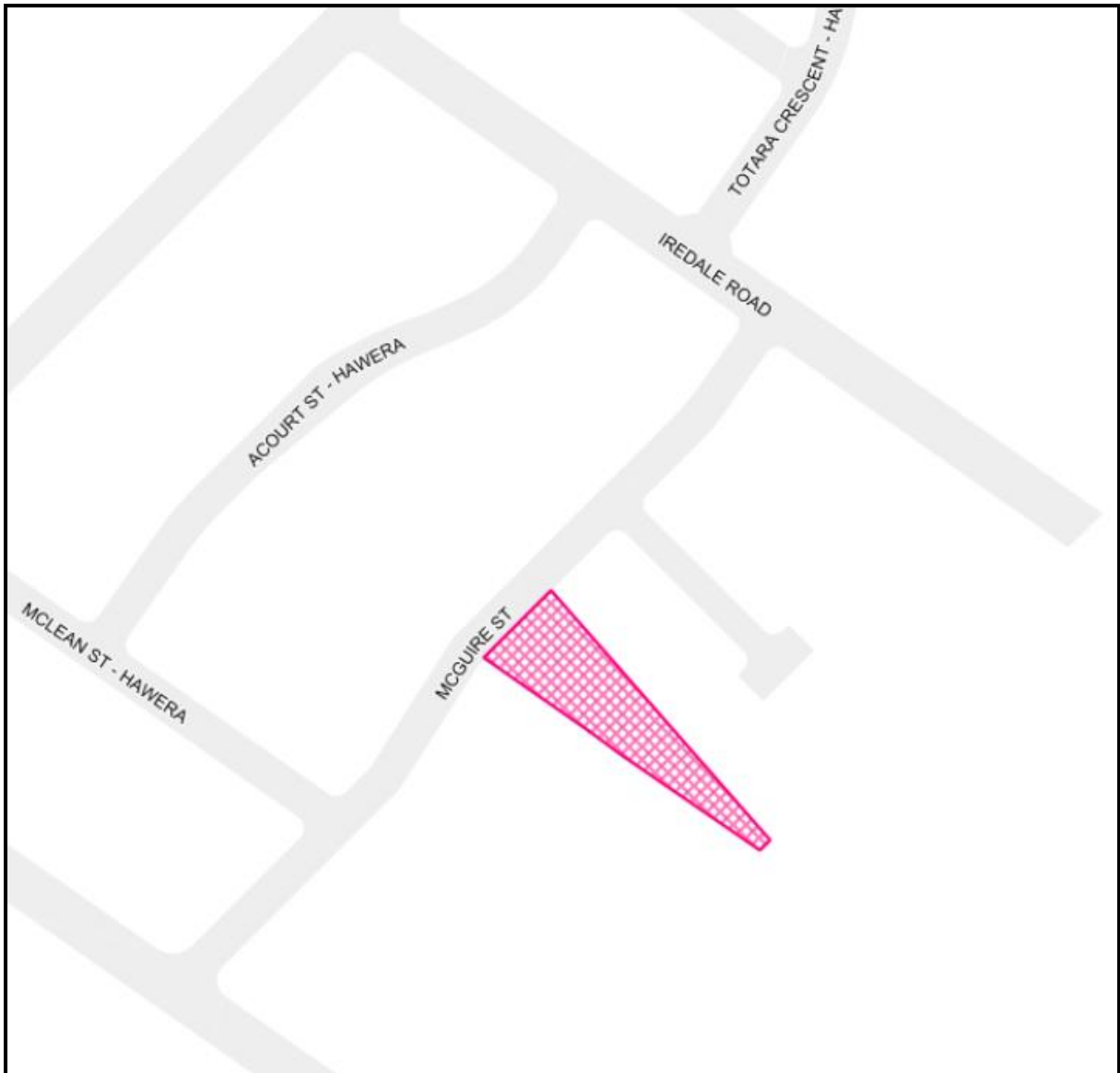
Map 1B iii), iv), v) and vi) - Naumai Park, Goodson Dell, Clapham Common, Hawera BMX Track; and  
Map 1C i) - Hawera Cemetery



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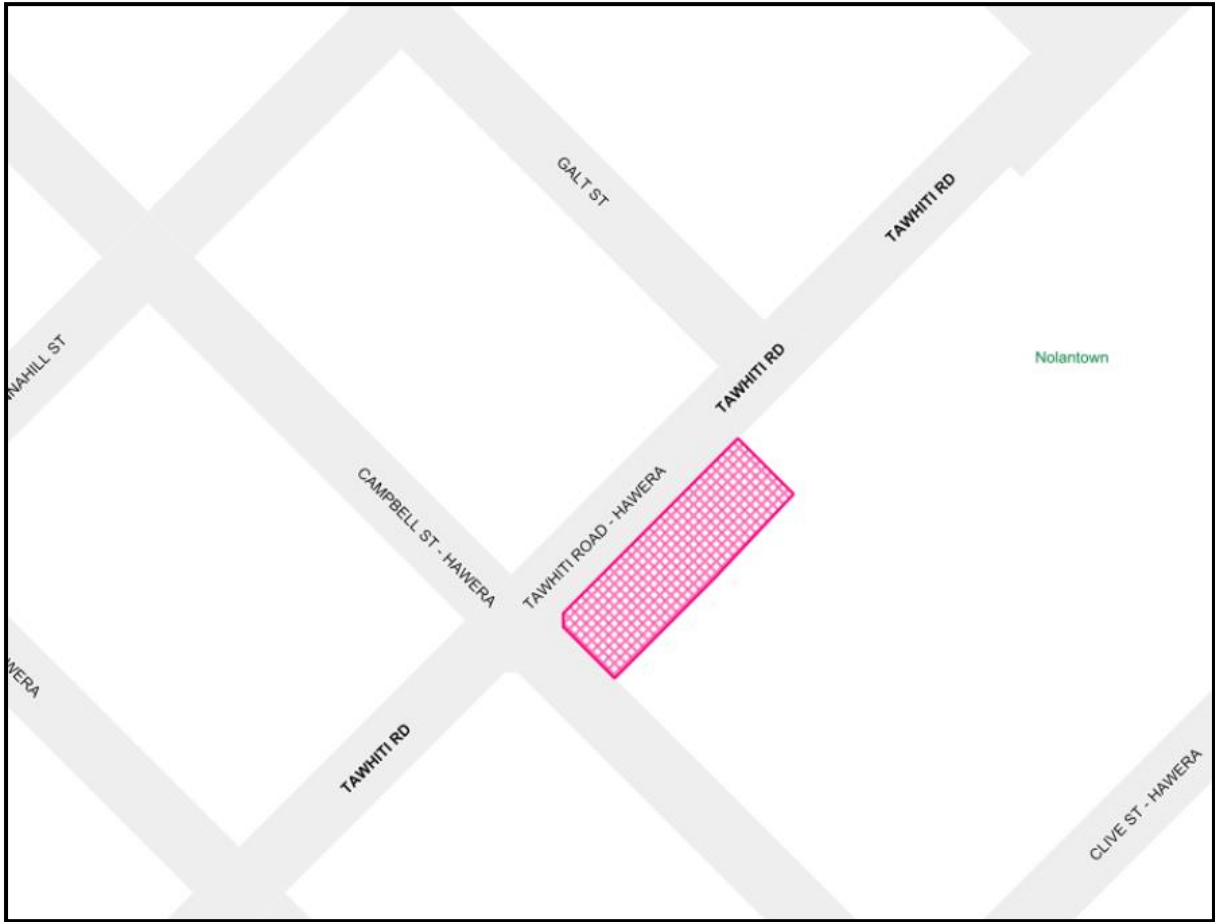
vii) – McGuire Street Reserve



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viii) – Queen Elizabeth Park



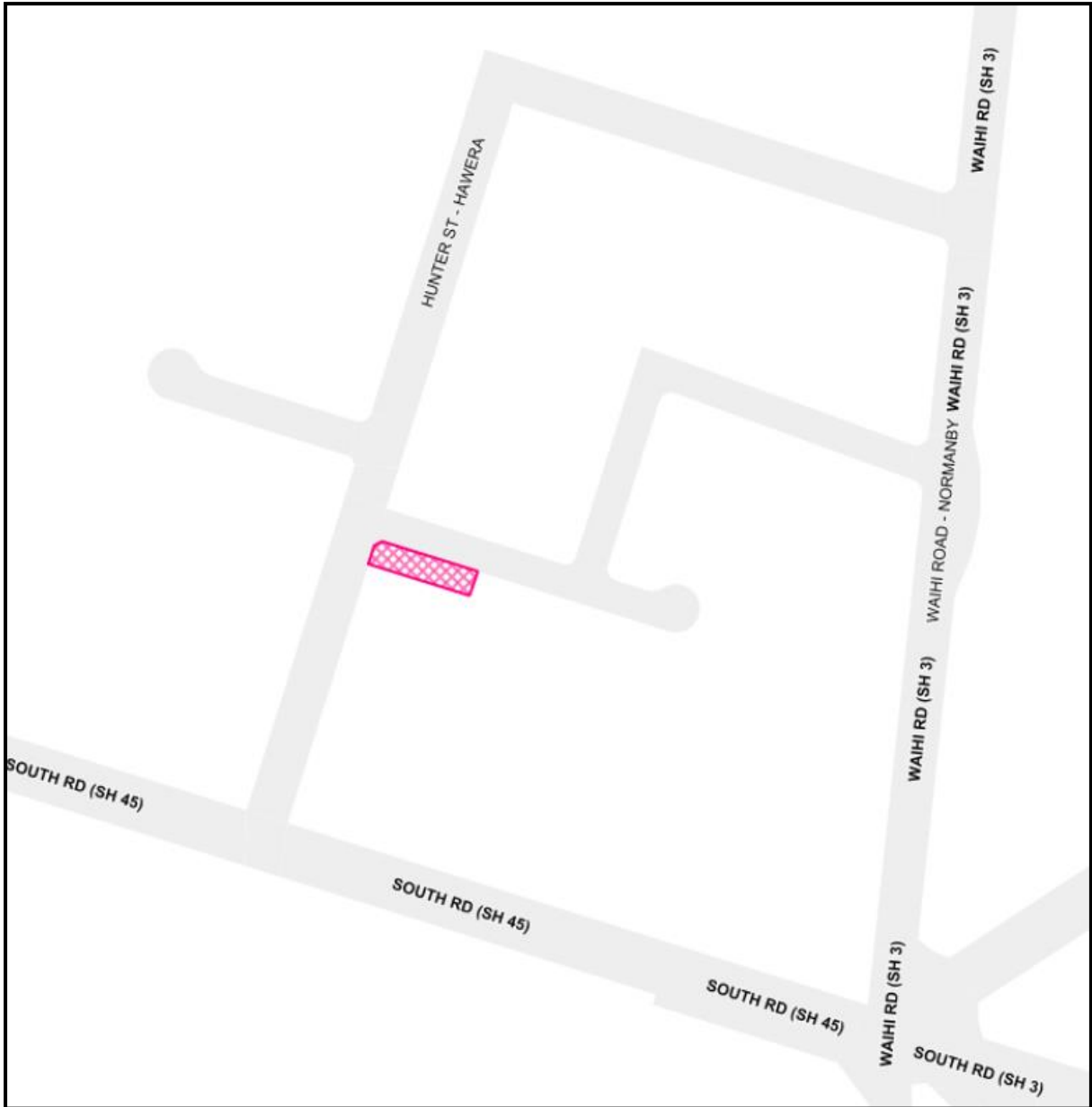
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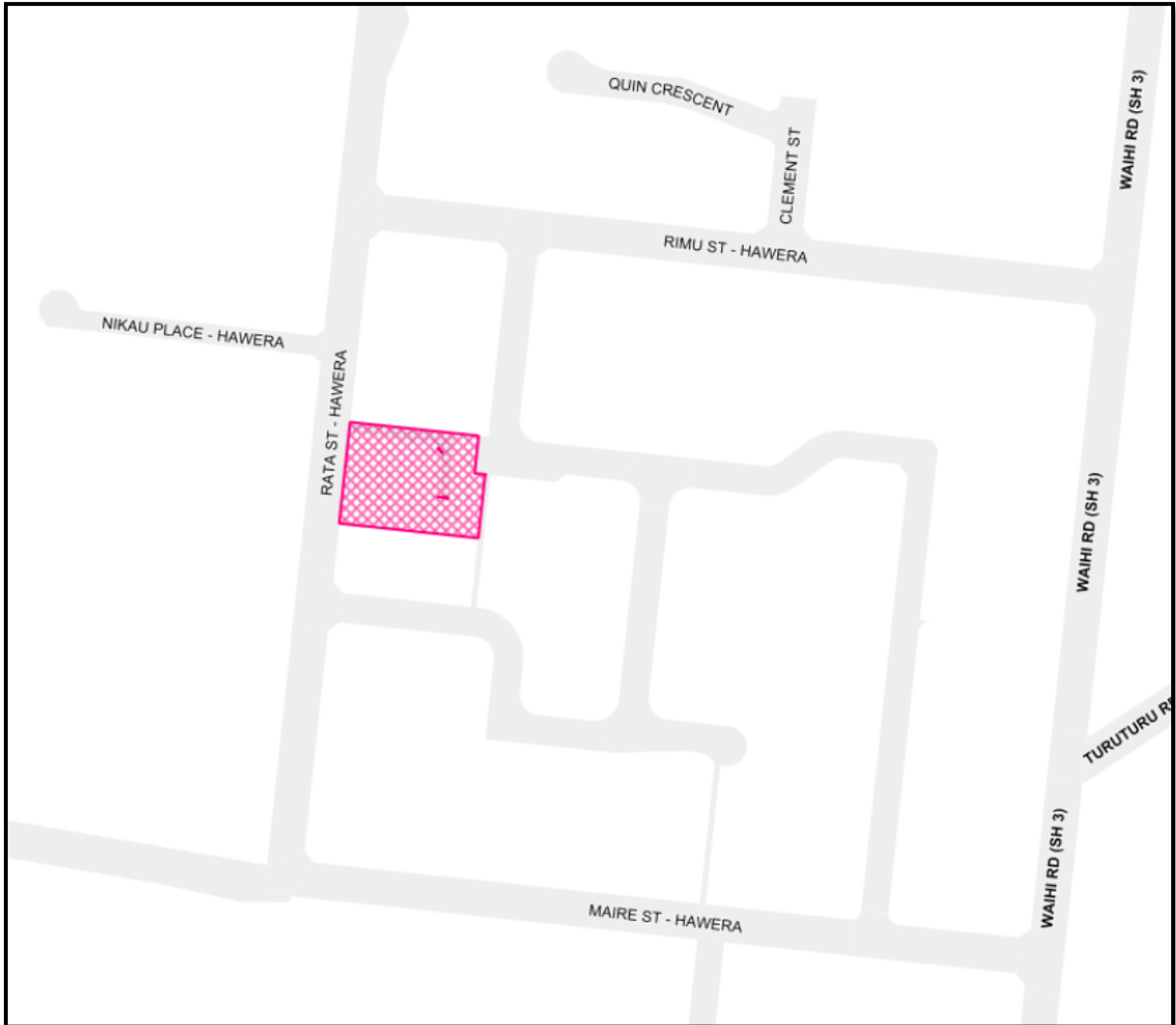
ix) – Kowhai Park



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x) – McCallum Park



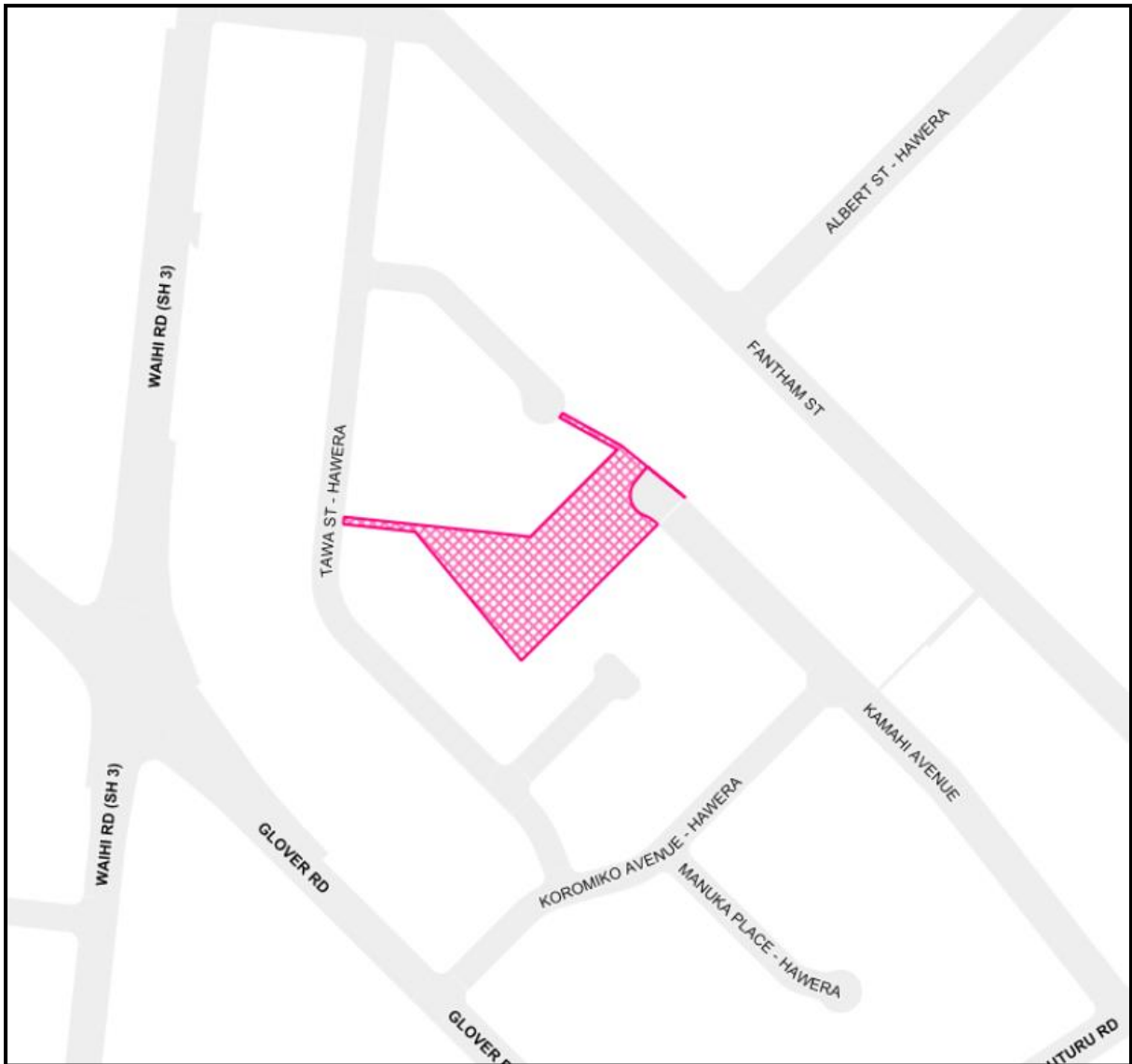
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xi) – Beech Place Reserve



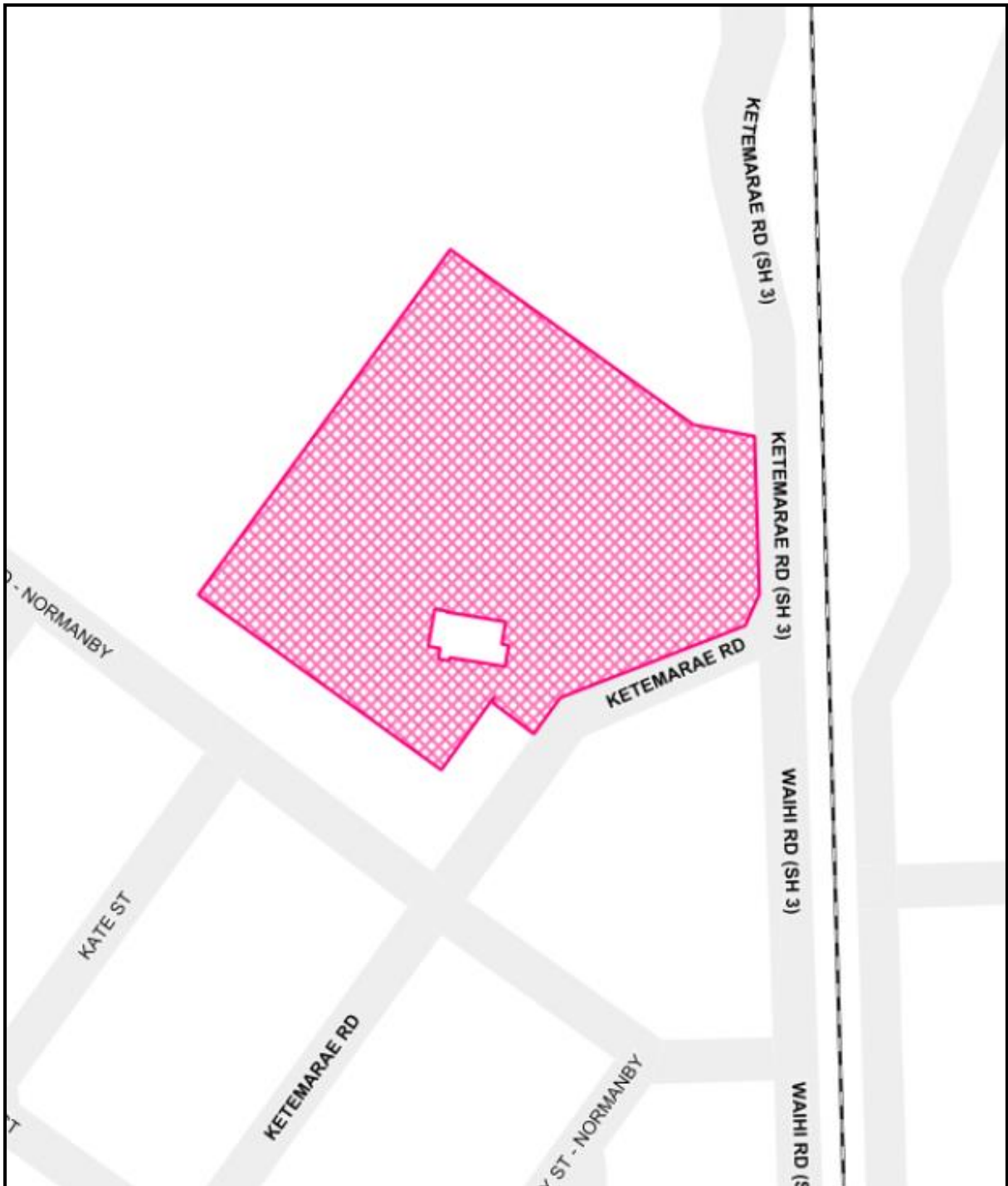
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Map 2A – Normanby Domain



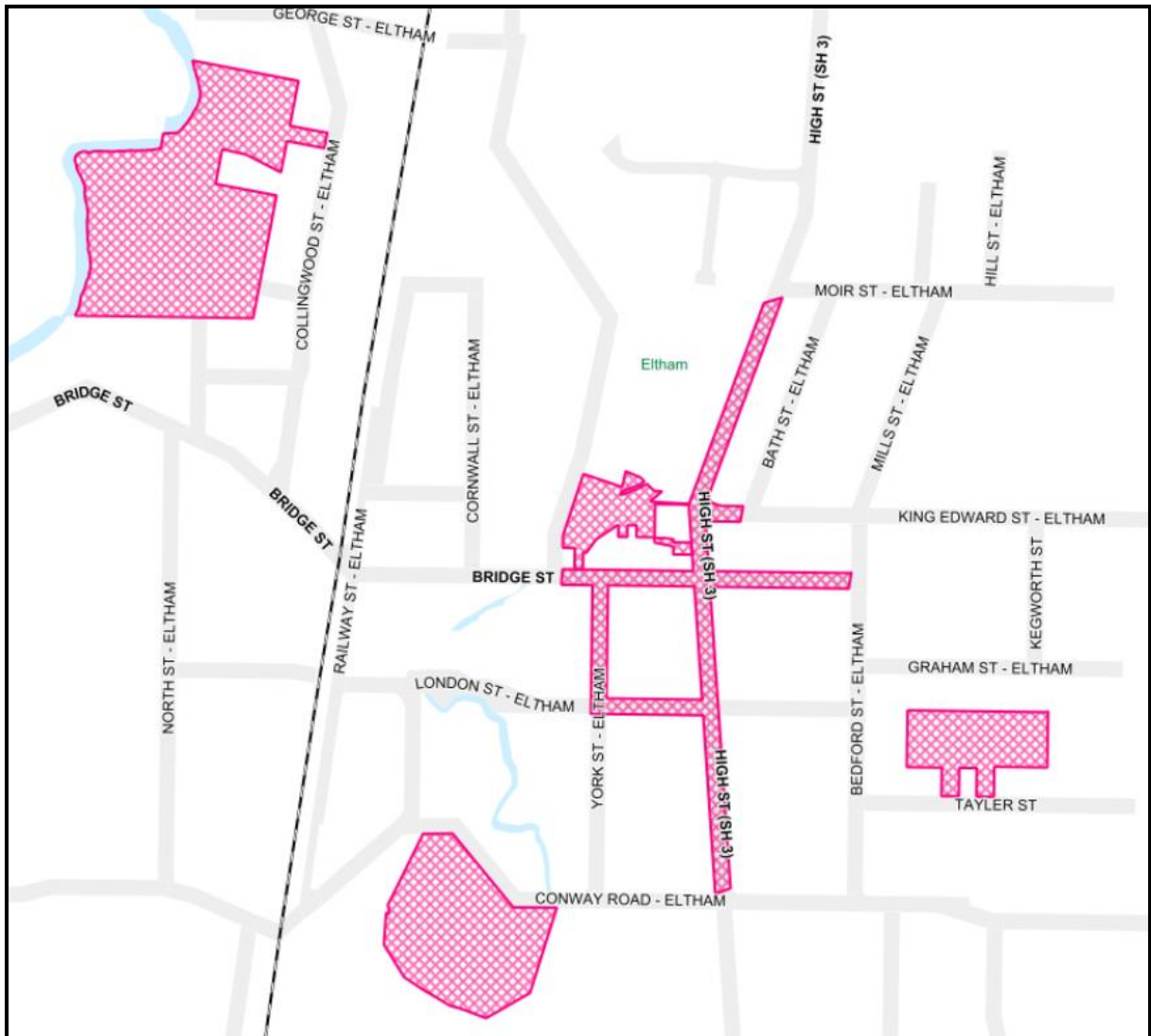
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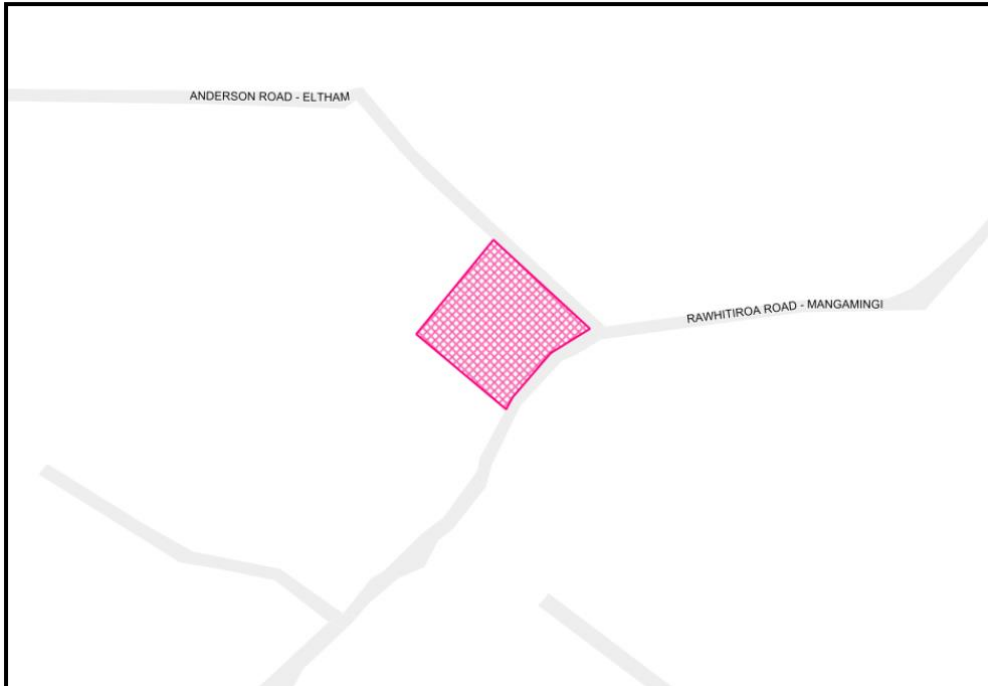
Map 3A – Eltham township and  
Map 3B – Parks and Reserves Eltham



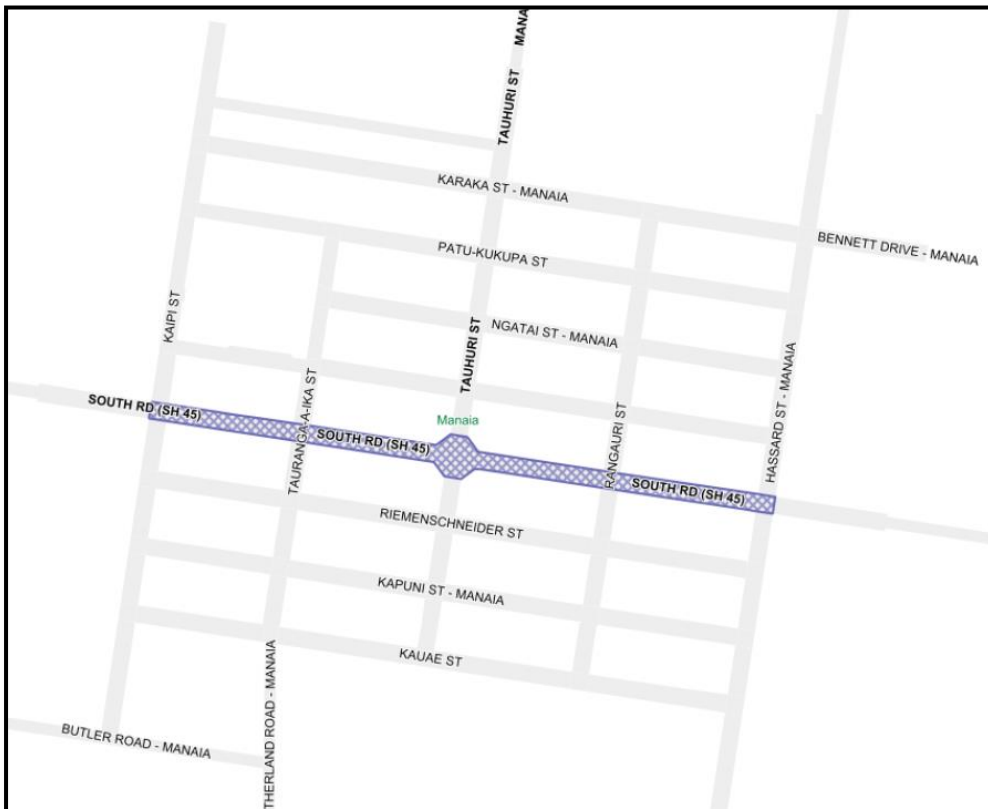
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Map 3C – Eltham Cemetery



Map 4A – Manaia CBD (Christmas/New Year)



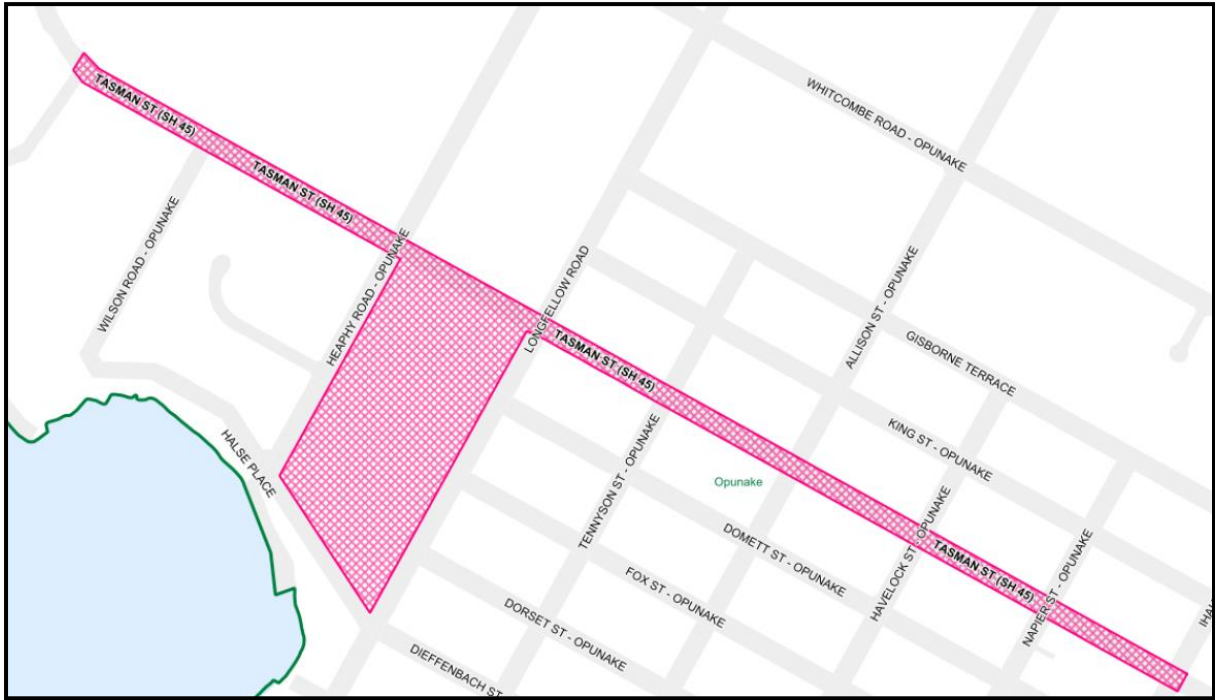
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Map 5A – Opunake CBD



Map 5B – Opunake Beach and Lake (Christmas/New Year)

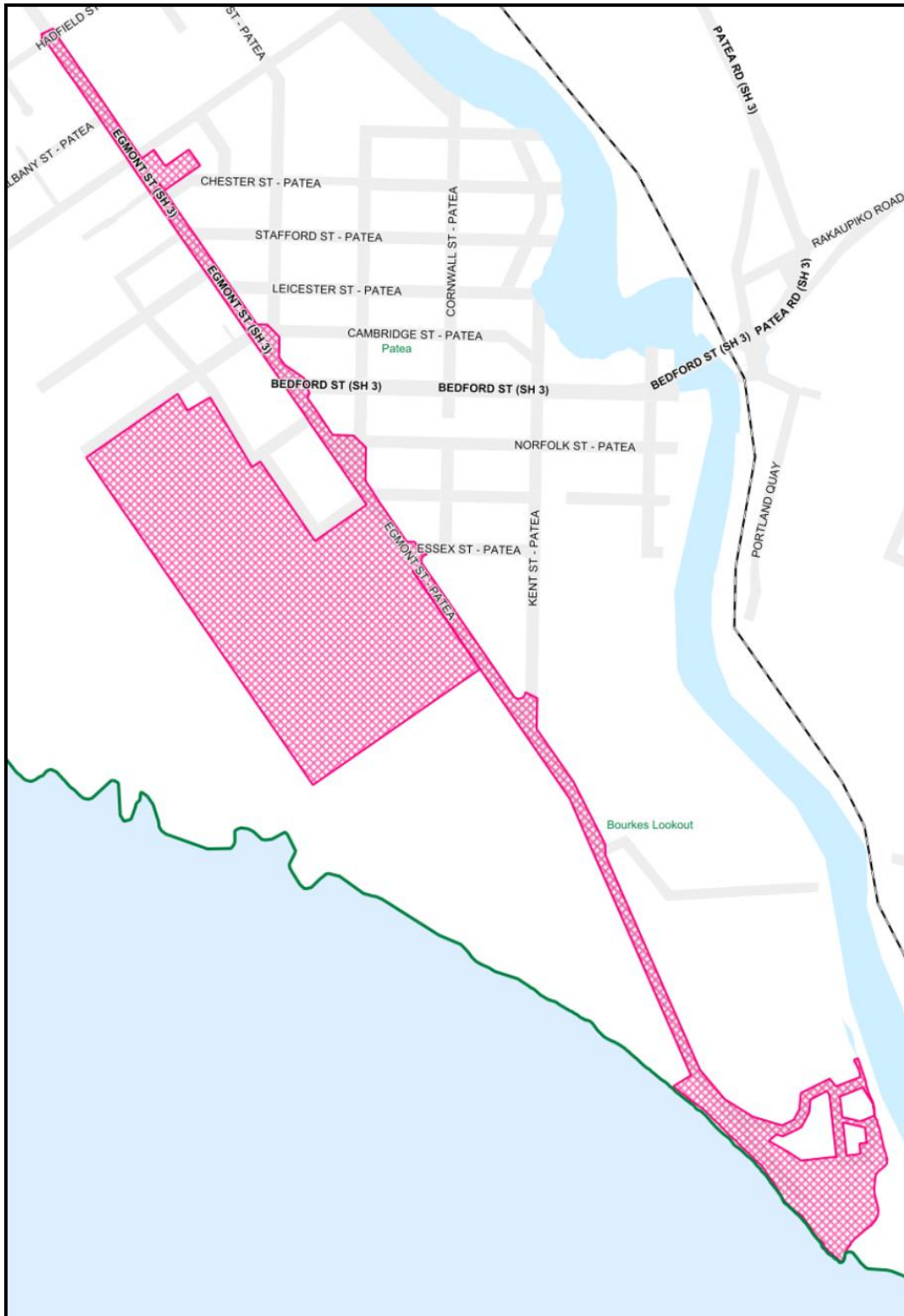


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Map 6A – Patea CBD



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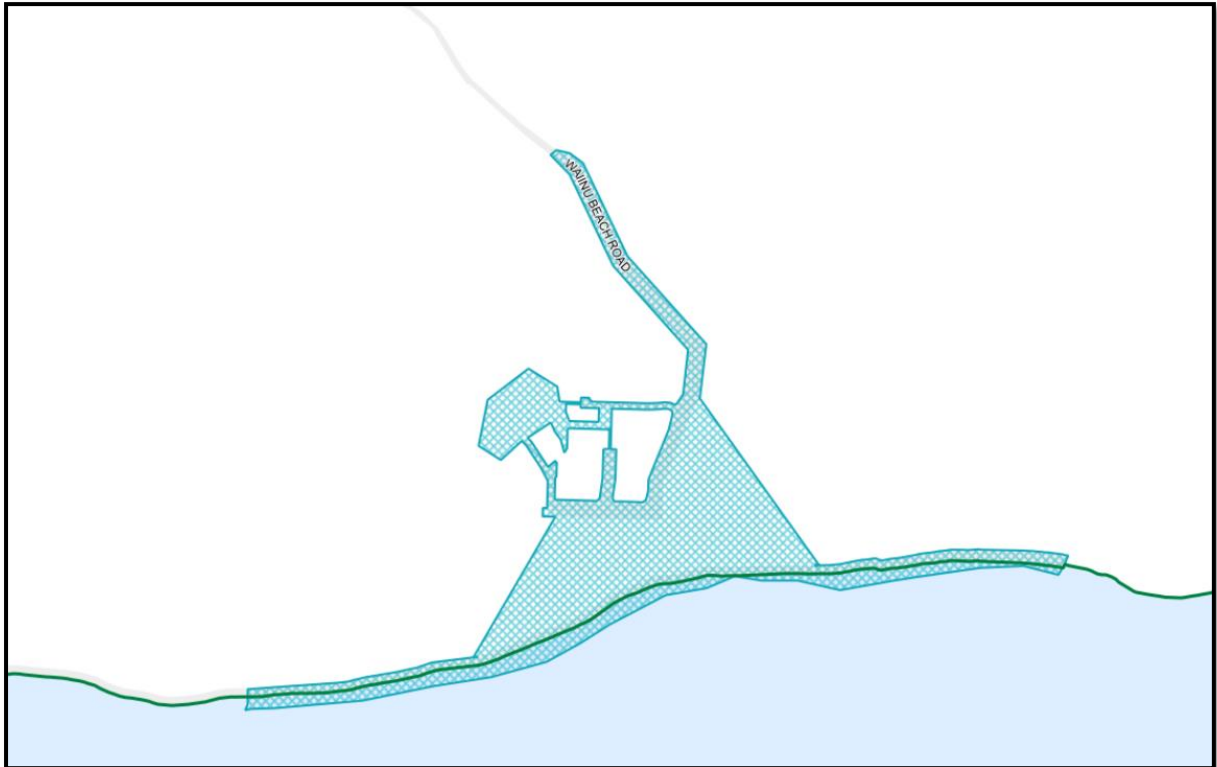
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Map 7A – Wai-inu Beach



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**History of Bylaw**

Action	Description	Decision date	Decision number	Commencement
New	Adoption of new Alcohol Control Bylaw 2018	12/11/2018	330/18	13/11/2018

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