

Attachment A: Proposed Bylaw



DRAFT Alcohol Restrictions in Public Places Bylaw 2018

Ngā ture aukatinga waipiro i ngā wāhi tūmatanui

Queenstown Lakes District Council

Date of making: [Insert]
Commencement: [Insert]

This bylaw is adopted pursuant to the Local Government Act 2002 ~~and the Bylaws Act 2010~~, by resolution of the Queenstown Lakes District Council on xx.

Contents

	Page		Page
1 Title and Commencement	2	8 Exemptions	6
2 Application	2	9 Police powers of search in Temporary Alcohol Restriction Zones	7
3 Purpose	2	10 Offence	7
4 Interpretation	2	11 Signage	8
5 Prohibitions	5	12 Dispensing Powers	8
6 Additions to Specified Periods and Specified Public Place by resolution	5	Schedule 1 – Specified Public Places	9
7 Temporary Alcohol Restriction Zones	6	Schedule 2 – National Crate Day Restriction	18

Part 1 – Preliminary

1 Title and Commencement

1.1 This bylaw shall be the “Alcohol Restrictions in Public Places Bylaw 2018”.

1.2 This bylaw comes into force on [Insert date].

2 Application

2.1 This bylaw applies to specific public places in the Queenstown Lakes District.

3 Purpose

3.1 The purpose of this bylaw is to control and restrict the possession, consumption and bringing of alcohol, in certain locations within the Queenstown Lakes District, in order to reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.

(a) ~~reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.~~

(b) ~~achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.~~

4 Interpretation

4.1 ~~For the purposes of this Bylaw, the following definitions shall apply~~In this bylaw, unless the context otherwise requires,-

Act means the Local Government Act 2002.

Alcohol means a substance as defined by section 5(1) of the Sale and Supply of Alcohol Act 2012—

~~(a) that—~~

~~(i) is or contains a fermented, distilled, or spirituous alcohol; and~~

~~(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or~~

~~(b) that—~~

~~(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and~~

~~(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or~~

~~(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people~~

Council means the Queenstown Lakes District Council.

National Crate Day means the first Saturday of December, or any other day or days associated with a variation of this event or promotion.

Offence means an infringement offence under Section-section 239A of the Act that is a breach of this bylaw.

~~**Person** has the meaning given in the Interpretation Act 1999.~~

Public Place means a place –

(a) 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 Period means:

(a) ~~for a 12 hour ban,~~ from 8.00 pm on any day to 8.00 am the following day; and

(b) ~~for a 12 day ban, from~~ 6.00 am on ~~27-25~~ December of any given year to 6.00 am on 6 January the following year; and

~~(c) for a 10 day ban, from 8:00 am on 27 December of any given year to 8:00 am on 6 January the following year~~

~~(c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and~~

(d) ~~12.00 am on National Crate Day (or any variation of this event or promotion)~~ of any given year to ~~12.00 am on the following day for the public areas in Queenstown defined in Schedule 2;~~ and

(e) any ~~additional other~~ period ~~that may be~~ defined by the Council by resolution from time to time in accordance with clauses 6 to 7 of this bylaw.

Specified Public Place means a public place defined or listed in Schedule 1 ~~and 2 of this bylaw~~ and ~~such additional any other~~ place as may be defined by the Council by resolution from time to time in accordance with clauses 6 to 7 of this bylaw.

Temporary Alcohol Restriction Zone means a zone described in a resolution of the Council made under this bylaw in which the prohibitions under clause 7 are temporarily in place in the public places within the zone and during the times, days or dates specified in the resolution.

Vehicle means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

4.2 Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formality.

4.3 ~~Any reference to legislation in the bylaw includes any amendments to that legislation or other Acts made in substitution of that legislation. The Interpretation Act 1999 applies to this Bylaw.~~

Part 2 – Alcohol Restrictions

5 Prohibitions

5.1 No person may:

- (a) consume, possess, or bring alcohol into any Specified Public Place during any Specified Period;
- (b) consume or possess alcohol in a vehicle in any Specified Public Place during any Specified Period.

5.2 Clause 5.1 is subject to any dispensation given under clause 12 and the exemptions in clause 8 and/or under the Act.

~~The following acts are prohibited:~~

- ~~(a) The consumption of alcohol in any Specified Public Place during any Specified Period;~~
- ~~(b) The possession of alcohol in any Specified Public Place during any Specified Period;~~
- ~~(c) The bringing of alcohol into any Specified Public Place during any Specified Period; and~~
- ~~(d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.~~

6 Additions to Specified Periods and Specified Public Place by resolution

6.1 The Council may from time to time ~~(by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act)~~ define any additional other period to be included ~~within the meaning of~~ as a Specified Period as defined in this bylaw.

6.2 The Council may from time to time ~~(by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act)~~ define any additional other zone-place to be included ~~within the meaning of~~ as a Specified Public Place as defined in this bylaw.

6.3 Every resolution made under clause 6.1 or 6.2 above shall be publicly notified at least 14 days before it shall take effect.

Explanatory note: Section 147B of the Act applies before Council makes any resolutions under the bylaw.

7 Temporary Alcohol Restriction Zones

7.1 The Council may declare a Temporary Alcohol Restriction Zone by resolution which will describe the specific zone and the times, days or date during which the prohibitions imposed under clause 5 apply to any public place in that zone.

~~7.2 Before the Council declares a Temporary Alcohol Restriction Zone it will comply with sections 77 – 82 of the Act.~~

~~7.3~~7.2 Any resolution made under clause 7.1 shall be publicly notified at least 14 days before it shall take effect.

Explanatory note: Section 147B of the Act applies before Council makes any resolutions under the bylaw.

8 Exemptions

8.1 The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container –

- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and Supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place;
- (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012;
- (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.

Explanatory note: Clause 8.1 outlines the statutory exclusions in section 147(4) of the Act and may not be changed by Council.

- 8.2 This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council;
 - (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
 - (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
 - (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012.

9 Police powers of search in Temporary Alcohol Restriction Zones

- 9.1 This ~~bylaw-clause~~ authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any zone which has been declared a Temporary Alcohol Restriction Zone by resolution of the Council under clause 7.
- 9.2 Subject to clause 9.3 ~~below~~, the powers of search ~~contemplated under clause 10.1~~ can be exercised by the Police immediately and without further notice.
- 9.3 Clause 9.1 only applies if the resolution declaring a Temporary Alcohol Restriction Zone provides that clause 9.1 of this bylaw will apply.

Explanatory note: Council must give public notice pursuant to section 170(3) of the Act before the Police may exercise their powers of search under this clause in relation to Temporary Alcohol Restriction Zone resolutions.

The powers of search given to the Police in section 169 of the Act apply to the prohibitions in clause 5 of this bylaw.

Part 3 – General Provisions

10 Offence

- 10.1 Every person who ~~contravenes-breaches~~ this bylaw commits an ~~infringement~~ offence under section 239A of the Act and may be

served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

- 10.2 ~~Every person who commits an offence against this bylaw is liable to the penalty imposed under the Local Government Act 2002.~~

11 Signage

11.1 Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.

11.2 To avoid doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

12 Dispensing Powers

12.1 The Chief Executive of the Council may waive compliance with any provision of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.

12.2 The Chief Executive may consult with stakeholders, including the Police, before granting a dispensation.

12.3 The Chief Executive may in ~~his~~their discretion impose conditions of any such waiver granted under clause 12.1.

13 Revocations

13.1 The Queenstown Lakes District Council Alcohol Ban Bylaw 2014 is revoked.

Schedule 1 – Specified Public Places

The ~~zones~~ areas identified below are ~~those zones which have been~~ classified as Specified Public Places in relation to which the prohibited acts ~~as defined~~ in clause 5 of this bylaw apply during ~~any the~~ Specified Periods noted under each area.

(1) Queenstown

A 12 hour ban, from 8.00pm on any day to 8am the following day (refer clause (a) of the definition of Specified Period); and

A 12 day ban from 8.00 am on 25 December of any given year to 8.00 am on 6 January the following year (refer clause (b) of the definition of Specified Period).

~~(i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and~~

~~(ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:~~

~~Lake Esplanade~~

~~Lake Street~~

~~Man Street~~

~~Memorial Street~~

~~Stanley Street~~

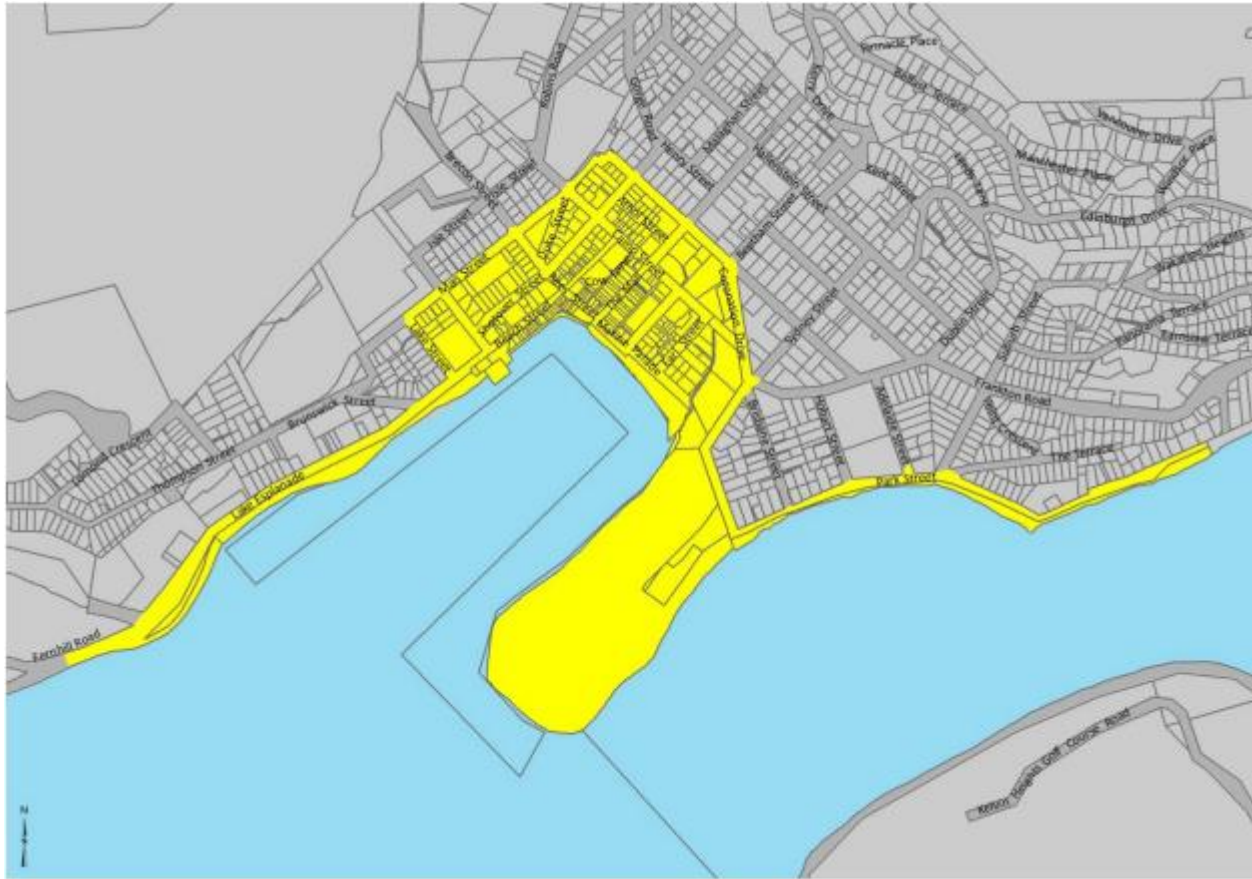
~~Coronation Drive~~

~~Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens~~

Schedule 1 Specified Public Place – Queenstown



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(2) Frankton

(i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and

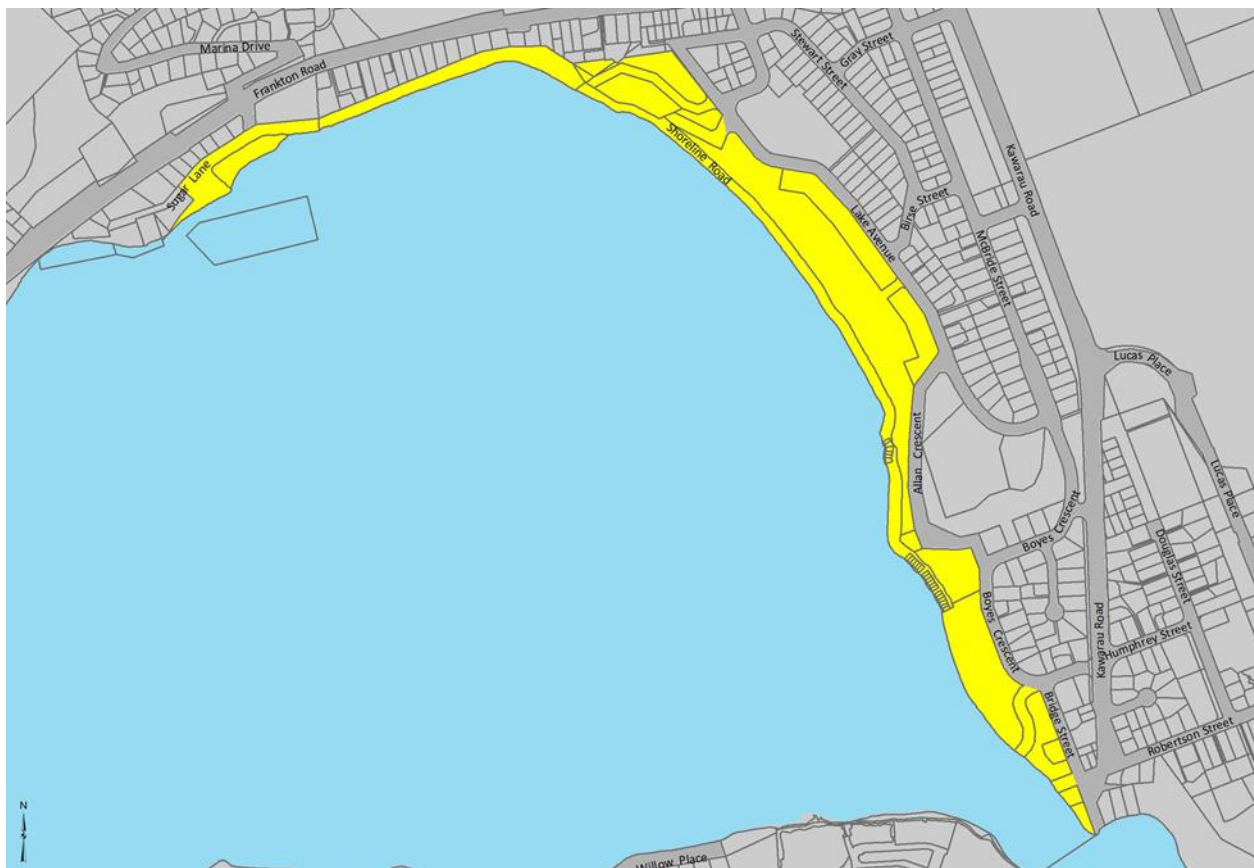
(ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Bridge Street

Boyes Crescent

McBride Street (from Boyes Crescent to Lake Avenue)

Lake Avenue

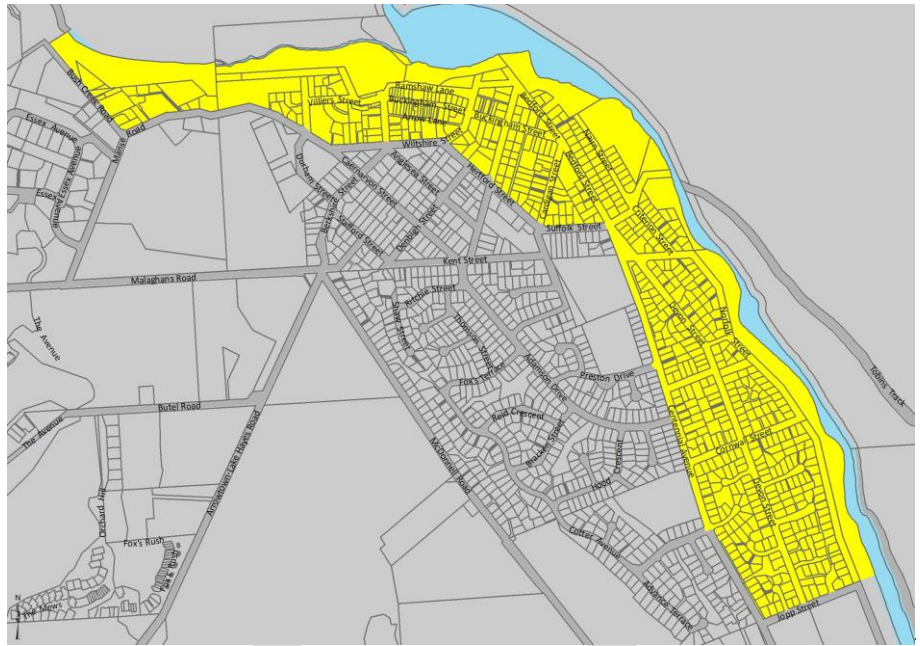


(3) Arrowtown

The north-eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O'Callaghan Reserve and the Arrow River 150th Anniversary walking track to and including the bridge to the south of Jopp Street; and

The area from the north-eastern boundary to an outer boundary formed by and including the following streets and road reserves:

- Bush Creek Road
- Manse Road
- Caernarvon Street
- Wiltshire Street
- Hertford Street
- Suffolk Street
- Centennial Avenue
- Jopp Street



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(42) Wanaka-Wānaka

A 12 hour ban, from 8.00pm on any day to 8am the following day (refer clause (a) of the definition of Specified Period); and

A 10 day ban from 8.00 am on 27 December of any given year to 8.00 am on 6 January the following year (refer clause (c) of the definition of Specified Period).

(i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and

(ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Meadowstone Drive

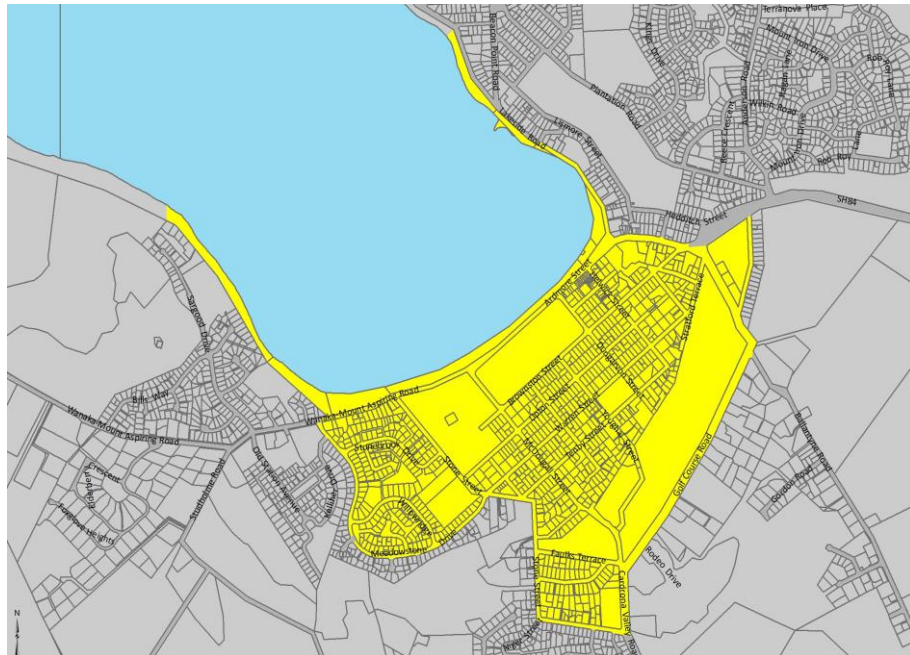
Stone Street

Golf Course Road

MacPherson Street

State Highway 84 (Wanaka-Luggate Highway)

Ardmore Street



Schedule 1 Specified Public Place – Wānaka



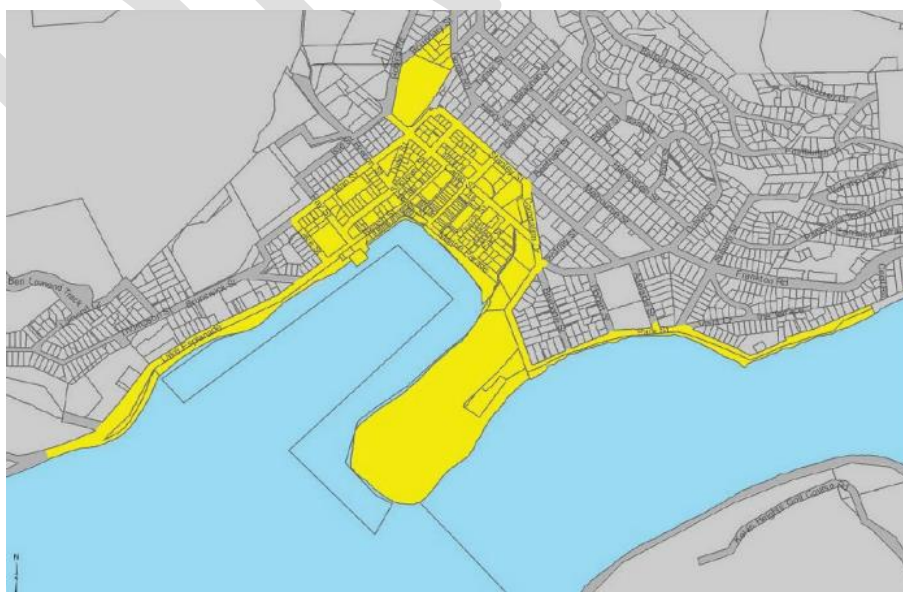
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Schedule 2 – National Crate Day ~~(or any variation of this event or promotion)~~ Restriction

The zone identified below is classified as a Specified Public Place in relation to which the prohibited acts in clause 5 of this bylaw apply during the times and days in clause (d) of the definition of Specified Period.

~~(6) Queenstown~~

- ~~(i) — The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and~~
- ~~(ii) — The zone from the foreshore to an outer boundary formed by and including the following street and road reserves:
Lake Esplanade
Lake Street
Man Street
Memorial Street
Stanley Street
Coronation Drive Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens Boundary Street Carpark~~



Schedule 2 National Crate Day Restriction



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