



New Plymouth District Council Bylaw 2010

Liquor Control

The purpose of this part of the bylaw is to enhance the safety of citizens, protect the public from nuisance and minimise the potential for offensive behaviour in public places by controlling the consumption and possession of liquor in specified public places.



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

1. Authority

- 1.1 This part is made under sections 145 and 147(2) of the Local Government Act 2002.

2. Purpose

- 2.1 The purpose of this part of the bylaw is to enhance the safety of citizens, protect the public from nuisance and minimise the potential for offensive behaviour in public places by controlling the consumption and possession of liquor in specified public places.

3. Interpretation

- 3.1 This part shall be in addition to the provisions of Part 1 Introductory of the New Plymouth District Bylaw 2008 and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

- 3.2 In this part unless the context otherwise requires:

Definitions

Act means the Local Government Act 2002.

CBD has the meaning as defined in Schedule 1.

Liquor has the meaning given to it in section 147(1) of the Act, being the meaning given to it in the Sale of Liquor Act 1989.

Liquor ban means a prohibition of:

- a) The consumption of Liquor in a Public Place.
- b) The bringing of Liquor into a Public Place.
- c) The possession of Liquor in a Public Place.
- d) In conjunction with a prohibition relating to liquor under paragraphs (a) to (c), the presence or use of a vehicle in a public place.

Offence means an Offence under section 239 of the Act that is a breach of a bylaw prohibiting:

- a) The consumption or possession or both of liquor in, or the bringing of liquor into a public place; or
- b) In conjunction with a prohibition relating to liquor, the presence or use of a vehicle in a public place.

Public place has the meaning given to it in section 147(1) of the Act, which for the New Plymouth District Council's purpose means a place:

- a) That is under the control of New Plymouth District Council; and
- b) That is open to, or being used by, the public, whether or not there is a charge for admission; and includes:
- c) A road, whether or not the road is under the control of the New Plymouth District Council; and
- d) Any part of a public place.

Public notice shall have the meaning assigned to in the Local Government Act 2002.

Specified period means such times, days, periods of times and days as:

- a) Described in the First, Second, Third, Fourth, Fifth, and Sixth Schedules; or
- b) Set out in any resolution made by the Council under clause 5.1.

Specified public place means a public place where this bylaw prohibits or otherwise regulates or controls the consumption or possession of liquor and being described in:

- a) The First, Second, Third, Fourth, Fifth, and Sixth Schedules; or
- b) Any resolution made by the Council under clause 5.1.

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

4. Liquor bans

- 4.1** That pursuant to section 147 of the Act the Council designates a liquor ban in the specified public places and during the specified periods described as per council resolution

Liquor bans

5. Designation, revocation and amendment of liquor bans

- 5.1** From time to time, the Council may by resolution:
- a) Designate a liquor ban not already specified in a schedule in areas designated as specified public places, and during specified periods or related to specific events, and.
 - b) Amend or revoke a liquor ban made under clause 5.1(a).

**Designation,
revocation
and
amendment of
liquor bans**

- 5.2** Before imposing, revoking or amending a liquor ban under clause 5.1 the Council will consider:
- a) Whether liquor is likely to be present in the public place during the days or periods specified.
 - b) Information about the nature of the locality and the reasons why the liquor ban is being sought, amended or is no longer considered necessary.
 - c) The scale and nature of the area proposed for the liquor ban or amendment or revocation of the liquor ban.
 - d) Whether or not private rights will be unnecessarily or unjustly limited.
 - e) Whether (and if so, the extent to which) it is necessary to consult the public to gauge community views on a proposed liquor ban or proposal to amend or revoke a liquor ban.
 - f) Any recommendations, advice or other comments received from the police in relation to the proposal.
 - g) Any other information considered by the Council to be relevant.

**Decision
making
criteria**

- 5.3** Where liquor bans are designated, amended or revoked a minimum of 14 days public notice shall be given specifying the public place, whether the prohibition is a general prohibition or for a specific period, periods or event. Public notices shall also be affixed in, or adjacent to, the relevant public place.

**Public
notification**

6. Exceptions

- 6.1** A liquor ban does not apply to areas or activities covered by a licence issued under the Sale of Liquor Act 1989, and for explanatory purposes includes:
- a) Any public place which is part of a licensed premise's outdoor area, where permission to occupy that area has been granted by the Council; or
 - b) The carrying of alcohol directly between one part of a licensed premises and another of the same licensed premises across a public place that separates parts of the licensed premises; or
 - c) Any public place that is subject to a special licence, for the term of that licence; or
 - d) Any conveyance in a public place to which a licence under the Sale of Liquor Act 1989 applies; or
 - e) Any event held in a public place at which alcohol is served under a caterer's off-licence under section 51 of the Sale of Liquor Act 1989.

7. Penalties

- 7.1** That pursuant to section 239 of the Act, every person commits an offence who knowing that a prohibition is in force contravenes that prohibition. Every person who commits that offence is liable, on summary conviction, to the penalty set out in section 242(4) of the Act.

Offences

8. Conditions relating to power of search

- 8.1** This bylaw authorises a member of the police to exercise the power of a search under section 169(2) of the Act in any areas to which a liquor ban applies.
- 8.2** Before a member of the police may exercise a power of search under section 170(2) of the Act the Council must comply with section 170(3) of the Act.

First Schedule

Specified Public Place – New Plymouth CBD

All public places including streets, service lanes, footpaths and car parks within the CBD area bounded by the sea to the north, the eastern side of Dawson Street (from Hine Street to Vivian Street), the southern side of Vivian/Leach streets (from Dawson Street to Eliot Street) and the eastern side of Eliot Street (from Leach Street to Woolcombe Terrace) including:

North Side

Vivian Side/Leach Street from Robe Street to Carrington Street

West Side

East Side of Robe Street from Vivian Street to Downe Street.

East Side

East side of Carrington Street from Leach Street to Red Coat Lane, including Baines Terrace (paper road) part of the Huatoki Walkway from Vivian Street to Brougham Street.

South Side

From Carrington Street, Red Coat Lane across to the East side of Robe Street/Downe Street corner encompassing the Southern/Eastern Boundaries of Marsland Hill.

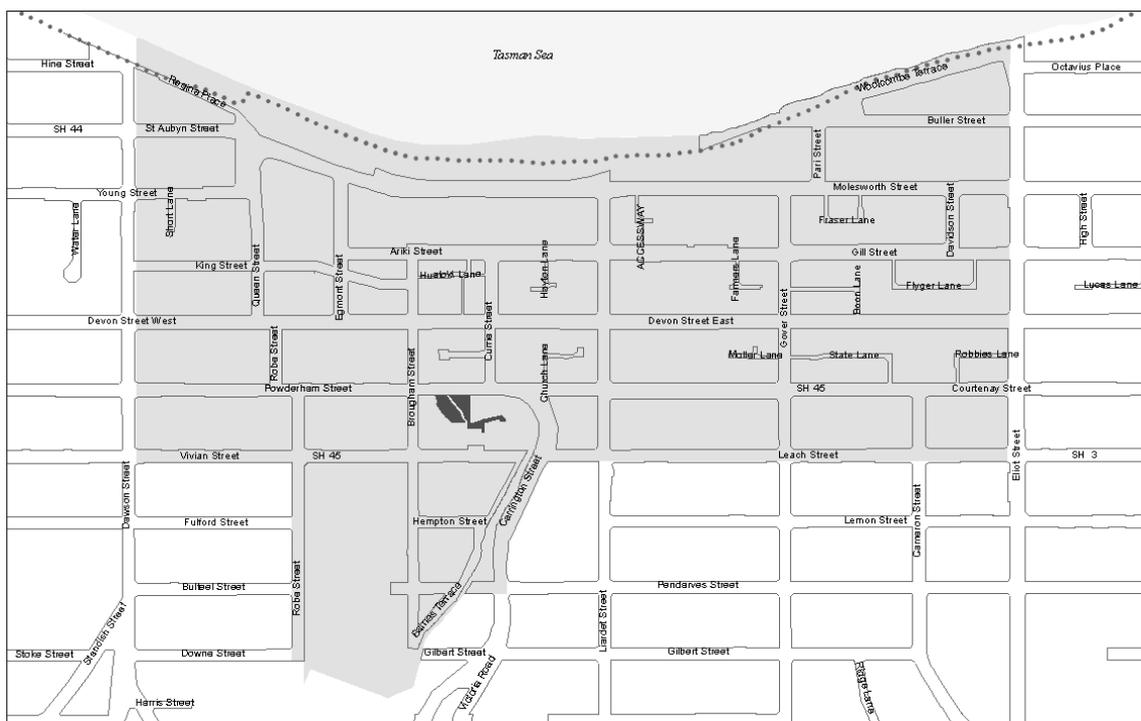
Specified Periods

A 24 hour seven day a week liquor ban be implemented in the New Plymouth central business area, otherwise known as the “specified public place”.

Exceptions

Alcoholic beverage is permitted to be consumed within the specified public place for no longer than 30 minutes, and where the consumption is part of the recording of a significant event or activity as approved by an authorised officer under the New Plymouth District Council Bylaw 2008 Part 1: Introduction.

Note: for the purpose of this part of the bylaw a significant event is defined as a wedding, milestone anniversary celebration or similar where family and friends come together to celebrate and record the event.



Prohibited Area Liquor Ban Zone
7 days a week / 24 hours a day

KEY

■ Liquor Ban Zone

.... Walkway

■ Sir Victor Davies Park

Second Schedule

Specified Public Place - Oakura

The public area bounded by the low water mark to the north, the Otupotu Stream to the west, a prolongation of the western boundary of Lot 20 DP 7538 to the east, and including Shearer Reserve being Lot 6 DP 7357 and Lot 33 DP 14330 and the public thoroughfares of Tasman Parade, Shearer Drive, Arden Place, Jans Terrace, Linda Street Prudence Place, Russell Drive, Kaitake Place, Wairau Road from the sea to the northern side of Telford Terrace, Messenger Terrace from Wairau Road to the western side of McFarlane Street, Mallinder Place, and Pitcairn Street northern section adjoining Messenger Terrace, the roadway through the Oakura Camp but excluding the camp itself and excluding the premises of the New Plymouth Old Boys' Surf Life Saving Club.

Specified Periods

Commencing at 2pm on New Years Eve and ending at 2am on New Years Day.

(To this may be added other public holidays where problems can be demonstrated)

Third Schedule

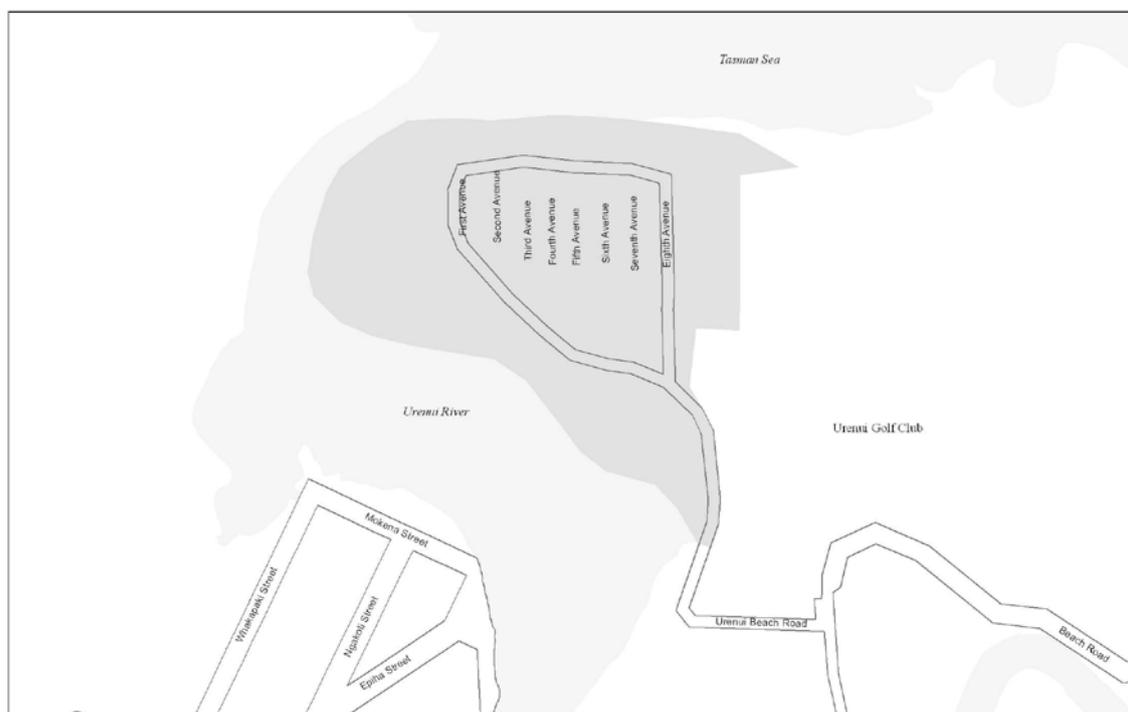
Specified Public Place - Urenui

The public area of the Urenui Domain bounded by the low water mark to the north, the public areas of the Urenui Domain Camp bounded by the Urenui River to the west and south to a point adjacent to the boat wash facility situated on SO 10852, the eastern boundary of the camping ground from a point opposite the southern end of the boat wash facility to the foreshore excluding holiday cottages and temporary living places, but including all grassed areas not occupied by a temporary living place, and the perimeter Roadway, SO 10852, SO 11707.

Specified Periods

Commencing at 6am on New Years Eve and ending at 6am on New Years Day.

(To this may be added other public holidays where problems can be demonstrated)



Prohibited Area Liquor Ban Zone
Operational from 6am New Years Eve to 6am on New Years Day

Note: Liquor Ban Zone excludes holiday cottages and temporary living places (tents, caravans) but includes all grassed areas not occupied by the temporary living places and the perimeter road.

KEY  Public Places
 Liquor Ban Zone

Sixth Schedule

Specified Public Places - Mt Bryan, East End and Fitzroy reserves

All public places including streets, service lanes, lanes, footpaths, car parks and parks within the area bounded by the low water mark to the north, the eastern side of Eliot Street to the west, the western side of Record Street to the east and the boundaries of private property to the south.

Specified Periods

Commencing 1 November to 1 April each year, from 9pm to 7am the following day, from Thursday evening to Sunday morning and 9pm to 7am Christmas Eve and New Year's Eve.

Seventh Schedule

Specified Public Place – Pukekura Park

Pukekura Park bounded by Gover Street (from Rogan Street to Fillis Street), north side of Fillis Street, Liardet Street (from Fillis Street to Gilbert Street), Gilbert Street (from Liardet Street to Victoria Road), Victoria Road, (from Gilbert Street to Holsworthy Road intersection), Brooklands Road (from Victoria Road to Brooklands Park Drive), a direct line drawn from the intersection of Brooklands Road and Brooklands Park Drive to Scanlan Lookout (excludes areas within the Bowl of Brooklands), eastern boundary of Pukekura Park from Scanlan Lookout through to the intersection of Rogan Street with Gover Street.

Specified Period – Festival of Lights

On every day, Monday to Sunday inclusive, commencing at 7pm and ending at 7am on the following day, for all days on which the Festival of Lights programme operates annually.

Exemptions

The provisions of this Schedule shall not apply in the case of any liquor brought into the area in an unopened bottle or other unopened container for consumption in any of the following areas:

- Areas of entertainment and lawn area (excluding pathways and planted areas) immediately around the Hatchery Lawn Stage, the Fred Parker Lawn (near the Fernery) and the Boat Shed Lawn until 11pm on days when a Festival of Lights event is scheduled, and only in the lawn area of the scheduled event.
- Bellringer Pavilion.
- Sports ground (inside main gates) and surrounding grass terraced seating during scheduled cricket matches only.

The provisions of this Schedule do not apply to the Pukekura Park "Tea House" having a licence issued pursuant to the Sale of liquor Act 1989; or any other "Special Licence" issued under the provisions of the Sale of Liquor Act 1989.

Eighth Schedule

Specified Public Place – Waitara Central Business and Recreation Area

All public places including streets, service lanes, footpaths and car parks and the Waitara River Bank within the Waitara area bounded by Whitaker Street to the north, the Waitara River Bank to the east, Brookes Terrace and the Waitara River Bank to the south and Cracroft Street to the west.

Specified Period

A 24 hour seven day a week liquor ban be implemented in the Waitara central business and recreation area, otherwise known as the "specified public place".

