



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Graham Caradus, Co-Ordinator Regulatory

**REFERENCE:** B956

**SUBJECT:** **STATEMENT OF PROPOSAL: DRAFT AMENDMENT TO TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW: CHAPTER 3: CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2004 - REPORT EP08/11/20 - Report prepared for meeting of 20 November 2008**

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### 1. BACKGROUND

At the Environment and Planning Committee meeting on 16 September 2008, proposed amendments to the Control of Liquor in Public Places Bylaw 2004 (the Bylaw) were detailed in a statement of proposal. The statutory processes necessary to meet the obligations of section 83 of the Local Government Act 2002 (LGA) as it relates to special consultative procedure have been met. This was achieved by advertising of the statement of proposal and receiving submissions during the period 25 September 2008 to 28 October 2008.

Council carried the following resolution at the meeting of 16 September 2008:

**THAT the Tasman District Council proceeds with amendment of the current Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2004, and that the draft amended bylaw contained in Part 3 of this statement of proposal be adopted and be notified to commence the consultative procedure as set out in the Local Government Act 2002.**

The proposed changes to the bylaw have been instigated by Senior Sergeant Grant Andrew, the officer in charge of the Motueka Police. He reports that the existing Bylaw provisions have proved very effective. He suggests significant advantage in the area controlled by the bylaw being extended to those areas included in the proposed amendment. The area the Motueka Police service includes all those areas in which it is sought to make changes to the Bylaw.

Senior Sergeant Andrew will attend the meeting and be available to assist Council with information about the Police role as it relates to these Bylaw provisions.

### 2. ADDITIONAL EDITORIAL CHANGES

- 2.1 Through the review process, it has been discovered that a drafting error exists in the wording of the original Bylaw. The minor editorial change required to change this error does not change the intended effect of the bylaw and as such is permitted by

section 156 of the LGA without having to go through the statement of proposal process. Currently clause 3 of the Bylaw states:

### **3 PROHIBITED ACTS**

*No person shall:*

- (a) bring liquor into;*
- (b) possess liquor in; or*
- (c) consume liquor in;*

*any Schedule A Public Place at any time during any period specified in respect of that public place, within that schedule.*

This editorial amendment replaces the last sentence of Clause 3 with the words “*any Schedule A Public Place at any time during the specified hours.*” This has the effect of allowing the definition of “Hours” included in clause 2 of the Bylaw to be applied. That had clearly always been intended, but had not been achieved as drafted.

- 2.2 Minor editorial change is to be made to the titles of the maps used in the statement of proposal to remove the word “Proposed”.

### **3. AMENDMENTS IDENTIFIED IN THE STATEMENT OF PROPOSAL**

Amendment to “Schedule A” was proposed by adding to Clause 3 after “Torless Rocks” the words “then south and west around the foreshore of Dummy Bay, Stephens Bay and Tapu Bay to the mean low water spring tide and including all those public places located on and adjacent to Martin Farm Road, Stephens Bay Road, Cook Crescent, Anarewa Crescent, and Tapu Place and the public places on and adjacent to the foreshore north of Breaker Bay, including Honeymoon Bay, Ngaio Bay, Towers Bay, Split Apple Rock and Sandy Bay through to the boundary with the Abel Tasman National Park.

These amendments are further identified by Maps 3, 3a and 3b (attached) which will replace the existing Map 3 in Schedule A of the Bylaw.

### **4. SUBMISSIONS RECEIVED DURING THE CONSULTATION PERIOD**

Six submissions have been received and are attached to this report. Four support the changes detailed in the statement of proposal, and one is in opposition. The submission from Mr Sunderland can now be discounted as it expressed concern that areas of private land would be impacted. The submitter was satisfied to learn that the Bylaw is specifically aimed at public places, and his concerns are met with that clarification.

I have discussed Mr Mathews’ objection with him during a telephone conversation, but his views remain unchanged.

All submitters have been given the opportunity to be heard by Council as is the required obligation in this Bylaw making or amending process, but only Mr Mathews has confirmed he wishes to speak to Council in support of his submission.

## **5. RECOMMENDATIONS**

**THAT the Tasman District Council amends the current 'Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2004', by:**

- 1. Including the editorial changes to Clause 3 and the Bylaw maps detailed in this report EP08/11/20; and**
- 2. Including the amendment to the bylaw detailed in the statement of proposal presented to the Environment and Planning Committee meeting of 16 September 2008 in report EP08/09/05.**

**And adopts the Bylaw as amended from 1 December 2008.**

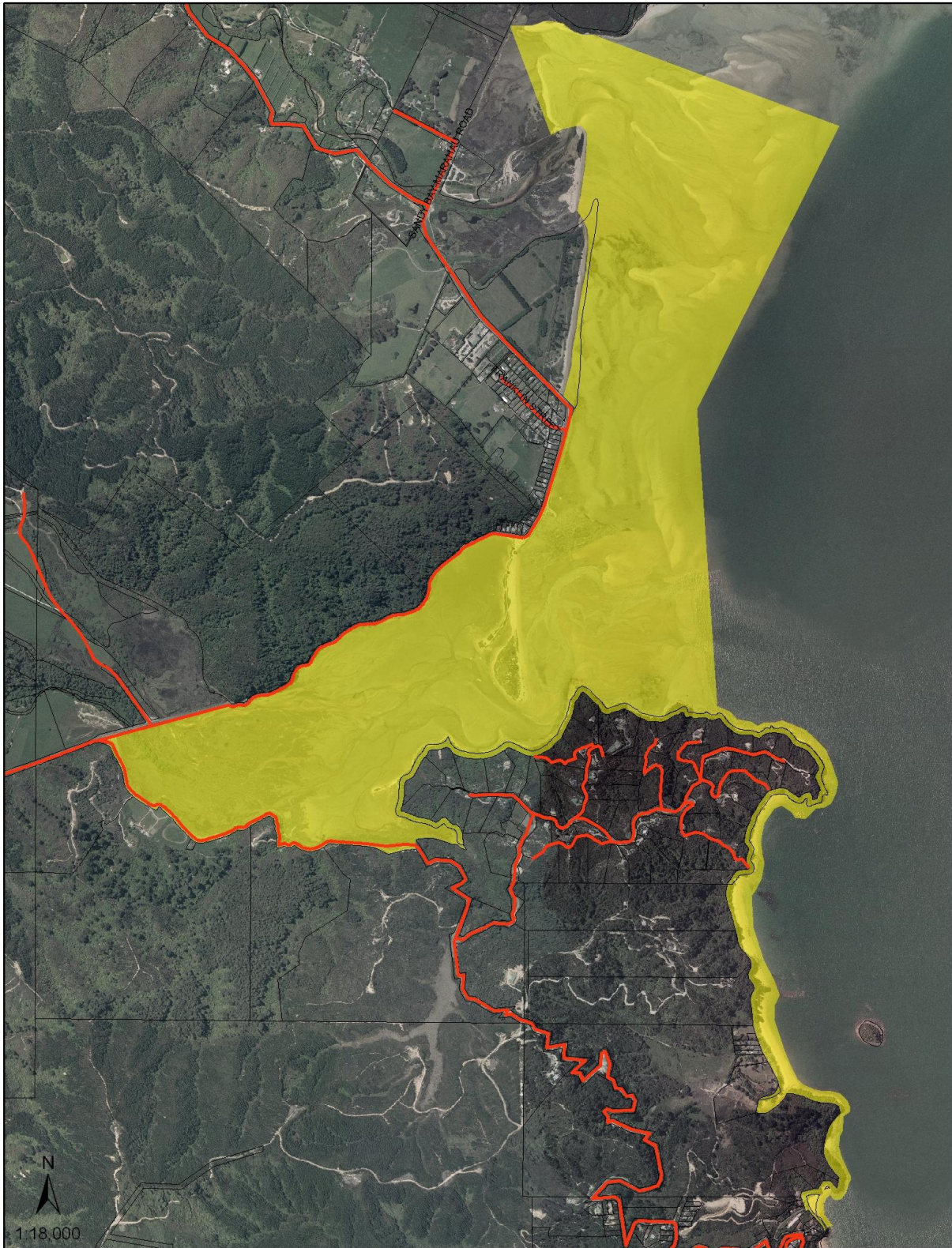
Graham Caradus  
**Regulatory Services Coordinator**



9 September 2008

# Kaiteriteri Liquor Ban Area Map 3





9 September 2008

## Kaiteriteri Liquor Ban Area Map 3a





9 September 2008

## Kaiteriteri Liquor Ban Area Map 3b



1<sup>st</sup> October 2008

The Administration Officer – Regulator,  
Tasman district Council,  
Privaye Bag 4,  
Richmond.

Dear Sir,

**Submission on Liquor Ban Extension around Kaiteriteri and surrounding Beaches.**

I wish to register my opposition to the request by the police to extend the Kaiteriteri liquor ban to the surrounding areas. My reasons are :-

1. My wife and I enjoy the occasional drink, possibly wine, possibly beer, on our beaches. We maybe do this two or three times a year, as I'm sure hundreds of other ordinary citizens do. It may be at Christmas with a barbeque, it may be an anniversary or a birthday celebration. It is particularly enjoyable to share a glass of wine with friends or relatives visiting from abroad while'st admiring and enjoying our rich and picturesque coastline. The proposed liquor ban extension with forbid this pleasure to a great many ordinary people.
2. If the existing liquor ban around Kaiteriteri is 'succesful', then why is it necessary to extend it? Would the answer be that it has simply pushed the problem of drunken disorder further afield rather than solve the problem?  
I suspect that the existing ban has done exactly that – passed the problem to new areas and causing worry and concern to more ratepayers than before.
3. If there is a liquor problem in the new proposed areas, then why were these new areas not included in the original Kaiteriteri ban? If they weren't a problem before and they are now, then it is proof the the original Kaitreitrei liquor ban has caused the spread of the problem rather than solve it.
4. If the existing liquor ban around Kaiteriteri has not been successful, then it should not be extended anyway.

It is grossly unfair to have such simple pleasures as a glass of wine or beer at the beach, taken away from the majority of law abiding citizens because of a small minority of people who cause problems. New Zealand has laws and regulations to prevent drunken disorder. If these regulations cannot cope with the situation now then the last thing we want is more regulations. We already have the "thin end of the wedge", this liquor ban extension proposal will make the wedge bigger. Where will the thick end of the wedge be?

Please think carefully before allowing the liquor ban extension to go ahead. Thank you.

Yours faithfully,

Alan Mathews  
28 Selbourne Avenue,  
Richmond.  
544 4478

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Bryan & Nola Dean  
8 Hampton Place  
Wanganui 4501  
New Zealand  
Home Phone (06) 3446155  
Email deano@xnet.co.nz

Monday, October 13, 2008

The Administration Office – Regulatory  
Tasman District Council  
Private Bag 4  
Richmond  
Nelson



Dear Sir/Madam

Liquor ban extension sought – Kaiteriteri area

My wife and I own a property at 49 Martin Farm Road. Kaiteriteri.

Following notification of the Council's intention to extend the current liquor ban to encompass the surrounding beaches, and other pertinent public areas around the Kaiteriteri area, we offer our whole-hearted support, in particular to Martin Farm Road being included within the zone.

As a retired police officer of some 37 years experience, having served in various areas incorporating both the North and South Islands, I am well aware of the difficulties that can ensue when endeavouring to control those who over imbibe at public festive occasions, and therefore commend the Motueka police and local council for the action taken.

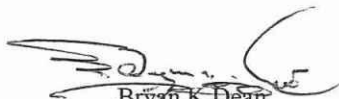
Whereas we are seldom in residence at Martin Farm Road over the New Year period, I know of the difficulties which confronted the Police last year, when groups gathered a short distance outside the exclusion zone, yet close to residential properties, causing considerable problems and stress to residents and holiday makers alike, precipitated by the over indulgence of liquor. It is the general feeling of our neighbours that they would not like to be subjected to a similar occurrence, hence our support for the mooted change.

By its very position Martin Farm Road has received more than its fair share of problems in the past by off-shoots of revellers visiting the area because of its location and popularity. It could be termed secluded, and as such I have suspected that an 'out of sight – out of mind' mentality might have applied. It is therefore most pleasing to note this initiative being taken.

Although my area of interest incorporates Martin Farm Road in particular, I would nevertheless be fully supportive of the ban being extended to the other surrounding public places mentioned in your Council 'Newline' magazine.

I thank the Council for providing me with this opportunity to have my views recorded.

Yours faithfully

  
Bryan K Dean  
October 13, 2008



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**From:** John Auld [mailto:baldys@actrix.co.nz]  
**Sent:** Thursday, 16 October 2008 4:26 p.m.  
**To:** Reception Richmond  
**Subject:** Draft Amendment To Control Of Liquor In Public Places Bylaw 2004

Representing The Auld Family Trust, of 45 Martin Farm Road, Kaiteriteri, I have to advise my unconditional support for what is proposed regarding the above.

To further advance the benefit to residents of Martin Farm Road from your proposals, could something please be done to include both adequate advertising and policing of, the ban on camping and/or overnight stays, in all public areas on our road, that are not designated camping areas.

The incidence of such activities has increased dramatically to the detriment of our environment, over recent years, with apparently no interest having been shown by any authorities. Council's serious consideration of this request and subsequent action, would be welcomed by all residents and visitors, alike.

Sincerely, John (R.J.) Auld.

Denis Sunderland  
48 Naseby Street,  
Merivale  
Christchurch

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14 October 2008



The Administration Officer Regulatory  
Tasman District Council  
Private Bag 4  
RICHMOND

"Liquor Ban"

Dear Sir,

I would just like to advise you that Honeymoon Bay IE: the land and not the beach is private property whilst we certainly agree with the liquor ban, it is not in this case appropriate.

Yours faithfully,

Denis Sunderland