

Report No:	REP12-08-09
File No:	B965
Date:	30 July 2012
Decision Required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: Thursday, 9 August 2012
Report Author: Graham Caradus, Co-ordinator Environmental Health
Subject: **REVIEW OF TASMAN DISTRICT COUNCIL
CONSOLIDATED BYLAW CHAPTER 3 CONTROL OF
LIQUOR IN PUBLIC PLACES**

EXECUTIVE SUMMARY

At the meeting of 26 July 2012, Council received the report REP 12-06-03, *Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places*. After considering the report and hearing from Police, staff were asked to re-examine the Bylaw with Police, with a mind to extending the control of the bylaw.

The changes now proposed compared to the existing Bylaw are to:

- Extend the hours generally to start at 7.00 pm;
- To increase the liquor ban areas in Motueka, Richmond and Takaka;
- To make parts of the Motueka and Richmond liquor ban areas, and the Takaka liquor ban area, subject to 24 hour liquor bans.
- Rural communities of Collingwood, Brightwater, Murchison, Tapawera, Riwaka and Wakefield, are also included.
- To alter the definition of "Public Place".

RECOMMENDATION

THAT draft resolution be agreed to.

DRAFT RESOLUTION

THAT the Environment & Planning Committee:

- 1. Receives the Report REP12-08-09 Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places report, and;**
- 2. Adopts the statement of proposal, a summary of information, and the draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places 2012 for notification to commence the special consultative procedure as set out in the Local Government Act 2002.**

Report No:	REP12-08-09
File No:	B965
Report Date:	30 July 2012
Decision Required	

Report to: Environment & Planning Committee
Meeting Date: Thursday, 28 June 2012
Report Author: Graham Caradus, Co-ordinator Environmental Health
Subject: **REVIEW OF TASMAN DISTRICT COUNCIL
CONSOLIDATED BYLAW CHAPTER 3 CONTROL OF
LIQUOR IN PUBLIC PLACES 2007**

1. Purpose

- 1.1 This report details the reasons for, and process necessary to review the Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places December 2007 (incorporating amendments December 2008) (the Bylaw).

2. Background

- 2.1 The Police initially requested that changes be made to the Bylaw in a letter to Council dated 1 June 2012. In report REP 12-06-03, *Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places* presented to the Environment and Planning Committee of Council on 26 June 2012, detail was included on:
- The Police request to extend the controls in the Bylaw;
 - The impact on liquor control bylaws of the proposed Sale and Supply of Alcohol Act, in particular, the difficulty that will be involved in introducing new liquor ban areas in future resulting from the proposed criteria of “high levels of crime or disorder”;
 - The need to undertake repairs and maintenance on the existing signs which were erected five years ago;
 - The repair cost for Council resulting from vandalism of structures, parks and reserves, with an inference that alcohol is associated with a significant proportion of that vandalism;
 - The general cost to our communities from alcohol related harm, and the part that the liquor control bylaws can play as one of the strategies necessary to combat that harm;
 - The general support that Council receives in relation to the bylaw;
 - The pragmatic and careful way in which Police choose to use the powers provided by liquor control bylaws;

- The fact that the powers provided to Police by liquor control bylaws can only be used in public places, and that they have no influence on locations that are not public places, or which are licensed for the sale of alcohol, even if such places are included within controlled areas.
- Alteration to the definition of “public place” to stay in step with current and proposed definitions in the Local Government Act.

2.2 After discussion on the subject, the Environment and Planning Committee directed staff to revisit a number of matters with Police, including:

2.2.1 The perimeter of the area included in the Richmond liquor ban area, with the suggestion that Bill Wilkes Reserve and the balance of Jubilee Park be included;

2.2.2 To re-examine the hours that the liquor ban is applied in Richmond, to see if a 24 hour ban may be appropriate.

2.2.3 To conduct a further review with Police to consider the adequacy of the proposed areas of control, particularly in those rural communities that are not currently covered by the bylaw. Such review to include the communities of:

- Brightwater;
- Collingwood;
- Murchison;
- Riwaka;
- Tapawera;
- Wakefield.

2.3 Specifically, the Environment and Planning Committee resolution was:

THAT the Environment & Planning Committee receives the Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places report, and;

DIRECTS staff to report back on a review of the Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places with the inclusion of the expanded areas and in consultation with the NZ Police, with a view to releasing a Statement of proposal.

3. Present Situation/Matters to be Considered

3.1 After completing reviews with Police, and for some areas DoC and other land owners, the following changes are included in the Draft Bylaw:

- 3.2 **Brightwater:** The urban part of the village and two outlying reserves have been included in a 7.00 pm to 7.00 am liquor ban.
- 3.3 **Collingwood:** The urban part of the village and an outlying reserve has been included in a 7.00 pm to 7.00 am liquor ban.
- 3.4 **Kaiteriteri:** The summer time extension of the 4.00 pm start to the liquor ban has been broadened to run from 1 December to 1 March each year. The remainder of the year will have a 7.00 pm to 7.00 am liquor ban. The perimeter of the ban has been extended to cover the camping ground.
- 3.5 **Mapua:** Maps have been redrawn, but generally include those areas intended by the narrative in the existing bylaw, but in a 7.00 pm to 7.00 am liquor ban.
- 3.6 **Motueka:** The CBD and some selected outlying areas have been included in a 24 hour liquor ban. Parts of urban areas of Motueka, plus selected outlying areas have been included in a 7.00 pm to 7.00 am liquor ban.
- 3.7 **Murchison:** The CBD and surrounding urban area and reserves have been included in a 7.00 pm to 7.00 am liquor ban.
- 3.8 **Pohara:** Maps have been redrawn, but generally include those areas intended by the narrative in the existing bylaw in a 7.00 pm to 7.00 am liquor ban.
- 3.9 **Richmond:** A slightly extended CBD area has a 24 hour liquor ban. The remaining urban area, extending through to Hedingly Lane (to include the A & P/ Harness Club grounds and two schools, Oakwoods and Club Waimea) as well as Aniseed Valley Road are included in a 7.00 pm to 7.00 am liquor ban.
- 3.10 **Riwaka:** Specific roads in the wider area have been identified for the “standard” 7.00 pm to 7.00 am liquor ban, but for the period 1 December to 1 March, a 24 hour liquor ban is proposed.
- 3.11 **Tapawera:** The urban part of the village and some outlying areas are included in a 7.00 pm to 7.00 am liquor ban.
- 3.12 **Wakefield:** The urban part of the village and some outlying areas are included in a 7.00 pm to 7.00 am liquor ban.

4. Financial/Budgetary Considerations

- 4.1 The most significant identifiable cost for Council in the ongoing administration of the Bylaw, is the erection and maintenance of signs. Increasing the size of the area controlled by a liquor ban, and in the case of Motueka and Richmond, having two areas that have separate times during which the ban will apply, will require an investment in signs, and staff time to erect them and stencil additional signs on to footpaths. Replacing signs to meet standards that are shortly to be set by Regulation is likely to occur in the near future, so a certain amount of cost is inevitable within the foreseeable future. Comments made previously about the need for some repair and replacement of existing signs remain relevant.
- 4.2 Signs for the current Bylaw have cost about \$5,000, excluding staff time, which has been absorbed into existing budgets. With the increased areas to have signs posted, it is estimated that the cost of signs required for the proposed Bylaw is likely to be in the order of \$10,000. Such funding can be found by altering priorities within current budgets. Staff time for undertaking erection of signs and stencilling signs on footpaths can be absorbed into existing budgets.

5. Options

- 5.1 **Do nothing.** The recommendation at the end of this report can be rejected and no review of the existing Bylaw will occur. It will continue to run for the remaining five years of its permitted 10 year duration. Review at that stage will be under the new bylaw making criteria relating to “high levels of crime or disorder”.
- 5.2 **Amend, rather than review the existing Bylaw.** The existing Bylaw will continue to run for the remaining five years of its permitted 10 year duration, expiring in December 2017. Review at that stage will be under the new bylaw making criteria relating to “high levels of crime or disorder”.
- 5.3 **Undertake a review of the existing Bylaw.** The Bylaw in its new form once promulgated would restart a 10 year cycle. However, a catchall in the proposed Sale and Supply of Alcohol Act will provide only for a five year lifespan after the amended Bylaw provisions of the LGA come into effect (one year after Royal ascent). The net result is an expected lifespan of a renewed bylaw of six years from the date the proposed Sale and Supply of Alcohol Act comes into force.

6. Pros and Cons of Options

- 6.1 Doing nothing will leave the Bylaw unaltered, and the Police dissatisfied with their ability to effectively deal with the sort of issues that the Bylaw is primarily intended to manage. It is the lowest cost option, but achieves no improvement in controlling nuisances; protecting, promoting and maintaining public health and safety; and minimising the potential for offensive behaviour in public places. The imposition of the new standard relating to “high levels of crime or disorder” will have to be met in approximately five years time for any new areas introduced.

- 6.2 It is likely that the administrative costs (EPC meeting, consultative process, EPC hearing and subsequent approval of a final draft by Council) in reviewing the bylaw will be substantially the same as undertaking an amendment of the Bylaw.
- 6.3 The amendment process will leave Council with a Bylaw that can only run for another five years, whereas the renewal process allows the resulting Bylaw to run for at least six years.
- 6.4 After the new bylaw making provisions of the LGA come into effect, the process for renewing a bylaw and continuing liquor ban areas will be slightly easier compared to the process for establishing new liquor ban areas. To continue a liquor ban, it only needs to be considered that a *“high level of crime or disorder... is likely to arise”*, compared to the process for establishing new liquor ban areas, where it must be established that *“there is evidence that the area...has experienced a high level of crime or disorder”*.

7. Evaluation of Options

- 7.1 Given the similar effort involved for either an amendment or a review of the Bylaw, undertaking a review and achieving a six year life span is a better option from a cost/benefit perspective.
- 7.2 Do nothing is not a good option for the ongoing effectiveness of the bylaw. Police would have inadequate bylaw provisions perpetuated. Council will still have to accept the cost of some or all signage renewal, either because of the maintenance now due, or because of proposed regulations setting standard for such signage.
- 7.3 Review of the Bylaw, also extends the time before new bylaws made under the more restrictive threshold of “a high level of crime or disorder” need to be considered.

8. Significance

- 8.1 This is a significant decision according to the Council’s Significance Policy, and in addition, the Bylaw making provisions of the LGA oblige the use of special consultative procedure.

9. Recommendations

THAT the Environment & Planning Committee:

- 1. Receives the Report REP12-08-09 Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places report, and;**
- 2. Adopts the statement of proposal, a summary of information, and the draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places 2012 for notification to commence the special consultative procedure as set out in the Local Government Act 2002.**

10. Timeline/Next Steps

10.1 The following timeline is proposed:

- Friday, 17 August 2012: Any statement of proposal publicised;
- Monday, 20 August 2012: Submission period opens;
- Friday, 21 September 2012: Submission period closes;
- Monday, 1 October 2012: Environment & Planning Committee hearing of submitters;
- Thursday, 1 November 2012: Report to Environment & Planning Committee;
- Thursday, 29 November 2012: Council to ratify decision of Environment & Planning Committee

11. Draft Resolution

THAT the Environment & Planning Committee receives the Review of Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places report, and;

Instructs that a statement of proposal, a summary of information, and the draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places 2012 be notified to commence the special consultative procedure as set out in the Local Government Act 2002.



Graham Caradus
Co-ordinator Environmental Health

Appendices:

Appendix 1: Statement of Proposal, including; Summary of Information and Draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places 2012

STATEMENT OF PROPOSAL

Draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2012

This statement of proposal is made for the purposes of Sections 83 and 86 of the Local Government Act 2002. It is divided into three parts as follows:

- Part 1:** *This part contains a “Summary of Information”.*
- Part 2:** *This part contains details of the statutory processes that Council is obliged to give consideration to as well as the details of the changes intended from the existing Control of Liquor in Public Places Bylaw 2007.*
- Part 3:** *This part contains the draft amended Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places 2012.*

Part 1: Summary of Information

This summary is made to fulfil the purposes of Sections 83(1)(a)(ii) and 89 of the Local Government Act 2002. The summary contains details of the Statement of Proposal to replace the existing Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2007 (existing Bylaw).

- A. Changes from the existing Bylaw in general terms relate to the areas covered by the liquor ban in Brightwater and environs, Collingwood, Kaiteriteri and environs, Mapua and environs, Motueka and environs, Murchison, Pohara and environs, Richmond and environs, Riwaka and environs, Takaka and environs, Tapawera and Wakefield and environs. Changes are also intended to the times that the existing Bylaw is in force. Those time changes include a 24 hour liquor ban for the CBDs in Motueka, Richmond and Takaka, and for part of the year in Riwaka. The earlier start applied to the Kaiteriteri liquor ban area is extended to cover a wider period of the holiday season. Remaining areas have liquor bans commencing at 7.00 pm, compared with 9.00 pm in the existing bylaw.

Change to the definition of “Public Place” is included to align with the definition in the Local Government Act 2002. Full detail of these proposed changes are contained in the draft Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2012 (the draft Bylaw).

- B. The full Statement of Proposal including the draft Bylaw may be inspected during ordinary office hours at the following places:

Tasman District Council 189 Queen Street Richmond	Tasman District Council 7 Hickmott Place Motueka
Tasman District Council 92 Fairfax Street Murchison	Tasman District Council 78 Commercial Street Takaka

District Library Queen Street Richmond	Motueka Library Pah Street Motueka
Takaka Memorial Library Commercial Street, Takaka	

- C. A copy of the full Statement of Proposal may be viewed or copied from the Tasman District Council web site at: www.tasman.govt.nz/link/liquor-ban
- D. All submissions on the proposal are to be in writing and posted or delivered to: Katie Greer, Executive Assistant, Environment & Planning, Tasman District Council, Private Bag 4, 189 Queen Street, Richmond 7031, or they may be emailed to info@tasman.govt.nz or faxed to 03 543 9524. Forms for making an electronic submission are available on the Tasman District Council web site at: www.tasman.govt.nz/link/liquor-ban
- E. Submissions will be received at any time from Monday 20 August 2012 up to 4.30 pm on Friday, 21 September 2012.

PART 2: Statutory Processes and Details of Draft Amendments.

A. Statutory Processes

The following are the various statutory processes that have received consideration:

- (a) The requirements of section 684AA of the Local Government Act 1974 as amended by the Local Government Amendment Act (No 2) 1999.
- (b) The requirements of sections 76, to 89 inclusive, sections 145 to 147 inclusive, and sections 149 to 156 inclusive of the Local Government Act 2002.
- (c) The draft Bylaw is not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.

B. Details of Changes from the existing Bylaw:

1. BACKGROUND

The Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places originally came into force in 1 August 2004. Since that date it has been reviewed and a substantially similar replacement Bylaw made in December 2007. The Bylaw was subsequently amended in December 2008 to extend the Kaiteriteri liquor ban area to include the foreshore through to and including Marahau. The existing Bylaw has generally been effective and allowed Police to control the use of alcohol in business and urban areas and in areas of the District that receive large increases to their populations from holiday makers. The review now undertaken is at the request of the Richmond and Motueka Police who report that whilst the existing Bylaw provisions have proved effective, considerable improvement to their enforcement abilities in controlling nuisance and potentially harmful situations could be achieved by extending the liquor bans as suggested.

2. CHANGES TO THE BYLAW

2.1 The areas and times brought into the draft Bylaw are as follows:

- 2.1.1 **Brightwater:** The urban part of the Community and two outlying reserves have been included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.2 **Collingwood:** The urban part of the Community and an outlying reserve has been included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.3 **Kaiteriteri:** The summer time extension of the early (4.00 pm) start to the liquor ban has been extended to 1 December to 1 March each year. The remainder of the year will have a 7.00 pm to 7.00 am liquor ban. The perimeter of the ban has been extended to cover the camping ground.
- 2.1.4 **Mapua:** Maps have been redrawn, but generally include those areas intended by the narrative in the existing bylaw in a 7.00 pm to 7.00 am liquor ban.
- 2.1.5 **Motueka:** The CBD and some selected outlying areas have been included in a 24 hour liquor ban. Parts of urban areas of Motueka, plus selected outlying areas have been included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.6 **Murchison:** The CBD and surrounding urban area and reserves have been included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.7 **Pohara:** Maps have been redrawn, but generally include those areas intended by the narrative in the existing bylaw in a 7.00 pm to 7.00 am liquor ban.
- 2.1.8 **Richmond:** A slightly extended CBD area has a 24 hour liquor ban. The remaining urban area, extending through to Hedingly Lane as well as Aniseed Valley Road are included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.9 **Riwaka:** Specific roads in the wider area have been identified for the “standard” 7.00 pm to 7.00 am liquor ban, and for the period 1 December to 1 March, a 24 hour liquor ban is proposed.
- 2.1.10 **Takaka:** The CBD and some outlying areas are included in a 24 hour liquor ban.
- 2.1.11 **Tapawera:** The urban part of the village and some outlying areas are included in a 7.00 pm to 7.00 am liquor ban.
- 2.1.12 **Wakefield:** The urban part of the village and some outlying areas are included in a 7.00 pm to 7.00 am liquor ban.

- 2.2** The descriptions and maps of the areas included in “Schedule A: Public Places” in the existing Bylaw have been altered to provide greater clarity, remove references to closed roads, correctly naming roads, and achieve alignment of the written descriptions and the maps for Mapua, and Pohara.
- 2.3** The definition of “Public Place” is altered, initially to a very minor extent to stay strictly in step with the current wording in the LGA as it relates to “*Power to make bylaws for liquor control purposes*” in section 147, and subsequently to align with the definition in the proposed Sale and Supply of Alcohol Act that will consequentially amend that section of the LGA. The latter definition of “Public Place” is broader than the current definition, but clarifies that licensed premises are not included as public places.



DRAFT

**Tasman District Council
Consolidated Bylaw**

Chapter 3

CONTROL OF LIQUOR IN PUBLIC PLACES

November 2012

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The Tasman District Council in pursuance of the powers contained in the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling it in this behalf hereby makes the following Bylaw.

1. TITLE AND COMMENCEMENT

- (a) This Bylaw shall be known as the Control of Liquor in Public Places Bylaw 2012.
- (b) The Bylaw shall come into effect on 14 December 2012.

2. INTERPRETATION

Act means the Local Government Act 2002.

Chief Executive means the person for the time being exercising the functions of the Chief Executive of the Council.

Council means the Tasman District Council.

Enforcement Officer means a person appointed by the Council pursuant to Section 177 of the Local Government Act 2002 to exercise the powers of an Enforcement Officer in relation to offences against these bylaws.

Hours means:

- (a) For the Kaiteriteri and environs Liquor Ban from 1 December until 1 March the following year inclusive every year, between 4.00 pm and 7.00 am the following day, and; from 2 March to 30 November inclusive every year, between 7.00 pm and 7.00 am the following day.
- (b) For Motueka CBD Area Liquor Ban, Richmond CBD Area Liquor Ban, and Takaka and environs Liquor Ban Area, 24 hours per day.
- (c) For the Riwaka and environs Liquor Ban from 1 December until 1 March the following year inclusive every year, 24 hours per day, and; from 2 March to 30 November inclusive every year, between 7.00 pm and 7.00 am the following day.
- (d) For all other areas in which a liquor ban is established by this bylaw between 7.00 pm and 7.00 am the following day.

Liquor has the meaning given to it in the Sale of Liquor Act 1989.

Offence means an offence under Section 239 of the Local Government Act 2002 that is a breach of this bylaw.

Public Place from the commencement of this bylaw until and including the time up until 12 months after the commencement of the Sale and Supply of Alcohol Act 2012.

- (a) means a place:
 - (i) that is under the control of the Council; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission and:
- (b) includes-
 - (i) a road, whether or not the road is under the control of the Council; and
 - (ii) any part of a public place

Public Place from the time 12 months after the commencement of the Sale and Supply of Alcohol Act 2012-

- (a) means a place that is open to or is being used by the public, whether free or on a 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.

Schedule A Public Place means a public place within the area described in Schedule A hereto.

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 the hours specified in respect of that public place, within that schedule.

4. ADDITION OR DELETION OF PUBLIC PLACES

4.1 Resolution of the Council

The Council may from time to time by resolution adopted following the use of the special consultative procedure in accordance with Section 83 of the Act, add to Schedule A hereto other public places to which the provisions of this Bylaw shall then apply for any period specified in the resolution, or amend the period applying in respect of any listed public place, or in like manner may delete from Schedule A those public places in respect of which it considers this Bylaw should no longer apply.

4.2 Public Notice of Resolution

Every resolution made pursuant to Clause 4.1 above shall be publicly notified at least 14 days before it shall take effect.

5. EXEMPTIONS

5.1 Taking Liquor To or From Premises

The Bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container:

- (a) the transport of that liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place;
- (b) the transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;
- (c) the transport of liquor from outside a public place to premises that adjoin a 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 public place by a resident of those premises, provided the liquor is promptly removed from the public place;
 - (iii) to premises that are being used for a public or private function.

5.2 Licensed Premises

The Bylaw does not prohibit the possession of or consumption of liquor in any public place, or part of a public place, where such is authorised by a licence issued under the Sale of Liquor Act 1989.

6. POWERS OF ARREST, SEARCH AND SEIZURE

6.1 Powers of the Police

Where a prohibition on the possession or consumption of liquor is in effect in respect of any public place, pursuant to the foregoing provisions, a member of the police may, without warrant:

- (a) for the purpose of ascertaining whether liquor is present, search:
 - (i) a container (for example, a parcel, package, bag or case) in the possession of a person who is in, or entering, the public place;

- (ii) a vehicle that is in, or is entering, the public place;
- (b) seize and remove liquor and its container if the liquor is in the public place in breach of that prohibition;
- (c) arrest a person whom the member of the police finds committing an offence against that prohibition;
- (d) arrest a person who has refused to comply with a request by a member of the police:
 - (i) to leave the public place; or
 - (ii) to surrender to a member of the police the liquor that, in breach of that prohibition, is in that person's possession.

6.2 Warning by the Police

Before exercising the power of search under Clause 6.1(a) in relation to a container or a vehicle, a member of the police must:

- (a) inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place;
- (b) provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.

7. SPECIFIED EVENTS

7.1 Prohibition of Vehicles and Consumption or Possession of Liquor

The Council may, where it considers it appropriate for the safe and effectual holding in any public place or part of a public place of any public event, function or gathering, by resolution publicly notified no less than 14 days before the event:

- (a) prohibit the consumption of liquor in the specified public place during that period or periods, the bringing of liquor into the specified public place during that period or periods, and the possession of liquor in the specified public place during that period or periods;
- (b) and may also in conjunction with the prohibition relating to liquor in (a) above prohibit the presence or use of any vehicle in a public place.

7.2 Powers of Search, Confiscation and Arrest

Where the Council has resolved to prohibit vehicles and/or the consumption or possession of liquor in any specified public place on the occasion of the holding of any public event, function or gathering, any member of the police may:

- (a) immediately and without further notice, for the purpose of ascertaining whether liquor is present, search any container (for example, parcel, bag or case) in the possession of any person who is in or entering the specified public place or search any vehicle that is in or entering the specified public place;
- (b) seize and remove liquor and its container if the liquor is in the public place in breach of this prohibition;
- (c) arrest a person whom the member of the police finds committing an offence against this prohibition;
- (d) arrest a person who has refused to comply with a request by a member of the police:
 - (i) to leave the public place; or
 - (ii) to surrender to a member of the police the liquor that, in breach of this prohibition, is in that person's possession.

8. POWER TO REQUEST NAME AND ADDRESS

If an Enforcement Officer or member of the police believes on reasonable grounds that a person is committing or has committed an offence against this Bylaw, either of them may direct the person to give:

- (a) his or her name and address; and
- (b) the name and address and whereabouts of any other person connected in any way with the alleged offence.

8.1 Obstruction of Enforcement Officer

Every person commits an offence against this Bylaw and is liable on summary conviction to a fine not exceeding \$1,000 who intentionally refuses to give information when requested to do so by an Enforcement Officer or member of the police under Clause 8, or knowingly misstates information.

9. BREACH OF BYLAW AND PENALTY

Any person who acts in breach of any provision within Clauses 1 to 8 of this Bylaw commits an offence against this Bylaw and is liable on summary conviction to a fine not exceeding \$1,000.

10. REPEAL

On the day on which this bylaw shall come into operation, the Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2007 (Incorporating amendments December 2008) shall be deemed to be repealed.

11. DATE BYLAW MADE

This Bylaw was made by the Tasman District Council at a meeting of the Council on 29 November 2012.

The common seal of the Tasman District Council is attached in the presence of:

Mayor

Chief Executive

SCHEDULE A

PUBLIC PLACES

1. Brightwater and environs: 7.00 pm to 7.00 am Liquor Ban (Map 1)

The public places located in, or adjacent to, or encompassed by Brightwater Deviation, Lord Rutherford Road North including Ernest Place, Hollybush Drive including Threepenny Place, Wanderers Avenue, Malthouse Crescent including Lord Rutherford Park, Waimea West Road from the western end of Snowdens Bush to Ellis Street, Bryant Road to and including Snowden Place, Ellis Street including Somerville Lane, Fairfield Street and Spencer Place, River Terrace Road from Ellis Street to the eastern end of the Cattle Yards Brightwater, and;

Waiiti Recreation Reserve, and;

Spring Grove School Reserve and Spring Grove Hall Reserve.

2. Collingwood: 7.00 pm to 7.00 am Liquor Ban (Map 2)

The public places located in, or adjacent to those areas in the Collingwood township in the Residential Zone, Commercial Zone, Open Space zone, including Collingwood Cemetery.

3. Kaiteriteri and environs: 4.00 pm to 7.00 am Liquor Ban during the period 1 December to 1 March the following year and 7.00 pm to 7.00 am Liquor Ban for the remainder of the year. (Map 3.1, 3.2, 3.3)

The public places located in, or adjacent to, and the area encompassed by Rowling Road, Riwaka-Kaiteriteri Road, Inlet Road, Kaiteriteri-Sandy Bay Road to and including Breaker Bay including Martin Farm Road and the mean low water mark around Kaka Point to the Torlesse Rocks, and;

The public places on or 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 and;

The public places located on or adjacent to the foreshore south and west of Torless Rocks to Dummy Bay, Stephens Bay and Tapu Bay to the mean low water spring tide and, Stephens Bay Road, Cook Crescent, Anarewa Crescent, and Tapu Place

4. Mapua and environs: 7.00 pm to 7.00 am Liquor Ban (Map 4)

The public places located in, or adjacent to, or the area encompassed by the coastline at mean low water, and McKee Memorial Recreation Reserve, Stafford Drive, Aranui Road, and Langford Drive, but excluding Mapua Leisure Park. For clarity, this area includes McKee Memorial Scenic Reserve, McKee Memorial Recreation Reserve, Aranui Park, and Grossi Point Recreation Reserve.

5. Motueka and environs

5.1 Motueka CBD Area: 24 hour Liquor Ban (Map 5.1a and 5.1b)

The public places located in the central business area and other areas on or encompassed by Vosper Street, Wilkinson Street, Taylor Avenue/Avalon Court, the walkway to Thopes Bush, Thorp's Bush, Woodlands Avenue, Whakarewa Street, Manoy Street, Rugby Park, Talbot Street, Pah Street, Motueka Memorial Park including the walkway to Poole Street, Poole Street, High Street, Inglis Street, and;

The public places located on or adjacent to North Street Reserve, including the saltwater baths, and;

The public places located on or adjacent to Everett Street, Massey Street, George Quay, and East Quay including the Motueka Beach Reserve, and;

The public places located on or adjacent to the skateboard park on Old Wharf Road.

5.2 Motueka Urban Area 7.00 pm to 7.00 am Liquor Ban (Map 5.2)

Except for those places included in Motueka CBD Area 24 hour Liquor Ban above, the public places on, adjacent to, or encompassed by Fearon Street, Thorp Street, Tudor Street, Taylor Avenue/Avalon Court, Thorp's Bush, Woodlands Avenue, Whakarewa Street, Grey Street, Pah Street, Atkins Street and Parker Street, and;

The public places located on or adjacent to, High Street, south of the intersection with Fearon Street, and;

The public places located on or adjacent to State Highway 60, (The Coastal Highway) up to a distance of 200 metres south of the intersection with Wharf Road, and;

The public places located on or adjacent to the Inlet walkway within 200metres of Wharf Road, and;

The public places located on or adjacent to Old Wharf Road between High Street and Thorpe Street, including the Goodman Recreation Park and Motueka Recreation Centre, and;

The public places located on or adjacent to the fore shore between the salt water baths and Staples Street including the public walkway and Motueka Quay, as well as Staples Street, between the intersection with Thorp Street and the seaward end of Staples Street.

6. Murchison: 7.00 pm to 7.00 am Liquor Ban (Map 6)

The public places located in, or adjacent to, or the area encompassed by Waller Street east of Street number 138 for a distance of 1,520 metres to a point on the bridge over the Matakītaki River, then generally south 625 metres to a point on the unformed section of Hotham Street where it meets the Matakītaki River, then east

along Hotham Street for a distance of 710 metres to the start of the Rural 2 Deferred Residential Zone, then north for a distance of 280 metres along the boundary of the Residential zone, then east towards and including the southern boundary of the Murchison Recreation Reserve, then north along the eastern boundary of the Murchison Recreation Reserve to Waller Street, and;

The public places located on or adjacent to Waller Street to the intersection with Kawatiri-Murchison Highway, and Kawatiri-Murchison Highway for a distance of 260 metres from the intersection with Waller Street, and;

The public places located in and adjacent to Fairfax Street, north of Waller Street.

7. Pohara and environs: 7.00 pm to 7.00 am Liquor Ban (Map 7)

The public places located in or adjacent to the areas encompassed by the coastline at mean low water and, Nees Road, Rototai Road from the junction with Nees Road through to the intersection with Abel Tasman Drive, and Abel Tasman Drive to intersection with Tata Heights. For clarity, this area includes Rototai Beach Esplanade Reserve, Rototai Recreation Reserve, Clifton Recreation Reserve, Pohara Recreation Reserve, Tarakohe Harbour reclamation, Ligar Bay Esplanade Reserve, Tata Heights Reserve, Cornwall Place Reserve and Tata Beach Reserve.

8. Richmond and environs

8.1 Richmond CBD Area: 24 hour Liquor Ban (Map 8.1)

The public places located in the central business area and other areas encompassed by Oxford Street, Gladstone Road/State Highway, McGlashen Avenue, Talbot Street and Salisbury Road, with extensions to include Washbourn Garden, all of Jubilee Park and the railway reserve from Queen Street to the southern boundary of Jubilee Park.

8.2 Richmond Urban Area: 7.00 pm to 7.00 am Liquor Ban (Map 8.2)

The public places not included in Richmond CBD Area: 24 hour Liquor Ban above, and located in or adjacent to the area encompassed by the northern boundary of Tasman District along the length of Champion Road and continuing on that line to the coast, and following the coast to Headingly Lane, Headingly Lane to Lower Queen Street, Lower Queen Street between Headingly Lane and the railway reserve, including those sites on the south side of the road and adjacent to that part of Lower Queen Street, south east of and including street number 375, to the railway reserve between Lower Queen Street and Ranzau Road, Ranzau Road from the railway reserve, to the south-eastern end of the legal road, including those sections of Ranzau Road that are unformed, then from the south-eastern end of Ranzau Road, a straight line to the south-eastern end of Champion Road.

8.3 Aniseed Valley: 7.00 pm to 7.00 am Liquor Ban (Map 8.3)

The public places located on or adjacent to Aniseed Valley Road from the point where that road crosses Aniseed Hill, to a point 700 metres past the turn off to the car park at the Hackett Reserve.

9. Riwaka and environs: 24 hour Liquor Ban during the period 1 December to 1 March the following year and 7.00 pm to 7.00 am Liquor Ban for the remainder of the year. (Map 9)

The public places located on or adjacent to; Main Road Riwaka north of street number 453, including Riwaka Memorial Reserve, Riwaka Recreation Reserve and Riwaka Rugby Grounds, and;

The public places located on or adjacent to Riwaka-Kaiteriteri Road from Main Road Riwaka to Tapu Bay, Factory Road, Swamp Road from Factory Road to Main Road Riwaka, School Road, Wharf Road and Green Tree Road.

10. Takaka and environs: 24 hour Liquor Ban (Map 10)

The public places located in or adjacent to the areas encompassed by; Motupipi Street from the intersection with Commercial Street for a distance of 422 metres to the boundary between the Industrial and Residential Zones, the northern boundary of that Industrial zone and the adjoining Commercial zone on Commercial Street, to Reilly Street and along its length to the Takaka River, then from that point, upstream for a distance of approximately 400 metres on the true left bank, then from that point, through to and including Willow Street to a point 240 metres from the intersection with Motupipi Street, including the block of Commercially zoned land near the corner of Willow and Motupipi Streets, and;

The public places located on or adjacent to; Commercial Street north of the intersection of Reilly Street, Meihana Street between the intersection with Commercial Street and the intersection with Motupipi Street, and Motupipi Street from the intersection with Meihana Street for a distance of 680 metres.

11. Tapawera and environs: 7.00 pm to 7.00 am Liquor Ban (Map 11)

The public places located in or adjacent to all those places in the Tapawera Village within the Residential Zone Open Space Zone, Recreation Zone, Industrial Zone and Commercial Zone, and;

The public places located on or adjacent to the Old Railway Land Tapawera, Local Purpose Reserve Tapawera, and;

The public places located on or adjacent to Tadmor Valley Road from Main Road Tapawera to the Intersection of Tapawera-Baton Road.

12. Wakefield and environs: 7.00 pm to 7.00 am Liquor Ban (Map 12)

The public places located in or adjacent to the Wai-iti Recreation Reserve, and:

The public places located in or adjacent to, Wakefield–Kohatu Highway, northwards from the entrance to Edward Baigent Reserve to Clifford Road, and all of Clifford Road, and ;

The public places located in or adjacent to Wakefield Domain and Faulkners Bush, and ;

The public places located on or adjacent to the urban area of Wakefield including all that land in the Residential Zone, Open Space Zone, Recreation Zone, Commercial Zone, and;

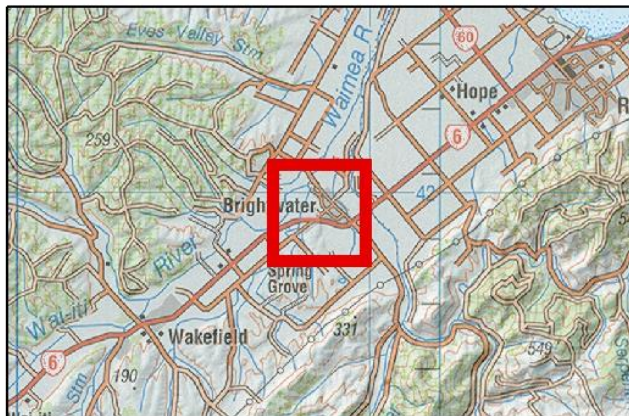
The public places located on or adjacent to Edward Street adjacent to the St John's Wakefield Church grounds and cemetery, including those church grounds and cemetery, and;

The public places located on or adjacent to the residential zone south west of Faulkners Bush and in 88 Valley, including Robson Reserve.





Brightwater and environs Liquor Ban Area Map 1

Location: Brightwater

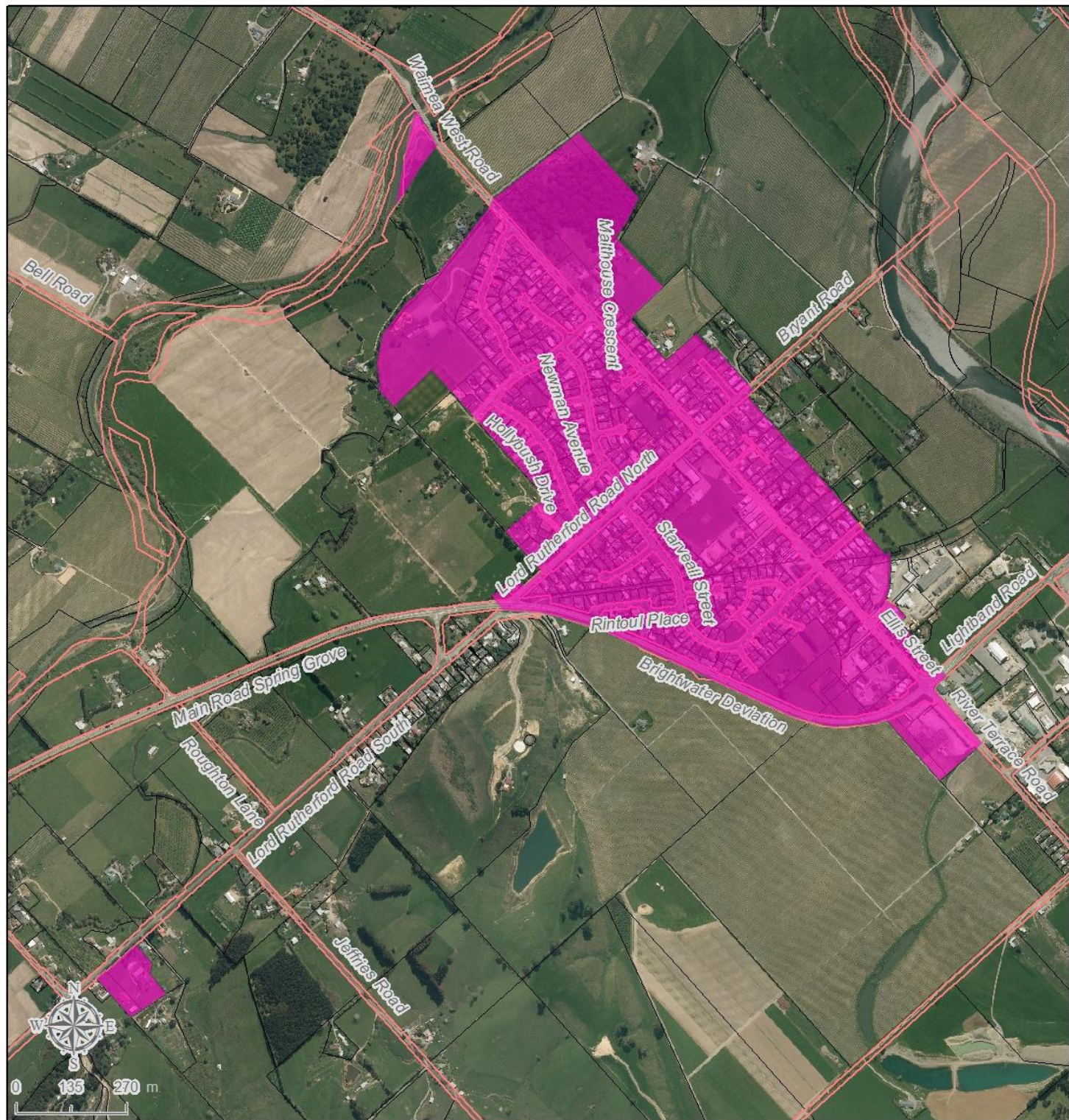
Ban Duration: 7pm to 7am



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

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Collingwood Liquor Ban Area - Map 2

Location: Collingwood

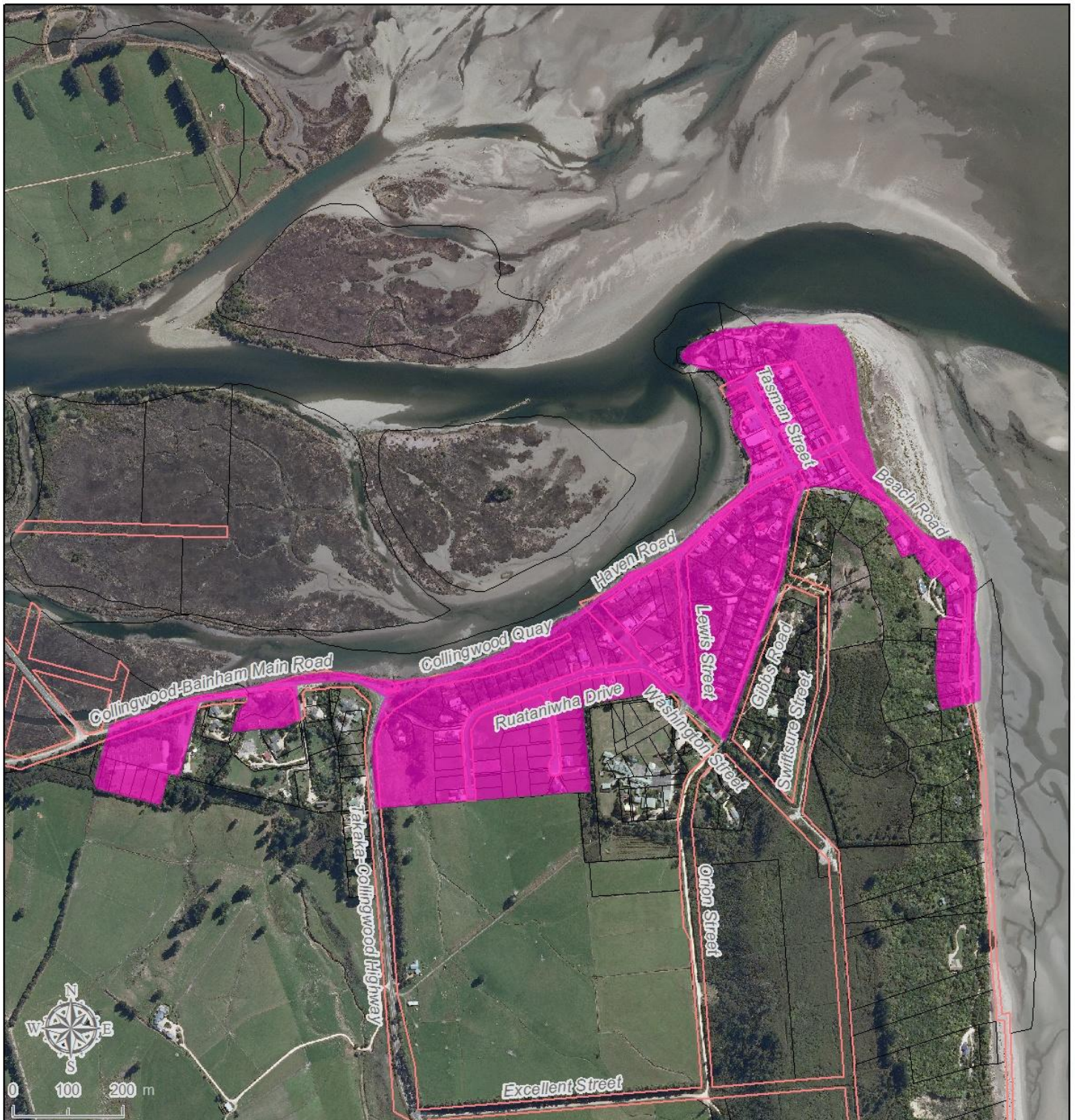
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

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Kaiteriteri and environs Liquor Ban Area Map 3.1





Location: Kaiteriteri



Ban Duration: 7pm to 7am*

* Liquor Ban Starts at 4pm - During the period between 1st December and 1st March the following year, inclusive every year

Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas



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Kaiteriteri and environs Liquor Ban Area Map 3.2

Location: Marahau



Ban Duration: 7pm to 7am*

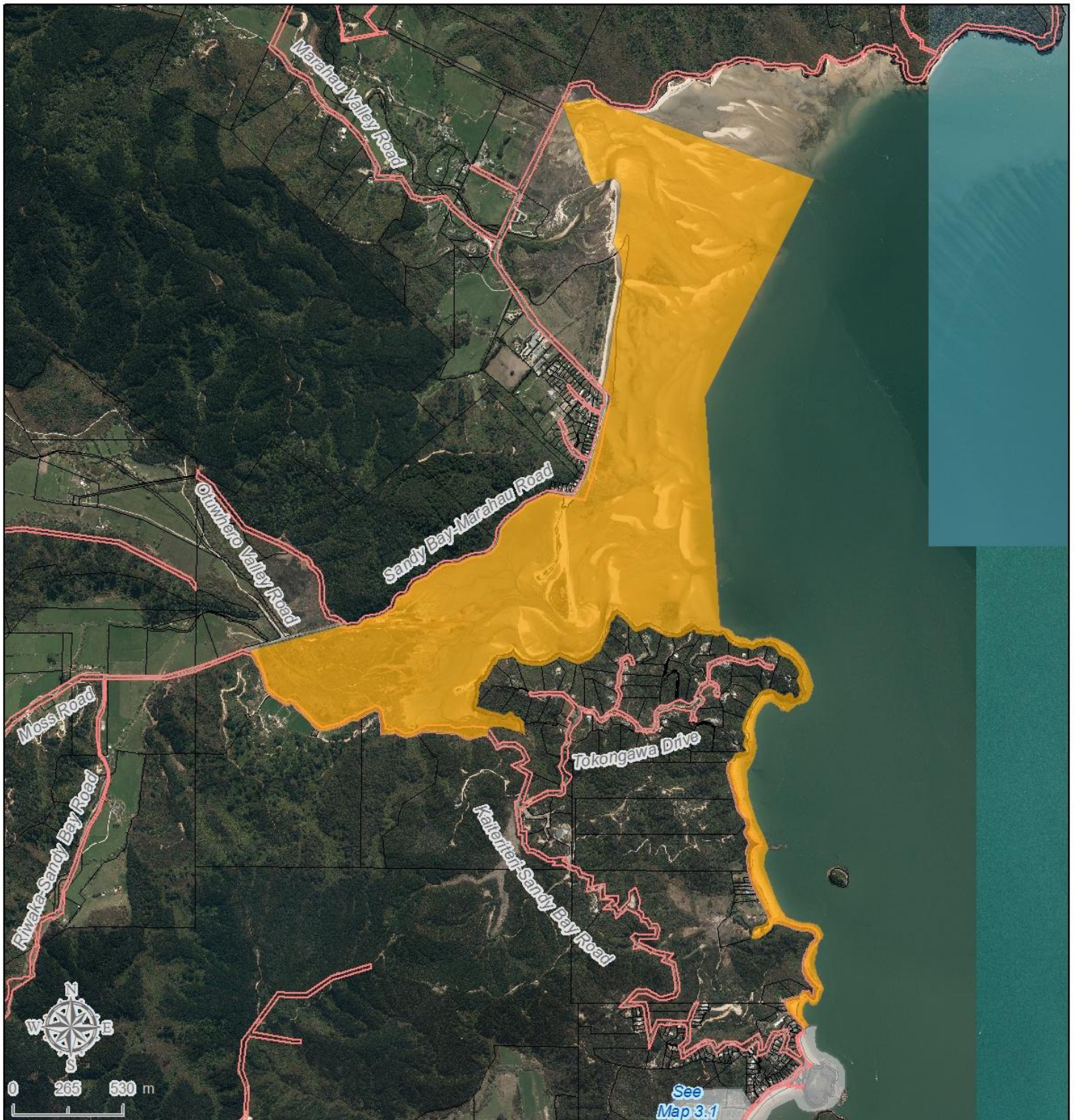
* Liquor Ban Starts at 4pm - During the period between 1st December and 1st March the following year, inclusive every year



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

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Kaiteriteri and environs Liquor Ban Area Map 3.3







Location: Stephens Bay

Ban Duration: 7pm to 7am*

* Liquor Ban Starts at 4pm - During the period between 1st December and 1st March the following year, inclusive every year



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

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Mapua and environs Liquor Ban Area Map 4

Location: Mapua

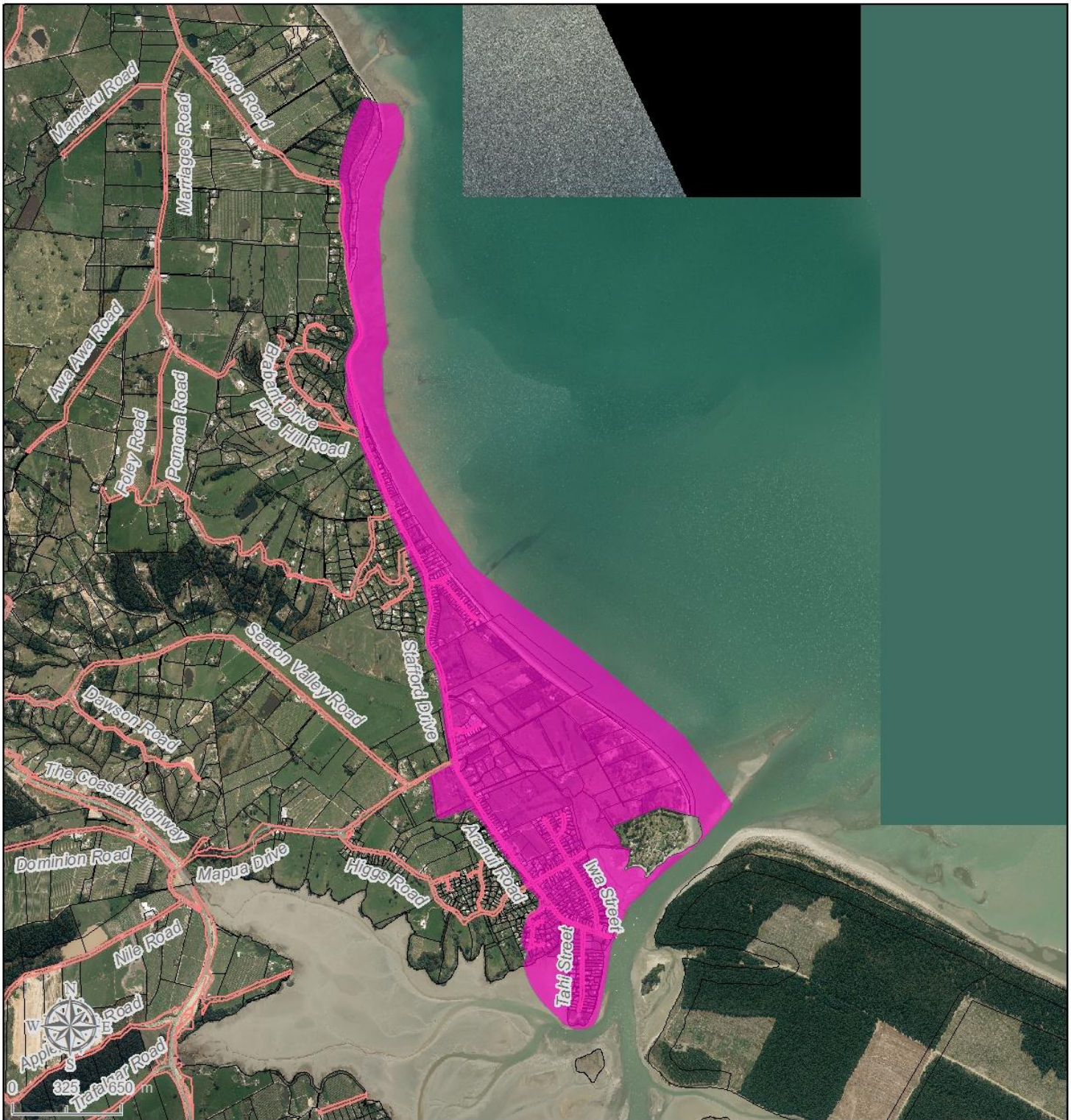
Ban Duration: 7pm to 7am



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

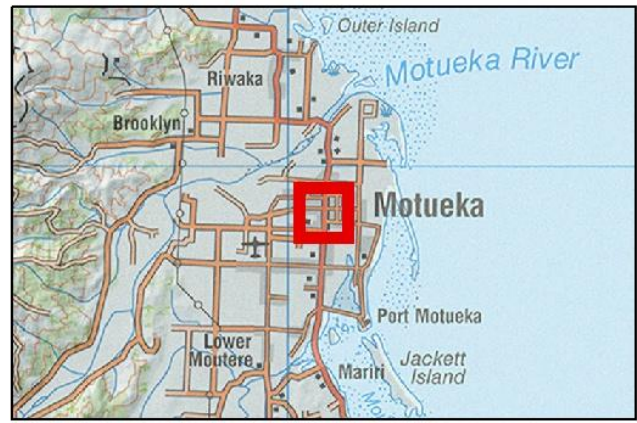
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Motueka and environs Liquor Ban Area Map 5.1a

Location: Motueka CBD Area

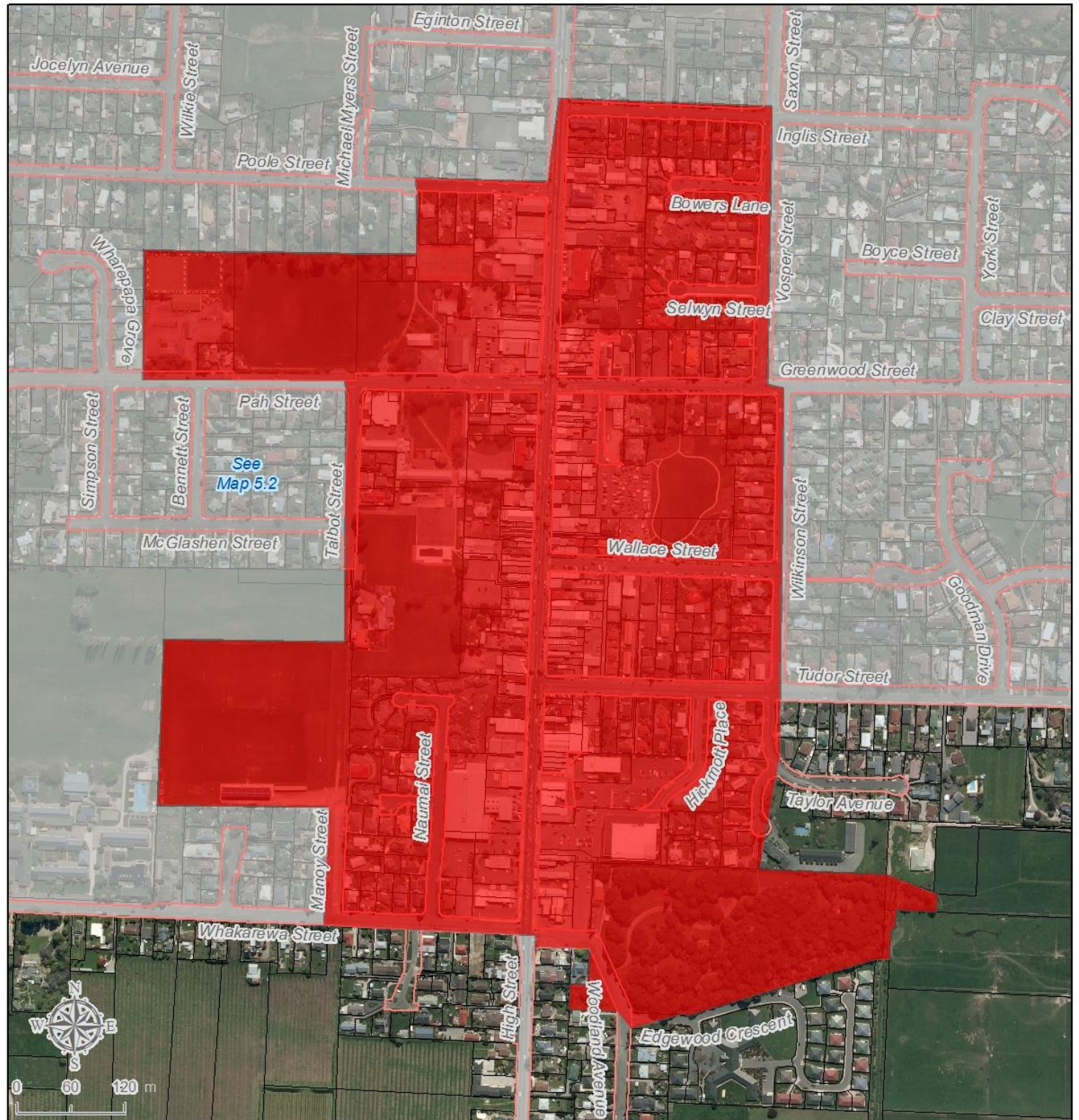
Ban Duration: 24 Hour



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

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Motueka and environs Liquor Ban Area Map 5.1b

Location: Motueka CBD Area

Ban Duration: 24 Hour



Legend

- 24 Hour
- Other Liquor Ban Areas
- 7pm to 7am*
- 7pm to 7am

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Motueka and environs Liquor Ban Area Map 5.2

Location: Motueka Urban Area

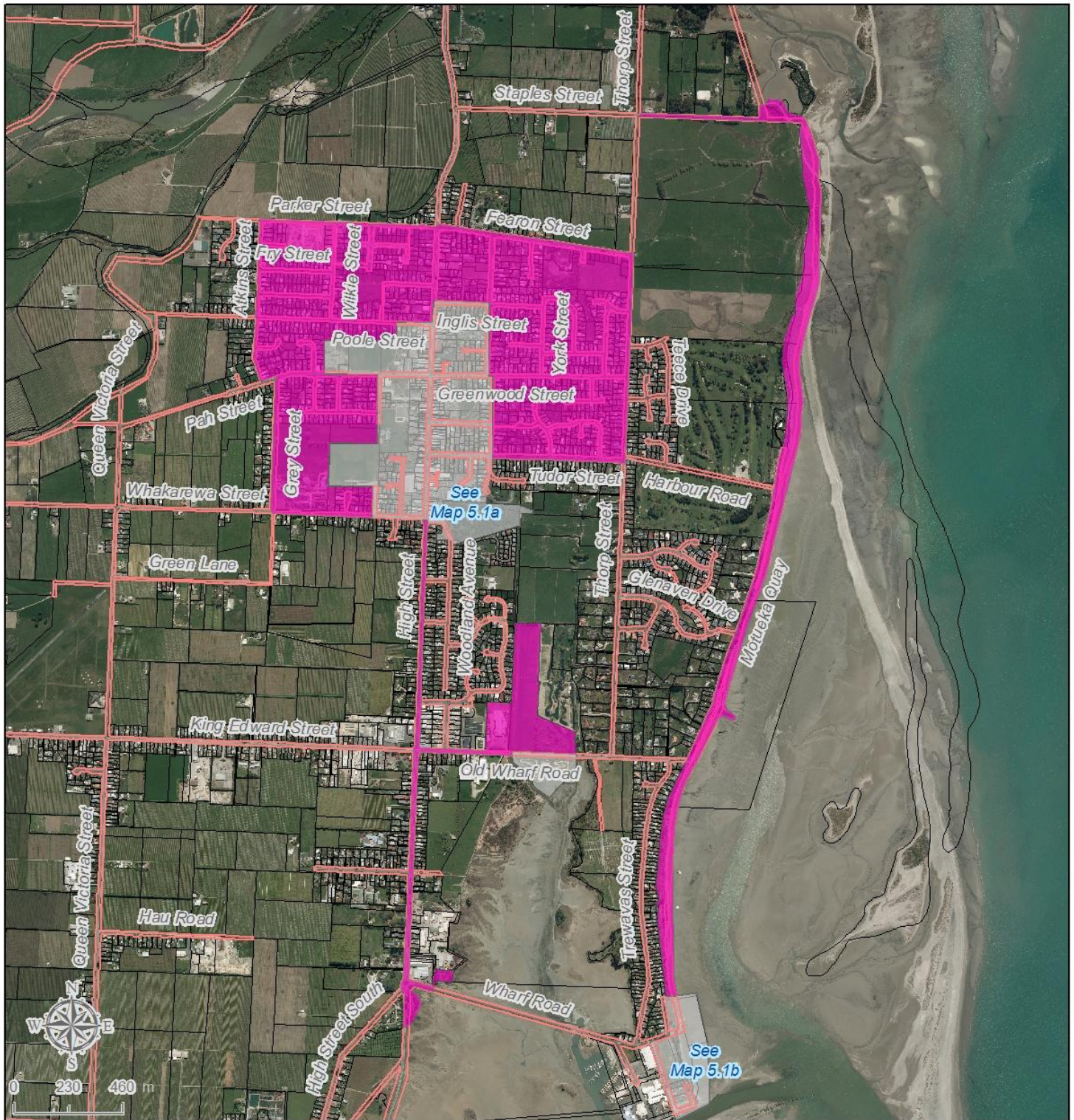
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

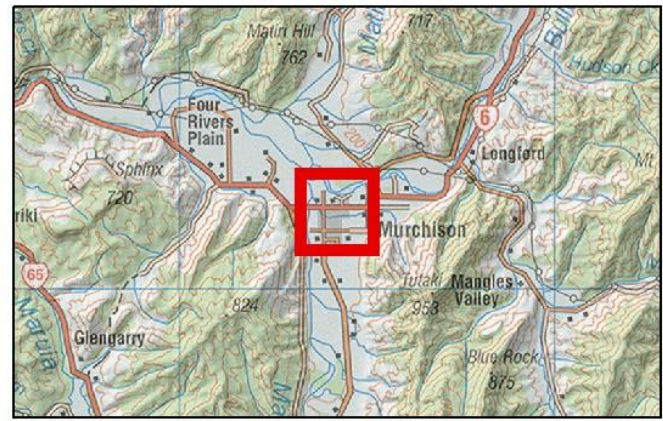
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Murchison Liquor Ban Area - Map 6

Location: Murchison

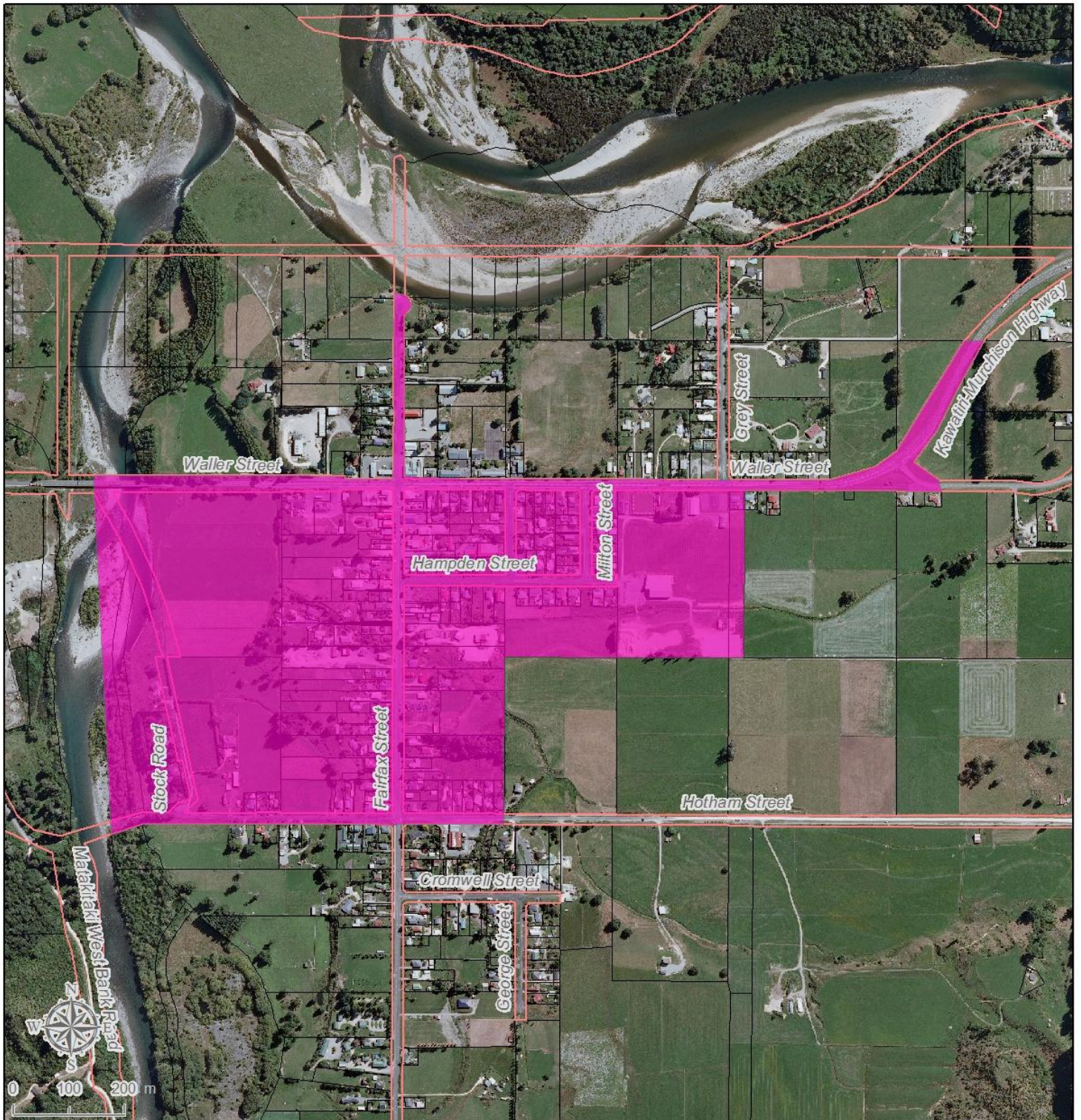
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

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Pohara and environs Liquor Ban Area Map 7

Location: Pohara to Tata

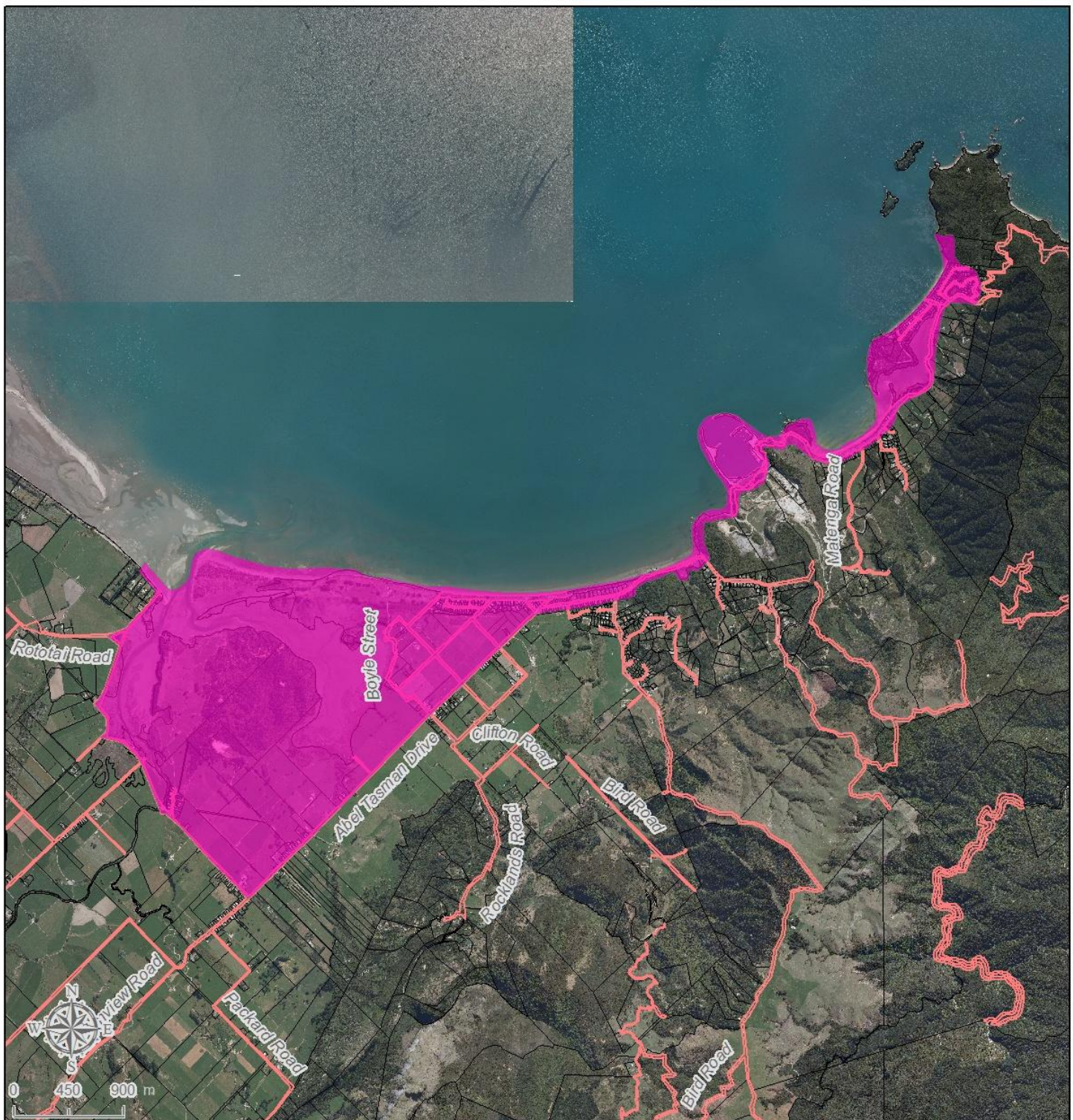
Ban Duration: 7pm to 7am



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

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Richmond and environs Liquor Ban Area Map 8.1

Location: Richmond CBD Area

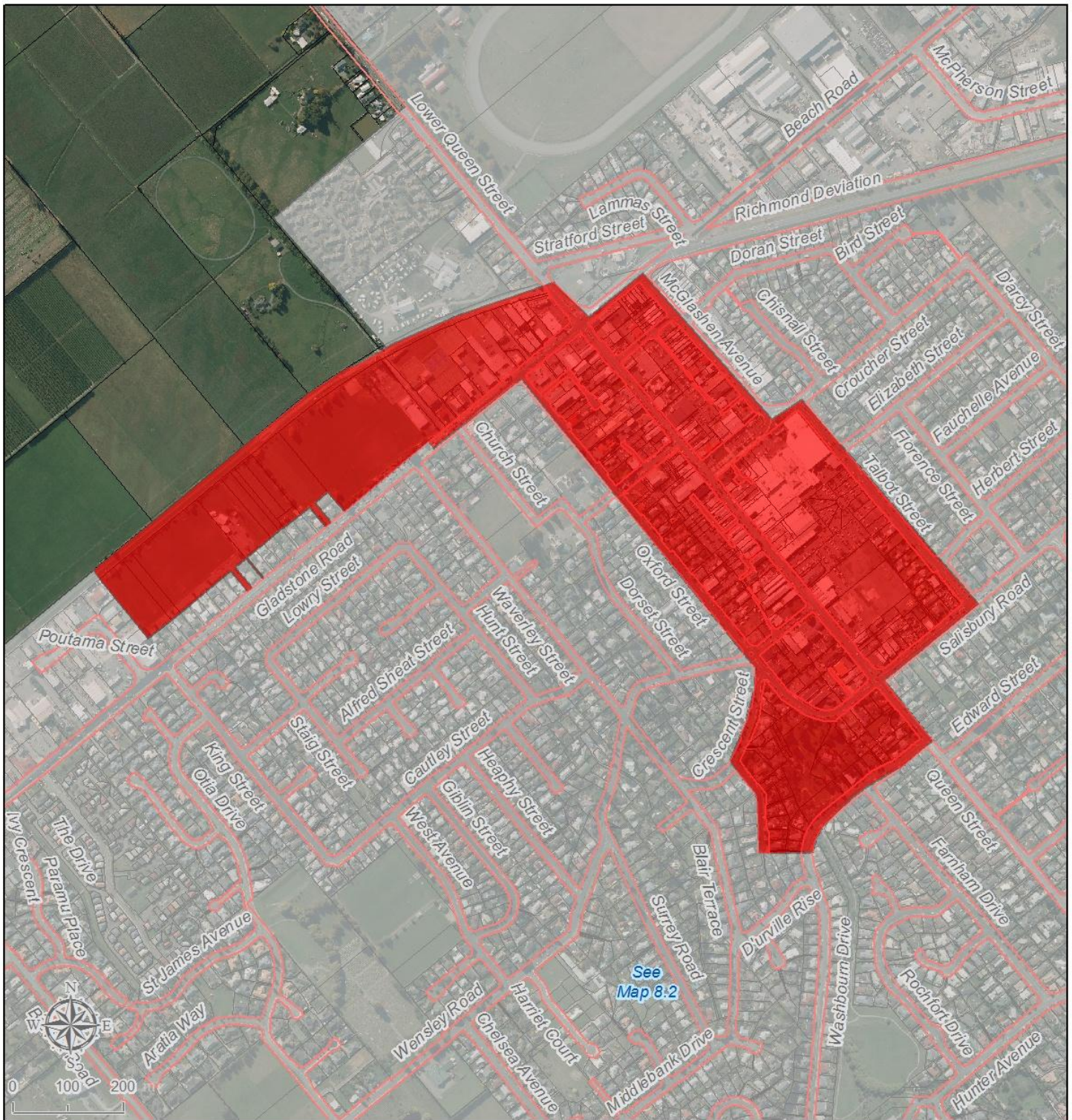
Ban Duration: 24 Hour



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

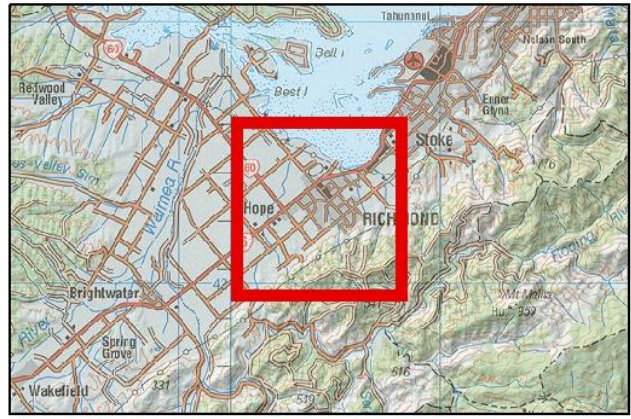
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Richmond and environs Liquor Ban Area Map 8.2

Location: Richmond Urban Area

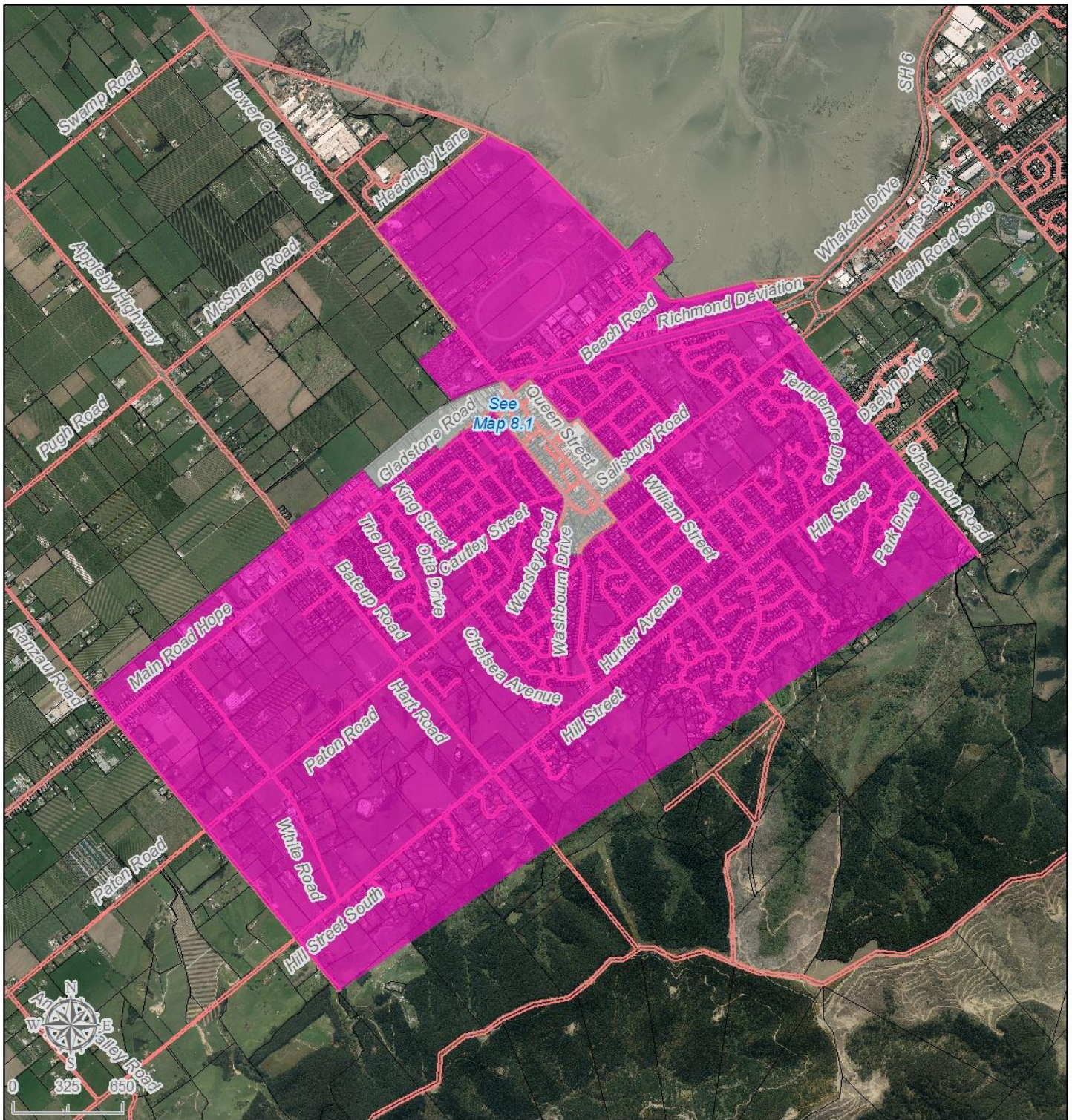
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

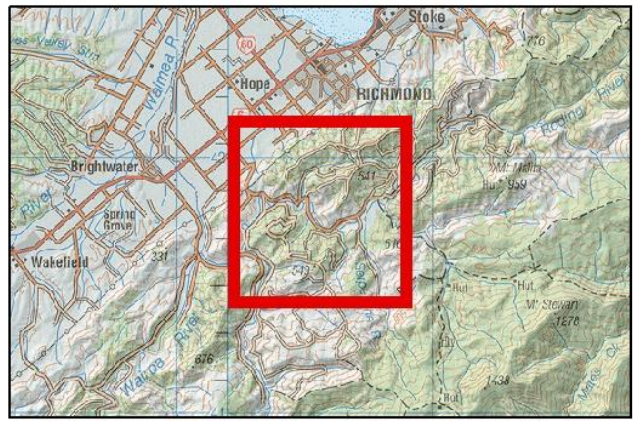
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Richmond and environs Liquor Ban Area Map 8.3

Location: Aniseed Valley

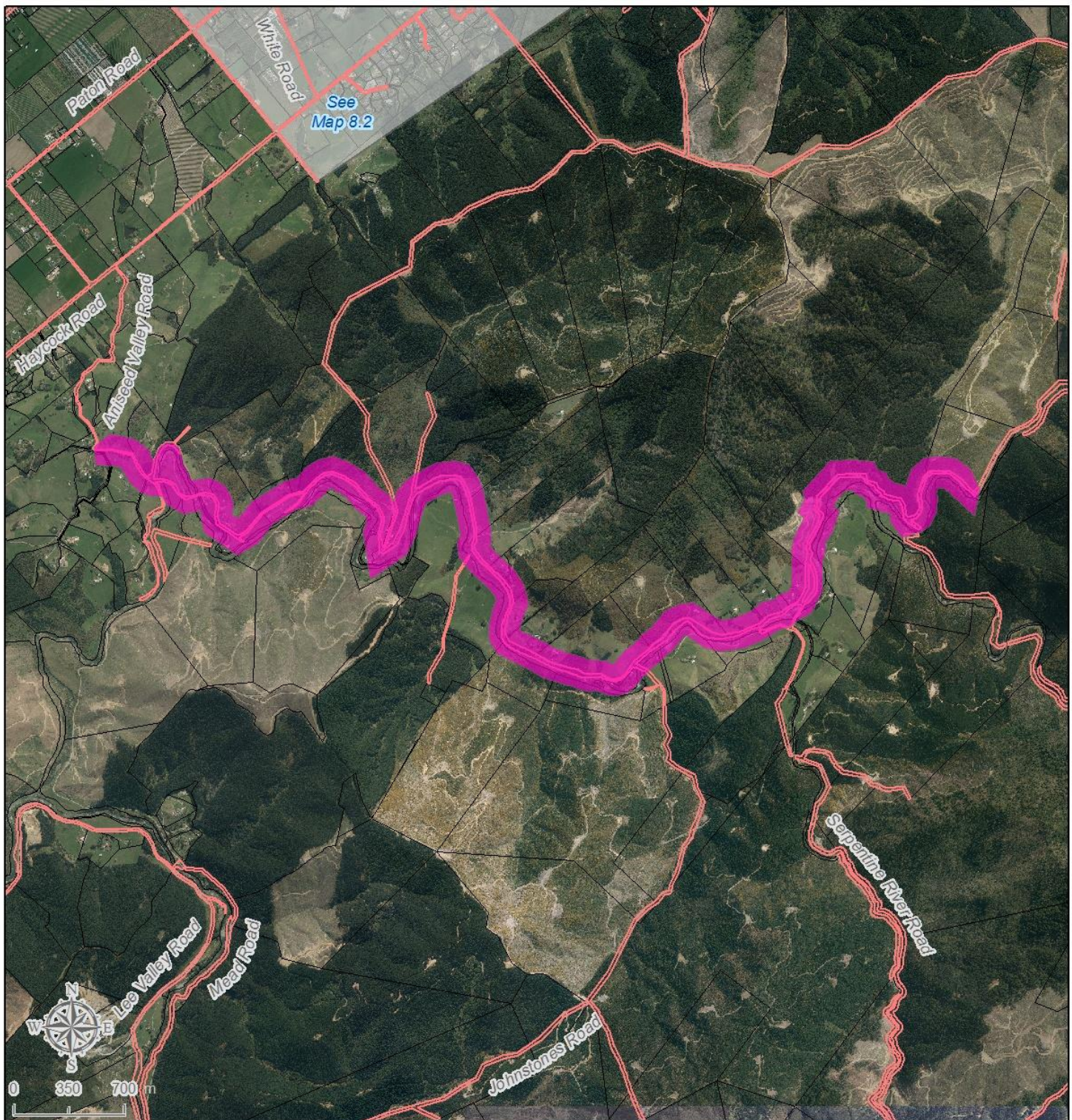
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

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Riwaka and environs Liquor Ban Area

Map 9







Location: Riwaka

Ban Duration: 7pm to 7am*

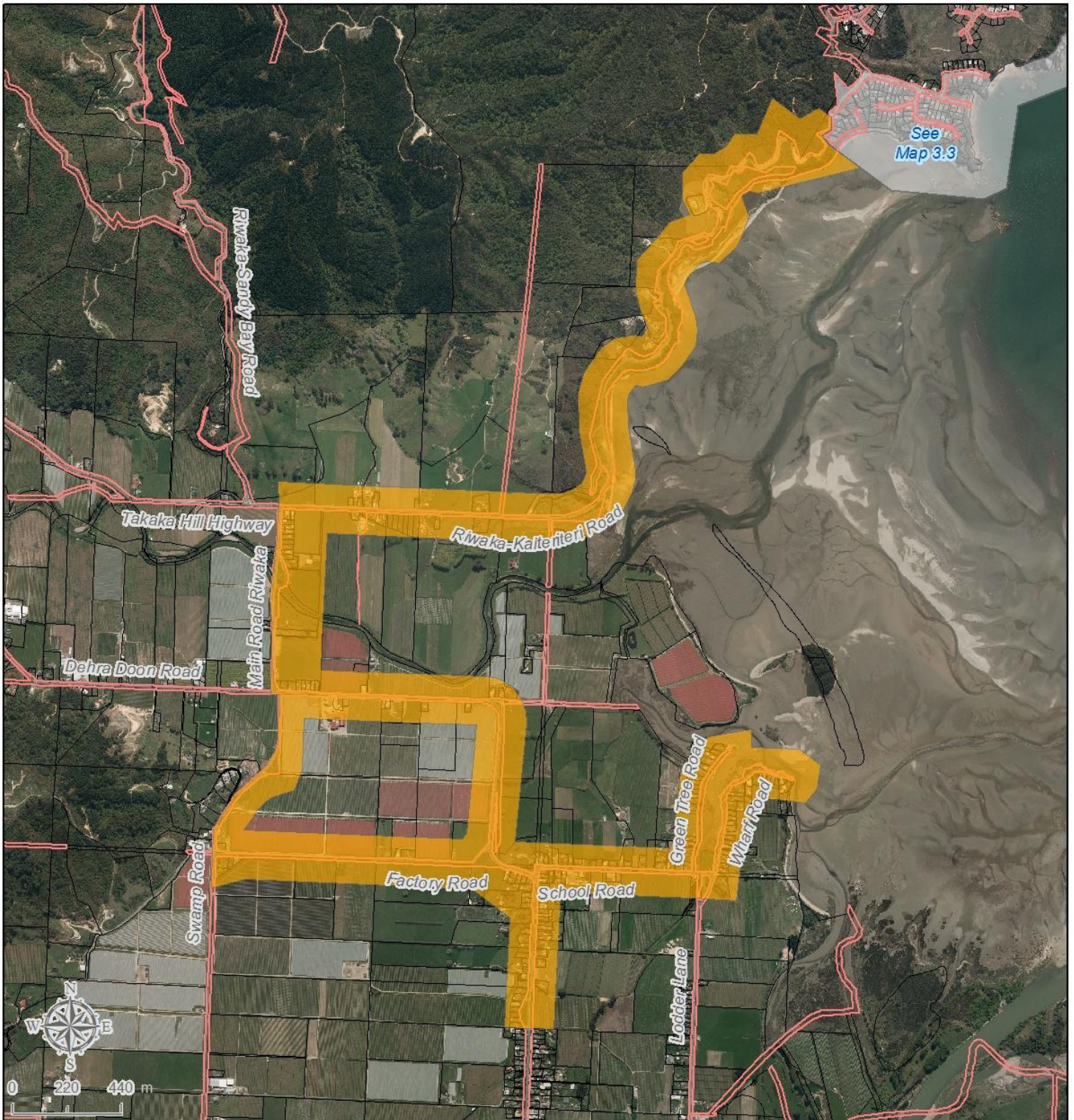
* Liquor Ban is 24 Hour - During the period between 1st December and 1st March the following year, inclusive every year

Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas



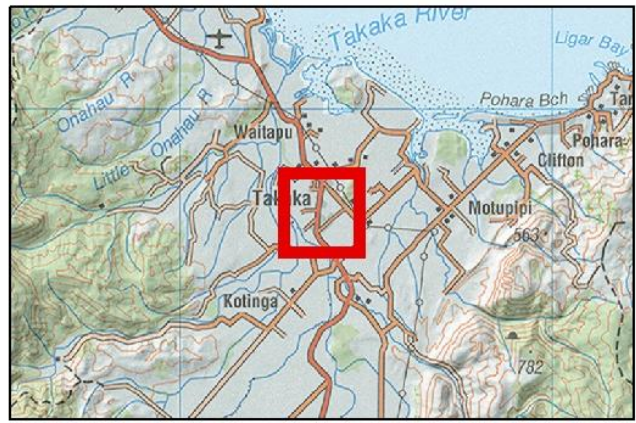
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Takaka and environs Liquor Ban Area Map 10

Location: Takaka

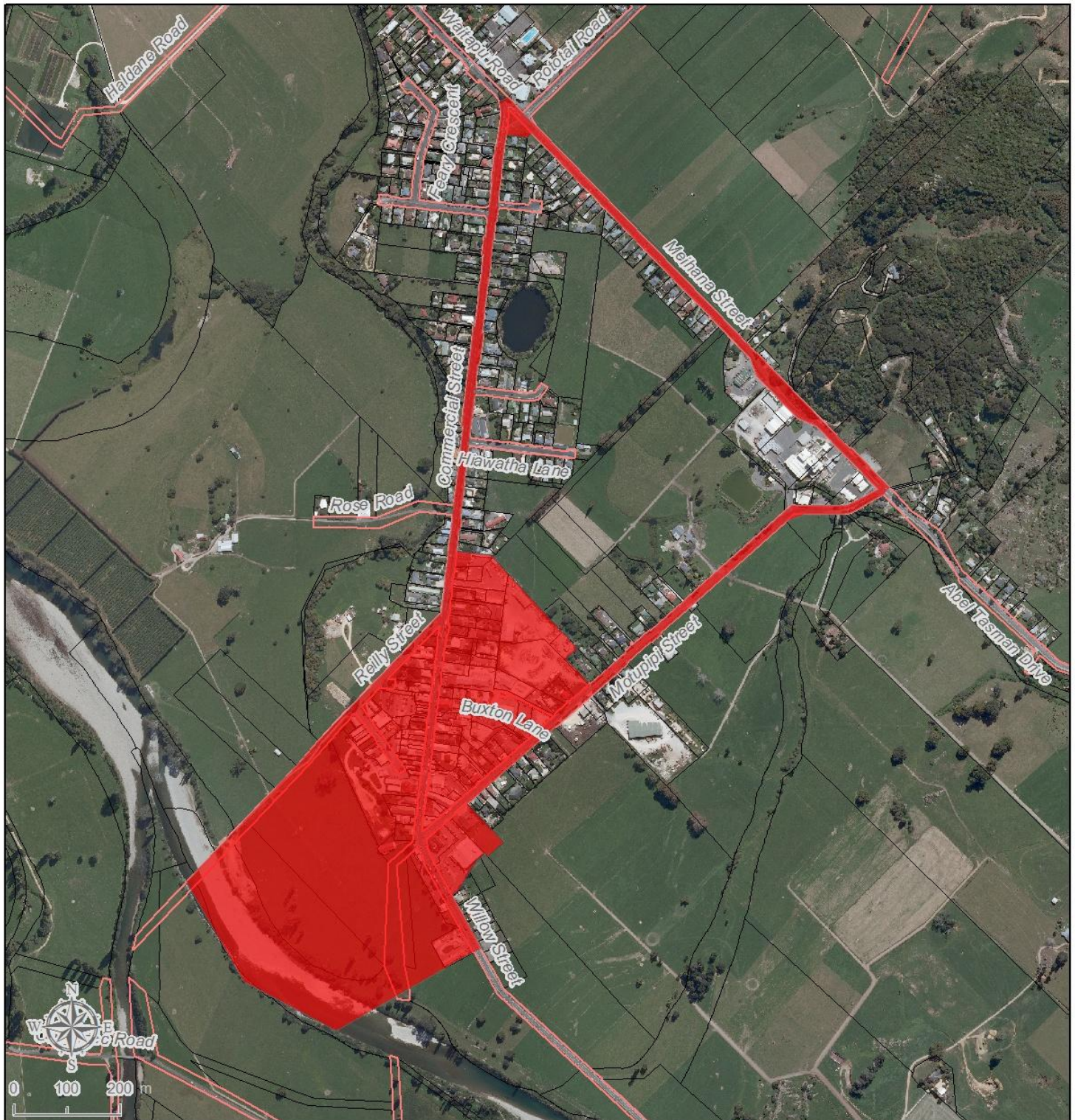
Ban Duration: 24 Hour



Legend

- 24 Hour
- Other Liquor Ban Areas
- 7pm to 7am*
- 7pm to 7am

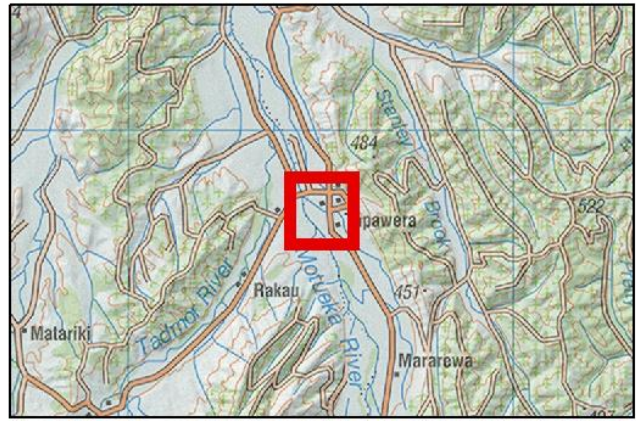
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Tapawera and environs Liquor Ban Area Map 11

Location: Tapawera

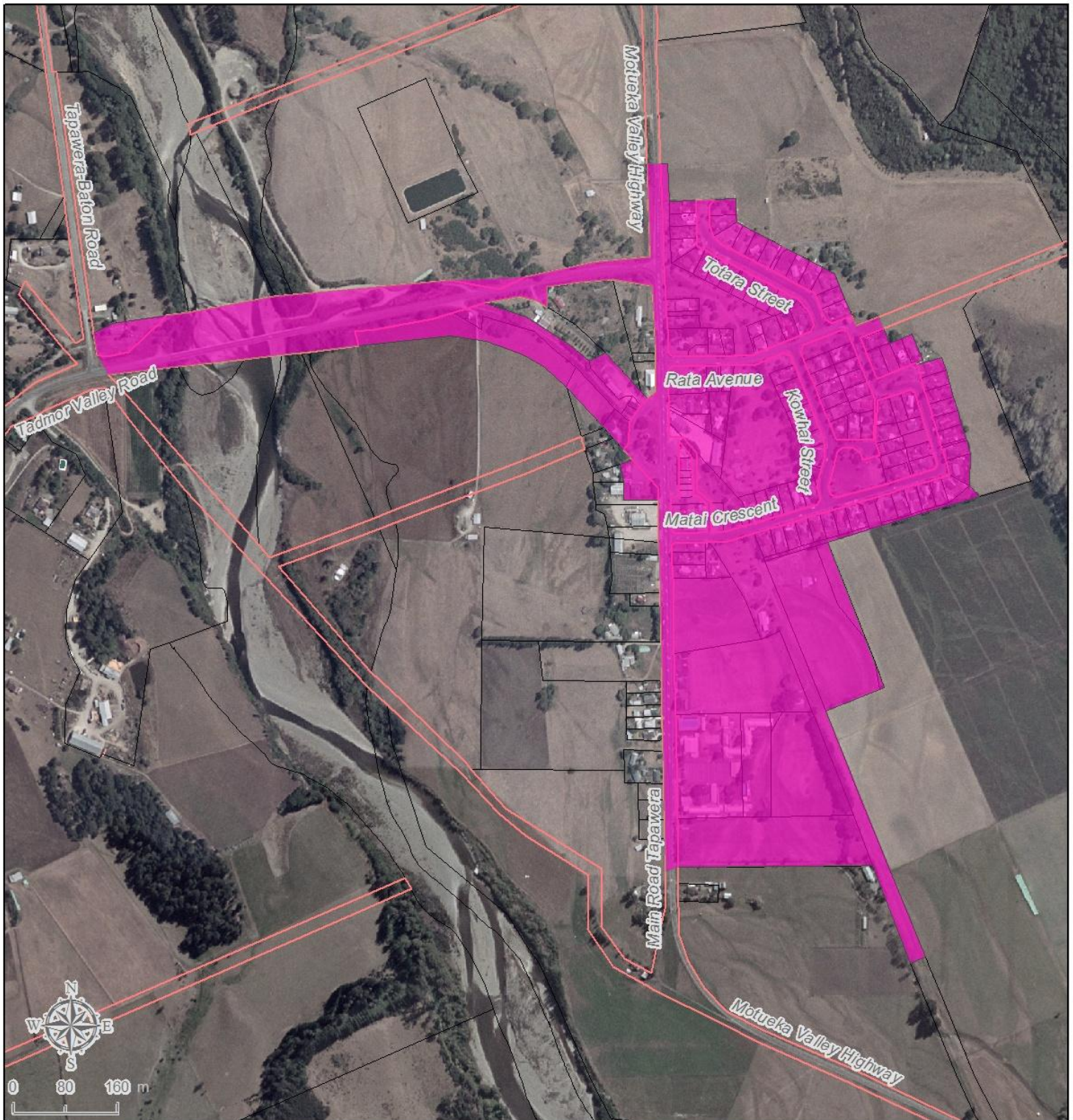
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Liquor Ban Areas

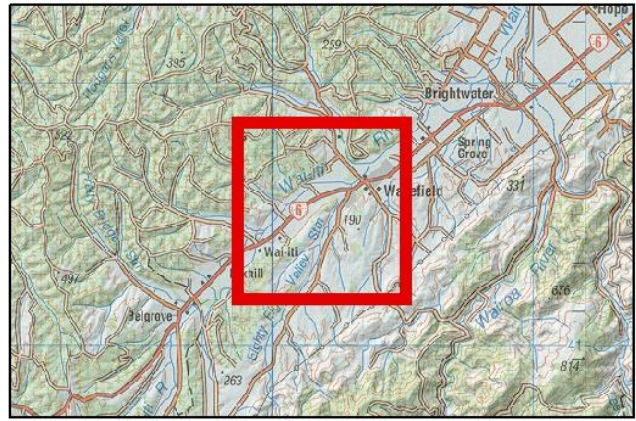
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Wakefield and environs Liquor Ban Area Map 12

Location: Wakefield

Ban Duration: 7pm to 7am



Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Liquor Ban Areas

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