



ROTORUA DISTRICT ALCOHOL BAN BYLAW 2018

Overview

This Bylaw prohibits the consumption and restricts the possession and transportation of alcohol in specific public places within the Rotorua District (called Alcohol Ban Areas).

Alcohol Ban Areas may be permanent or temporary, and in either case may apply to certain hours or days.

Within Alcohol Ban Areas, the consumption of alcohol is not permitted in specified public places such as parks, footpaths, lakesides, beaches or roads, but is permitted on private land such as licensed premises or private residences.

This Bylaw does not apply to matters relating to licensed premises or the Sale and Supply of Alcohol Act 2012.

A breach of this Bylaw is an infringement which, on conviction, can result in a fine of up to \$20,000.

Part 1: Preliminary Provisions

Pursuant to sections 145 and 147 of the Local Government Act 2002 (the Act), Rotorua District Council makes the following Bylaw:

1. Short Title and Commencement

This Bylaw is the Rotorua District Alcohol Ban Bylaw 2018, and comes into force on 22 November 2018.

2. Purpose

The purpose of this Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.

3. Interpretation

(1) In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Council means the Rotorua District Council or any person delegated to act on its behalf.

Christmas to New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the Holidays Act 2003.

Alternative Measures means measures other than an alcohol ban that may be used to minimise alcohol related harm including, for example; environmental design, alcohol licensing measures or community engagement leading to behavioural change.

Alcohol has the same meaning as in section 5(1) of the Sale and Supply of Alcohol Act 2012, and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed drinks).

Rotorua District means the district subject to the jurisdiction of the Council.

Licensed premises has the same meaning as in section 5(1) of the Sale and Supply of Alcohol Act 2012, and generally means premises licensed for the sale or consumption of alcohol.

Permanent Alcohol Ban Area means an area described in the Schedules to this bylaw, where alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedules.

Public holiday has the same meaning given in the Holidays Act 2003.

Public place has the same meaning as in section 147 of the Local Government Act 2002, and generally means a place that is open to or is being used by the public, but does not include licensed premises.

Special Licence has the same meaning as in section 22 of the Sale and Supply of Alcohol Act 2012, and generally means a licence granted for the sale and supply of alcohol during an event or series of events.

Temporary Alcohol Ban Area means an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.

(2) The Interpretation Act 1999 applies to this bylaw.

Part 2: Control of alcohol

4. Restrictions in Alcohol Ban Areas

- (1) Subject to clause 8 of this Bylaw and section 147(4) of the Act, no person shall:
 - (a) consume alcohol in a public place; or
 - (b) consume alcohol in a vehicle in a public place; or
 - (c) bring alcohol into a public place, whether in a vehicle or not; or
 - (d) possess alcohol in a public place, whether in a vehicle or not.

5. Permanent Alcohol Bans

- (1) Permanent Alcohol Ban Areas are listed in the Schedules to this Bylaw.
- (2) Council may add to, remove or alter any part of the Schedule to this Bylaw in accordance with the Special Consultative Procedure, in accordance with sections 83 and 156 of the Act.
- (3) Each Permanent Alcohol Ban Area listed in the Schedules must:
 - (a) describe in words and on a map, the area to which the Permanent Alcohol Ban applies, and;
 - (b) specify the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area, being one of:
 - (i) an all times alcohol ban (24 hours, 7 days a week), or;
 - (ii) an evening alcohol ban, from 7pm to 7am every day of the week, or;
 - (iii) a night time alcohol ban, from 10pm to 7am during daylight saving days and 7pm to 7am outside daylight saving days, or;
 - (iv) a weekend and holiday alcohol ban, from 7pm on the day before, to 7am on the day after, any weekend, public holiday or Christmas to New Year holiday period.
- (4) Before declaring a Permanent Alcohol Ban Area, Council must: –
 - (a) investigate *Alternative Measures* to an alcohol ban;
 - (b) consider the views of the New Zealand Police, and;
 - (c) be satisfied that the Ban complies with the criteria under section 147B of the Local Government Act 2002, in that:
 - (i) there is evidence that the area to which the Ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area, and;
 - (ii) the Ban is an appropriate and proportionate response that can be justified as a reasonable limitation on people's rights and freedoms.

6. Temporary Alcohol Ban Areas

- (1) Council may declare a Temporary Alcohol Ban Area by resolution.
- (2) Any such resolution must describe the area that is a Temporary Alcohol Ban Area as if it were a listing in the Schedule of Permanent Alcohol Ban Areas, in clause 5 of this Bylaw.
- (3) Before Council declares a Temporary Alcohol Ban Area, it must consider:
 - (a) if the proposed Ban relates to an event;
 - (b) the nature of the expected event;
 - (c) the number of people expected to attend;
 - (d) the history of the event (if any);
 - (e) the area in which the event is to be held;
 - (f) the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems;
 - (g) whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events in the area covered by resolution;
 - (h) any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution;
 - (i) whether the Police support the proposed Temporary Alcohol Ban Area; and
 - (j) any other information Council considers relevant.
- (4) Before a Temporary Alcohol Ban comes into effect the Council must give public notice of the ban not less than 14 days in advance in accordance with the Act.
- (5) After declaring a Temporary Alcohol Ban Area, Council must erect signage in accordance with section 7 of this Bylaw, no less than 7 days prior to the Ban taking effect and for the duration of the Ban.

7. Signage in Alcohol Ban Areas

- (1) Where it is practicable and reasonable to do so, Council will erect signage within Alcohol Ban Areas.
- (2) The size, location and content of the signage will be at Council's discretion, subject to compliance with any regulations made under section 147C of the Act.
- (3) The absence of signage in any Alcohol Ban Area does not permit a breach of this Bylaw.

8. Bylaw not applicable to licenced areas and activities

- (1) For the avoidance of doubt, this Bylaw does not apply to areas or activities covered by a 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 that area has been granted by Council;

- (b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises;
- (c) any public place for which a special licence has been granted for any occasion or event or series of occasions or events described in the licence;
- (d) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
- (e) in the case of alcohol in an unopened bottle or other container, the transport of that alcohol to or from a public place for which special licence has been granted;
- (f) any event held in a public place at which alcohol is served under a caterer's licence obtained under the Sale and Supply of Alcohol Act 2012.

Part 4: Schedules of Permanent Alcohol Ban Areas

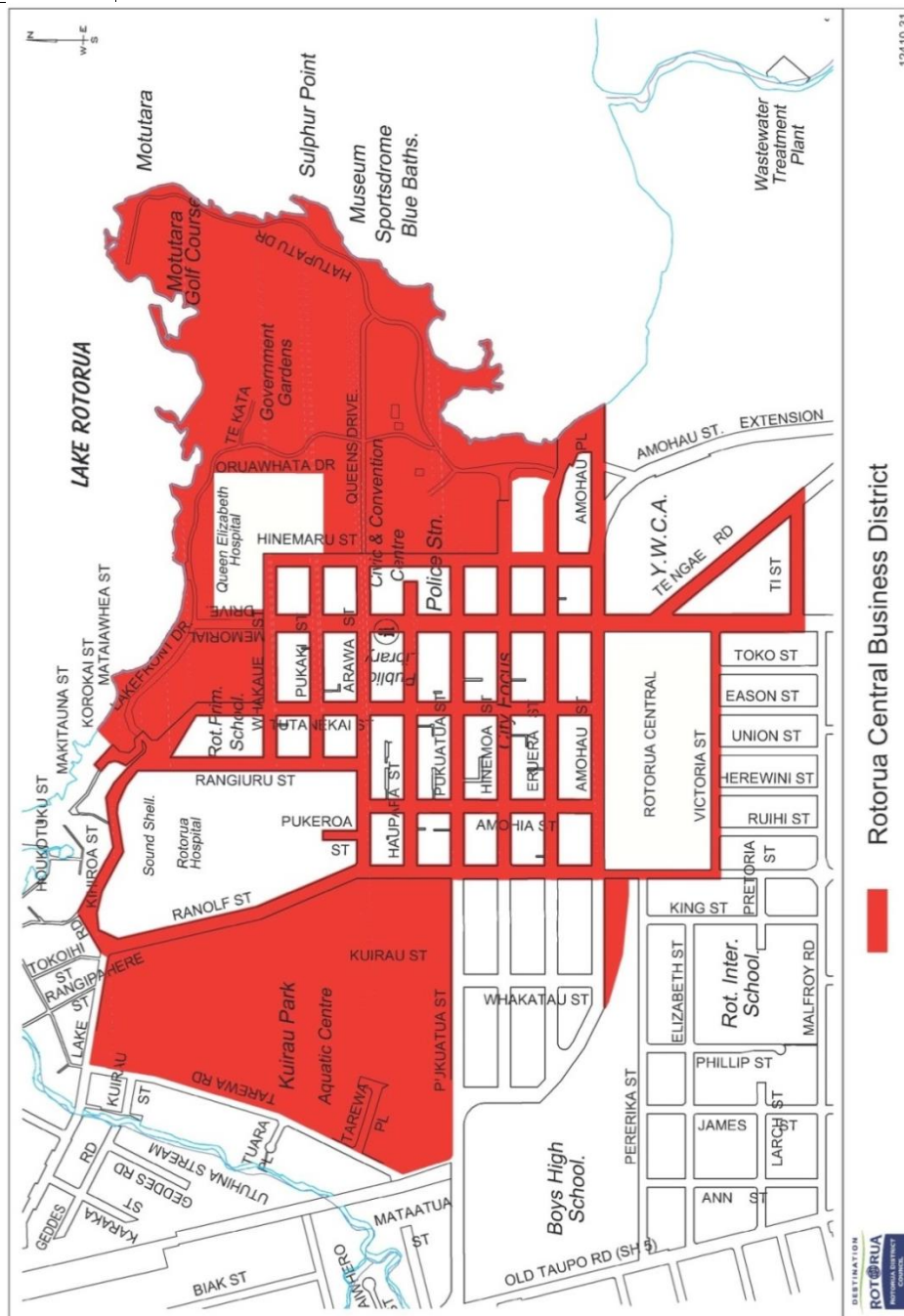
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Schedule 1: CBD

Name	Rotorua Central Business District
Description	The area bounded by Kuirau Park; east along Lake Road to the intersection of Lakefront Drive; north-east to Lake Rotorua; easterly around the lake foreshore to a point in line with the eastern end of Amohau Street; Amohau Street to Fenton Street, south to Te Ngae Road; Te Ngae Road to Ti Street; Ti Street to Victoria Street; west along Victoria Street to Ranolf Street; a triangle of green space on the southern edge of Amohau Street from Ranolf Street to where Amohau turns Northwest-west; from the corner of Ranolf and Amohau, taking in Ranolf Street to Kuirau Park.
Days and Times	24 hours a day, 7 days a week



Schedule 2: Suburban Shopping Centres

Name	Western Heights
Description	Western Heights carpark, off Brookland Road
Days and Times	24 hours a day, 7 days a week



Name	Pleasant Heights
Description	Thomas Crescent in front of the Pleasant Heights shops, including the carparking area
Days and Times	24 hours a day, 7 days a week



Name	Mt View Drive
Description	Mt View Drive at the corner of Sunset Road
Days and Times	24 hours a day, 7 days a week



Name	Selwyn Heights
Description	Kokako Street between Kea St and Old Quarry Rd
Days and Times	24 hours a day, 7 days a week



Name	Kawaha Point
Description	Kawaha Point Road at the corner of Koutu Road
Days and Times	24 hours a day, 7 days a week



Name	Koutu
Description	Koutu Road between Hamuera St and Meriana St
Days and Times	24 hours a day, 7 days a week



Name	Ford Road
Description	Ford Road at the corner of Ford Rd and Malfroy St
Days and Times	24 hours a day, 7 days a week



Schedule 3: Parks and Reserves

Name	Homedale Street Reserve
Description	Located off Homedale Street
Days and Times	24 hours a day, 7 days a week



Name	Linton Park Reserve West
Description	Bounded by Homedale Street, Goldie Street, Augustus Earle Place and Edmund Road
Days and Times	24 hours a day, 7 days a week



Name	Linton Street East Reserve
Description	Bounded by Edmund Road, Alison Street, Narin Road and Pedlar Street
Days and Times	24 hours a day, 7 days a week



Name	Park Road Reserve
Description	Located off Park Road
Days and Times	24 hours a day, 7 days a week



Name	Turner Drive Reserve
Description	Bounded by Turner Drive and Leslie Avenue
Days and Times	24 hours a day, 7 days a week



Name	Rowi Street Reserve
Description	Located off Rowi Street
Days and Times	24 hours a day, 7 days a week



Name	Aorangi Reserve
Description	Located off Susan Street
Days and Times	24 hours a day, 7 days a week



Name	Boielle Park Reserve
Description	Located off Koutu Road
Days and Times	24 hours a day, 7 days a week



Name	Blomfield Street Reserve
Description	Located between Goldie Street and Pukehangi Road
Days and Times	24 hours a day, 7 days a week



Name	Karenga Park Reserve
Description	Located off Bennets Road, Koutu Road and Taharangi Street
Days and Times	24 hours a day, 7 days a week



Name	Werrina Crescent Reserve
Description	Located off Werrina Crescent
Days and Times	24 hours a day, 7 days a week



Name	Fairview Road Reserve
Description	Located off Fairview Road and Park Road.
Days and Times	24 hours a day, 7 days a week



Name	Steeles Lane Reserve
Description	Located off Steeles Lane and Tui Road.
Days and Times	24 hours a day, 7 days a week



Name	Haumoana Street Lakefront Reserve
Description	Located on Lakeshore diagonally across from intersection of Haumoana Street and Meriana Street.
Days and Times	24 hours a day, 7 days a week



Name	Karenga Street Lakefront Reserve
Description	Located off Karenga Street.
Days and Times	24 hours a day, 7 days a week



Name	Manahi Crescent Reserve
Description	Located off Manahi Crescent.
Days and Times	24 hours a day, 7 days a week



Name	Mangakakahi Stream – Sunset Road Reserve
Description	Located off Sunset Road and Pururu Street.
Days and Times	24 hours a day, 7 days a week



Name	Jade Place Reserve
Description	Located off Jade Place.
Days and Times	24 hours a day, 7 days a week



Name	Selwyn Road Reserve
Description	Located off Selwyn Road, Hilton Road and Lewis Road.
Days and Times	24 hours a day, 7 days a week



Name	Wrigley Road
Description	Located off Wrigley Road, Bellingham Crescent, Waterlow Street, Wing Place, Harold Crescent and Ruth Street.
Days and Times	24 hours a day, 7 days a week



Name	Ford Road East
Description	Located off Ford Road and Sunset Road.
Days and Times	24 hours a day, 7 days a week



Name	Ford Road West
Description	Located off Ford Road and Lasenby Street.
Days and Times	24 hours a day, 7 days a week



Name	Diana Place
Description	Located off Diana Place,
Days and Times	24 hours a day, 7 days a week



Schedule 4: Roads, Reserves and Carpark - Ngongotaha

Name	Ngongotaha Road
Description	Ngongotaha Road from the intersection with Kokiri Street and Domain Road north to the Railway line crossing, Ngongotaha Road.
Days and Times	24 hours a day, 7 days a week



Name	Hall Road
Description	Hall Road from intersection with Ngongotaha Road to intersection with School Road.
Days and Times	24 hours a day, 7 days a week



Name	Tauī Street
Description	Tauī Street from the intersection with Ngongotaha Road to the intersection with Wikaraka Street.
Days and Times	24 hours a day, 7 days a week



Name	Western Road
Description	Western Road from the intersection with Ngongotaha Road to the intersection with School Road.
Days and Times	24 hours a day, 7 days a week



Name	Western Road Reserve
Description	Reserve in Western Road between Ngongotaha Road and intersection of Western Road and School Road.
Days and Times	24 hours a day, 7 days a week



Name	Jessie Martin Park
Description	Located off Hood Street.
Days and Times	24 hours a day, 7 days a week



Name	Western Road Scout Hall Reserve
Description	Located on Western Road.
Days and Times	24 hours a day, 7 days a week



Name	Ngongotaha Hall Reserve
Description	Located between Ngongotaha Road and School Road.
Days and Times	24 hours a day, 7 days a week



Name	Elliott Park Reserve
Description	Located off Western Road.
Days and Times	24 hours a day, 7 days a week



Name	Ngongotaha Public Carpark
Description	The public carpark located behind the retail block on Ngongotaha Road East, in the Village of Ngongotaha, accessed off Taui Street, and Ngongotaha Road.
Days and Times	24 hours a day, 7 days a week



Schedule 5: Ohinemutu

Name	Tunohopu Street
Description	Tunohopu Street from its intersection with Arataua and Ariariterangi Streets to point of entrance to the private land comprising Urupa and Marae.
Days and Times	24 hours a day, 7 days a week



Name	Makitauna Street
Description	The whole of Makitauna Street.
Days and Times	24 hours a day, 7 days a week



Name	Kiharoa Street
Description	The whole of Kiharoa Street.
Days and Times	24 hours a day, 7 days a week



Name	Korokai Street
Description	The whole of Korokai Street.
Days and Times	24 hours a day, 7 days a week



Name	Ariariterangi Street
Description	Ariariterangi Street from its intersection with Lake Road to intersection with Tunohopu Street.
Days and Times	24 hours a day, 7 days a week



Name	Mataiawhea Street
Description	Mataiawhea Street from Watersports Centre building to the entrance to the Marae entrance complex (Tamatekapua/Whakaturia).
Days and Times	24 hours a day, 7 days a week



THE COMMON SEAL of the)
ROTORUA DISTRICT COUNCIL)
was hereto affixed in the presence of:)



Mayor



Chief Executive

