

HUTT CITY COUNCIL CONTROL OF ALCOHOL IN PUBLIC PLACES BYLAW 2016

ADOPTED BY COUNCIL 15 December 2016
EFFECTIVE ON 21 December 2016

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1. INTERPRETATION

1.1 In this Bylaw, unless the context requires otherwise:

“**Alcohol**” has the meaning given to it in section 147(1) of the Local Government Act 2002

“**Alcohol free zone**” means a public place specified by resolution of the Council, passed under clause 3.1 for the purpose of this Bylaw. An alcohol free zone is an alcohol ban area for the purposes of the Local Government Act 2002.

“**Bylaw**” means this Control of Alcohol in Public Places bylaw.

“**Council**” means the Hutt City Council.

“**Public place**” has the meaning given to it in section 147(1) of the Local Government Act 2002.

1.2 A reference to any statute includes a reference to any regulation, proclamation, ordinance or bylaw made under that statute and extends to any statute, regulation, proclamation, ordinance or bylaw varying, consolidating or replacing the same.

2. PROHIBITED ACTS

2.1 No person may, while an alcohol ban applies:

- (a) consume or possess alcohol in an alcohol free zone area;
- (b) bring alcohol into an alcohol free zone; or
- (c) have or use a vehicle in an alcohol free zone in conjunction with any activity under paragraphs (a) or (b).

3. RESOLUTION TO SPECIFY ALCOHOL FREE ZONES

3.1 The public places in each of the areas identified in the Schedule to this Bylaw are alcohol free zones. In addition, the Council may, by resolution, specify additional alcohol free zones, including where and when an alcohol free zone will apply.

3.2 A resolution made under clause 3.1 may specify that an alcohol free zone applies either generally or only in relation to specified times and days or events.

3.3 The Council may amend or revoke a resolution made under clause 3.1 at any time.

3.4 Before making a resolution under clause 3.1, the Council must be satisfied that the requirements of s147B of the Local Government Act 2002 are met. Council may also take into account the following:

- (a) whether it is necessary to consult with the public to gauge community views on a proposed alcohol ban area;
- (b) the nature, features, and scale, of the proposed alcohol ban area;
- (c) the problems that have been caused by the consumption of alcohol in the proposed alcohol ban area, including the nature and severity of the problems, and the times and days that problems have occurred;
- (d) the likelihood that alcohol will be present in the proposed alcohol ban area on the days or period specified;

- (e) the extent to which the proposed alcohol ban area may assist in addressing these problems;
- (f) any restrictions or limitations on private individuals' rights that would be caused by a proposed alcohol ban area;
- (g) any other information considered by the Council to be relevant.

4 EXCEPTIONS TO THIS BYLAW

- 4.1 This bylaw does not apply to any premises or area which is licensed for the time being under the Sale and Supply of Alcohol Act 2012.
- 4.2 The exceptions listed in section 147(4) of the Local Government Act 2002 apply.

5 PERMITS FOR EXEMPTION FROM THIS BYLAW

- 5.1 Any person may apply to the Council for a permit to allow him or her to conduct a function or event in a public place that would otherwise be in breach of the controls on alcohol in clause 2.
- 5.2 Any applications under clause 5.1 must be made in writing using an application form, approved by the Chief Executive of the Council, and be lodged with the Council no later than 10 working days prior to the date on which the function or event is to be held.
- 5.3 The Council may grant a permit to allow any person to conduct a function or event in a public place that would otherwise be in breach of the controls on alcohol in clause 2 on such terms and conditions as the Council considers appropriate in each case.
- 5.4 Where fighting or serious disorder breaks out, or there is reasonable ground for believing that fighting or serious disorder is about to break out, on any premises or area where a permit granted under clause 5.3 applies, any member of the New Zealand Police may order the person conducting the function or event to close the function or event, or any part of the function or event, until good order has been restored, and may order any person to leave the function or event, or any part of the function or event.

6 POWERS OF THE POLICE

- 6.1 In addition to all the general powers granted under the Local Government Act 2002, this Bylaw specifically authorises any member of the New Zealand Police to exercise the power under section 170(2) of Local Government Act 2002 (to search a container or vehicle without further notice) on specified dates, or in relation to specified events, that are notified in accordance with section 170(3) of that Act.

7 BREACH OF BYLAW AND PENALTY

- 7.1 Every person who breaches this bylaw commits an offence.
- 7.2 Every person who commits an offence under this Bylaw is liable to a penalty under the Local Government Act 2002.

SCHEDULE 1

HUTT CITY COUNCIL ALCOHOL FREE ZONES

The Hutt City Council resolved at its meeting held on 15 December 2016, to create the areas and times set out in the schedule below those to which the bylaw will apply.

City-wide Alcohol Free Zones:

A city-wide alcohol ban covering all places within Hutt City from 9.00pm to 5.00am seven days a week, as outlined in [Appendix CW1](#), excluding the following areas:

- a) The Western Hills area west of SH2 as outlined in [Appendix CW1](#)
- b) Those areas in Wainuiomata in a 70km/h or greater speed zone, excluding the Wainuiomata Hill Road and the upper area of Upper Fitzherbert Road – as outlined in [Appendix CW1](#).

and including the following areas:

- c) Oakleigh Street carpark – the carpark area of Oakleigh Street entrance to Belmont Regional Park as outlined in [Appendix 10](#).
- d) The area in Petone that includes Pito-One Road and Cornish Street as outlined in [Appendix 14](#).
- e) Days Bay except as outlined in [Appendix 1](#) below on Guy Fawkes night.
- f) Eastbourne from Point Howard, along Marine Parade including Bishop Park, south to Oroua Street, Ororua Street (both sides) south to Karamu Street, including Ballinger Park, along Karamu Street to Maire Street and then west to the sea - as outlined in [Appendix 13](#).
- g) Seaview/Gracefield – both sides of Seaview Road south from the roundabout with Port Road, Waione Street and Randwick Road, left in to Parkside Road, right into Bell Road South, continuing straight along Gracefield Road to turn right into Port Road, along Port Road – the ban is only the landward side of the road (i.e. does not include the Seaview Marina land) , continue to meet with the roundabout of Port Road, Randwick Road and Seaview Road - as outlined in [Appendix 12](#).
- h) Jubilee Park – being the carpark area of Jubilee Park – as outlined in [Appendix 11](#).

Alcohol Free Zones:

1 Days Bay Beach – on Guy Fawkes night, being the foreshore area between Marine Drive and Ferry Road to the north, and Waerenga Road to the south 6.00pm on 5 November to 5.00am on 6 November, each year – as outlined in [Appendix 1](#).

2 Norfolk Street Shopping Area, Wainuiomata – The Norfolk Street Shopping Area, footpath and parking area in front of shops on Norfolk Street and Honey Grove, and the rear of the Norfolk Street shops – as outlined in [Appendix 2](#) - at all times.

3 Homedale Village Shops, Wainuiomata – The Homedale Village Shops, Main Road from, and including the Moores Valley Road roundabout, south to the access road for the Tennis Club, the

access road to the Tennis Club, and Moores Valley Road, from the intersection with Main Road to the entrance of the Palliser Hotel – as outlined in [Appendix 3](#) - at all times.

4 Queen Street Shops and Hugh Sinclair Park, Wainuiomata – The Queen Street Shops, adjacent park bordered by Fitzherbert Road, Queen Street and Wainuiomata Road, including the Library and Community Centre; the entire length of The Strand and Hugh Sinclair Park, with emphasis placed on the Skate Park and Children's Play Area; and the service lane running adjacent to Wainuiomata Police Station, leading to the Post Office – as outlined in [Appendix 4](#) - at all times.

5 Stokes Valley Shopping Centre, Delaney Park and Speldhurst Park – The Stokes Valley shopping centre to Speldhurst Park as bordered by Stokes Valley Road, Bowers Street, George Street, Evans Street – as outlined in [Appendix 5](#) – at all times.

6 Petone – From the corner of Hutt Road and Jackson Street, Jackson Street up Britannia Street, along Udy Street, down Cuba Street to Heretaunga Street, along Heretaunga Street along the eastern end of Petone, along the length of Petone foreshore, Hutt Road to the intersection with Jackson Street – as outlined in [Appendix 6](#) – at all times.

7 Central Business District – being the central commercial area bordered by Woburn Road, St Alban Grove, Hutt River Bank, Ewen and Melling Bridges, area known as the Melling Station and the Skateboard Park, part of Harbour View Road, Hutt River Bank to Mills Street, Melling Link, Rutherford Street, Queens Drive, Kings Crescent, Cornwall Street, Knights Road, Bloomfield Terrace, Laings Road and Bellevue Road – as outlined in [Appendix 7](#) – at all times.

8 Taita – being the Taita shopping area, the area including Taine Street, Reynolds Street, Tocker Street, and High Street and Walter Nash Park – as outlined in [Appendix 8](#) - at all times.

9 Naenae – being Treadwell Street/Cambridge Terrace intersection through to Cambridge Terrace/Daysh Street intersection, Daysh Street through to Naenae Road/Seddon Street intersection, Seddon Street to Waddington Drive intersection, Seddon Street/Waddington Drive intersection through to Waddington Drive/Shearer Crescent intersection, Shearer Crescent (entire) to Waddington Drive intersection, Waddington Drive to alleyway (including alleyway) to Strand Crescent, Strand Crescent through Strand Crescent/Rata Street intersection, Rata Street/Strand Crescent intersection, Rata Street to Treadwell Street, Treadwell Street/Rata Street intersection to Cambridge Terrace intersection, and the subway, Naenae Railway Station between Cambridge Terrace and Oxford Terrace - as outlined in [Appendix 9](#) - at all times.

Appendix 1



Alcohol Free Zone:
Days Bay Beach



Alcohol Free Zone:
Norfolk Street shopping area, Wainuiomata

Appendix 3



Alcohol Free Zone:
Homedale Village shops, Wainuiomata



Alcohol Free Zone:
Queen Street shops and Hugh Sinclair Park, Wainuiomata







Alcohol Free Zone:
Stokes Valley Shopping Centre, Delaney Park and Speldhurst Park



Legend

Alcohol Free Zone

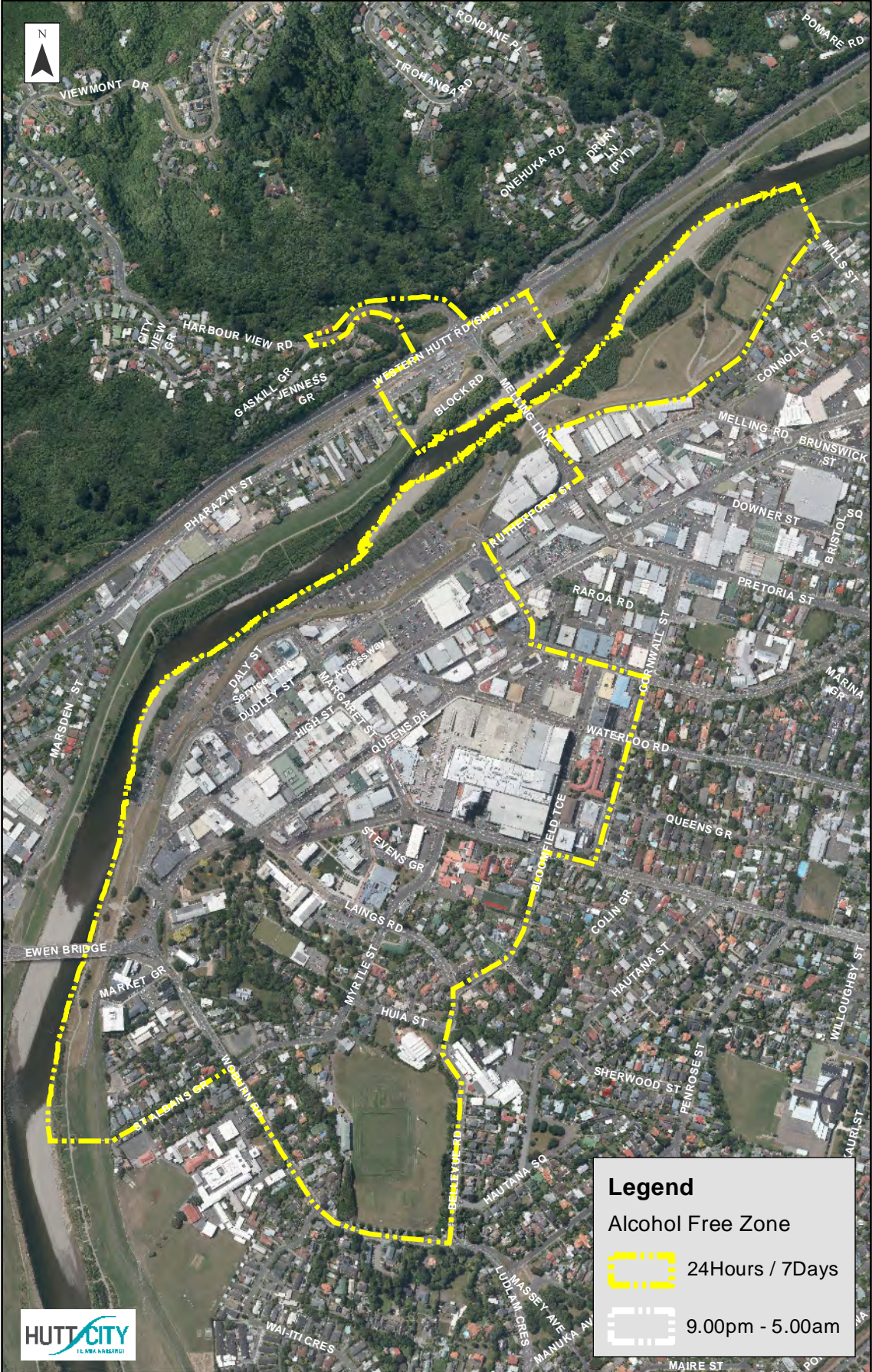
 24Hours / 7Days

 9.00pm - 5.00am



Alcohol Free Zone:
 Petone

Appendix 7



Alcohol Free Zone:
 Central Business District



Alcohol Free Zone:
Taita

Appendix 9



Alcohol Free Zone:
Naenae





Alcohol Free Zone:
Oakleigh Street carpark - Entrance to Belmont Regional Park

Appendix 11



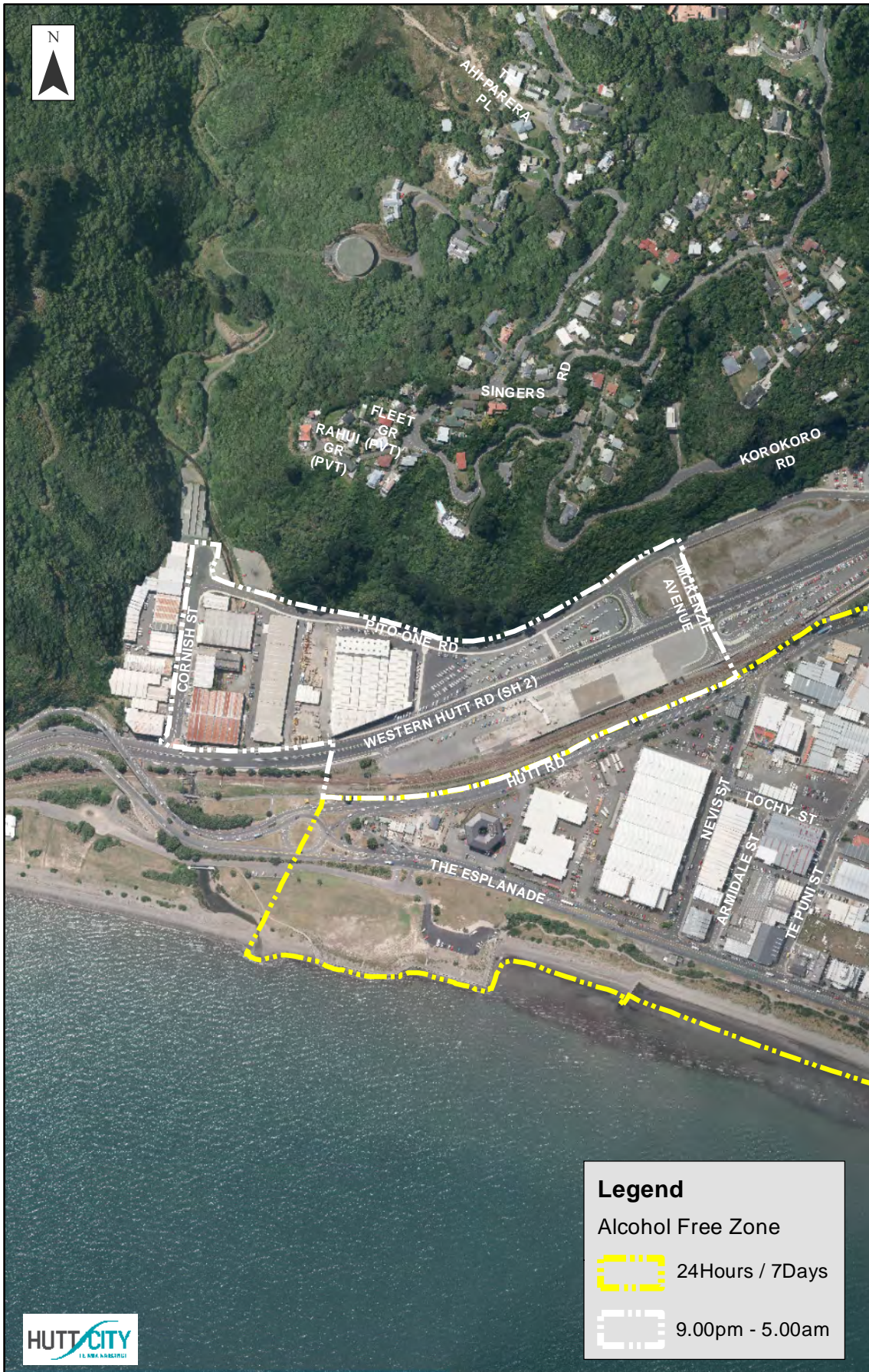
Alcohol Free Zone:
Jubilee Park carpark



Alcohol Free Zone:
 Seaview / Gracefield

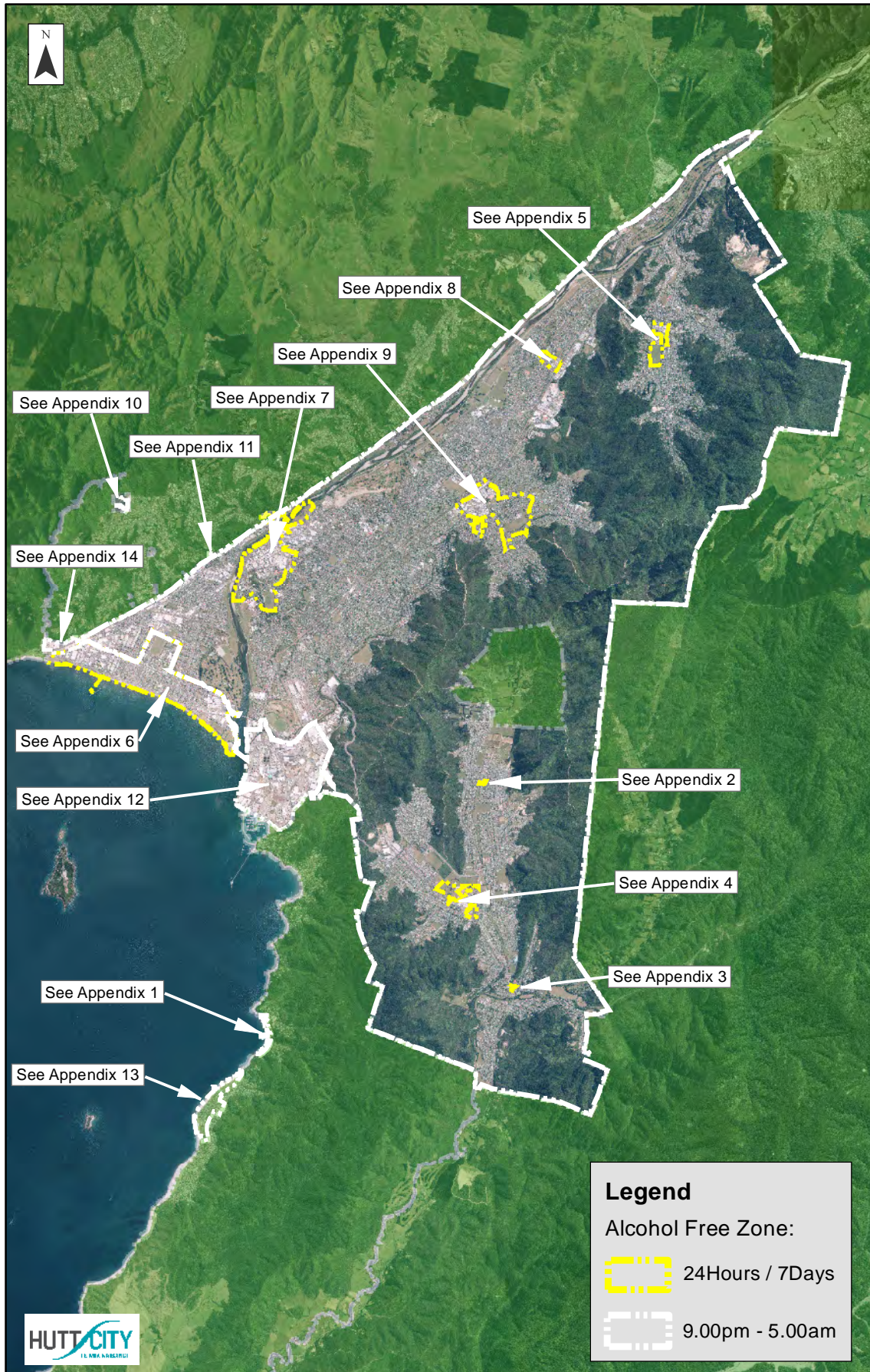


Alcohol Free Zone:
Eastbourne



Alcohol Free Zone:
Cornish St / Pito-One Rd, Petone

Appendix CW1



Alcohol Free Zone:
Hutt City-wide