

Attachment A



Alcohol-Free Areas in Public Places Bylaw
2018

**Ngā ture aukatinga waipiro i ngā wāhi
tūmatanui**

Queenstown Lakes District Council

Date of review: 10 August 2023
Commencement: 1 October 2023

This bylaw is adopted pursuant to the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on xx.

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Part 1 – Preliminary

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1 Title and Commencement

1.1 This bylaw shall be the "~~Alcohol-Free Areas~~ in Public Places Bylaw 2018".

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1.2 ~~This bylaw comes into force on 2 October 2023.~~

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This bylaw comes into force on [Insert date].

2 Application

2.1 ~~This bylaw applies to specific public places in the Queenstown Lakes District.~~

3 Purpose

3.1 The purpose of this bylaw is to ~~control and restrict the possession, consumption and bringing of alcohol, in certain locations within the Queenstown Lakes District, in order to~~ reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.

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reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes Distr

4 Interpretation

4.1 ~~In this bylaw, unless the context otherwise requires,-~~

Act means the Local Government Act 2002.

Alcohol means a substance ~~as defined by section 5(1) of the Sale and Supply of Alcohol Act 2012.~~

Deleted: For the purposes of this Bylaw, the following definitions shall apply

Council means the Queenstown Lakes District Council.

National Crate Day means the first Saturday of December, ~~or any other day or days associated with a variation of this event or promotion.~~

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(a) that— ¶

(i) is or contains a fermented, distilled, or spirituous alcohol; and ¶

(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or ¶

(b) that— ¶

(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and ¶

(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or ¶

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people

Offence means an ~~infringement~~ offence under ~~section 239A~~ of the Act that is a breach of this bylaw.

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Public Place means a place –

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

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Specified Period means:

(a) for a 12 hour ban, from 6:00 pm on any day to 6:00 am the following day; and

(b) for a 12 day ban, from 6:00 am on 25 December of any given year to 6:00 am on 6 January the following year; and

(c) 6:00 am on National Crate Day, of any given year to 6:00 am on the following day; and

(d) any other period defined by the Council by resolution from time to time in accordance with clauses 6 to 7 of this bylaw.

Specified Public Place means a public place defined or listed in Schedule 1 and 2 of this bylaw and any other place as may be defined by the Council by resolution from time to time in accordance with clauses 6 to 7 of this bylaw.

Temporary Alcohol-Free Area means an area described in a resolution of the Council made under this bylaw in which the prohibitions under clause 7 are temporarily in place in the public places within the area and during the times, days or dates specified in the resolution.

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

4.2 Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formality.

4.3 Any reference to legislation in the bylaw includes any amendments to that legislation or other Acts made in substitution of that legislation.

Part 2 – Alcohol-Free Areas

5 Prohibitions

5.1 No person may:

(a) consume, possess, or bring alcohol into any Specified Public Place during any Specified Period;

(b) consume or possess alcohol in a vehicle in any Specified Public Place during any Specified Period.

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(c) for a 10 day ban, from 6:00 am on 27 December of any given year to 6:00 am on 6 January the following year (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and

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5.2 Clause 5.1 is subject to any dispensation given under clause 12 and the exemptions in clause 8 and/or under the Act.

6 Additions to Specified Periods and Specified Public Place by resolution

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(a) The consumption of alcohol in any Specified Public Place during any Specified Period; ¶
(b) The possession of alcohol in any Specified Public Place during any Specified Period; ¶
(c) The bringing of alcohol into any Specified Public Place during any Specified Period; and ¶
(d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period....

6.1 The Council may from time to time by resolution define any other period to be included as a Specified Period as defined in this bylaw.

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6.2 The Council may from time to time by resolution define any other place to be included as a Specified Public Place as defined in this bylaw.

Deleted: adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act)

6.3 Every resolution made under clause 6.1 or 6.2 above shall be publicly notified at least 14 days before it shall take effect.

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Explanatory note: Section 147B of the Act applies before Council makes any resolutions under the bylaw.

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7 Temporary ~~Alcohol-Free Areas~~

Deleted: adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act)

7.1 The Council may declare a Temporary Alcohol-Free Area by resolution which will describe the specific area and the times, days or date during which the prohibitions imposed under clause 5 apply to any public place in that area.

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7.2 A resolution made under clause 7.1 shall be publicly notified at least 14 days before it shall take effect.

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Explanatory note: Section 147B of the Act applies before Council makes any resolutions under the bylaw.

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8 Exemptions

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8.1 The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container –

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(a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and Supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place;

Deleted: <#>Before the Council declares a Temporary Alcohol Restriction Zone it will comply with sections 77 – 82 of the Act.¶

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- (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012;
- (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified 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 Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.

Explanatory note: Clause 8.1 outlines the statutory exclusions in section 147(4) of the Act and may not be changed by Council.

8.2 This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any 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 the area has been granted by the Council;
- (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
- (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
- (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012.

9 Police powers of search in Temporary Alcohol Restriction Areas

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9.1 This clause authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area which has been declared a Temporary Alcohol Free Area by resolution of the Council under clause 7.

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9.2 Subject to clause 9.3, the powers of search can be exercised by the Police immediately and without further notice.

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9.3 Clause 9.1 only applies if the resolution declaring a Temporary Alcohol-Free Area provides that clause 9.1 of this bylaw will apply.

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Explanatory note: Council must give public notice pursuant to section 170(3) of the Act before the Police may exercise their powers of search under this clause in relation to Temporary Alcohol-Free Area resolutions.

The powers of search given to the Police in section 169 of the Act apply to the prohibitions in clause 5 of this bylaw.

Part 3 – General Provisions

10 Offence

10.1 Every person who breaches this bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

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11 Signage

11.1 Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.

11.2 To avoid doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

12 Dispensing Powers

12.1 The Chief Executive of the Council may waive compliance with any provision of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.

12.2 The Chief Executive may consult with stakeholders, including the Police, before granting a dispensation.

12.3 The Chief Executive may in their discretion impose conditions of any such waiver granted under clause 12.1.

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13 Revocations

- 13.1 The Queenstown Lakes District Council Alcohol Ban Bylaw 2014 is revoked.

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~~Alcohol Free Areas~~ in Public Places Bylaw 2018

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Schedule 1 – Specified Public Places

The areas identified below are classified as Specified Public Places in relation to which the prohibited acts in clause 5 of this bylaw apply during the Specified Periods noted under each area.

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(1) Queenstown

A 12 hour ban, from 6:00 pm on any day to 6:00 am the following day (refer clause (a) of the definition of Specified Period); and

A 12 day ban from 6.00 am on 25 December of any given year to 6.00 am on 6 January the following year (refer clause (b) of the definition of Specified Period).

(2) Frankton

A 12 hour ban, from 6:00 pm on any day to 6:00 am the following day (refer clause (a) of the definition of Specified Period)

(3) Arrowtown

A 12 hour ban, from 6:00 pm on any day to 6:00 am the following day (refer clause (a) of the definition of Specified Period)

(4) Wānaka

A 12 hour ban, from 6:00 pm on any day to 6:00 am the following day (refer clause (a) of the definition of Specified Period); and

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Deleted: Wānaka

A 12 day ban from 6.00 am on 25 December of any given year to 6.00 am on 6 January the following year (refer clause (b) of the definition of Specified Period).

(5) Lake Hāwea

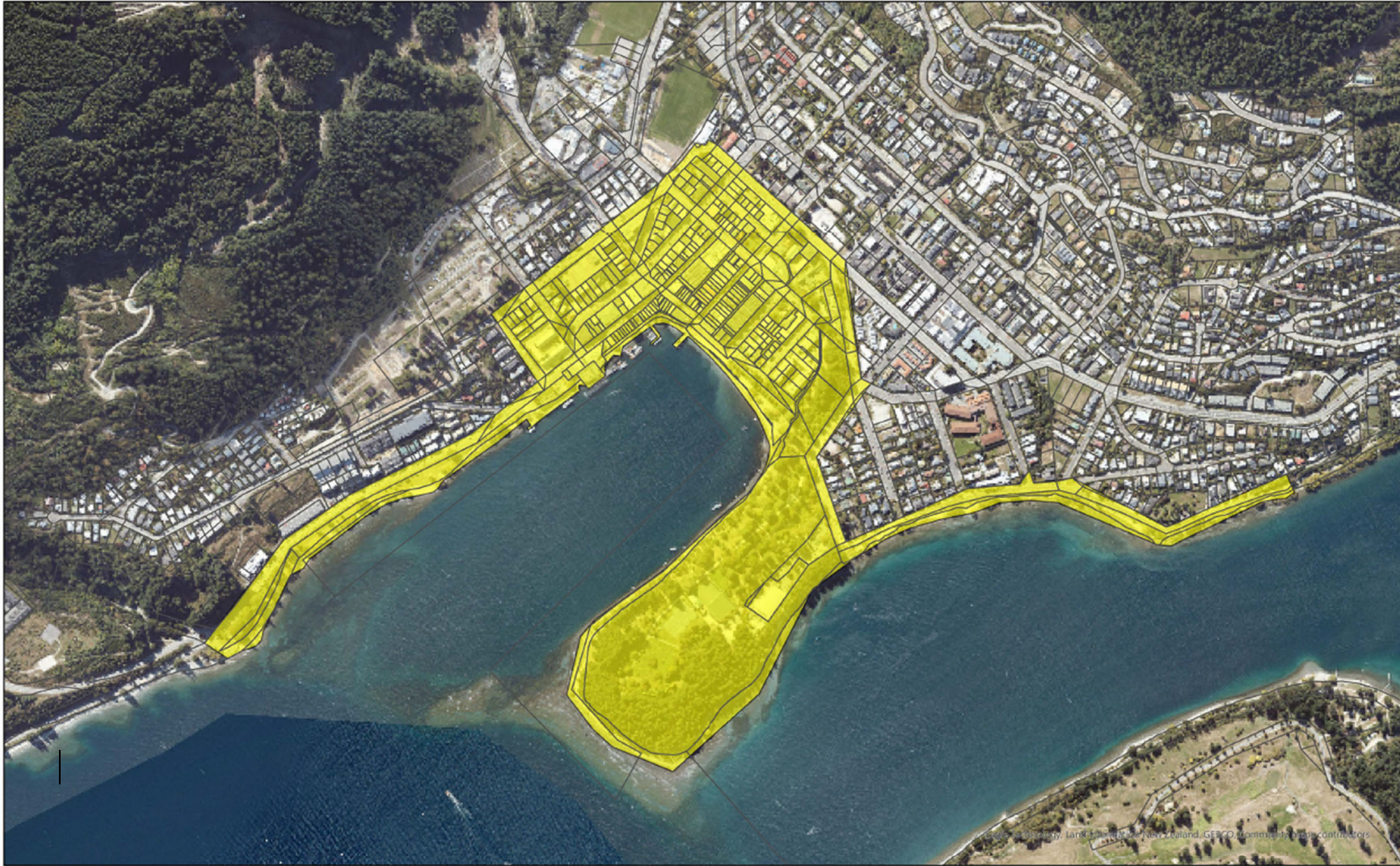
A 12 hour ban, from 6:00 pm on any day to 6:00 am the following day (refer clause (a) of the definition of Specified Period)

Deleted: <object>(i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and ¶
<object><object><object><object><object>(ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:¶
Lake Esplanade ¶
Lake Street ¶
Man Street ¶
Memorial Street ¶
Stanley Street ¶
Coronation Drive
Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens¶

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Specified Public Place - Queenstown Alcohol-Free Area



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.

 Specified Public Place - Alcohol-Free Areas



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Map Date:
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Specified Public Place - Frankton Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas



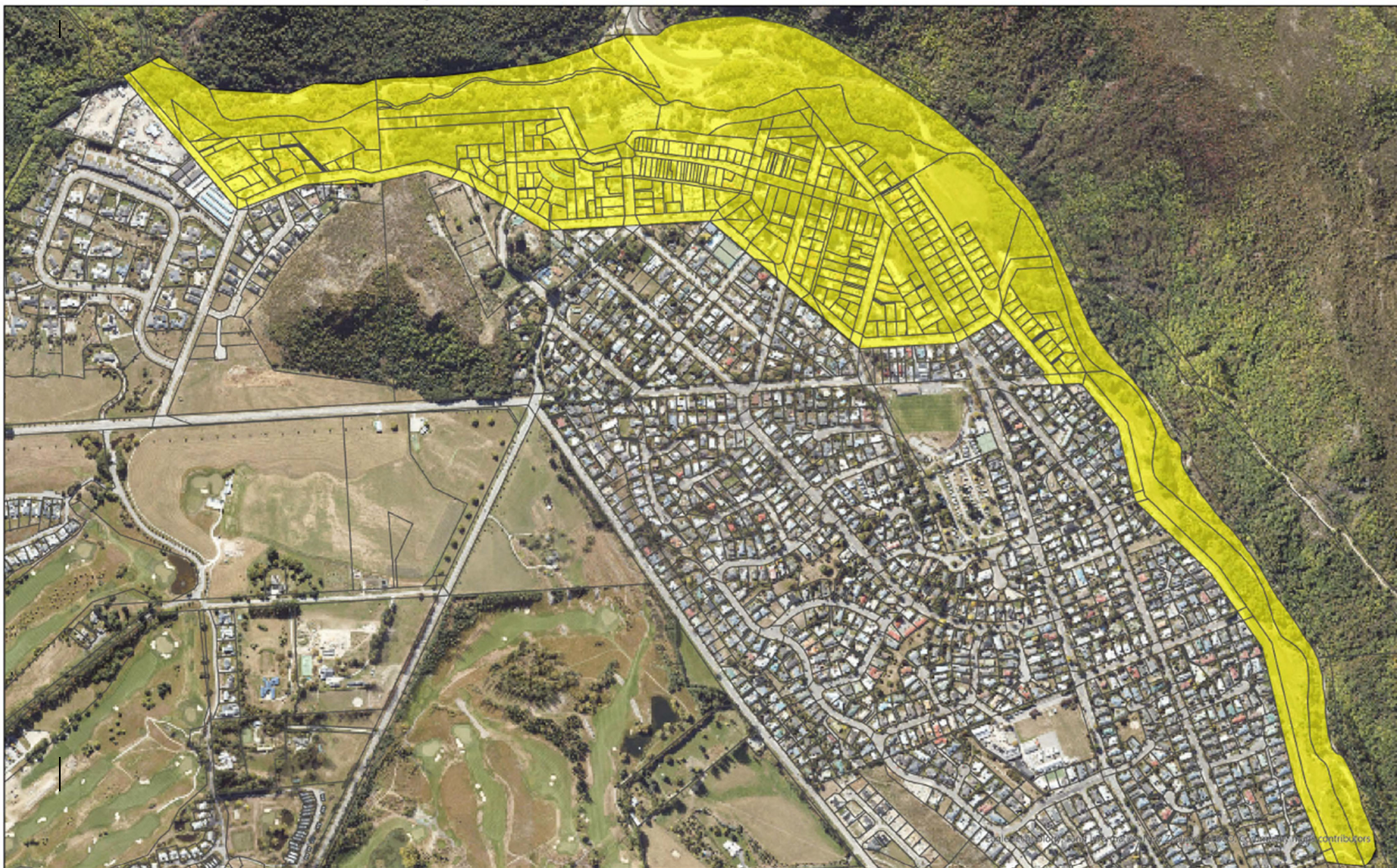
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Specified Public Place - Arrowtown Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas



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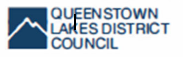
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Specified Public Place - Wānaka Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas



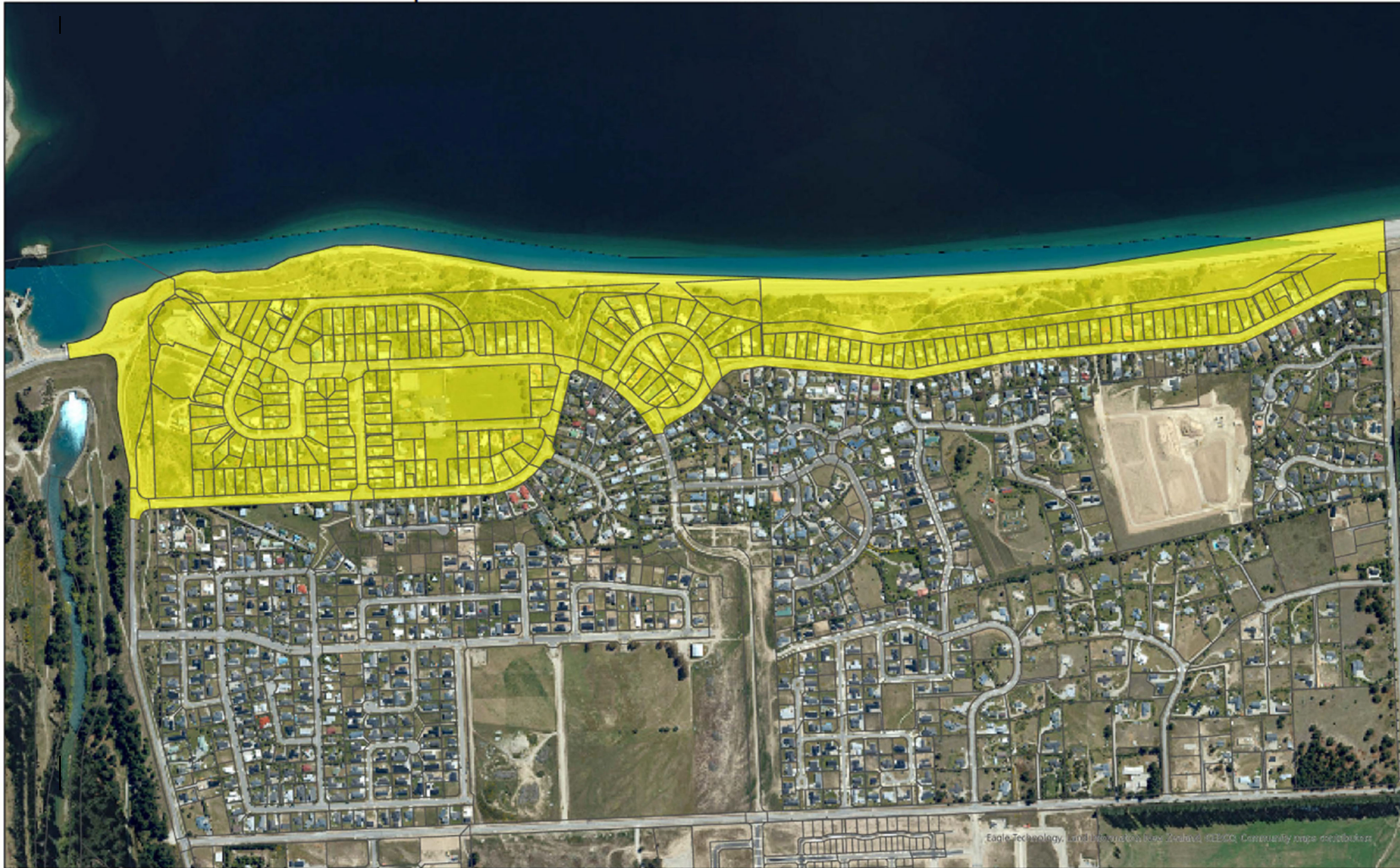
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Specified Public Place - Lake Hawea Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas



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Map Date:
6/22/2023



Schedule 2 – National Crate Day Restriction

The area identified below is classified as a Specified Public Place in relation to which the prohibited acts in clause 5 of this bylaw apply during the times and days in clause (d) of the definition of Specified Period.

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Deleted: (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and ¶
¶

(ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves: ¶

Bridge Street ¶

Boyes Crescent ¶

McBride Street (from Boyes Crescent to Lake Avenue) ¶

Lake Avenue

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Deleted: The north-eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O'Callaghan Reserve and the Arrow River 150th Anniversary walking track to and including the bridge to the south of Jopp Street; and ¶

The area from the north-eastern boundary to an outer boundary formed by and including the following streets and road reserves:

Bush Creek Road

Manse Road

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... [2]

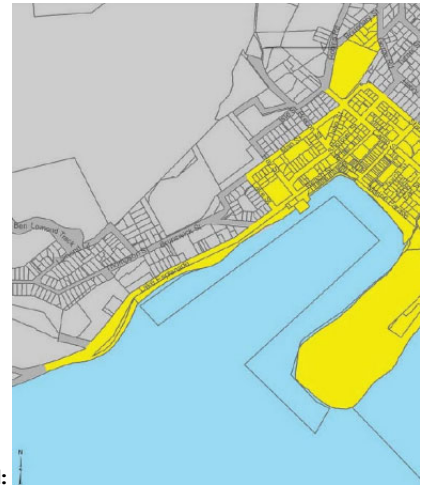
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The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and ¶

... [3]



Specified Public Place - Crate Day Alcohol-Free Area



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.

 Specified Public Place - Alcohol-Free Areas

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COUNCIL

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