



# 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 10 August 2023.

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## Part 1 – Preliminary

### 1 Title and Commencement

- 1.1 This bylaw shall be the “Alcohol-Free Areas in Public Places Bylaw 2018”.
- 1.2 This bylaw comes into force on 2 October 2023].

### 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.

### 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.

**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.

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

**Public Place** means a place –

- (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.

**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.

- 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**

- 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.
- 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.
- 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.

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

## **7 Temporary Alcohol-Free Areas**

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

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

## **8 Exemptions**

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

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

- 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.

*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.

### **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.

**13 Revocations**

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

## **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.

### **(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

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)



# Specified Public Place - Queenstown Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas



# Specified Public Place - Frankton Alcohol-Free Area

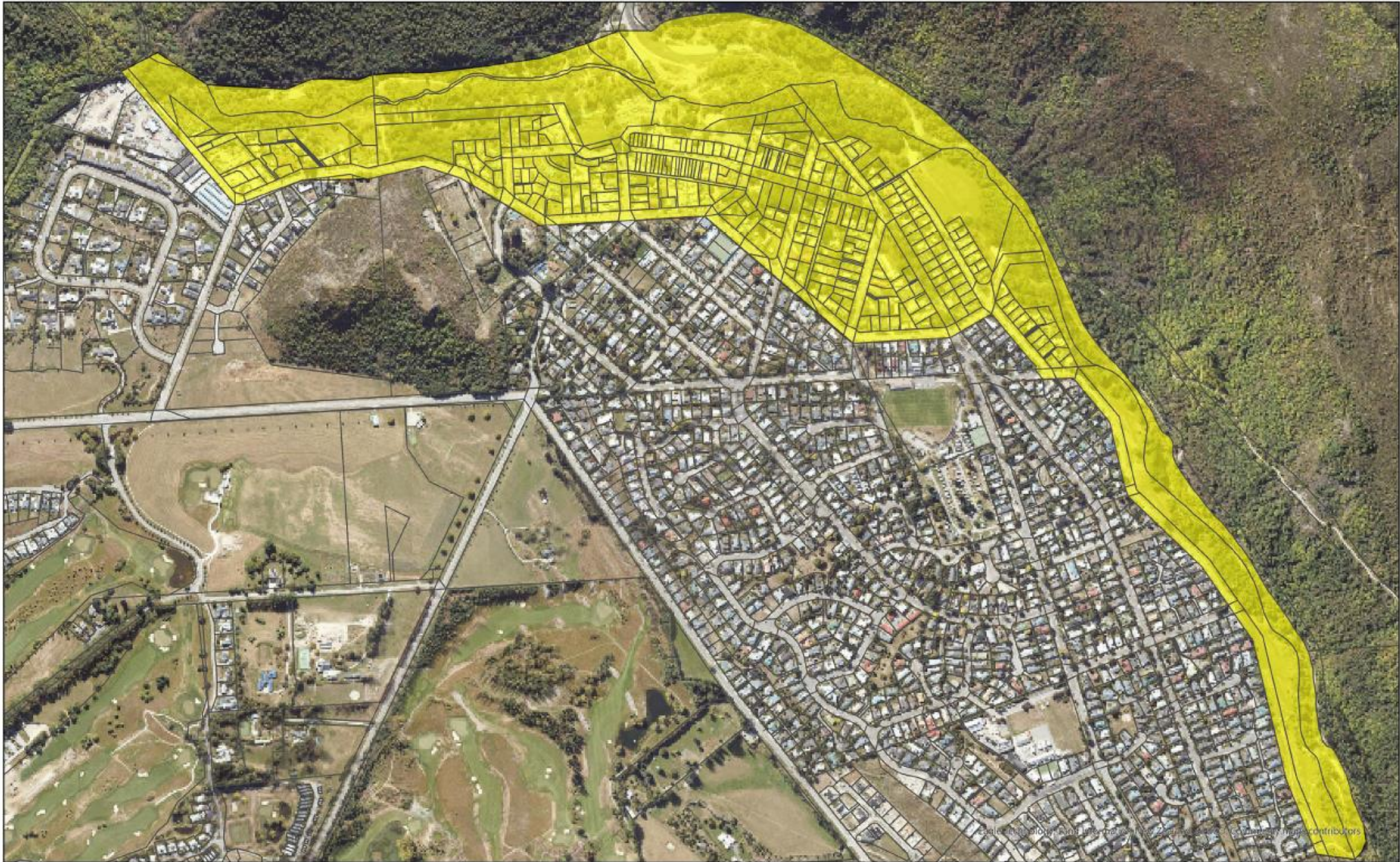


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 Specified Public Place - Alcohol-Free Areas



# Specified Public Place - Arrowtown Alcohol-Free Area




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 Specified Public Place - Alcohol-Free Areas

# Specified Public Place - Wānaka Alcohol-Free Area

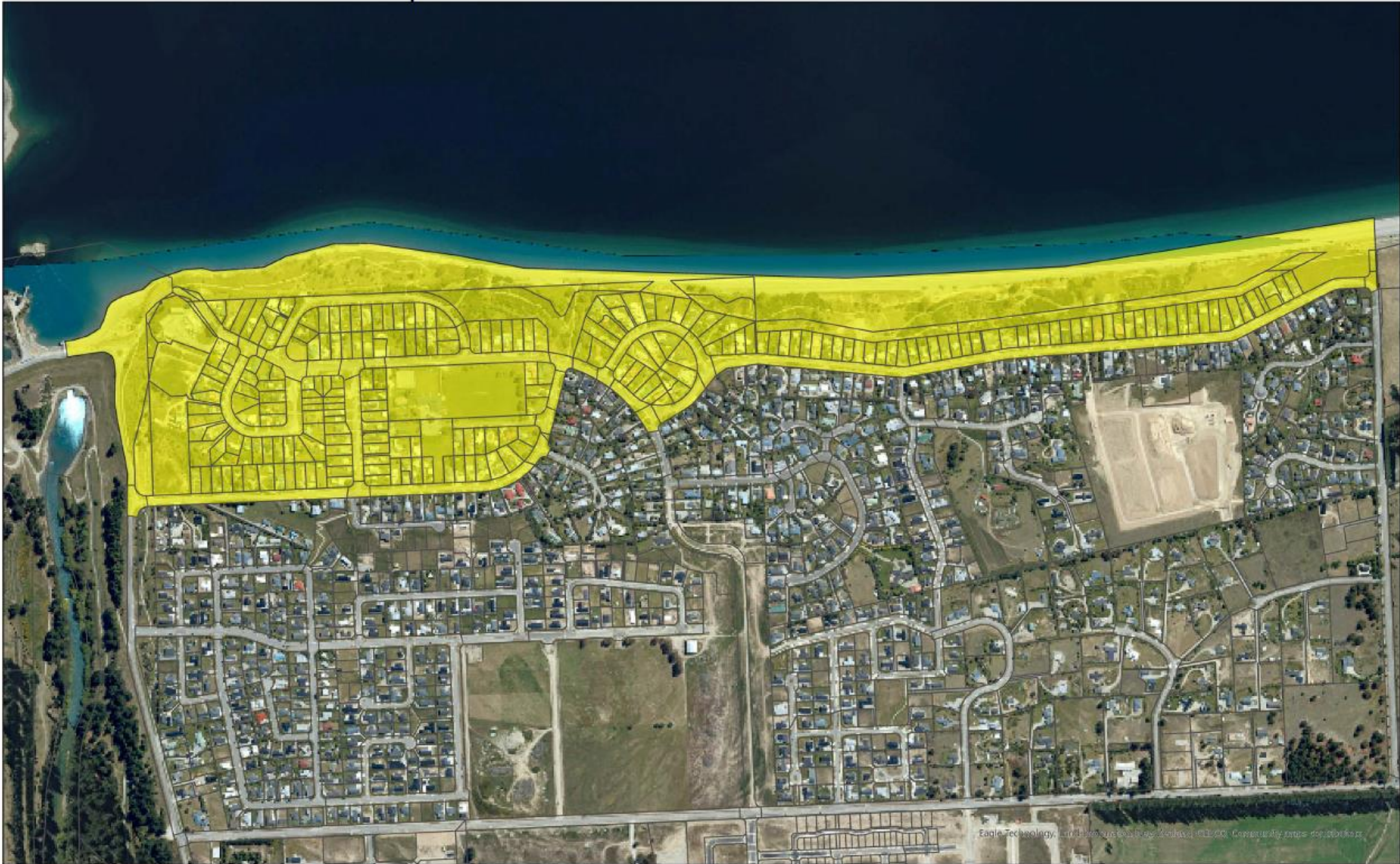


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 Specified Public Place - Alcohol-Free Areas




# Specified Public Place - Lake Hawea Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas




## **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.

# Specified Public Place - Crate Day Alcohol-Free Area



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 Specified Public Place - Alcohol-Free Areas

