

Waikato District Council Alcohol Control Bylaw 2020

Waikato District Council, in exercise of its powers under the Local Government Act 2002 hereby makes the following Bylaw.

Introduction

1.0 Short title, commencement, and application

- 1.1 The Bylaw is the "Waikato District Council Alcohol Control Bylaw 2020".
- 1.2 The Bylaw shall apply to the Waikato district.
- 1.3 The Bylaw shall come into force on 3 September 2025.

Part 1 – Preliminary provisions

2.0 Purpose

- 2.1 The purpose of the Bylaw is to reduce alcohol related harm, crime, or disorder in public places through prohibiting, regulating, or controlling the consumption, possession, or bringing of alcohol into public places.

3.0 Interpretation

- 3.1 In this Bylaw, unless the context otherwise requires –

Act means the **Local Government Act 2002**.

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Council means the Waikato District Council.

Cemetery means any cemetery or burial ground where the remains of people who have died are laid to rest, and the land is vested in or under the control of Council and dedicated as a cemetery.

Licensed Premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012 and means any premises for

which a license is held.

Permanent

Alcohol Ban Area means an area described in Schedule One in which alcohol restrictions are permanently in place in the public places within the area, during the times, days, or dates specified in the Schedule.

Public Place

has the meaning given by section 147 of the Act; and means a place 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 entitled to exclude or eject any person from it; but does not include licensed premises.

Temporary

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

Vehicle

has the meaning given by section 2(1) of the Land Transport Act 1998.

Self-contained Vehicle

means vehicles that are certified as self-contained under New Zealand Standards (NZS) 5465:2001.

Waikato district

means the area within the boundaries under the territorial authority of the Waikato District Council and includes all coastal areas to the line of mean low water springs.

3.2 Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

3.3 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Alcohol Consumption and Possession in Public Places

4.0 Alcohol prohibited in public places where an Alcohol ban applies

- 4.1 Every person is prohibited from consuming, bringing into, or possessing Alcohol in any Public Place (including in a Vehicle that is not a Self-contained Vehicle) in contravention of an Alcohol ban made by Council in accordance with clause 4.2.
- 4.2 However, clause 4.1 does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Act.

Explanatory note: As at 21 January 2020, under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances:

- (a) The transport of the alcohol from licensed premises next to a public place, if –
 - (i) it was lawfully bought on those premises for consumption off those premises; and*
 - (ii) it is promptly removed from the public place; or**
- (b) The transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or*
- (c) The transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or*
- (d) The transport of the alcohol from premises next to a public place to a place outside the public place if;
 - (i) the transport is undertaken by a resident of those premises; and*
 - (ii) the alcohol is promptly removed from the public place.**

Part 3 – Controls

5.0 Council may regulate or prohibit Alcohol in Public Places

- 5.1 Council may make an Alcohol Ban Area for the purpose of prohibiting, regulating, or controlling, either generally or for one or more specified periods, any or all of the following:
- (a) the consumption, bringing into, or possession of Alcohol in Public Places; and*
 - (b) in conjunction with (a), the presence or consumption of Alcohol in Vehicles in Public Places.*
- 5.2 Any resolution made under clause 5.1 must also:
- (a) consider whether the Bylaw is a justifiable limitation on people's rights and*

freedoms;

- (b) evidence that the area to which the Bylaw is intended to apply has experienced a high level of crime and/or disorder that can be shown to have been caused or made worse by Alcohol consumption in the area;
- (c) the Bylaw is appropriate and proportionate in the light of that crime or disorder;
- (d) include a map of the Alcohol Ban Area, unless the area is classified as a Park, Reserve, or Esplanade (including Cemeteries);
- (e) specify whether the Alcohol Ban Area is Permanent or Temporary and, if Temporary, the time(s) that any ban applies; and
- (f) if consumption, bringing into, or possession of Alcohol is controlled rather than prohibited, specify the nature of the control.

5.3 Council must, before designating an Alcohol Ban Area in accordance with clause 5.1:

- (a) Be satisfied that the Alcohol ban gives effect to the purpose of this Bylaw; and
- (b) Complies with the decision-making requirements under Subpart 1 of Part 6 of the Act; and
- (c) Complies with the criteria under section 147B of the Act, as follows:
 - (i) Be satisfied that there is evidence that the area to which the Alcohol 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) Be satisfied that the Alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms.

5.4 Investigate and, where appropriate, implement community-focused solutions as an alternative to, or to complement an Alcohol Ban Area; and

- (a) Consider the views of the New Zealand Police; and
- (b) Consider the views of Māori; and
- (c) Consider the views of owners, occupiers, or persons that Council has reason to believe are representative of the interests of owners or

occupiers, of premises within the area to which the Alcohol ban will apply.

- 5.5 Council may amend this Bylaw in accordance with the Act. Council may, at any time, amend or revoke an Alcohol ban in accordance with clauses 5.1, 5.2, and 5.3, with the necessary modifications.
- 5.6 Any resolution of Council may be amended, rescinded, or reinstated by a further resolution of Council.
- 5.7 Should Council declare, by resolution, additional Alcohol controls as per clause 5.1 to 5.3, Council will assess all decisions in accordance with its Significance and Engagement Policy to determine the significance of the decision and if engagement or consultation is required.

6.0 Permanent Alcohol Ban Areas

- 6.1 Permanent Alcohol Ban Areas are listed in Schedule One. Schedule One illustrates the specific areas that are Permanent Alcohol Ban Areas and states the times, days, or dates during which the Alcohol restrictions apply to the Public Places.
- 6.2 Every person is prohibited from consuming, bringing into, or possessing Alcohol in all Cemeteries, Parks, Reserves, and Esplanades (including Vehicles that are not Self-contained Vehicles parked in these areas) between the hours of 9pm and 9am daily.

7.0 Temporary Alcohol Ban Area/s

- 7.1 Council may, by resolution, under clause 5.2 declare an area to be a Temporary Alcohol Ban Area for a specific period, not exceeding seven consecutive days.
- 7.2 Council will give public notice of a Temporary Alcohol Ban Area at least 14 days before the Temporary Alcohol Ban comes into force.
- 7.3 Where a Temporary Alcohol Ban applies to an event, Council must consider:
 - (i) the nature and type of the event;
 - (ii) the history (if any) of the event;
 - (iii) the number of people expected to attend the event;
 - (iv) the area in which the event is to be held;
 - (v) whether the New Zealand Police support the proposed Temporary Alcohol Ban Area;
 - (vi) whether the New Zealand Police will be present at the event to enforce it; and
 - (vii) any other information it considers relevant.

Explanatory note: Records of resolutions made for Temporary Alcohol Ban Areas will not be included in the 'register of resolutions' but are permanently recorded through the appropriate Council records of meetings, minutes, and resolutions.

8.0 Signage

- 8.1 Where it is practicable or reasonable to do so, Council will erect signage within Alcohol Ban Areas to provide information to the public about the restrictions. The size, location, and content of the signage will be at Council's discretion.
- 8.2 To avoid any doubt, the absence of signage in any Alcohol Ban Area is not a defence against any breach of this Bylaw.
- 8.3 This clause is subject to any regulations made under section 147C of the Act.

Part 4 – Enforcement, offences, and penalties

9.0 Enforcement

- 9.1 A New Zealand Police constable may use their powers under the Act to enforce this Bylaw.
- 9.2 This Bylaw authorises a constable to exercise the power of search under sections 169(2)(a) and 170(2) of the Act for Alcohol Ban Areas declared in accordance with clauses 6 and 9.

Explanatory note: Section 170(2) provides constables with additional powers of search in relation to Temporary Alcohol Ban Areas that have been notified and indicated by signs in accordance with section 170(3) of the Act.

10.0 Offences and penalties

- 10.1 Every person who breaches this Bylaw commits an offence.
- 10.2 Every person who commits an offence under this Bylaw is liable to a penalty under the Act.

Explanatory note: As at 18 December 2013, the penalty for breaching an alcohol bylaw is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.

Part 5 – Exceptions

11.0 Exceptions

- 11.1 The restrictions within an Alcohol Ban Area do not apply to areas or activities which are covered by a licence issued under the Sale and Supply of Alcohol Act

2012, including:

- (a) Any Public Place which is part of a licenced premises' outdoor area, where permission to occupy that area has been granted by Council; or
- (b) The carrying of Alcohol directly between one part of a licensed premises and another part of the same premises across a Public Place that separates the parts of the licensed premises; or
- (c) Any Public Place that is subject to a special licence, for the term of that licence; or
- (d) Any Vehicle in a Public Place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or
- (e) Any event held in a Public Place at which Alcohol is served under a section 38 endorsed licence under the Sale and Supply of Alcohol Act.

11.2 The restrictions within an Alcohol Ban Area do not apply to Self-contained Vehicles where:

- (a) the number of people within the Self-contained Vehicle do not exceed the maximum number of people for which the Self-contained Vehicle has been certified as Self-contained; and
- (b) that any Alcohol consumed is done so inside the Self-contained Vehicle; and
- (c) the Self-contained Vehicle is not parked in a freedom camping prohibited area.

11.3 Clause 11.2 does not apply to James Street in Raglan as per map 8.

Explanatory note: A number of exceptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(4) of the Act, and are not restricted by this Bylaw, including:

- *Commercial deliveries to licensed premises;*
- *Carrying alcohol purchased from an off-licence (e.g. liquor store);*
- *Carrying alcohol to or from BYO licensed premises;*
- *Carrying alcohol to or from private residences.*

Some of these exceptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.

For more information around freedom camping prohibited areas and guidelines please refer to Council's Freedom Camping Bylaw 2023 that can be found on Council's website.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on 3 September 2025.

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



 Mayor




 Chief Executive

Activity	Key date	Council resolution
Bylaw made	14 December 2020	WDC2012/13
Reviewed Bylaw and made Schedule 1 changes	3 September 2025	WDC258/5
Next review due date	3 September 2035	

WAIKATO DISTRICT COUNCIL - ALCOHOL CONTROL BYLAW 2020

SCHEDULE ONE - Permanent Ban Areas

Public places within the red highlighted areas in the maps below are Permanent Ban Areas. Cemeteries are Alcohol Ban Areas from 9pm to 9am daily. Please refer to clause 6.2 for alcohol ban times in parks, reserves, and esplanades across the district.

Ngaaruawaahia – refer map 1.

Taupiri – refer map 2.

Huntly North – refer map 3a.

Huntly South – refer map 3b.

Te Kauwhata – refer map 4.

Meremere – refer map 5.

Pokeno – refer map 6.

Tuakau – refer map 7.

Raglan – refer map 8.

Raglan district – refer map 9.

Port Waikato – refer map 10.






Current ban area
24 hours a day, 365 days a year




Current ban area
24 hours a day, 365 days a year



Current ban area 
24 hours a day, 365 days a year





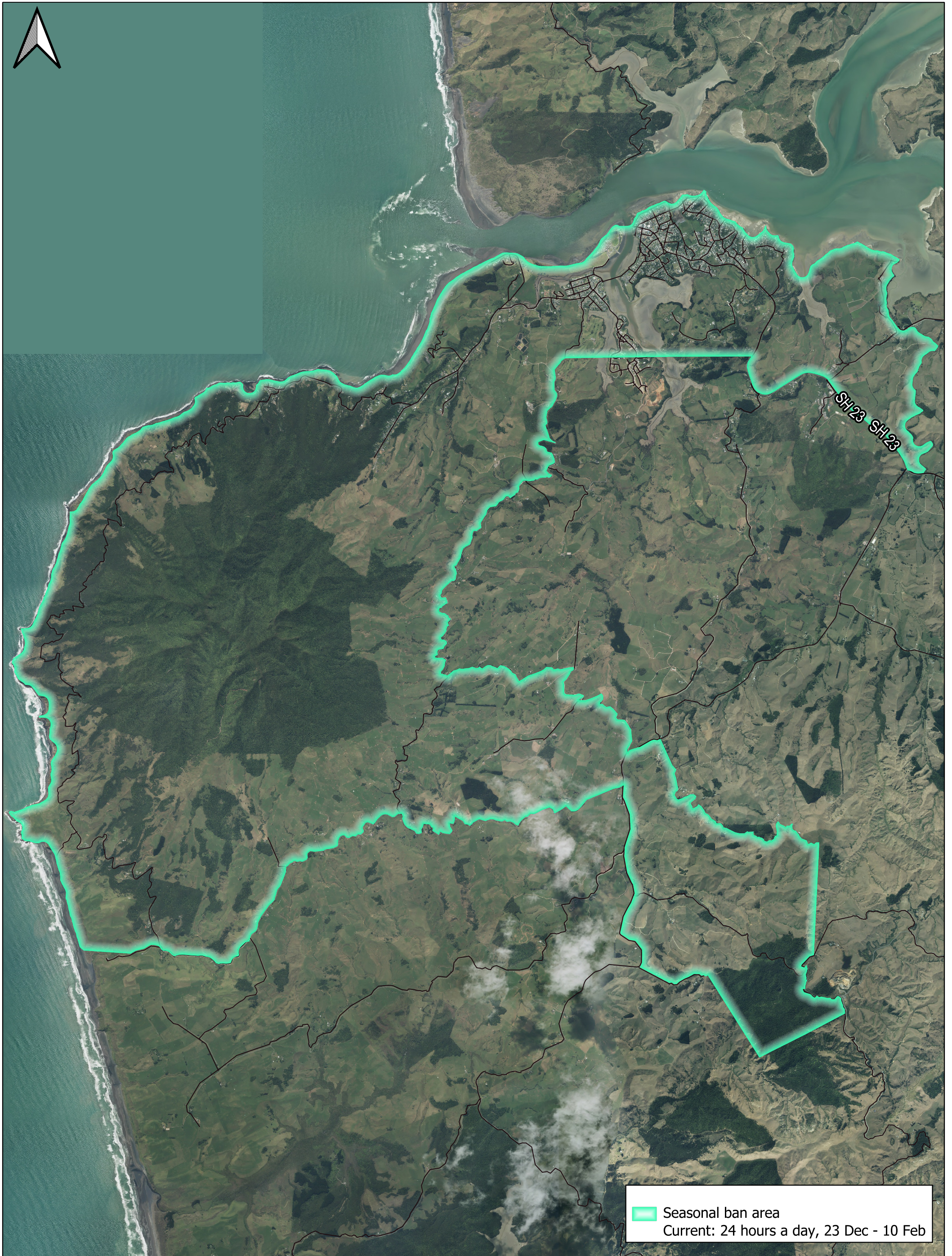
Current ban area 
24 hours a day, 365 days a year






Current ban area
24 hours a day, 365 days a year





 Seasonal ban area
Current: 24 hours a day, 23 Dec - 10 Feb



Current ban area
24 hours a day, 365 days a year