



Amendment to the Public Places Bylaw

2020 - Statement of Proposal

Draft

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Introduction

This 'Statement of Proposal' outlines the proposed amendments to the Manawatū District Council's Public Places Bylaw 2020.

The Public Places Bylaw 2020 was adopted on 2 July 2020. The Manawatū District Council (Council) is proposing to amend some of the provisions relating to Street User Activities and Alcohol Control Areas (liquor bans). The key changes recommended by Council are summarised below.

Street User Provisions

'Street Users' include those operating street stalls, mobile shops, hawkers, street appeals, solicitation of donations, parades, buskers, pamphlet distributors and similar activities. The Bylaw requires Street Users to get a permit before operating.

Council wants to amend the bylaw to improve the clarity of the street user permit regime to ensure there is a better balance in the regime between existing businesses and street users. The changes include limiting street user permits for hawkers, mobile shops and street stalls to two locations within the Feilding Central Business District (CBD), being one quadrant of Denbigh Square and the carpark on Aorangi Street, opposite the intersection with Gladstone Street. However, there will be exceptions for approved events like the Feilding Farmers Market. The controls around where hawkers, mobile shops and street stalls can locate are designed to minimise potential effects of these types of activities on the visibility and viability of existing businesses located in the Feilding CBD.

Street user permits will be issued on a first-come-first-served basis for a maximum period of two weeks, unless otherwise agreed with Council in writing, and a maximum of two permits will be issued at each location at any one time. These changes are designed to improve the clarity and consistency of the street user permit regime and to ensure that the regime it is fair and reasonable for all street users.

The substantive changes and the reasons for the changes are described in Table 1 below:

| Clause Reference | Change | Reason for the Change |
|------------------|---|---|
| 4.2 | Insert a new definition of "Feilding CBD" that refers to the map in Schedule 2 of the Bylaw. | This definition is required as new clause 10.2 refers to permits granted to hawkers, mobile shops and street stalls to operate within the "Feilding CBD." This terms needs to be defined in the bylaw so it is clear what area is captured by this reference in clause 10.2. |
| 10.1 | Additions to clause 10.1 as follows: A person must obtain a permit from Council prior to carrying out any Street User activity, and must carry out any Street User activity in accordance with the terms and conditions of this permit. | This addition is needed to ensure that there is an offence in the bylaw for failing to comply with a street user permit. Currently, existing clause 10.9 (was clause 10.8) only provides for the revocation of the permit and a requirement to cease operation immediately. This amendment is to fix an omission from the 2020 review of the Public Places Bylaw. |

| | | |
|--|---|--|
| 10.2 | <p>Insertion of a new clause 10.2 as follows:</p> <p>Within the Feilding CBD, permits for Hawkers, Mobile Shops or Street Stalls will be granted only for the locations specified in Schedule 3 of this Bylaw. For each of these locations, permits cannot be issued if it would result in more than two Street Users using the location at any one time. Permits will be issued on a first-come-first-served basis.</p> | <p>Council uses a first-come-first-served approach for issuing street user permits. Specifying the approach within the bylaw creates certainty for applicants, helping ensure that the process is fair.</p> <p>Schedule 3 of the draft Bylaw contains maps of two locations within the Feilding CBD (Denbigh Square and Aorangi Street) where hawkers, mobile shops and street stalls can operate. These locations have been selected as they are distant from existing businesses operating within the Feilding CBD (to minimise the effect of street user operations on existing businesses), have good access and off-street parking, and good visibility. They also have a history of street user activities.</p> <p>The proposal to limit the number of street user permits issued at Denbigh Square to two is to ensure that there is sufficient space for permit holders to operate without obstructing each other and to ensure that access and road safety is maintained.</p> <p>The Aorangi Street location operates as a carpark during the day. The two permit limit proposed for this location will help to minimise any conflict between the two uses (carparking and street user activities).</p> |
| 10.3 | <p>Insertion of a new clause 10.3 as follows:</p> <p>Despite Clauses 10.1 and 10.2, Hawkers, Mobile Shops and Street Stalls may operate anywhere within the District, including within the Feilding CBD, without a permit when taking part in an Organised Game, Activity, or Event in a Public Place that has been approved by the Council under clause 8.4(a) of this Bylaw.</p> | <p>The inclusion of an exception that allows a permit to be granted to hawkers, mobile shops and street stalls to operate at alternative locations in association with an event is necessary to provide for existing events such as the Feilding Farmers Market that utilises Manchester Square on Friday mornings and other markets and fairs that operate from various locations, in Feilding and elsewhere in the District throughout the year. The exclusion will ensure that hawkers, mobile shops and street stalls are able to operate at events without breaching the bylaw. Other street users (such as buskers, street collectors and parades) are still able to obtain a permit to operate within the Feilding CBD as they are reliant on foot traffic.</p> |
| 10.4 | <p>Insertion of the words “at least” within clause 10.4.</p> | <p>This is to correct an omission from when this clause was reviewed as part of the full bylaw review in 2020. The current wording implies that a street user must apply exactly 14 days prior to commencing their activities, when the intention is that they apply at least 14 days prior, so Council has sufficient time to issue the permit.</p> |
| 10.7 | <p>Insertion of a new clause as follows:</p> <p>Street User Permits for Hawkers, Mobile Shops or Street Stalls will be issued under Clause 10.8(a) for a period of two weeks, unless otherwise agreed by Council in Writing.</p> | <p>By issuing permits for a period of two weeks, Council can ensure that there is regular turn-over of street users when there is high demand. Including an exception that allows for an extension to the time period if agreed by Council in writing. This enables Council officers to grant a permit for an extended (or shorter) period in special circumstances or if the street user wishes to operate for a longer period and there is not demand for the site from other street users.</p> |
| Schedule 2 – Feilding CBD | <p>Insertion of a map that describes the “Feilding CBD”</p> | <p>The Feilding CBD is referred to in clause 10.2 of the bylaw. Including a map in the schedule is considered to be the easiest way to describe what is meant by this reference. The definition of “Feilding CBD” refers users to the map in Schedule 2.</p> |
| Schedule 3 – Street User Areas in Feilding | <p>Insertion of a map that identifies the grassed area at Denbigh Square as a Street User Area.</p> | <p>Denbigh Square has been identified as a suitable location for hawker, mobile shop and street stall activities. While being close to the Feilding CBD, street users operating from this site will not directly compete with CBD businesses and will not block visibility of existing businesses. This site is sufficiently large to accommodate street user activities without obstructing traffic or pedestrians. There is off street parking and good access. This site has a history of use by street users.</p> |
| | <p>Insertion of a map identifying the southern corner of a Council-owned carpark opposite the intersection of Gladstone Street and Aorangi Street as a second Street User Area.</p> | <p>As with the Denbigh Square Street User Area, this site has been chosen as it has a history of use by street users, is sufficiently separated from the Feilding CBD so as to not facilitate competition between street users and existing CBD businesses, and has good access and parking.</p> |

Other marked-up changes to the bylaw are minor and necessary consequential amendments that correct schedule and clause references.

Council is also developing guidance for street users to help them navigate the permit requirements. This guidance will be a non-statutory document that is separate from the bylaw and so is not part of this consultation.

If the proposed changes are approved, the issuing of street user permits for hawkers, mobile shops and street stalls in the Feilding CBD will be limited to those locations identified in Figures 1 and 2 below, unless operating in association with an approved event. A maximum of two street user permits will be issued to hawkers, mobile shops or street stalls within each location at any one time. The bylaw limits the maximum duration of permits to two weeks, unless otherwise agreed by Council in writing. This is to enable more frequent turn-over of street user businesses during periods of high demand.

Manchester Square has not been specifically identified as a location where hawkers, mobile shops and street stalls are permitted, even though the Feilding Farmers Market operates here every Friday from 8:30am until 1pm. This is because Feilding District Promotion manages the Feilding Farmers Market on behalf of Council. Those wanting to operate a stall within the Feilding Farmers Market liaise directly with Feilding District Promotion rather than obtaining a permit from Council. Stall holders operating as part of the Feilding Farmers Market are able to operate from locations outside of those areas mapped in Schedule 2 (including Manchester Square) by clause 10.3 of the draft bylaw.

Draft clause 10.3 also provides for hawkers, mobile shops and street stalls operating in the Feilding CBD and the wider Manawātū District in association with other festivals, fairs and events such as the Rural Games, gypsy fair, Field Days, Kimbolton Sculpture Festival, Whanaū Day etc.

Figure 1: Proposed Street User Area on Aorangi Street



These two locations have been chosen because:

1. They have both been used by street users in the past
2. They have good access and off-road parking
3. Having two locations provides street users with choice
4. They are outside of the Feilding CBD so are less likely to adversely affect the viability and visibility of existing businesses.

Control of Alcohol in Alcohol Control Areas

The Public Places Bylaw currently includes one Alcohol Control Area that applies over the Feilding Central Business District (CBD). This bylaw prohibits anyone from bringing alcohol into this area, consuming alcohol within this area or possessing alcohol in a container or vehicle in this area during the hours of 9pm and 6am the following day (unless an exception applies). Police Officers are empowered to enforce this bylaw, including having the authority to:

- a. Search a container in the possession of a person who is in, or entering, an Alcohol Control Area for the purpose of ascertaining whether Alcohol is present
- b. Search a Vehicle that is in, or is entering, any Alcohol Control Area for the purpose of ascertaining whether Alcohol is present;
- c. Seize and remove any Alcohol and its container if the Alcohol is in any Alcohol Control Area in breach of the bylaw;
- d. Arrest any person whom the police constable finds committing an Offence; or
- e. Arrest any person who has been asked and refused to either leave the Alcohol Control Area or to surrender to a police constable any Alcohol that is in that person's possession in breach of the bylaw.

The proposed changes to the Feilding CBD Alcohol Control Area will prevent people from carrying or consuming alcohol within the areas mapped in Figure 3, unless an exception applies. Figure 3 shows the existing Feilding CBD Alcohol Control Area (brown hatching) as well as the proposed extension to this Alcohol Control Area (red hatching). The map has been presented this way to help illustrate the changes. The final version of the map in the Public Places Bylaw 2020 will include a single continuous hatched area for the Feilding CBD Alcohol Control Area (i.e. combines the existing alcohol control area with the proposed extension).

The proposed introduction of new alcohol control areas at Timona Park, Kōwhai Park and Highfield Hill lookout (Figures 4, 5 and 6) will prevent people from carrying or consuming alcohol between the hours of 9pm and 6am the following day. There are some general exceptions to the alcohol control areas. Exceptions include:

- Possession or consumption of alcohol at licensed premises, including public places and footpath areas that are licensed as part of a premises;
- Transport of alcohol from a licenced premises next to a public place for consumption off that premises, providing it is promptly removed from the public place;

- Transport of alcohol from outside a public place for delivery to a licensed premises next to the public place;
- Transport of 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.
- The proposed Alcohol Control Area does not overlap with those areas identified as Freedom Camping Restricted Areas for self-contained vehicles. The proposed Public Places Bylaw will therefore not restrict freedom campers from carrying or consuming alcohol within, or within the vicinity of, their vehicles.

The substantive changes that Council is proposing to make to the Alcohol Control provisions in the draft Public Places Bylaw 2020 and the reasons for the changes are summarised in Table 2 as follows:

Table 2:

| Clause Reference | Change | Reason for the Change |
|------------------|---|---|
| 4.2 | <p>Amendments to the definition of "Public Place" as follows (additions underlined)</p> <p>Public Place:</p> <p>a. In clauses 19 to 22 of the Bylaw, has the same meaning as under section 147(1) of the Act; and</p> <p>In all other instances includes every Road, Beach, Reserve, Footpath, accessway or thoroughfare open to or used by the public as of right; and every place to which the public has access.</p> | <p>New sub-clause (a) within the definition of "Public Place" has been added to ensure consistency with the Local Government Act in relation to the alcohol controls in the bylaw. In doing so, it ensures a continuous boundary for Alcohol Control Areas (that is, avoids gaps where there is private land), making the boundary easier to identify 'on the ground' and to enforce.</p> <p>By retaining the existing definition of "Public Place" for the remaining clauses of the bylaw (sub-clause (b)), Council avoids needing to do a full evaluation of the impact of the change to the definition on all other matters controlled by the bylaw.</p> |
| 19.2 | <p>Changes to clause 19.2 as follows:</p> <p>The Feilding CBD Alcohol Control Area Those areas identified in Schedule 35 of this Bylaw, will be an Alcohol Control Area for the purposes of Clause 19.1, between the hours of 9pm and 6am the following day at all times on all seven days of the week.</p> | <p>This will enable the New Zealand Police to take enforcement action in relation to alcohol-related crime and disorder, regardless of the time or day of the week that it occurs. The removal of the time restriction is supported by the recorded incidents of alcohol-related crime and disorder, which have occurred throughout the day and night.</p> |
| 19.3 | <p>Insertion of a new clause as follows:</p> <p>The Timona Park Alcohol Control Area, Kōwhai Park Alcohol Control Area and Highfield Hill lookout Alcohol Control Area identified in Schedule 5 of this Bylaw will each be an Alcohol Control Area, for the purposes of Clause 19.1, between the hours of 9pm and 6am the following day on all seven days of the week.</p> | <p>The evidence contained in this Statement of Proposal of alcohol-related crime and disorder at Timona Park, Kōwhai Park and the Highfield Hill lookout is sufficient to justify the introduction of alcohol control areas that apply overnight (from 9pm to 6am the following day). There is insufficient evidence to justify a 24/7 ban like is proposed for the Feilding CBD Alcohol Control Area in clause 19.2. For this reason, a separate clause is needed that outlines the time restrictions that apply to the alcohol control areas at Timona Park, Kōwhai Park and Highfield Hill lookout (the "other areas identified in Schedule 5").</p> |
| 20.2 | <p>Change in clause reference from 21 to 19.1 and the insertion of reference to "Public Places" in relation to licensed areas that are excluded from having to comply with the alcohol controls.</p> | <p>The reference change from clause 21 to clause 19.1 is to correct a referencing error in the current bylaw. The correct reference is to clause 19.1 as clause 20.2 describes the exemptions that are referred to at the bottom of clause 19.1.</p> <p>The inclusion of reference to "Public Places" within the clause is intended to allow for licensed events in public spaces such as festivals in parks or reserves. Without this addition, clause 20.2 only provides for the possession or consumption of alcohol at licensed premises and footpath areas outside of those premises.</p> |

| | | |
|-------------------|--|---|
| 21.2 | <p>Insertion of a new clause 21.2 as follows:</p> <p>In designating any such additional areas under Clause 21.1, Council may provide that the prohibition applies at all times, or only during certain days and times.</p> | <p>This clause is to correct a potential issue with the current drafting of the bylaw which does not clearly provide that prohibitions can apply just on certain days and times, whether that is during the summer months, a particular event, or year round.</p> |
| Schedule 5 | <p>Replacement of the Feilding CBD Alcohol Control Area with the new Feilding CBD Alcohol Control Area map.</p> | <p>The extension to the alcohol control area is in response to alcohol-related incidents and is at the request of the New Zealand Police. This Statement of Proposal includes the evidence that justifies the proposed extension and the map shows where the ban applies.</p> |
| | <p>Insertion of new Timona Park, Kōwhai Park and Highfield Hill Lookout Alcohol Control Area maps.</p> | <p>The new maps are to illustrate where the new Alcohol Control Areas are proposed to be located at Timona Park, Kōwhai Park and the Highfield Hill lookout. This Statement of Proposal includes the evidence that justifies these new alcohol control areas.</p> |

Other marked-up changes to the bylaw are minor and necessary consequential amendments that correct schedule and clause references.

Figure 3: Proposed Feilding CBD Alcohol Control Area



Figure 4: Proposed Timona Park Alcohol Control Area



Figure 5: Kōwhai Park Proposed Alcohol Control Area



Figure 6: Proposed Highfield Hill Lookout Alcohol Control Area



Statutory Requirements

Section 146(a)(vi) of the Act enables Council to make a bylaw to regulate trading in public places.

Section 147 of the Act allows Council to make alcohol control bylaws.

The Act requires that a new bylaw is reviewed within 5 years of it being made. The Public Places Bylaw 2020 was made on 2 July 2020, so is due for review by 2 July 2025.

This Statement of Proposal addresses proposed amendments to the Public Places Bylaw 2020 but does not constitute a review of the full bylaw. Despite this, Council is following the Special Consultative Procedure (s83 of the Act) as the proposed amendments are considered “significant” in accordance with Council’s Significance and Engagement Policy, based on the following criteria:

- The number of residents or ratepayers affected and the degree to which they are affected by the decision or proposal; and
- The level of community interest.

Section 155(1) Assessment

According to s155(1) of the Act, Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problems.

Alcohol-related crime and disorder is not a new problem, but rather it is the scale of the problem and its location that has changed. The Strategic Planning and Policy Committee at their 6 December 2018 meeting determined that, pursuant to s155(1) of the Act, a bylaw is the most appropriate way of addressing the perceived problems, including managing “offensive behaviour from the consumption of alcohol in public places” (refer to Report 7.2 and Annex I to this report (Agenda - SPP 6-12-2018) and the minutes from this meeting (Minutes - SPP 6-12-2018)).

The amendments to the Feilding CBD Alcohol Control Area are necessary to address new alcohol-related crime and disorder at and around the Makino Skate Park, the public carparks at the Feilding Countdown and New World supermarkets, and the St Paul’s Presbyterian Church Carpark. The recorded incidents data from Police Intelligence confirms that there have been alcohol-related incidents in these areas. These incidents are not restricted to the night time hours that the current Feilding CBD Alcohol Control Area are restricted to (9pm to 6am the following day), but have been occurring throughout the day and night.

Council’s Open Spaces Contractor, Recreational Services, raised the problem of broken alcohol bottles also pose a health and safety risk to members of the community using the Timona Park Playground. This was not identified as a problem are during the 2020 review of the Public Places Bylaw.

The new playground at Kōwhai Park is due to open to the public by mid-November 2021. Recreational Services are concerned that based on alcohol-related rubbish cleaned up from around the fenced perimeter of the construction site, and given that the playground is not visible from the road, alcohol-related crime and disorder will escalate following the playground opening.

The proposal to introduce a new alcohol control area at the Highfield Hill lookout is in response to a community request through pre-engagement. This area is well known by Feilding residents as a location where people go to drink and Council’s Roding Manager has confirmed that the area is frequently littered with empty RTDs

("ready to drink" bottles). Alcohol consumption and alcohol-related behaviour is disruptive to those who live on Highfield Road and those who visit the lookout. Correspondence from the Senior Constable at the Feilding Police Station (received on 21/10/2021) confirms that the New Zealand Police support the proposal to introduce an alcohol control area at the Highfield Hill lookout as a prevention initiative.

These problems were not identified during the 2020 review of the Public Places Bylaw. This is because the construction of the Makino Skate Park was only completed at the end of July 2020, after the adoption of the bylaw. Problems at the Timona Park and Kōwhai Park playgrounds and the Highfield Hill lookout were only reported at the time that Council started researching the need for an extension to the Feilding CBD Alcohol Control Area.

A bylaw is still considered the most appropriate way of addressing the problem of offensive behaviour from the consumption of alcohol in public places as it gives the New Zealand Police the authority to act to control the possession and consumption of alcohol in public places.

The proposed amendments to the street user provisions are to address a lack of clarity and balance within the current street user permit regime. Council officers who issue the street user permits consider that the current regime does not provide hawkers, mobile shops and street users with sufficient certainty about where they can locate within the Feilding CBD. The current street user permit regime does not achieve a good balance between providing for street user activities and ensuring that these activities do not adversely affect the viability or visibility of existing businesses in the Feilding CBD. As it is the street user permit regime that is the problem, realistically that can only be fixed through a bylaw amendment.

Section 155(2)(a) Assessment

While the Council will make its formal determinations on these matters after having the benefit of considering submissions on the proposed amendments to the bylaw, it is worthwhile also addressing them at this stage of the process.

The proposed amendments to the bylaw are considered to be the most appropriate form of the bylaw as is required under s155(1)(a) of the Act. External advisors have reviewed the draft amendments to help ensure this is the case. The proposed amendments to the bylaw are considered to be lawfully authorised under ss146(a)(vi) and 147 of the Local Government Act, consistent with all relevant legislation reasonable, and sufficiently clear and certain so that those who are subject to the bylaw can understand its effect.

The assessment against s155(2) of the Act, that the proposed bylaw is the most appropriate form of the bylaw will be confirmed ahead of the adoption of the amended Public Places Bylaw 2020, following deliberations.

Implications under the New Zealand Bill of Rights Act 1990

Section 155(2)(b) requires that after a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem it must, before making the bylaw, determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

In terms of the New Zealand Bill of Rights Act 1990, it is first necessary to consider whether the proposed amendments interfere with any of the rights and freedoms in the Bill of Rights.

The proposed amendments to the street user provisions do not infringe any of the rights and freedoms in the New Zealand Bill of Rights Act 1990. The New Zealand Bill of Rights Act 1990 does not include a right to trade from a business wherever someone wants and the restrictions on users in the Feilding CBD do not infringe on the freedoms of peaceful assembly, association or movement. As the proposed amendments do not infringe on

any rights in the New Zealand Bill of Rights Act 1990, there is no inconsistency.

The proposed amendments to the Feilding CBD Alcohol Control Area and the introduction of three new alcohol control areas arguably interferes with the following rights:

- The right to freedom of peaceful assembly (section 16);
- The right to freedom of association (section 17); and
- The right to freedom of movement (section 18).

The proposed Public Places Bylaw 2020 proposes to prohibit the possession and consumption of alcohol in certain places within Feilding, which might indirectly limit some gatherings that involve peaceful assembly and association, as well as inhibit unfettered movement.

Assuming there is some interference with these rights, the proposed alcohol controls in the Public Places Bylaw 2020 will not be inconsistent with the New Zealand Bill of Rights Act 1990 if the interference is a reasonable limit that can be demonstrably justified in a free and democratic society (section 5 of the New Zealand Bill of Rights Act 1990).

Council considers that any interference with these rights are reasonable in the circumstances. The proposed alcohol control areas are in locations where there have been recorded incidents of disorderly behaviour and alcohol-related crime and disorder. The alcohol controls in the bylaw are a proportionate response to these problems. Members of the public will still be able to engage in peaceful assembly and association in, and to move through, alcohol control areas, provided they do not possess or consume alcohol. This level of interference is a necessary consequence of using the alcohol control bylaw regime in the Local Government Act 2002.

The proposed amendments to the alcohol control provisions within the Public Places Bylaw 2020 are not inconsistent with the New Zealand Bill of Rights Act 1990.

Section 147A Criteria for making or continuing bylaws for alcohol control purposes

Section 147A of the Act requires that before making a bylaw for alcohol control purposes, Council:

- a. must be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms; and
- b. except in the case of a bylaw that will apply temporarily for a large scale event, must also be satisfied that—
 - (i) there is evidence that the area to which the bylaw is intended to 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 bylaw is appropriate and proportionate in the light of that crime or disorder.

Evidence for the Changes to the Feilding CBD Alcohol Control Area

The New Zealand Police requested that the Manawatū District Council extend the Feilding CBD Alcohol Control Area to include the Makino Skate Park as they have been getting complaints about people drinking and alcohol-related disorder in the Makino Skate Park at all hours of the day and night. Inclusion of this area within the Alcohol Control Area would give the New Zealand Police the powers they need to take action in response to these complaints.



Photograph 1: Makino Skate Park from Church Street looking towards Manchester Street

Council is proposing to include the St Paul's Presbyterian Church carpark within the alcohol control area due to its proximity to the Makino Skate Park and reports of smashed glass alcohol bottles, graffiti on the church hall and several occasions where people have been seen urinating against either the church hall or the adjacent old boundary fence.



Photograph 2: St Paul's Presbyterian Church Carpark

The proposed extension to the Feilding CBD alcohol control area includes the land between Aorangi Street/ Church Street and Beattie Street from Grey Street to Kimbolton Road. This is because Police Officers have advised that when people drinking at the Makino Skate Park have been asked to leave by bystanders and Police, they have been seen crossing the road and continuing to drink on the grass area by the Railway Line opposite Aorangi Street and Church Street. If the Makino Skate Park is to be included within the alcohol control area, open spaces nearby, like the grass area adjacent to the library on the opposite bank of the Makino Stream from the Makino Skate Park, the Makino Aquatic Centre Carpark, and the Makino Precinct park and reserve should also be included. Otherwise people wanting to drink will just move from the Makino Skate Park to these adjacent areas.

The inclusion of land owned by the New Zealand Railways Corporation, including the Feilding Railway Station platform and the area surrounding the Railway Building is supported by Feilding & District Promotion, who operate their business from the Railway Building. They have reported that they have, on average, one alcohol-related incident per month. The Police have had to be called twice in the past year because of people drinking on the platform with unruly behaviour and threatening staff. The Feilding Railway Station Platform as a public toilet that is used throughout the day by locals and visitors as well as having a covered area with seating and being shielded from public view.

Feilding & District Promotion staff tell people consuming alcohol to move on, or observe them. They have recently installed cameras so they can view the platform from inside their business.

A Senior Constable from the Feilding Police Station confirmed by email on 21/10/2021 that they support the inclusion of the Feilding Railway Station platform and surrounding area within the Feilding CBD Alcohol Control Area. The police are aware of issues behind the railway station from talking with staff at Feilding & District Promotion after an event has happened, although they are not usually notified at the time an incident is occurring. Having this area included within the alcohol control area would assist them in their response.

Council also holds records of vandalism (Nov 2018, Dec 2020) and graffiti (May 2019) involving the public toilet on the railway station platform that may have been the result of drunken behaviour, but cannot be verified as such.

The Feilding CBD alcohol control area currently applies between the hours of 9pm and 6am the next day (i.e. overnight). The New Zealand Police have requested that this restriction be uplifted and that the ban applies 24 hours per day, seven days per week. As shown in Figure 6, alcohol-related incidents within the current and proposed Alcohol Control Area have been occurring at all times of the day.



Photograph 3: View down Church Street from the Makino Stream bridge towards Grey Street

Council is also proposing to include the customer carpark areas at the Countdown supermarket on the corner of Kimbolton Road and Weld Street and New World supermarket on Aorangi and Gladstone Streets. This is in response to reports of intoxicated people purchasing alcohol from Countdown or New World. Feilding Police Officers are aware of people drinking alcohol inside the bus stop outside the Countdown Supermarket.

Figure 6 (below) shows the New Zealand Police records of alcohol-related incidents that have occurred within the Feilding CBD over the 5 month period from 29 November 2020 to 29 April 2021. The purple circles indicate the location of a night-time incident (between the hours on 9pm and 6am), the yellow diamonds indicate the location of a daytime incident (between 6am and 9pm) and the maroon diamonds indicate a location where there have been both daytime and night-time incidents (i.e. overlapping circle and diamond). Incidents recorded against the Feilding police station have been greyed or blacked out (depending on the time the incident occurred) so as to discount them as they are representative of where the incident was reported, but not necessarily the location where it occurred.

Figure 6 suggests that there have been alcohol-related incidents that have occurred outside of the proposed Feilding CBD Alcohol Control Area. Council could choose to extend the boundary further, such as to include all land that is zoned “Inner Business” and “Outer Business” in the Manawatū District Council’s District Plan. However, extending the boundary further may be considered disproportionate in light of the level of crime or disorder that has been shown to be caused or made worse by alcohol consumption, and therefore contrary to s147A(1)(b). The proposed boundary was set based on discussions with the New Zealand Police and those areas that they consider to be experiencing the highest level of alcohol-related crime and disorder.



Photograph 4: Makino Precinct walkway from beyond the Makino Skate Park looking towards Manchester Street



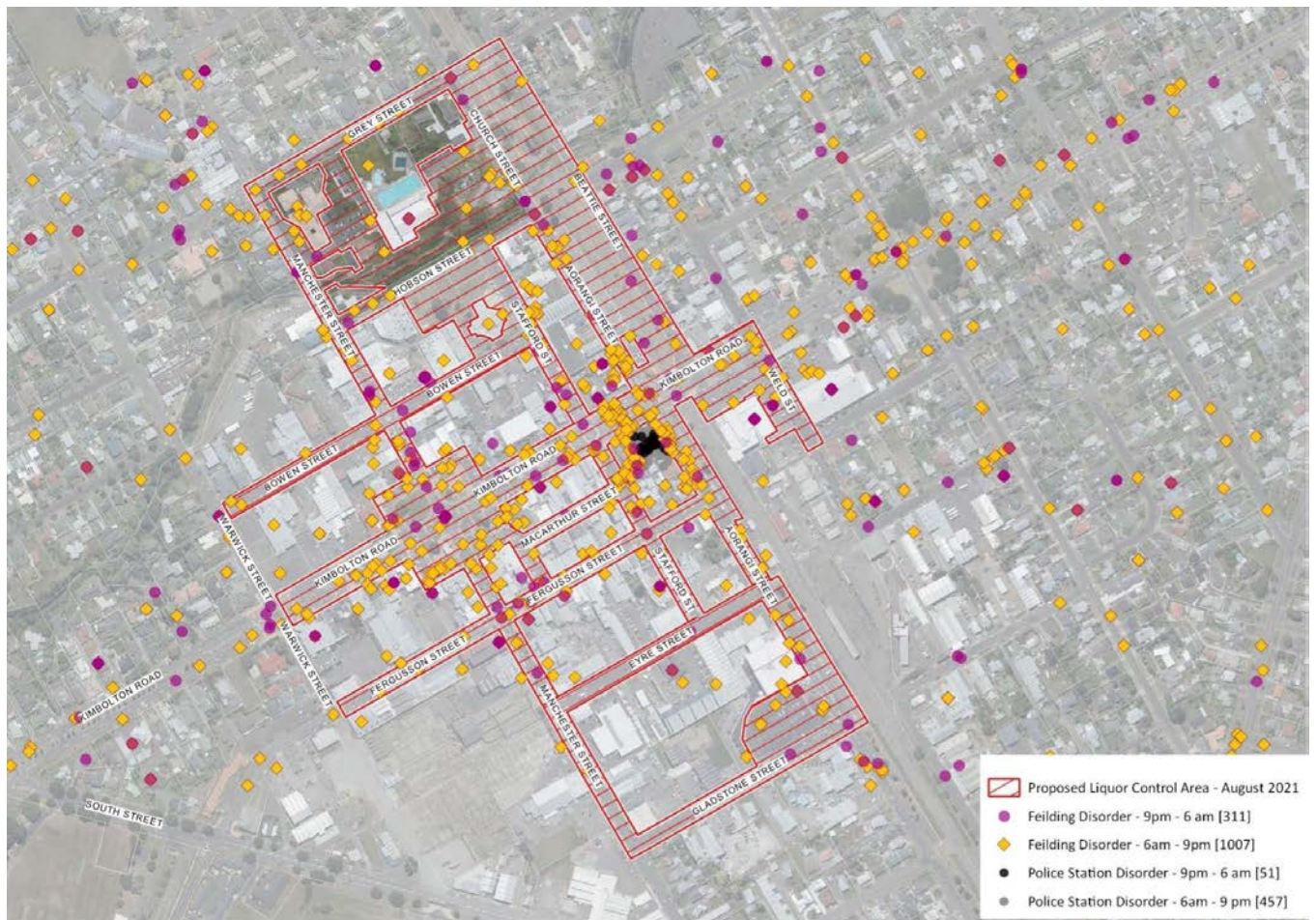
Photograph 5: View from the Makino Precinct walkway looking towards the Makino Aquatic Centre carpark and playground

Council is also proposing to include the customer carpark areas at the Countdown supermarket on the corner of Kimbolton Road and Weld Street and New World supermarket on Aorangi and Gladstone Streets. This is in response to reports of intoxicated people purchasing alcohol from Countdown or New World. Feilding Police Officers are aware of people drinking alcohol inside the bus stop outside the Countdown Supermarket.

Figure 6 (below) shows the New Zealand Police records of alcohol-related incidents that have occurred within the Feilding CBD over the 5 month period from 29 November 2020 to 29 April 2021. The purple circles indicate the location of a night-time incident (between the hours on 9pm and 6am), the yellow diamonds indicate the location of a daytime incident (between 6am and 9pm) and the maroon diamonds indicate a location where there have been both daytime and night-time incidents (i.e. overlapping circle and diamond). Incidents recorded against the Feilding police station have been greyed or blacked out (depending on the time the incident occurred) so as to discount them as they are representative of where the incident was reported, but not necessarily the location where it occurred.

Figure 6 suggests that there have been alcohol-related incidents that have occurred outside of the proposed Feilding CBD Alcohol Control Area. Council could choose to extend the boundary further, such as to include all land that is zoned "Inner Business" and "Outer Business" in the Manawatū District Council's District Plan. However, extending the boundary further may be considered disproportionate in light of the level of crime or disorder that has been shown to be caused or made worse by alcohol consumption, and therefore contrary to s147A(1)(b). The proposed boundary was set based on discussions with the New Zealand Police and those areas that they consider to be experiencing the highest level of alcohol-related crime and disorder.

Figure 7: Feilding alcohol-control incidents



In addition to these reported incidents from Police Intelligence, Feilding Police Officers have advised that they are stopped on the street on a daily basis by members of the community who wish to share information about alcohol-related crime and disorder that they have witnessed, or know about.

Table 2 details alcohol-related incidents that have occurred within the proposed Feilding CBD Alcohol Control Area and have been reported by members of the public to Council’s Contact Centre over the period from July 2018 to August 2021.

| Location | Date of Incident | Nature of Incident |
|---|------------------|--|
| Manchester Square | 13/07/2019 | A bench seat in Manchester Square was ripped from its bolts during a drunken brawl at 1:30am. |
| Corner of Manchester St an Fergusson St | 18/09/2019 | Bench outside of Mortgage Link ripped out of the ground by drunk people. Approximately 4 or 5 bricks broken as well. |
| Corner of Manchester St an Fergusson St | 19/10/2019 | Bench outside of Mortgage Link ripped out of the ground by drunk people. |
| Manchester Square* | 25/12/2020 | A large amount of smashed glass in Manchester square. |
| Manchester Square* | 22/06/2021 | Jagged bottom of a glass bottle has been left on the grass in the quadrant of the Square opposite the ANZ Bank. |

*broken glass is assumed to be broken alcohol bottles but this is not entirely clear from the description of the incident.

There have also been reported incidents of vandalism and graffiti inside the public toilets at the Feilding Railway Station (Nov 2018, May 2019, Dec 2020), vandalism of the public toilets in Manchester Square (Oct 2018) and tagging at the Makino Skate Park (July 2021) which may be alcohol-related but there is insufficient information to confirm this.

The following alcohol-related incidents were reported by members of the public during pre-engagement via Facebook and Council’s “Have Your Say” webpage:

- I’ve seen what appears to be alcohol based disorder around the new skate/flow park by the Makino
- Occasional drinking in cars adjacent to our business
- A couple of “idiots” walking around the clock tower with bottles in their hands yelling at people
- A distinct increase in graffiti on/around our building (Bowen Street)

Given the high number of alcohol-related incidents evidenced in Figure 6 and Table 2, the proposed extension of the Feilding CBD Alcohol Control Area (Figure 3) is considered appropriate and proportionate to the level of crime and is justifiable as placing a reasonable limit on people’s rights and freedoms. Given that the evidence shows a high proportion of incidents occurring during daytime, this data provides good justification for an alcohol ban that applies 24/7.

Evidence to support New Alcohol Control Areas at Timona Park, Kōwhai Park and Highfield Hill Lookout

The Council is also proposing to include new Alcohol Control Areas within Timona Park (Figure 4) and Kōwhai Park (Figure 5) in the vicinity of the playgrounds. The consumption of alcohol in playgrounds is inconsistent with the purpose of these spaces to be family-friendly and safe.

Council has a letter from its open space contractor, Recreational Services, in support of making the District's playgrounds alcohol-free. The new Makino Skate Park and Timona Park playground are specifically identified as attracting the worst offending. Recreational Services believe that once open, the new playground within Kōwhai Park may likewise attract antisocial behaviour because of its somewhat isolated setting within the park.



Photograph 6: Playground and BBQ area at Timona Park



Photograph 7: The existing playground at Kōwhai Park

Table 3 details alcohol-related incidents that have occurred at Kōwhai Park and Timona Park that have been reported by members of the public to Council’s Contact Centre over the period from July 2018 to August 2021.

| Location | Date of Incident | Nature of Incident |
|--------------|------------------|---|
| Kōwhai Park* | 23/07/2018 | Broken glass in the car park area beside the children’s playground (next to the Manfeild Park entrance) |
| Kōwhai Park | 8/12/2018 | Duck lying in Kōwhai Park by the artwork and the aviaries that has had its neck broken. The person reporting the incident saw drunk men chasing ducks the day before so thinks it is connected. |
| Timona Park* | 28/02/2020 | Glass bottles in the trees of the children’s playground at Timona Park. |
| Timona Park* | 16/12/2020 | Broken glass at the Timona Park playgrounds at the base of the steps at the top of the playground. The caller was concerned that children using the playground could get cut. |
| Timona Park* | 19/01/2020 | Broken glass by the gum tree when entering the carpark off Campbell Street at Timona Park. |

*broken glass is assumed to be broken alcohol bottles but this is not entirely clear from the description of the incident.

The following alcohol-related incidents were reported by members of the public during pre-engagement via Facebook and Council’s “Have Your Say” webpage:

- Bottles left behind in park*
- I haven’t witnessed any alcohol-related crime but I know of friends who have*
- I’ve seen people drinking in Kōwhai Park at 10am in the morning on a Sunday
- I remember when I had my kid at a playground years ago, a little girl tripped and fell onto a beer bottle

*location not specified

The incidents in Table 4, reported to Council’s Customer Contact Centre, relate to crime and disorder at Kōwhai Park and Timona Park. Alcohol consumption may have contributed to these incidents, but this cannot be confirmed as there was no one to witness the incident at the time it occurred:

| Location | Date of Incident | Nature of Incident |
|-------------|------------------|---|
| Timona Park | Sept 2018 | Someone tried to light a small fire on the wooden tower at Timona Park, so there is a little ash on top of the tower. |
| Timona Park | Sept 2018 | Sign for Timona Park next to the carpark has been removed and lying on the grass verge next to where it was standing before |
| Timona Park | Dec 2018 | Toilets at Timona Park have had their soap dispensers inner/bladder ripped out |
| Timona Park | Dec 2018 | Seesaw at Timona Park broken in half overnight |
| Kōwhai Park | Feb 2020 | Lock on the disabled toilet has been broken, preventing the door from closing |
| Kōwhai Park | March 2020 | Rubbish bin at Kōwhai Park has been burnt out and will need replacing |
| Kōwhai Park | Dec 2020 | Graffiti in toilets |

The majority of incidents reported in Table 3 and 4 and raised by members of the public in pre-engagement relate to alcohol-related littering and vandalism of facilities. Other than one report of daytime drinking at Kōwhai Park, most incidents have been reported after they have occurred and not at the time of offence. Given the nature of the incidents and the lack of witness, it is assumed that the majority of offending at Timona Park and Kōwhai Park is occurring during hours of darkness.

The proposal to introduce a new Alcohol Control Area to cover the lookout at the top of Highfield Road was in response to a recommendation from a member of the public who responded to the pre-engagement survey through Council's "Have Your Say" webpage. Their feedback stated that:

"Carloads of people race up the hill and sit in their cars drinking and using drugs. Evidence of this is frequently seen thrown up and down the road as well as in the parking area. This is extremely intimidating to residents as well as adults or children who walk and run up there. Visitors who genuinely wish to view the town see a side of Feilding this is not welcoming or legal."

Council's Roading Manager has confirmed that the Highfield Hill lookout area is frequently littered with empty RTDs ("ready to drink" bottles). He is also aware of random acts of petty vandalism.

A Senior Constable from the New Zealand Police confirmed by email on 21/10/2021 that the Highfield Hill lookout is an area of interest to police. The main issue in this location is the gathering of boy-racers and people congregating throughout the evenings/night. The New Zealand Police does not hold any specific evidence of offending (assaults) in this location in the past 12 months, particularly as incidents are usually reported after they have occurred. The New Zealand Police regularly patrol the lookout and note vehicles as a preventative measure. Including the Highfield Hill lookout as an alcohol control area is supported by the New Zealand Police as a prevention initiative. This would assist the police greatly in patrolling and keeping the area safe.

Summary – evidence to support Alcohol Control Areas

Based on the recorded incidents and anecdotal evidence of the New Zealand Police and other key stakeholders, recorded incidents in Table 2, and comments raised through pre-engagement, Council considers that the proposed extension to the Feilding CBD Alcohol Control Area and the removal of time restrictions is appropriate and proportionate to the level of crime and disorder occurring.

The proposed Timona Park Alcohol Control Area is considered to be appropriate and proportionate to the level of crime and disorder as it will only prevent the consumption of alcohol overnight (from 9pm to 6am). This corresponds to when the majority of recorded incidents of alcohol-related crime and disorder are likely to have occurred. Imposing an overnight ban will not impact on the ability of people aged 18 and over from consuming an alcoholic beverage with their picnic or BBQ at Timona Park.

The proposed Kōwhai Park Alcohol Control Area is considered justifiable as although the playground is still under construction, there have still been some recorded incidents of alcohol-related disorder at the park (refer to Tables 3 and 4). Also, the Operations Manager of Council's Open Spaces Contractor (Recreational Services – Appendix 1) and the New Zealand Police are of the opinion that without a bylaw in place, the consumption of alcohol at Kōwhai Park will contribute to increased crime and disorder. While the timing of incidents that have occurred at the park are largely unknown, given the nature of the incidents and the lack of direct witnesses, it is assumed that the majority occur overnight. On this basis, the imposition of an overnight alcohol ban in the vicinity of the Kōwhai Park playground is considered to be appropriate and proportionate to the level of alcohol-related crime and disorder.

Evidence of the need for an alcohol control area at the Highfield Hill lookout is supported by community feedback and is evidenced by reports of alcohol-related litter by Council's Roading Manager. This is also an area of interest to Constables of the Feilding Police Station.

The Operations Manager at Recreational Services also supports the proposed alcohol control area at the Highfield Hill lookout. In an email received on 26/10/2021, he reported a very high level of vandalism and anti-social behaviour at this site, including smashed glass and graffiti.

Council is satisfied that the proposed amendments to the Public Places Bylaw are appropriate and proportionate in light of the alcohol-related crime and disorder, as required by s147A of the Act.

Pre-engagement Feedback

Survey through Council's "Have Your Say" webpage

Council sought public feedback on the proposed changes to the alcohol control areas and the controls that apply in these areas. Council asked the following questions:

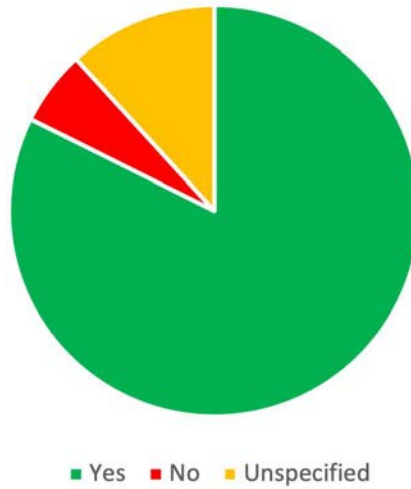
1. Do you support the proposed extension to the Feilding CBD Alcohol Control Area in Figure 1?
2. Do you support the proposed Alcohol Control Areas in Timona Park and Kōwhai Park (Figures 2 and 3)? If not, would you support a smaller alcohol control area, or no alcohol control area at all?
3. Should alcohol bans be limited to certain times or days of the week in these locations, or apply 24/7?
4. Have you witnessed any alcohol-related crime or disorder in any of these locations, or have any information that could help Council with this review?
5. Are there any other locations in Feilding or elsewhere in the Manawatū District that you think Council should include as a new Alcohol Control Area in this Bylaw?

The reasons for this pre-engagement was to help with gathering evidence to support the proposed changes to the provisions and to enable the identification of any additional alcohol control areas prior to public consultation. Once the draft bylaw has been publicly notified it is not possible to add additional alcohol control areas without going back to the public for further consultation. This would delay the adoption of the amended Public Places Bylaw 2020.

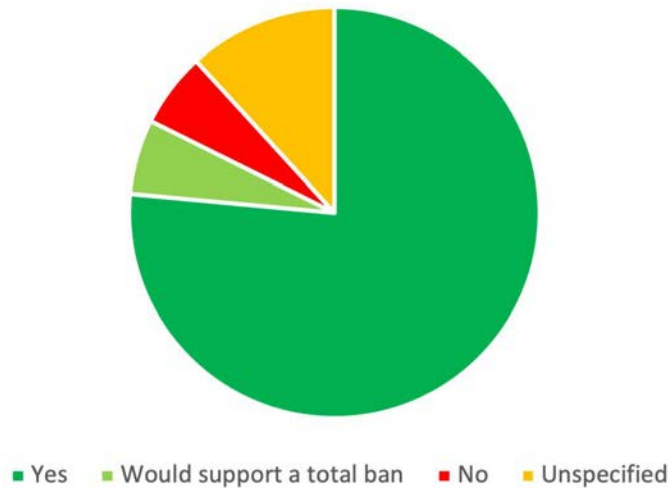
Council received a total of 17 responses to the public pre-engagement survey on Council’s “Have Your Say” webpage.

The results of this feedback are summarised as follows:

Support Extension to Feilding CBD Alcohol Control Area

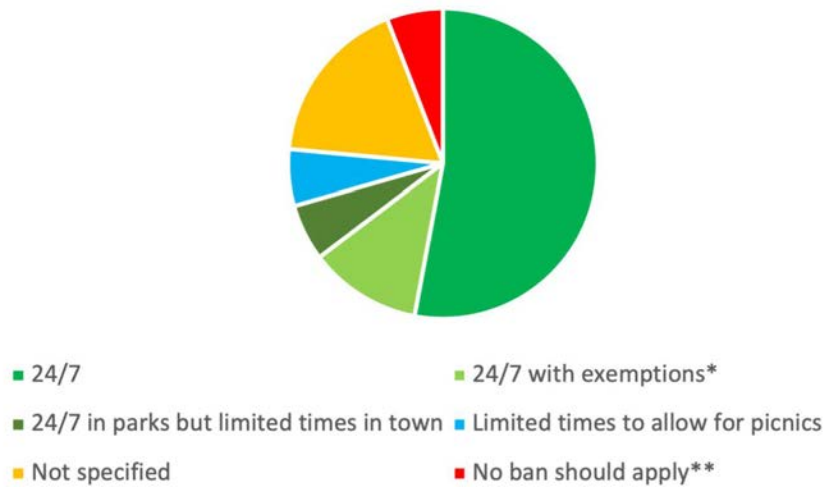


Support Timona Park and Kōwhai Park Alcohol Control Areas



The pre-engagement feedback suggests there is strong community support for the proposed extension to the Feilding CBD Alcohol Control Area and the new alcohol control areas at Kōwhai Park and Timona Park.

Should alcohol bans be limited to certain times or days of the week or apply 24/7?



*Exemptions include the around the BBQ area or if associated with an event.

** No ban should apply unless they are underage or people breaching the peace.

Based on the pre-engagement results in Figure 9, there is fairly strong support for a 24/7 ban in all alcohol control areas. Council is not proposing to introduce a 24/7 ban at Timona Park and Kōwhai Park based on the types of alcohol-related incidents reported to date. However, the timing of the ban may be re-considered by Council if additional information comes to light through submissions.

The following locations were suggested as other areas that Council should consider imposing alcohol bans:

- Kōwhai Park in its entirety, including the walkway to Rata Street
- The old skate park on South Street
- Along the stream between Manchester Street and Warwick Street
- Rest areas
- River banks
- Public places where families are likely to be visiting
- The area surrounding the Denbigh Hotel
- The lookout at the top of Highfield Road, Feilding

With the exception of the Highfield Hill lookout, Council is not proposing to include these additional areas as Alcohol Control Areas in the bylaw. However, if additional evidence of crime and disorder in these areas comes to light they may be reconsidered when the Public Places Bylaw is reviewed in 2025.

A copy of the full survey results is attached as Appendix 1.

Facebook Feedback

Council also sought feedback through Council's Facebook page on 11 October 2021. The post included maps of the proposed alcohol control areas at Timona Park and Kōwhai Park and noted that the ban would apply between 9pm and 6am. A total of 17 comments were received, some of which attracted further replies from Council or the community.

Four separate comments were posted in support of a 24 hour alcohol ban for playgrounds. These comments received lots of "likes." One respondent questioned why the ban did not apply during the day when kids will be at the park. They consider that "parks are for kids" and "it's bad enough kids being around alcohol as it is."

The following places were suggested as additional areas Council should consider:

- Johnson Park/Rugby Club (to stop beer bottles being smashed all over the carpark and footpath)
- Carpark/toilet area at Timona Park
- Playgrounds

Observations of adverse drinking behaviour included:

- People drinking in Kōwhai Park at 10am on a Sunday morning
- Years ago a little girl tripped at a playground and fell onto a beer bottle

Other Matters Raised through Pre-engagement

The following were additional matters raised in the pre-engagement on the alcohol control areas:

- The effect of the alcohol control areas on people in motorhomes and caravans, including Timona Park.
- Who is going to enforce the bylaw? Several comments were received in relation to wanting a bigger police presence in Feilding first or some form of monitoring by police or cameras.
- By the time police arrive in the park the drinkers will have had enough time to stash their drinks or leave.
- Whether the proposed Alcohol Control Area at Kōwhai Park will interfere with social drinking by Twilight Cricket that has taken place at Kōwhai Park for over 30 years.

These matters are addressed below:

Effects on people in motorhomes and caravans

The Manawatū District Council's Freedom Camping Bylaw 2020 prohibits freedom camping within the Feilding Town Centre, as illustrated in Figure 11 below:

Figure 11: Feilding Town Centre Freedom Camping Prohibited Area



The boundary of the Feilding Town Centre Freedom Camping Prohibited Area (Figure 7) does not correspond exactly with the proposed Feilding CBD Alcohol Control Area (Figure 3). However, those areas outside of the Freedom Camping Prohibited Area that are captured within the boundary of the proposed Feilding CBD Alcohol Control Area are not known to be used by freedom campers. The proposed amendments to the Feilding CBD Alcohol Control Area are therefore not considered likely to impact on the rights of freedom campers.

The Manawatū District Council's Freedom Camping Bylaw 2020 identifies areas within Timona Park as a "Freedom Camping Restricted Area" for self-contained vehicles only (refer to Schedule 2 of the Freedom Camping Bylaw 2020). However, the area identified as the proposed Timona Park Alcohol Control Area is solely within an area of Timona Park that is prohibited for freedom camping. The proposed Timona Park Alcohol Control Area will therefore not impact on the ability of freedom campers to consume alcohol within their vehicles or within the immediate surrounds. It will however, prevent freedom campers and other park users from consuming alcohol within the vicinity of the Timona Park playground during the period from 9pm to 6am.

Kōwhai Park is a Freedom Camping Prohibited Area.

Enforcement of the Bylaw

The alcohol control provisions of the Bylaw will be enforced by the New Zealand Police. This bylaw amendment will give Constables the powers they need to control alcohol within known problem areas. The number of police officers or presence of the police is not a matter that can be addressed by this Bylaw.

Effect on Social Drinking at Twilight Cricket

It is not Council's intention to discourage this type of social activity. The proposed Kōwhai Park Alcohol Control Area is along the western boundary of the park and includes the old playground, the new playground, the aviaries, duck pond, rose gardens and carpark. The proposed ban is to apply from 9pm to 6am the following day, seven days per week. It is assumed that social drinking associated with Twilight Cricket takes place at the pavilion and playing fields on the eastern side of Kōwhai Park and would normally cease by 9pm. However, Council welcomes further discussion on this matter through submissions on the proposed bylaw.

Feedback from Key Stakeholders

Council has sought feedback from Key Stakeholders to inform the drafting of the amendments to the Alcohol Control Area provisions of the Public Places Bylaw.

Recreational Services

A letter from Council's Open Spaces Contractor, Recreational Services, is attached as Appendix 2. Recreational Services supports Council's proposal to introduce alcohol control areas at Timona Park and Kōwhai Park given the risk of injury in playgrounds from alcohol-related litter.

The Operations Manager at Recreational Services also supports the proposed alcohol control area at the Highfield Hill lookout. In an email received on 26/10/2021, he reported a very high level of vandalism at this site, cars doing burn-outs, getting stuck in the berm, fly tipping, smashed glass and graffiti. He believes this site attracts anti-social behaviour and strongly supports banning alcohol from it.

The New Zealand Police

Sergeant Mike Linton from the Feilding Police Station has provided anecdotal evidence to support the proposed changes to the alcohol control provisions in the Public Places Bylaw 2020 (Appendix 3). This is in addition to the recorded alcohol-related incidents data supplied by the New Zealand Police Intelligence ("Intel") that is mapped in Figure 6. The New Zealand Police support the proposed changes to the bylaw as they will enable them to better respond to alcohol-related crime and disorder in these locations.

KiwiRail

Feedback was sought from KiwiRail in relation to the proposed extension to the Feilding CBD Alcohol Control Area. Based on a phone conversation with the Senior RMA Advisor at KiwiRail on 8 August 2021, the railway corridor is private land and KiwiRail have the authority to fine people \$2,000 for trespassing in the rail reserve.

Although the rail reserve is private land, Council is proposing to include some KiwiRail land within the proposed Feilding CBD Alcohol Control Area. Including this land within the alcohol control area will not remove KiwiRail's ability to issue fines but will mean that these actions can be supplemented by enforcement action by the New Zealand Police. Including this land within the alcohol control area has added benefits of making the zone boundary continuous, reducing confusion and making enforcement easier.

Further feedback was sought from KiwiRail on 3 September and 8 October 2021 on Council's proposal to include some KiwiRail land within the proposed Feilding CBD Alcohol Control Area. No response to these emails was received at the time of drafting (21/10/21).

St Paul's Presbyterian Church

Council sought feedback from St Paul's Presbyterian Church in relation to the proposed extension to the Feilding CBD Alcohol Control Area that includes their church carpark. An email reply on 20 October 2021 confirmed that the St Paul's Presbyterian Church (including the Board of Managers and Elders) support the proposed extension to the Feilding CBD Alcohol Control Area to include the church carpark. This correspondence confirms that, while there are no immediate reports of alcohol-related crime in the St Paul's carpark, there have been instances of graffiti on the church hall and several occasions where people have been seen urinating against the church hall or the adjacent old boundary fence. This feedback requested some form of toilet facilities to support greater use of the skate park and general area.

New World Feilding

Based on email correspondence from a New World representative dated 16 August, there is general support for the inclusion of their customer carpark within the Feilding CBD Alcohol Control Area. Discussions with New World regarding potential effects of the inclusion on their customers are ongoing.

Countdown Feilding

Based on a phone conversation with a Countdown Feilding representative in mid-August 2021, we understand that there have been instances where people have consumed alcohol within the Countdown supermarket building or within the customer carpark. Countdown's response in these instances was to trespass the individuals involved. However, including this customer carpark within the Feilding CBD Alcohol Control Area would mean that the New Zealand Police are also able to respond to alcohol-related issues, including those occurring outside of Countdown's operating hours. Council has not received a response to further emails seeking confirmation on Countdown's position with respect to the inclusion of their customer carpark within the Feilding CBD Alcohol Control Area.

Feilding & District Promotion

Feilding & District Promotion requested that the proposed Feilding CBD Alcohol Control Area include the Feilding Railway platform and the area around the Railway building for the following reasons:

1. The Feilding Railway Station Platform has a public toilet.
2. This area is sheltered from public view
3. The platform provides a covered over area with seating, creating a private place to consume alcohol and behave unruly
4. The public toilet is used throughout the day by locals and visitors.

Feilding & District Promotion have on average one alcohol-related incident per month. The Police have had to be called twice in the past year because of people drinking on the platform with unruly behaviour and threatening staff. Feilding & District Promotion staff tell people consuming alcohol to move on, or observe them. They have recently installed cameras so they can view the platform from inside their business.

Conclusion

Council is proposing to amend the street user and alcohol control provisions within the Public Places Bylaw 2020.

Council wants to amend the bylaw to improve the clarity of the street user permit regime to ensure there is a better balance in the regime between existing businesses and street users. The changes include limiting street user permits for hawkers, mobile shops and street stalls to two locations within the Feilding CBD, being one quadrant of Denbigh Square and the carpark on Aorangi Street, opposite the intersection with Gladstone Street. However, there will be exceptions for approved events like the Feilding Farmers Market. The controls around where hawkers, mobile shops and street stalls can locate are designed to minimise potential effects of these types of activities on the visibility and viability of existing businesses located in the Feilding CBD.

Street user permits will be issued on a first-come-first-served basis for a maximum period of two weeks, unless otherwise agreed with Council in writing, and a maximum of two permits will be issued at each location at any one time. These changes are designed to improve the clarity and consistency of the street user permit regime and to ensure that the regime it is fair and reasonable for all street users.

The changes to the alcohol control provisions are to give the New Zealand Police the authority they need to respond to alcohol-related crime and disorder at the Makino Skate Park and the surrounding area, including the St Paul Presbyterian Church carpark and the public carparks at the Feilding Countdown and New World Supermarkets. Council is also proposing to include new Alcohol Control Areas within Timona Park and Kōwhai Park in the vicinity of the playgrounds. The consumption of alcohol in playgrounds is inconsistent with the purpose of these spaces to be family-friendly and safe. A new alcohol control area is also proposed to be introduced at the Highfield Hill lookout in response to Council, community and New Zealand Police concerns about alcohol-related litter and disorder at this location.

Feedback is sought on the proposed changes to the provisions. The closing date for feedback is 5pm Monday 6 December 2021.

Next Steps

Making a submission

Anyone can make a submission about the proposed amendments to Council's Public Places Bylaw 2020 described in this proposal document. Additional information, including a link to the online or paper feedback form, is on Council's "Have Your Say" webpage (<https://www.mdc.govt.nz/Contact-Us/Have-Your-Say>).

Hard copies of the statement of proposal, the draft Public Places Bylaw 2020 and copies of the submission forms will be available, for the duration of the consultation period, from:

- Manawatū District Council Administration Office, 135 Manchester Street, Feilding
- Feilding Public Library, Corner Stafford & Bowen Streets, Feilding
- Council's website (www.mdc.govt.nz)

Copies of the documents may also be obtained by contacting the Council on (06) 323 0000.

Submissions close at 5pm on Monday 6 December 2021.

Any written form of submission will be received and considered. Submissions can be emailed to submissions@mdc.govt.nz subject heading "Bylaw Review 2021." Written submissions should be posted to the following address:

Manawatū District Council

Private Bag 10 001

Feilding 4743

or hand delivered to the Council's Front of House reception at 135 Manchester Street, Feilding.

Submitters should note that their submission will be copied and made available to the public after the submission period closes. Please state in your submission whether or not you wish to present your submission in person at a hearing.

Hearing

A hearing will be held for those who wish to share their views with the Council. The hearing is scheduled for 17 February 2022. Each submitter who wishes to be heard will be contacted following the close of submissions and assigned a speaking time at the Hearing.

An analysis of all submissions will be presented to Council for deliberations in March 2022. A final report, including the recommendations from deliberations will then be presented to the Council for consideration and adoption. This is scheduled for 17 March 2022.

Appendices

- Appendix 1 – Results of pre-engagement on proposed Alcohol Control Areas
- Appendix 2 – Feedback from Recreational Services
- Appendix 3 – Anecdotal Evidence to support alcohol control areas from the NZ Police (Sergeant Mike Linton, 7/9/2021)

Appendix 1 – Results of pre-engagement on proposed Alcohol Control Areas

| Respondent Number | Support Extension to the Feilding CBD Alcohol Control Area? | Comments | Support Timona Park & Kōwhai Park Alcohol Control Areas? | Comments | Timing limitations to ban? | Any evidence/ feedback to help with the review? | Any other locations for Council to consider or other feedback? |
|-------------------|---|---|--|---|--|---|---|
| 1 | Yes | | Yes | | 24/7 | Not yet | |
| 2 | Yes | | Yes | No alcohol at any time | 24/7 | Bottles left behind in park | |
| 3 | Yes | | Yes | | Maybe just certain times to allow picnics | | |
| 4 | Yes | Control map looks like good coverage. Could extend alongside stream between manchester st and Warwick st as well. | Yes | Consider extending area to cover the entire Kōwhai park, including walkway to Rata St. Also the 'old' skate park along south st. | 24/7, unless in designated picnic area near BBQs | Think I've seen what appears to be alcohol based disorder around the new skate/flow park by the Makino. | Consider extending area to cover the entire Kōwhai park, including walkway to Rata St. Also the 'old' skate park along South St. Could extend alongside stream between Manchester St and Warwick St as well. |
| 5 | Yes (based on email comment) | | Yes (based on email comment) | | | | I support extending the Council Alcohol Bylaws to further reduce public drinking, especially at the Kōwhai Park and Timona Park. With the huge new adventure playground being built at Kōwhai Park, I want to be able to feel safe taking young children there, and I don't want to be dodging broken bottles and empty cans. |
| 6 | | | | | | | Twilight cricket operates on Monday nights and is a social event that has run for over thirty years where some alcohol is often consumed. It would be disappointing if adults were stopped from doing this. However they are generally finished by darkness – timing could be an issue. Also the motorhomes park at Timona park and an alcohol band would surely affect them. |
| 7 | Yes | | Yes | | 24/7 | Occasional drinking in cars adjacent to our business | |
| 8 | Yes | I see no benefit in any public drinking. Once we have international visitors allowed back into the country we will see a lot of them visit our site and staying in Feilding. The site of unruly people(s) drinking or making a nuisance is a bad reflection on our town and the majority of its residents | No | I would support a no alcohol area for the above maps. The only consideration would be for any large scale public event that is properly managed, such as concert etc if that is applicable. | 24/7 | only a couple of "idiots" walking around the clock tower with bottles in their hands yelling at people | Rest areas, river banks. Public places where families are likely to be visiting. |

| Respondent Number | Support Extension to the Feilding CBD Alcohol Control Area? | Comments | Support Timona Park & Kōwhiri Park Alcohol Control Areas? | Comments | Timing limitations to ban? | Any evidence/feedback to help with the review? | Any other locations for Council to consider or other feedback? |
|-------------------|---|--|---|---|---|---|--|
| 9 | Yes | | Yes | | 24/7 | No but a distinct increase in graffiti on/around our building (40 Bowen Street) | The South Street skatepark and the banks of all waterways |
| 10 | Yes | | Yes | I feel that a larger area should be covered. Especially the adjacent fields. Broken glass in the grassed areas is very dangerous and it is likely people will move to the grassed areas to drink. | 24/7, possibly exemptions could be applied for for specific events. | No | |
| 11 | Yes | | Yes | I think 24/7 is appropriate for those areas. At least the playgrounds should be 24/7 | | | |
| 12 | No | Is there really an issue that needs to be addressed here? I don't recall ever seeing anyone drinking in the street, and if they are not a disturbance, so what if they are having a drink? | No | If it ain't broke, don't fix it. | No ban should apply, unless its underagers or people breaching the peace. They are having a beverage I drink very seldom and will probably never have a drink at any of the locations in question. I just think we have enough rules and regulations, thanks. | No | No |
| 13 | | | | | | | The live-in tenants of the Denbigh Hotel could also require monitoring. We have witnessed during business hours, heated arguments, drunkenness, and personal issues displayed on the street. If there could be an inclusion in and around this area that can assist business owners and shoppers would be fantastic. |
| 14 | Yes | Hopefully this will stop broken bottles and cans being left in children's playgrounds | Yes | | apply 24/7 in these areas | | |
| 15 | Yes | Any moves that will discourage drunken behaviour in public places is to be welcomed. Also hopefully there would be less debris of bottles/cans etc | Yes | Drinking in parks where there are children is not desirable. | There will be less confusion if across the board | | |

| Respondent Number | Support Extension to the Feilding CBD Alcohol Control Area? | Comments | Support Timona Park & Kōwhiri Park Alcohol Control Areas? | Comments | Timing limitations to ban? | Any evidence/ feedback to help with the review? | Any other locations for Council to consider or other feedback? |
|-------------------|---|----------|---|----------|--|---|---|
| 16 | Yes | | Yes | | I believe it would be a good idea to have the alcohol ban 24/7 in the areas there are likely to be more children for examples the playgrounds and the skatepark. For areas such as around town I think certain times would be ok but dependant on the situation 24/7 could be appropriate. | Personally I have not witnessed any alcohol-related crime but I know of friends who have. | No |
| 17 | Yes | | Yes | | It is easier to monitor if it is a 24/7 ban | | I would like to see an alcohol ban put in place around the lookout at the top of Highfield Road. Carloads of people race up the hill and sit in their cars drinking and using drugs. Evidence of this is frequently seen thrown up and down the road as well as in the parking area. This is extremely intimidating to residents as well as adults or children who walk and run up there. Visitors who genuinely wish to view the town see a side of Feilding that is not welcoming or legal. |

Appendix 2 – Letter from Recreational Services



4th August 2021

Carl Johnstone
Manawatu District Council
135 Manchester Street
Feilding

As Manawatu District Council's main parks and reserves service provider, Recreational Services fully supports making the district's playgrounds alcohol free areas.

Our staff regularly remove broken glass in playgrounds left behind by consuming alcohol. In some cases the glass has been deliberately planted in playground mulch to inflict injuries to users of the playground. There would not be a week go by without staff picking up empty glass alcohol bottles.

The new skate park within Makino Park and the playground at Timona Park attract the worse offending and there is no reason to believe that the new playground within Kowhai Park will be any different once opened. It will be a desirable site for anti social behaviour including under age drinking due to its isolation as it is set well inside of the park.

We do not record the number of incidents involving removal of bottles and/or glass within playgrounds as staff collect it as part of general litter removal and cleaning duties.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

Duncan de Burgh
Operations Manager – Manawatu
Recreational Services
021 828 455
duncan@rs.kiwi.nz

Appendix 3 – Anecdotal Evidence to support alcohol control areas from the NZ Police (Sergeant Mike Linton, 7/9/2021)

The New Zealand Police request that the boundary of the Feilding CBD Alcohol Control Area be extended to include the Makino Skate Park and surrounding reserve land, the land in the vicinity of the railway line between Aorangi Street/Church Street and Beattie Street from Grey Street to Kimbolton Road, the St Paul Presbyterian Church carpark, and the customer carparks at Feilding New World and Countdown. The New Zealand Police also request that the provisions of the Public Places Bylaw be amended so that the restrictions apply 24/7, not only between the hours of 9pm and 6am the following day.

The reported incidents provided by intel are not representative of all alcohol-related crime and disorder occurring in these locations. On a daily basis Feilding Police staff are stopped on the street by community leaders, school staff and other members of the public who want to share information they hold about alcohol-related incidents that have occurred in public places. The NZ Police are not able to respond to these incidents as they only become aware of them after the fact.

In addition to the reported incidents provided by Intel, Feilding Police are aware of the following:

- Consumption of alcohol at the Makino Skate Park is resulting in anti-social behaviour. This occurs at all times of the day, not only during the hours of 9pm and 6am.
- When people drinking at the Makino Skate Park have been asked to leave by bystanders and Police, they have been seen crossing the road and continuing to drink on the grass area by the Railway Line opposite Aorangi Street and Church Street.
- If the Makino Skate Park is to be included within the alcohol control area, open spaces nearby, like the grass area adjacent to the library on the opposite bank of the Makino Stream from the Makino Skate Park should also be included. Otherwise people wanting to drink will just move from the Makino Skate Park to these adjacent areas.
- There have been issues with smashed alcohol bottles and people urinating in the St Paul's Presbyterian Church carpark. This is unsafe as small children and their families use this carpark when visiting the Skate Park, mini golf and the Makino Pools.
- Intoxicated people have been visiting New World and Countdown to purchase alcohol. Feilding Police are aware of people drinking alcohol inside the bus stop outside Countdown.
- The new playground at Kōwhai Park is still under construction so is not known to be a regular problem area, however, Police have been informed of empty alcohol bottles located in and around this area whilst being constructed. There is potential for it to become a problem area for drinking, particularly given that the playground is not visible from the road. Including this area as an Alcohol Control Area in the bylaw would help to prevent issues from occurring there.
- Timona Park is a popular freedom camping spot. While not being aware of any current issues, they would not want to see freedom campers throwing parties down there. The main point of concern would be the playground area. Whilst the entire park would be a good prevention measure the main area of focus would be the playground area. Staff have located empty bottles and alcohol packaging in and around the playground area.
- As well as this alcohol related information, Feilding Police have, on multiple occasions, located drug utensils and paraphernalia in and around all these areas.



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|---------------------------|---|----------------------|
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