

7 REPORTS FOR DECISION

7.1 ALCOHOL CONTROL BYLAW 2026: DETERMINATIONS AND CONSULTATION REPORT

File Number:

Author: Karen Yates, Group Manager Strategy

Authoriser: Kym Fell, Chief Executive

PURPOSE

This report:

1. Asks the Council to agree that an amended Alcohol Control Bylaw: Ture ā-Rohe Whakahaere Waipiro is the best way to address alcohol-related harm such as crime, disorder, nuisance, and property damage in public places in the Masterton district.
2. Asks the Council to make determinations in accordance with section 155(1), (2)(a), and (2)(b) of the Local Government Act 2002 about the appropriateness of the Proposed Bylaw and the limits it imposes on people's rights.
3. Seeks the Council's approval to consult on the Statement of Proposal and Proposed Bylaw (**Attachment 1** refers), should the Council agree that updates to the Alcohol Control Bylaw are required.

EXECUTIVE SUMMARY

The Alcohol Control Bylaw is under review. The purpose of Masterton's Alcohol Control Bylaw is to enhance public safety and enjoyment by controlling alcohol consumption in specified public places, at specified days, times and events.

The review of this Bylaw is to ensure that it appropriately addresses alcohol-related disorder in public places in our community, particularly in areas such as at Riversdale Beach and Castlepoint that do not currently impose an alcohol-free zone, except on an ad hoc basis.

The general problem of alcohol-related crime, disorder, nuisance, property damage and harm in Masterton's public places can be seen from Police data, staff observations, service desk requests, and the number of alcohol-related hospital visits.

While other initiatives such as education, environmental design changes and advocacy may address part of the problem, as discussed in the 2025 Review Findings Report (**Attachment 2** refers), it is concluded that a bylaw is the most comprehensive and effective way to address the problem and enforce solutions.

Officers consider the evidence now meets the threshold to formalise, within the Proposed Bylaw, alcohol-free zones at New Year's Eve and Labour Weekend at Riversdale Beach and Castlepoint. It is proposed to incorporate these in the Bylaw alongside existing alcohol-free zones.

Alcohol bans at the beaches have been agreed by Council on an ad hoc annual basis since 2018 and are reported by Police and coastal communities as effective in reducing alcohol-related harm and improving public safety at peak holiday times.

Officers also propose other updates to the Bylaw to improve clarity and function, while maintaining its current substance and effect.

As part of the review, as required under the Local Government Act 2002 (LGA), the Council is asked to consider the scope of the problem to be addressed, consider alternatives to a bylaw, ensure New Zealand Bill of Rights Act 1990 (NZBORA) consistency, and confirm the Proposed Bylaw is appropriate and proportionate.

Consultation on the Proposed Bylaw is recommended to take place between 25 February and 25 March 2026, to avoid overlap with Annual Plan engagement, and to minimise community engagement fatigue.

Using the Special Consultative Procedure (section 156 of the LGA refers), officers propose to engage on the Proposed Bylaw with the wider community as well as key stakeholders such as the Masterton Police, residents at Castlepoint and Riversdale, and iwi entities.

RECOMMENDATIONS

That Council:

1. **notes** the Masterton Alcohol Control Bylaw 2025 (the Bylaw) is due for a review;
2. **determines** that in accordance with section 155(1) of the Local Government Act 2002 (LGA), a bylaw is the most appropriate way of addressing the alcohol-related issues identified in public places;
3. **determines** that in accordance with section 155(2)(a) of the LGA the Proposed Masterton Alcohol Control Bylaw 2026 (the Proposed Bylaw) is the most appropriate form of bylaw;
4. **determines** that, in accordance with section 155(2)(b) of the LGA, limitations on the rights of residents are imposed by the Proposed Bylaw under the New Zealand Bill of Rights Act 1990, but are considered justified and proportionate in the context of the broader purpose of the Proposed Bylaw;
5. **approves** the Statement of Proposal including the Proposed Bylaw (Attachment 1) for consultation;
6. **notes** that the amendments in the Proposed Bylaw:
 - (a) include new alcohol-free zones for Riversdale Beach and Castlepoint at New Year's Eve and at Labour Weekend (Schedules 4 and 5 of the Proposed Bylaw refer);
 - (b) improve the clarity and functionality of the Bylaw;
7. **notes** no other alcohol-free zone amendments are proposed at this time;
8. **notes** the proposed consultation will take place between 25 February and 25 March 2026;
9. **delegates** authority to the Chief Executive to approve minor edits that do not alter the intent of the content prior to consulting on the Statement of Proposal and Proposed Bylaw;
10. **notes** the Hearings Committee will undertake the hearing and deliberation process in accordance with their delegation; and
11. **agrees** to additional meetings of the Hearings Committee (as also recommended in the concurrent report on consultation on a Street Tree Policy) on:
 - (a) 15 April 2026 to hear submissions on the Proposed Bylaw; and
 - (b) 20 May 2026 for deliberations on the Proposed Bylaw.

CONTEXT

The Masterton District Council has controlled consumption of alcohol in public places in Masterton since 2008.

In 2025, officers undertook a review of the Masterton Alcohol Control Bylaw to meet the requirements of the Local Government Act 2002 (the LGA). This came into effect on 8 December 2025 and is in place for one year.

The Bylaw restricts alcohol consumption and possession in public places, mainly focusing on parks and open spaces within the urban area of the district - the Business District, Queen Elizabeth Park and the Skatepark. These are referred to as alcohol-free zones or alcohol bans.

The Bylaw also enables the Council to put in place occasional alcohol-free zones, on a case-by-case basis. Since 2018, the Council has annually approved alcohol-free zones at Riversdale Beach and Castlepoint for Labour Weekend and New Years' Eve, in response to alcohol-related crime and disorder that had occurred at these times.

Why are we doing this now

The 2025 Bylaw has ensured that controls on alcohol are maintained over the summer period while the process for a comprehensive review of the Bylaw gets underway. The current Bylaw was made for one year so officers could progress a comprehensive review.

In 2024, Council agreed to consult, as part of the Bylaw review, on permanently prohibiting the consumption and possession of alcohol in public places at Castlepoint and Riversdale Beach over Labour Weekend and New Year's Eve (Agenda 18/09/2024, Report 7.1 refers).

Officers consider that the long-term effectiveness of alcohol-free zones at Riversdale Beach and Castlepoint at the specified holiday times (demonstrated by a reduction in alcohol-related harm at those times) now meets the threshold to embed these alcohol-free zones within the Bylaw without the Council needing to approve them on an annual basis.

Officers are bringing this report to Council now so that community consultation, if the Council agrees, can occur before the Annual Plan process begins. Consulting on the Annual Plan while no other consultations are taking place is more likely to attract community attention and submissions on the Plan.

Legal requirements when reviewing the Bylaw

Section 155 of the LGA requires the Council to determine that a bylaw is the most appropriate way of addressing the Perceived Problem. If that is agreed, the Council must then determine:

- a. If the Proposed Bylaw is the most appropriate form of bylaw to respond to the perceived issues.
- b. That the limits imposed by the Proposed Bylaw on people's rights and freedoms are proportionate to the broader purpose of the Proposed Bylaw and can be reasonably justified.

The Council must also consider consultation options for the Proposed Bylaw under section 156 of the LGA.

The following sections of this report discuss these assessments and are supported by further detail in the 2025 Review Findings Report (**Attachment 2**).

ANALYSIS AND ADVICE

The 2025 Review Findings Report has been prepared to help meet our review requirements. The key findings are summarised below.

Part 1: What is the Perceived Problem?

Alcohol is a leading cause of preventable death and morbidity globally and in New Zealand. People respond to alcohol in individual ways. Consuming alcohol can lead to poor decision-making, injuries and aggressive behaviour. It can also have long-term health risks.¹

Drinking alcohol in public places can be associated with negative impacts for the community. Instances of anti-social behaviour, property damage, litter, and disorder are commonly associated with the over consumption of alcohol. Disorder and noise can lead to people feeling unwelcome in public spaces and can cause disruption to surrounding homes and businesses.

The 2025 Review Findings Report assesses the extent of these problems throughout Masterton, incorporating the latest available data and information. A key statistic is that 38 percent of all alcohol harm-related incidents attended by Masterton Police over the last five years have been incidents in public places.

For the purposes of this review, the 'Perceived Problem' to be addressed can be summarised as alcohol-related harm in public places including crime, disorder, nuisance, and property damage.

In identifying the Perceived Problem and the ways to address it, officers considered:

- Historic issues and seasonal population surges at Masterton's coastal settlements.
- New Zealand Police (Police) data and the anecdotal observations of local Police.
- Feedback from residents through pre-engagement, previous community surveys, and service requests.
- Statistics on the broader impacts of alcohol harm on health and social sectors sourced from Te Whatu Ora/ Health NZ.

Part 2: Addressing the Perceived Problem

We want our community to feel safe and be able to enjoy our open spaces. There are a range of options to address the Perceived Problem ranging from light touch to the making of regulation. Officers have completed an assessment of alternative options in the attached 2025 Review Findings Report. In conclusion, a bylaw is considered to be the most effective option because:

- It provides clarity and enforcement powers (including Police powers provided for under sections 169, 169A, and 170 of the LGA).
- It offers an efficient and integrated approach to achieving community health and safety outcomes, more so than education alone.
- Non-regulatory measures would lack clarity and enforceability.
- The current Bylaw provisions are proven to be effective. Police observations confirm that having a bylaw reduces alcohol-related harm and damage to public spaces.

¹ Ministry of Health, 2010, Alcohol Quick Facts www.health.govt.nz/publications/alcohol-factsheets

The Proposed Bylaw (contained in **Attachment 1**) has been developed to respond to specific issues identified in the Review Findings Report in the following ways:

- *Alcohol-related harm in public spaces:* A bylaw supports community expectations of safe, family-friendly spaces. Alcohol restrictions help maintain this by preventing alcohol-related nuisance. The Proposed Bylaw is a prevention-focused tool for the Police because it enables them to take early, low-level action thereby preventing escalation of behaviours into disorder or damage.
- *Periodic alcohol-related harm at coastal settlements:* Annually approved alcohol bans at Castlepoint and Riversdale Beach have historically responded to high-risk events (Labour Weekend, New Year's Eve) where serious harm had previously occurred. These bans reduced the level of disorder during periods of large influxes of visitors.
- *Alcohol-related harm negatively impacts social and health outcomes:* Alcohol bans limit visible public drinking, reducing opportunities for violence, intoxication-related medical emergencies, and risks to public safety. While not a health tool, bylaws complement Police, Te Whatu Ora/Public Health, and community safety initiatives by creating safer environments.

Part 3: Legal requirements to support proposals to address the problem

The LGA prescribes the procedure for making and reviewing bylaws. This part of the report supports the Council to make its determinations under section 155 of the LGA. The Council must determine:

- whether a bylaw is the most appropriate way of addressing the Perceived Problem;
- whether the Proposed Bylaw is the most appropriate form of bylaw; and
- whether the Proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Section 155(1): How do we address the Perceived Problem and reach where we want to be

Officers consider a bylaw is the most appropriate way of addressing the Perceived Problem, because:

- A bylaw to control alcohol in public places has been in place since 2008 and is an accepted mechanism reducing the potential for alcohol-related harm in our public places.
- It provides the Police with a tool to manage alcohol-free zones. Police use their discretion in deciding the most appropriate approach to manage the zones, ranging from verbal warnings to arrest.
- Other options to address the Perceived Problem would not be as effective as a bylaw, as demonstrated in the assessment of alternative options in the 2025 Review Findings Report (**Attachment 2**) which is also summarised in the previous section of this report.
- The ongoing need for Police to manage some issues in public places with alcohol-free zones indicates that the removal of a bylaw may lead to an increase in issues relating to alcohol consumption and possession in public spaces.

Section 155(2)(a): The Proposed Bylaw for consultation is the most appropriate form of bylaw

In general, the Proposed Bylaw provides an effective tool to discourage and minimise offensive behaviours associated with alcohol consumption. It allows Police to remove alcohol from intoxicated individuals and minimises alcohol consumption in a public place, including before entering a licenced venue (thereby addressing preloading and side loading problems). Key points about the Proposed Bylaw are that:

- No changes to current alcohol-free zones are proposed (i.e. Queen Elizabeth Park, the Skatepark, and the Business District) because the level of alcohol-related crime or disorder that existed prior to the Bylaw is likely to return if the bans are removed. There has been no suggestion through our pre-engagement that the current bans should be either removed or strengthened.
- New alcohol-free zones are proposed at two coastal settlements (Schedules 4 and 5 of the Proposed Bylaw refer), at New Year's Eve and Labour Weekend only, to address the high-risk behaviour and alcohol-related harm that would otherwise occur at these settlements at these times. Other councils, including Tauranga City Council and Tasman District Council, include these types of seasonal prohibitions in their bylaws.
- The format of the Proposed Bylaw has been revised so that the alcohol bans sit in schedules attached to the body of the Bylaw, enabling the Council to easily amend alcohol-free zones in future. Tauranga City Council and Porirua City Council both make use of attached schedules and Whangarei District Council maintains a separate register of alcohol-free zones.
- Other updates include clarifying that the Proposed Bylaw does not apply to alcohol licences (including Special Licences) and sets out what will be considered before a waiver is approved so that people can drink in alcohol-free zones when a special event is taking place.
- Analysis of complaints about alcohol-related harm in other public places has also been analysed (including at Henley Lake and McJorow Park/ the Masterton Netball Courts area). The recorded incidents do not demonstrate a need for further alcohol-related controls to be incorporated into the Proposed Bylaw. Nevertheless, the community will be asked questions during the consultation on the Proposed Bylaw about other problematic public places, for future consideration.

In summary, the Proposed Bylaw is considered to be the most appropriate form of bylaw because:

- Addresses alcohol-related harm in public places in the Masterton district.
- Maintains controls that are working well.
- Introduces new controls where the need is high.
- Allows for the Police, community and visitors to coastal communities to anticipate the controls.
- Improves administrative efficiency.

Section 155 (2)(b): Does the Proposed Bylaw give rise to NZBORA implications?

The NZBORA provides for certain rights and freedoms relating to life and the security of people, democratic and civil rights, non-discrimination and minority rights, and search, arrest and detention.

The Proposed Bylaw does not restrict the movement of people who are not in possession of alcohol. Neither does it apply to those drinking alcohol in private or licensed premises. The Proposed Bylaw's restrictions within alcohol-free zones also do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012.

The Proposed Bylaw does, however, limit people's ability to possess and consume alcohol in areas designated as alcohol-free zones - this is a limitation on the rights of residents to freedom of expression, freedom of peaceful assembly, and freedom of movement.

Officers consider this limitation justified under section 5 of the NZBORA, as well as proportionate, because the broader purpose of the Proposed Bylaw is to:

- Protect the public from nuisance.
- Protect and promote public health and safety.
- Minimise the potential for offensive behaviour in public places.

While the Proposed Bylaw provides that people can be asked to leave or stop consuming alcohol in public places subject to a permanent or temporary alcohol-free zone, the restrictions are fair and reasonable in the interests of public health and safety.

OPTIONS CONSIDERED

A summary of the options considered is included in the table below.

Option		Advantages	Disadvantages
1	Determine that the Proposed Bylaw is the best way of addressing the Perceived Problem and proceed with community consultation. RECOMMENDED OPTION	The Proposed Bylaw maintains existing alcohol-free zones and aims to introduce new zones to address alcohol-related harm in our coastal communities, thereby supporting public safety and the enjoyment of public spaces. It is supported by the Police and community. Current controls are confirmed as effective in managing alcohol-related crime and disorder. Would provide clarity and certainty for the community, the Police and businesses. Would improve administrative efficiency.	Some parts of our community may consider that the proposed alcohol controls are too restrictive.
2	Make no amendments to the Bylaw. Resolve to	Existing alcohol-free zones are well understood by the	Would not address ongoing alcohol-related harm in

Option		Advantages	Disadvantages
	continue the current Bylaw.	community. Would maintain existing alcohol-free zones and time restrictions to support public safety and the enjoyment of public spaces. Current controls confirmed as effective in managing alcohol-related crime and disorder. Maintains the option to make temporary alcohol-free zones by resolution.	coastal communities in an effective way. Would not make improve administrative efficiency.
3	Determine that a bylaw is not the best way of addressing the problem of alcohol issues in public places, and consequently let the Bylaw lapse and rely on existing legislation	Enforcement requirements placed on the Police would be reduced. Could increase flexibility for events and gatherings in public spaces. The Sale and Supply of Alcohol Act 2012 does regulate the supply of alcohol to young people (under 18) which may address part of the problem.	There are no other regulations designed to prohibit alcohol consumption or possession of alcohol in public spaces. Lack of regulatory control will likely result in increased alcohol-related harm, nuisance, crime, and disorder. Would remove an important tool for Police to manage public safety.

Option one is recommended. Incorporating the currently recurring annual prohibitions in the Proposed Bylaw would provide clarity for the community and the Police while also improving administrative efficiency.

CONSIDERATION OF ADDITIONAL ALCOHOL-FREE ZONES FOLLOWING CONSULTATION

During consultation on the Proposed Bylaw, some submitters may identify whether additional alcohol-free zones are needed to address alcohol-related harm in other public places.

While the proposed amendments to the Bylaw will allow the Council to include (or amend or remove) alcohol-free zones in the schedules of the Bylaw by resolution, any consideration of *additional* alcohol-free zones will need to be in response to high levels of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. Such proposals cannot be incorporated into the Proposed Bylaw during this review, because further research and evidence would be required, along with further community consultation. Such research will contribute to the next review of the Bylaw schedules, however.

IMPLEMENTATION AND ENFORCEMENT

Research indicates that enforcement of the Bylaw is important to Masterton's community. Over the years community groups have advocated for Police and Council to increase enforcement of the Bylaw and for an increased presence in remote coastal settlements. Presentations to the Council on 10 December 2025 from members of the Riversdale Beach and Castlepoint Residents' Associations confirmed the ongoing need for enforcement.

A key issue with enforcement is that the Council does not manage complaints relating to this Bylaw. These either go straight to Police or are directed by Council staff to Police. There is concern from residents that limited enforcement by Police reduces the overall effectiveness of the Bylaw and might result in a return of alcohol-related harm to areas where an alcohol-free zone is in place.

The Council cannot determine the level of resources that the Police should dedicate to the Bylaw because this is determined by the Police in response to the complaints and intelligence received. However, the Police have heard the concerns about staffing and intend to allocate additional Police officers to the Wairarapa region for policing over peak periods.

The Council currently meets with Police on a bi-monthly basis and corresponds and connects with Police on a regular basis. Police officers are connected with the communities, including about bylaw enforcement.

It is important that the community continues to report issues to Police when they see them by calling either *555 (for urgent but non-life threatening), 105 (for non-emergency situations) and 111 (for life threatening or imminent danger situations). Channels to remind the public they can call these numbers include updated signage, community newsletters, Antenno, and the Council's website. Signage helps the community to understand the rules and supports self-regulation and peer regulation of behaviour.

Officers will report back in May 2026 (following consultation), including with an implementation plan that ensures the community is aware of the Bylaw's controls. The Council will be asked to accept this implementation plan.

TRAFFIC MANAGEMENT AT NEW YEAR'S EVE

The Council has traditionally used its powers under the Local Government Act 1974 to close the roads at Castlepoint and Riversdale Beach each year, just on New Year's Eve. Road closure has been used to support the annual alcohol bans and to help these communities feel safe while still being able to freely access amenities and public spaces.

Officers want to fully understand the problems identified that have led to the previous annual road closures, and to scope a range of options to address them. For this reason, traffic management does not form part of this report to the Council. Instead, officers will report back to the Council on options to manage road safety at Riversdale Beach and Castlepoint on New Year's Eve, following the Bylaw review.

Any issues with traffic will not impact on the Proposed Bylaw. If solutions to problems are to be progressed, a possible solution would be through the Masterton Schedule to Part Six (Traffic) of the Wairarapa Consolidated Bylaw.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

Council may make a bylaw for alcohol control purposes as set out under section 147 of the LGA. The Bylaw forms part of a wider strategic and regulatory framework for managing public health risks and nuisance, and alcohol-related harm including the Sale and Supply of Alcohol Act 2012, the Health Act 1956, and the Wairarapa Local Alcohol Policy.

The LGA sets out key determinations required to be made before making a bylaw. These are covered in the body of this report and are summarised here.

- *Section 155 (1) requires a determination that a bylaw is the most appropriate way to address the Perceived Problem:*
 - Having a bylaw provides clarity for all concerned and gives the Police the powers to respond to anti-social behaviour in ways that non-regulatory options could not provide.
 - If the powers of a bylaw were removed, the Police and residents have said that previous crime and disorder would return to public spaces.
- *Section 155 (2)(a) requires a determination that the Proposed Bylaw is the most appropriate form of bylaw:*
 - The Proposed Bylaw retains the provisions of the current Bylaw, which have been working well, and includes new alcohol-free zones to address the alcohol-related issues evident at Castlepoint and Riversdale Beach.
 - Other updates address efficiencies for future decision making of alcohol-free zones and supports the functionality of the Bylaw.
- *Section 155 (2)(b) requires consideration of implications under the NZBORA:*
 - The Proposed Bylaw limits the rights of residents to freedom of expression, freedom of peaceful assembly, and freedom of movement.
 - However, these are considered proportionate to the broader purpose of the Proposed Bylaw as well as being fair and reasonable in the context of public health and safety.

Significance, Engagement and Consultation

Sections 83, 86 and 156 of the LGA sets out the consultation requirements. Following assessment under section 156 of the LGA relating to consultation about a bylaw, officers consider that the consultation approach should follow the Special Consultative Procedure, but without in-person roadshows, workshops and meetings. The proposed amendments are of moderate-significant interest to, and impact on, the community.

The proposed consultation process will meet the requirements of the LGA which includes preparing and adopting a Statement of Proposal (including the Proposed Bylaw), making information available (including section 155 determinations) and providing an opportunity for people affected or interested to present their views. The Statement of Proposal and Proposed Bylaw are included in **Attachment 1**.

All documentation will be available on our Whats Up Whakaoirori website
<https://whatsup.mstn.govt.nz/> .

Physical copies will be available at the Customer Service Centre 161 Queen Street and the Masterton District Library. A summary of key stakeholders is included in the consultation section at the end of this report.

Consultation with the community will take place between Wednesday 25 February and Wednesday 25 March 2026. The Submission Policy applies to this consultation and sets out the submissions' process and minimum requirements for submission content. Submitters will be able to speak to their submissions at a Hearing on 15 April 2026.

Financial Considerations

Costs for the review and consultation are being met through baselines.

Implications for Māori

Under the LGA, councils have obligations to consider the views of Māori and provide opportunities for Māori participation in decision-making. Iwi entities will be informed of the Bylaw proposal and invited to provide feedback.

Communications/Engagement Plan

In addition to making information publicly available the Council will actively engage with residents and visitors at Castlepoint and Riversdale Beach by distributing posters in the villages to encourage people to have their say, and by engaging with the resident and ratepayer associations in these areas.

Key stakeholders such as iwi, Police, Tupu Ana, Destination Wairarapa, Business Wairarapa, sports clubs, and Youth Council will be provided with copies of the Statement of Proposal and Proposed Bylaw for feedback. Stakeholders will be able to discuss the proposed changes with officers.

Consultation will also be advertised in the *Wairarapa Midweek* and via Antenno.

Environmental/Climate Change Impact and Considerations

The Proposed Bylaw primarily focuses on public safety by reducing alcohol-related incidents in public spaces.

Alcohol consumption in public spaces often leads to increased littering, particularly of glass bottles and cans, which require energy-intensive recycling processes. The alcohol-free zones help to address waste and associated emissions from waste collection and processing.

NEXT STEPS

Subject to Council agreement, proposed timeframes for the Alcohol Control Bylaw consultation, hearings, deliberations and adoption are tabled below.

Timeframes for the Alcohol Control Bylaw	
Community Consultation	Wednesday 25 February to Wednesday 25 March 2026
Hearing (Hearings Committee)	15 April 2026 (if agreed)
Deliberations (Hearings Committee)	20 May 2026 (if agreed)
Council Meeting - consider adoption of the final Alcohol Control Bylaw	24 June 2026 (TBC)
Bylaw in force (TBC)	July 2026 (TBC)

ATTACHMENTS

1. **Statement of Proposal and Proposed Bylaw** [↓](#)
2. **Review Findings Report** [↓](#)