

WANGANUI DISTRICT COUNCIL
(PROHIBITION OF GANG INSIGNIA) BYLAW 2009

EXPLANATORY NOTE

This Bylaw designates specified places within the Wanganui District where persons are prohibited from displaying gang insignia at any time. The Wanganui District Council (Prohibition of Gang Insignia) Act 2009 (hereafter referred to as the 'Act'), section 5, empowers Wanganui District Council to make this bylaw designating any public place as a specified place and identifying an organisation, association, or group of persons as a gang, under the Act. This Bylaw should be read in conjunction with the Wanganui District Council (Prohibition of Gang Insignia) Act 2009.

The Wanganui District Council (Prohibition of Gang Insignia) Act 2009 contains the relevant powers relating to the specified places prohibition including but not limited to signposting of specified places, prohibition of display of gang insignia, powers of arrest and seizure in relation to persons displaying gang insignia, and power to stop vehicle to exercise powers of arrest or seizure.

In determining 'specified places' and 'gangs' under this Bylaw, Council has considered advice from Police and information about likely public places where the wearing of Gang Insignia has the potential to cause intimidation or harassment of members of the public or lead to confrontation by or between gangs.

This Explanatory Note is for information purposes only and does not form part of this Bylaw.

Terms used in this Bylaw are defined in clause 1 of this Bylaw.

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1.0 Interpretation

- 1.1. **COUNCIL** means the Wanganui District Council
- 1.2. **DISTRICT** means the district of the Wanganui District Council
- 1.3. **GANG** means –
- (a) Black Power, Hells Angels, Magogs, Mothers, Mongrel Mob, Nomads, or Tribesmen; and
 - (b) any other specified organisation, association or group of persons identified in clause 2.0 of this Bylaw.
- 1.4. **GANG INSIGNIA** –
- (a) means a sign, symbol, or representation commonly displayed to denote membership of, an affiliation with, or support for a gang, not being tattoos; and
 - (b) includes any item of clothing to which a sign, symbol, or representation referred to in clause 1.4(a) is attached
- 1.5. **PUBLIC PLACE** –
- (a) means a place –
 - (i) that is under the control of the Council; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
 - (b) includes –
 - (i) a road, whether or not the road is under the control of the Council; and
 - (ii) any part of a public place

- 1.6. **SPECIFIED PLACE** means a public place designated as a specified place for the purpose of the Wanganui District Council (Prohibition of Gang Insignia) Act 2009 as stated in Section 3.0 of this Bylaw.

2.0 Specified Organisations

- 2.1 Gang for the purposes of Section 5(1)(b) of the 'Act' and clause 1.3 of this Bylaw shall include the Red Devils, Head Hunters and Mangu Kaha.

3.0 Specified Places

- 3.1 'Specified places' for the purpose of Section 5(1) (a) of the 'Act', where the display of gang insignia is prohibited at any time means:

(a) All public places within the Wanganui District urban area, as shown on the Wanganui District Council Prohibition of Gang Insignia Boundary Map (3.2), and includes both sides of all roads and footpaths (whether or not the road is under control of Council), parks, reserves, public buildings and beaches; and

(b) Mowhanau Beach and Village being the general public area including roads, domain and foreshore area within the Mowhanau Village starting outside the Mowhanau Community Hall. More specifically it is the public area bounded by the low water mark to the south-west; the Kai Iwi Stream to the north-west; the Mowhanau Stream to the south-east, including SO14957, SO18911, and Sec 71 of the Mowhanau Domain, including roadways and public thoroughfares of Sunset Parade, Waitangi Parade, Broadview Heights, Tangi Street and Mowhanau Drive up to a point adjacent the entrance to the Mowhanau Hall; and

(c) Rural Halls as listed including their adjoining car park areas and including 100 metres of the approaching public roads (in each direction) and public surrounds, being:

Brunswick Hall situated at 15 Campbell Road Brunswick on 506m² being Pt. Section 122 Right Bank Whanganui River and being the land in Certificate of Title WN 454/154.

Fordell Hall situated on Station Road Fordell on 546m² being Part closed Road on S.O. Plan 18036 and 766m² Part Section 247 Left Bank Whanganui River being the land in Certificate of Title WN E2.791 – a total area of 1312m².

Kaitoke Hall situated on State Highway No.3 South Wanganui on 1011m² being Pt. Section 24 Left Bank Whanganui River, 1345m² being Section 501 Left Bank Whanganui River, and 460m² being Section 500 Left Bank Whanganui River – a total area of 2816m².

Kai-Iwi Hall situated at 916 State Highway 3 North at Kai-Iwi on 2765m² being Lot 1 on Deposited Plan 307852.

Mangamahu Hall situated on Creek Road at Mangamahu on 1001m² being Lot 2 Deposited Plan 14619.

Maxwell Hall situated at 1667 State Highway 3 North at Maxwell on 2023m² being Lot 16 Block 1 Deeds Plan 23.

Okoia Hall situated on No.3 Line Okoia on 2023m² being Lot 1 Deposited Plan 10701.

Upokongaro Hall situated on State Highway 4 at Upokongaro on 463m² being Lot 1 on Deposited Plan 4549 and 383m² being Lot 6 on Deposited Plan 65558 - a total area of 846m².

Mowhanau Hall situated on Mowhanau Drive being Part Kai-Iwi 6F2 comprising 2.4021 Ha being part of the land in Certificate of Title WN 34A/359 which comprises in total 4.9962Ha.

- (d) Bason Botanical Gardens situated at 552 Rapanui Road, recorded as a Botanical Gardens with a Reserve classification and comprising 25.6469 Ha being Lot 8 Deposited Plan 1322 and all the land in Certificate of Title WN 125/56.
- (e) Lake Wiritoa being an area of water known as Lake Wiritoa comprising an area of 17.5Ha situated in Block X Ikitara Survey District bounded towards the north-west by Kaitoki Road, towards the South by Crown land and Section 476 Left Bank Wanganui River, and towards the East generally by Lot 1 Deposited Plan 979. being Pt Wiritoa Domain including the beach areas on the south eastern shores being land number 19575 - comprising section 476 Left Bank Wanganui River, 9.6062 Ha and land number 22696 - comprising section 513 Left Bank Wanganui River, 0.8827 Ha.

This By-law was confirmed at the Ordinary Meeting of the Council held on the 31 August 2009, when it was ordered to come into force on the 1st day of September 2009.

**THE COMMON SEAL OF THE
MAYOR, COUNCILLORS AND
CITIZENS OF THE DISTRICT
OF WANGANUI** was affixed
hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer