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*Christchurch City Council*

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# Christchurch City Council Parks and Reserves Bylaw 2016



# CHRISTCHURCH CITY COUNCIL PARKS AND RESERVES BYLAW 2016

Pursuant to the Local Government Act 2002 and the Reserves Act 1977, the Christchurch City Council makes this Bylaw.

## 1. SHORT TITLE

This Bylaw is the Christchurch City Council Parks and Reserves Bylaw **2016**.

## 2. COMMENCEMENT

This Bylaw comes into force on **1 September 2016**.

## 3. PURPOSE

The purpose of this Bylaw is to provide for the orderly management and control of parks and reserves vested in, administered by or under the control of the Council for the benefit and enjoyment of all users of those parks and reserves.

## 4. INTERPRETATION

In this Bylaw, unless the context requires otherwise-

### **Aircraft**

- (a) means any man-made device capable of flight, including, but not limited to aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (ie drones), hot air balloons and radiocontrolled model aircraft; but
- (b) does not include kites and balloons which are controlled from the ground via strings.

### **Authorised Officer**

- (a) means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person; and
- (b) includes any rangers appointed by the Council under the Reserves Act 1977; and
- (c) includes reserve committee members appointed by Community Boards.

**Animal** means any mammal, bird, reptile, amphibian, fish or related organism, insect, crustacean or organism of every kind but does not include a human being.

**Camp** means to reside in or sleep in a structure, tent or vehicle e.g. caravan, campervan.

**Christchurch City** means the district of the Christchurch City Council.

**Council** means the Christchurch City Council.

### **Enforcement Officer**

- (a) means a person appointed by the Council to enforce the provisions contained in this Bylaw; and

- (b) includes any rangers appointed by the Council under the Reserves Act 1977; and
- (c) includes any sworn member of the NZ Police acting in the course of his or her duty.

**Foreshore** means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the sea's tidal ebb and flow, that is, the area between the line of mean high water springs level and the mean low water springs level.

**Park or Reserve**

- (a) means any land which is vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) any park, domain, foreshore or greenspace area under the control or ownership of the Council; but
- (c) does not include any such land, park, domain or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977.

**Sign** includes a notice, label, inscription, billboard, plaque or placard.

**Vehicle**

- (a) means a man-made device for land transport, including, but not limited to cars, trucks, heavy machinery, motorbikes, bicycles; but
- (b) does not include prams, strollers, wheelchairs or other mobility scooters used by persons with physical or neurological impairment.

**Vessel** includes, but is not limited to, a ship, boat, hovercraft or any other description of vessel used or designed to be used in the sea or river.

## **Part 1 - Access to reserves**

### **5. ACCESS**

- 5.1 A reserve will be open to the public at all times, except –
  - (a) during such hours as the Council may from time to time otherwise determine; or
  - (b) when the Council has determined that it is necessary to temporarily close the reserve or part of it, and has provided appropriate signage to inform the public of such closure; or
  - (c) when the Council or an Authorised Officer has temporarily set aside the whole or part of a reserve, for the exclusive use of an organised event in terms of Clause 14 of this Bylaw.
- 5.2 No person may enter any reserve or part of a reserve which is set apart for the cultivation or protection of plants or other special purposes, without the prior permission of an Authorised Officer.
- 5.3 No person, other than an Authorised Officer may enter or remain in the reserve or the part of a reserve that is closed to the public.

## Part 2 - Prohibited and restricted activities in reserves

### 6. INTERFERENCE WITH RESERVES

6.1 Without the prior written permission of an Authorised Officer, no person may in a reserve —

- (a) remove, destroy, damage, deface or interfere with any thing or any part of anything in or enclosing a reserve; including any:
  - (i) structure or building
  - (ii) sign
  - (iii) path, track, lawn, step, gravel, sand, soil or border
  - (iv) tree, shrub, or plant of any kind including hedges, flowers or flowerbeds
  - (v) area prepared for any sport or game.
- (b) erect, construct, make, bolt, fix or place any structure, path or track, climbing aid, recreational or play equipment, or sign.
- (c) plant any tree, shrub or plant or part of any tree, shrub or plant, or sow or scatter the seed of any plant of any kind.
- (d) pollute or render unfit for purpose any water.
- (e) take or destroy or injure or disturb or interfere with or cause distress to any animal or bird or other fauna or the nest or egg of any bird, or attempt to do so.
- (f) introduce any substance that may be injurious to animal or plant life.

6.2 Without the prior permission of an Authorised Officer (which may be given verbally), no person may in a reserve —

- (a) walk on any flowerbed, or grass plot, or any other place where walking is prohibited by a notice to that effect; or
- (b) take or attempt to take fruit or nuts from any tree or plant in a manner that damages or is likely to damage the tree or plant; or
- (c) dig a hole in any grassed area or garden.

6.3 Clauses 6.1 and 6.2 do not apply to any volunteer activities in a reserve if the Council has entered into an agreement with any person or body in relation to those activities and those activities are bound by the conditions of that agreement.

### 7. BEHAVIOUR IN RESERVES

7.1 No person in a reserve may —

- (a) intentionally obstruct, disturb, or interfere with any other person's use or enjoyment of a reserve; or
- (b) drive or ride a vehicle within any reserve area where vehicles are allowed in a manner, which having regard to all the circumstances of the case, is or might be dangerous to the public or to any person.

***The following note is explanatory and does not form part of the Bylaw but is intended to explain its general effect: This clause should be read in conjunction with the Summary Offences Act 1981, the Crimes Act 1961, the Trespass Act 1980 and any statute that generally regulates behaviour that may occur in reserves.***

## **8. ANIMALS**

- 8.1 No person may bring any animal into a reserve or allow any animal in his or her custody, charge or control to be within a reserve, unless —
- (a) a Council bylaw has allowed the animal in the reserve, such as through a dog control bylaw and the related dog control policy; or
  - (b) the Council has authorised the presence of animals through a reserve management plan, licence or other similar document; or
  - (c) permission has been granted by an Authorised Officer; or
  - (d) the reserve has been booked for an event allowing the presence of animals.
- 8.2 The Council (either generally or in any particular case), may seize and confine any loose animal found within any reserve.
- 8.3 Except with the permission of an Authorised Officer, no person may –
- (a) Bring or drive any horse or other animal on to any part of the Avon Heathcote Estuary; or
  - (b) Permit any horse or other animal in his or her custody, charge or control to wander on to or remain on any part of the Avon Heathcote Estuary.
- 8.4 The Council may seize and confine any horse or other animal found on any part of the Avon Heathcote Estuary in breach of this Bylaw.
- 8.5 The Avon Heathcote Estuary means that area shown in the attached plan in Schedule 4.

***The following note is explanatory and does not form part of the Bylaw but is intended to explain its general effect: For control of dogs upon reserves in Christchurch City see the current version of the Christchurch City Council Dog Control Bylaw.***

*The Council has the power under the Reserves Act 1977 to make Bylaws in respect of reserves located outside Christchurch City where the Council is the administering body of the reserve, eg Kennedy's Bush, Cass Peak, Otahuna Reserve, Coopers Knob, Ahuriri Scenic Reserve, and Orongamai Reserve. Section 94(1)(b) of the Act however makes it an offence to allow an animal to trespass onto a reserve, and therefore a Bylaw is not required to control dogs on these reserves.*

*The restrictions in clause 8.3 are intended to protect wildlife and other environmental values associated with the Estuary.*

## **9. VEHICLES, VESSELS AND MECHANICAL DEVICES**

- 9.1 No person may drive, ride, or otherwise bring any vehicle into a reserve, except-
- (a) on any part of the reserve set aside by the Council for vehicular traffic (for example, driveways, parking areas, shared paths or cycle tracks), and then only in accordance with any controls or restrictions imposed by the Council; or
  - (b) where permission has been granted by an Authorised Officer.

- 9.2 No person may without the permission of an Authorised Officer —
- (a) stop or leave any vehicle so that the vehicle obstructs an entrance to, or path or track in, the reserve; or
  - (b) park any vehicle, other than a bicycle, in any reserve except in a place set aside by the Council for the parking of vehicles, and unless the person in control of the vehicle intends to remain in the reserve while the vehicle is parked.

- 9.3 Any place in a reserve that has been set aside for the parking of vehicles may be subject to parking restrictions under the Christchurch City Council Traffic and Parking Bylaw 2017.

***The following note is explanatory and does not form part of the Bylaw: The Council will enforce any restricted parking area in a reserve in accordance with the Land Transport Act 1998 and any regulations made under the Land Transport Act 1998.***

- 9.4 No person may abandon or dump any vehicle in a reserve.

***The following note is explanatory and does not form part of the Bylaw: The Council in enforcing this clause will use a procedure under the Reserves Act 1977 or the Land Transport Act 1998 or the Local Government Act 2002 or the Local Government Act 1974.***

- 9.5 No person may use a reserve or the foreshore as a storage site for any vessel or other watercraft for a continuous period exceeding 7 days while that vessel or watercraft is not being used in the water, unless –

- (a) the person has obtained the prior written permission of an Authorised Officer; or
- (b) it is in an area specially set aside for this purpose.

- 9.6 No person may use or attempt to use any public address system, amplified sound system, motorised model boat, portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment in a reserve except —

- (a) in an emergency; or
- (b) with the prior permission of an Authorised Officer.

## 10. FIRES

- 10.1 No person may light a fire in a reserve except with the prior written permission of an Authorised Officer.

- 10.2 Except that the permission of an Authorised Officer is not required for —

- (a) the lighting of a fire in a fireplace specially provided for that purpose; or
- (b) the use of any gas fired barbeque or other similar self contained cooking device which does not use solid fuel.

- 10.3 Nothing in this clause authorises the lighting of any fire in the open air, if doing so would constitute a breach of any other Bylaw, Act or Regulation (including the Christchurch City Council Urban Fire Safety Bylaw, and any rule in a district or regional plan under the Resource Management Act 1991).

## 11. CAMPING

- 11.1 No person may camp in a reserve unless –
- (a) it is in an area specifically set aside by the Council for camping, and the person has paid any camping fees set by the Council from time to time; or
  - (b) that person has obtained the prior written permission of an Authorised Officer to do so.

## 12. TENTS, STALLS, AMUSEMENT DEVICES ETC.

- 12.1 No person may put up or erect any stall, booth, tent, (excluding any casual shade tent) amusement device or portable play equipment in a reserve unless that person has–
- (a) obtained the prior written permission of an Authorised Officer to do so; and
  - (b) paid any applicable fees set by the Council from time to time.
- 12.2 To avoid any doubt, if a person complies with clause 11, that person is not required to comply with this clause.

***The following note is explanatory and does not form part of the Bylaw, but is intended to explain its general effect: This clause is intended to apply to tents for circuses, carnivals and for corporate hospitality, to stalls, booths, amusement devices e.g. merry-go-rounds or nobby trains and to portable play equipment such as bouncy castles.***

## 13. AIRCRAFT

- 13.1 No person may, without the written permission of an Authorised Officer, and having paid any applicable fees set by the Council from time to time —
- (a) land an aircraft in a reserve, or take off in an aircraft from a reserve; or
  - (b) use an aircraft to set down, pick up, or recover anything in a reserve; or
  - (c) parachute into a reserve.
- 13.2 Nothing in clause 13.1 prevents an aircraft from being used in or over a reserve in an emergency situation.
- 13.3 Despite clause 13.1, a person may operate power driven model aircraft in a reserve if —
- (a) the Council has set aside an area for that purpose, and then only in accordance with such conditions that are set by Council; or
  - (b) with the prior written permission of an Authorised Officer; or
  - (c) the model aircraft:
    - (i) is radio-controlled and either battery or electric powered; and
    - (ii) has a total flying weight of not more than 1.5 kilogrammes; and
    - (iii) does not cause annoyance or inconvenience to other users or to animals on the reserve; and
    - (iv) does not over-fly the boundaries of the reserve; and
    - (v) does not fly in a reserve referred to in clause 13.4.

- 13.4 The Council may by resolution determine any reserve where model aircraft which are radio-controlled and either battery or electric-powered may not be flown.
- 13.5 The Council may by resolution subsequently amend or revoke any resolution made under clause 13.4.

*The following notes are explanatory and do not form part of this Bylaw, but are intended to explain its general effect:*

*The general intent of this clause is to address noise and nuisance issues. Issues concerning privacy and aviation safety and rules are covered by separate legislation.*

*Any resolutions made under clause 13.4 will be recorded in a register and the register will be available on the Council's website or from Council Service Centres.*

#### **14. SPORTING AND OTHER ORGANISED EVENTS**

- 14.1 Sporting events or games may only be held in areas of reserves set aside for that purpose or with the approval of an Authorised Officer.

***The following note is explanatory and does not form part of this Bylaw: Clause 14.1 is not intended to restrict the playing of impromptu games on reserves.***

- 14.2 No person may enter or remain on a marked sports ground area in a reserve when an organised sports game is in progress, unless he or she is a player or is administering the game in some capacity (for example, refereeing or providing first aid assistance).
- 14.3 No person may, without the permission of an Authorised Officer and having paid any applicable fees, hold or organise any organised event in a reserve.
- 14.4 The Council may specify in its permission whether the person —
- (a) may charge an entry fee for the event; or
  - (b) has the exclusive use of a reserve, or any part of a reserve, for the duration of the event.

***The following note is explanatory and does not form part of this Bylaw, but is intended to explain its general effect: An organised event can be a one-off event or a series of events. Events requiring permission include pre-arranged sports games between teams, athletics or cycling events, fairs, festivals, family or other reunion events, church, school, work or social group outings and performances.***

*Permission will generally not be required for a small gatherings in reserves e.g. small a group picnic or impromptu games. The Council's fees and charges for the use of reserves for organised events are set out in the Council's current Annual Plan. For further information contact the Council on 941-8999 or on the Council's website.*



## **Part 3 - Special Areas**

Additional provisions dealing with specific parks and reserves or facilities.

### **15. HAGLEY PARK**

A plan of Hagley Park is contained in Schedule 1

- 15.1 To avoid any doubt, nothing in this Bylaw limits the application of the Christchurch City Council (Reserves) Empowering Act 1971.

### **16. CHRISTCHURCH BOTANIC GARDENS**

A plan of the Christchurch Botanic Gardens is contained in Schedule 2.

- 16.1 Except with the permission of an Authorised Officer, no person may within the Christchurch Botanic Gardens –
- (a) play any organised sports game; or
  - (b) ride a bicycle.
- 16.2 No person may climb any tree within the Christchurch Botanic Gardens.
- 16.3 No person may climb any structure within the Christchurch Botanic Gardens, unless the structure is purposely built for climbing, such as in a playground area.

*The following note is explanatory and does not form part of this Bylaw, but it is intended to explain its general effect: Christchurch's Botanic Gardens were established in 1863 and possess a collection of exotic and indigenous plants, many of which are rare, and, as such, require a higher degree of protection than other reserve areas.*

### **17. RAWHITI GOLF COURSE**

A plan of the Rawhiti Golf Course is contained in Schedule 3.

- 17.1 No person may walk across or remain on any part of the Rawhiti Golf Course unless that person is engaged in a game of golf or is accompanying a person playing golf, or unless they are on a designated public walkway through the golf course.
- 17.2 Clause 17.1 does not apply if the Council has waived this clause, in the public interest, for the purposes of a tournament, competition, or any other occasion.

## **Part 4 – Other Matters**

### **18. BREACHES OF BYLAW**

- 18.1 Every person who breaches this Bylaw, must on request by an Enforcement Officer immediately stop the activity, and leave the reserve if so requested by the Enforcement Officer to do so.
- 18.2 Any person failing with all reasonable speed to comply with a request under clause 18.1 commits a further offence against this Bylaw.

## 19. EXEMPTIONS

- 19.1 This Bylaw does not apply to any person who commits an act that is done —
- (a) in accordance with a valid contract for services with the Council; or
  - (b) by a member of the emergency services in the course of carrying out his or her duties as a member of the emergency services.

## 20. PERMISSION UNDER THIS BYLAW

- 20.1 A permission given under this Bylaw may relate to –
- (a) an activity or event or a series of activities or events, as the case may be;
  - (b) one or more clauses under this Bylaw as is appropriate in the circumstances.
- 20.2 Any permission given under this Bylaw may be subject to such terms and conditions as the Council or Authorised Officer giving the permission thinks fit.
- 20.3 The permission must set out –
- (a) the activity or event or activities or events which is, or are permitted; and
  - (b) the duration of the permission; and
  - (c) the reserve or reserves to which the permission relates. The Council may review any permission given under this Bylaw.
- 20.4 Where this Bylaw refers to written permission, that permission may be in electronic form.

***The following note is explanatory and does not form part of this Bylaw, but is intended to explain its detail: The Council will consider giving generic permissions to groups to enable them to carry out activities on Council reserves where those reserves are not dedicated areas for the playing of sport.***

## 21. REVOCATIONS AND SAVINGS

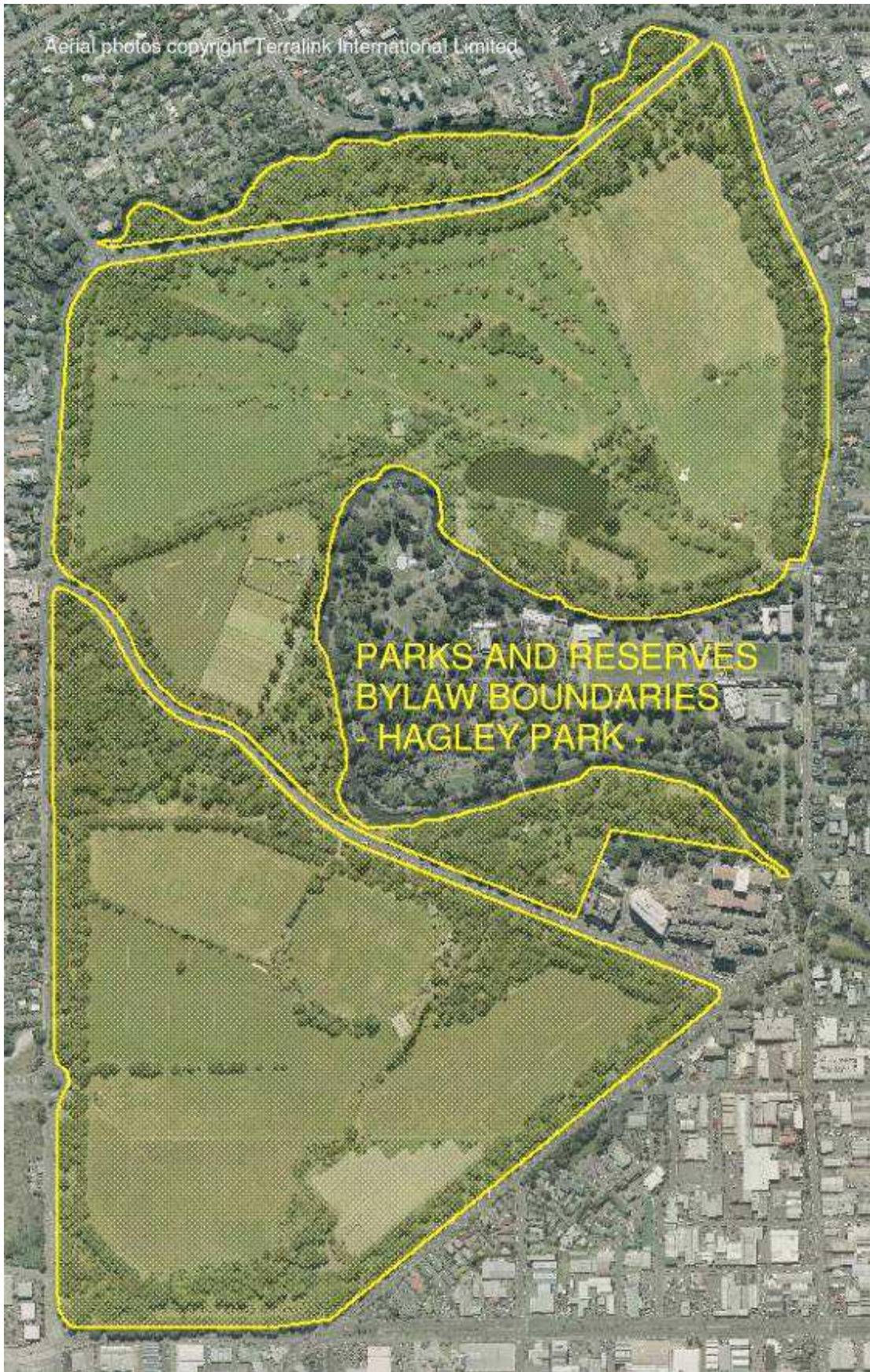
- 21.1 The following Bylaw is revoked by this Bylaw:  
Christchurch City Council Parks and Reserves Bylaw 2008
- 21.2 Any approval, permission or authorisation under the Christchurch City Council Parks and Reserves Bylaw 2008 that is in effect at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clause in this Bylaw.
- 21.3 The revocation of the Bylaw under clause 21.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce the bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

## **22. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008**

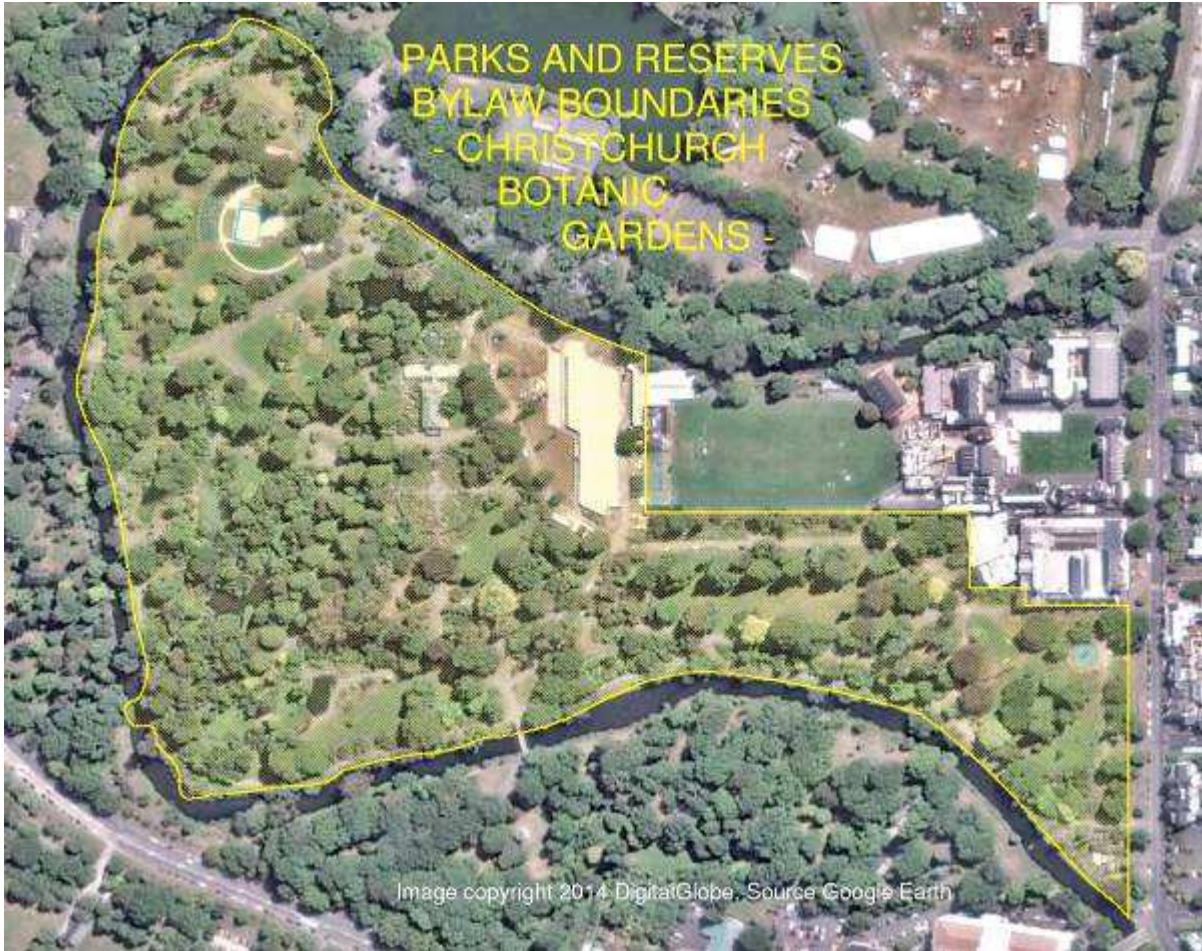
The provisions of the Christchurch City Council General Bylaw 2008 and any Bylaw passed in amendment or substitution are implied into and form part of this Bylaw.

*The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council held on 26 June 2014 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 14 July 2016.*

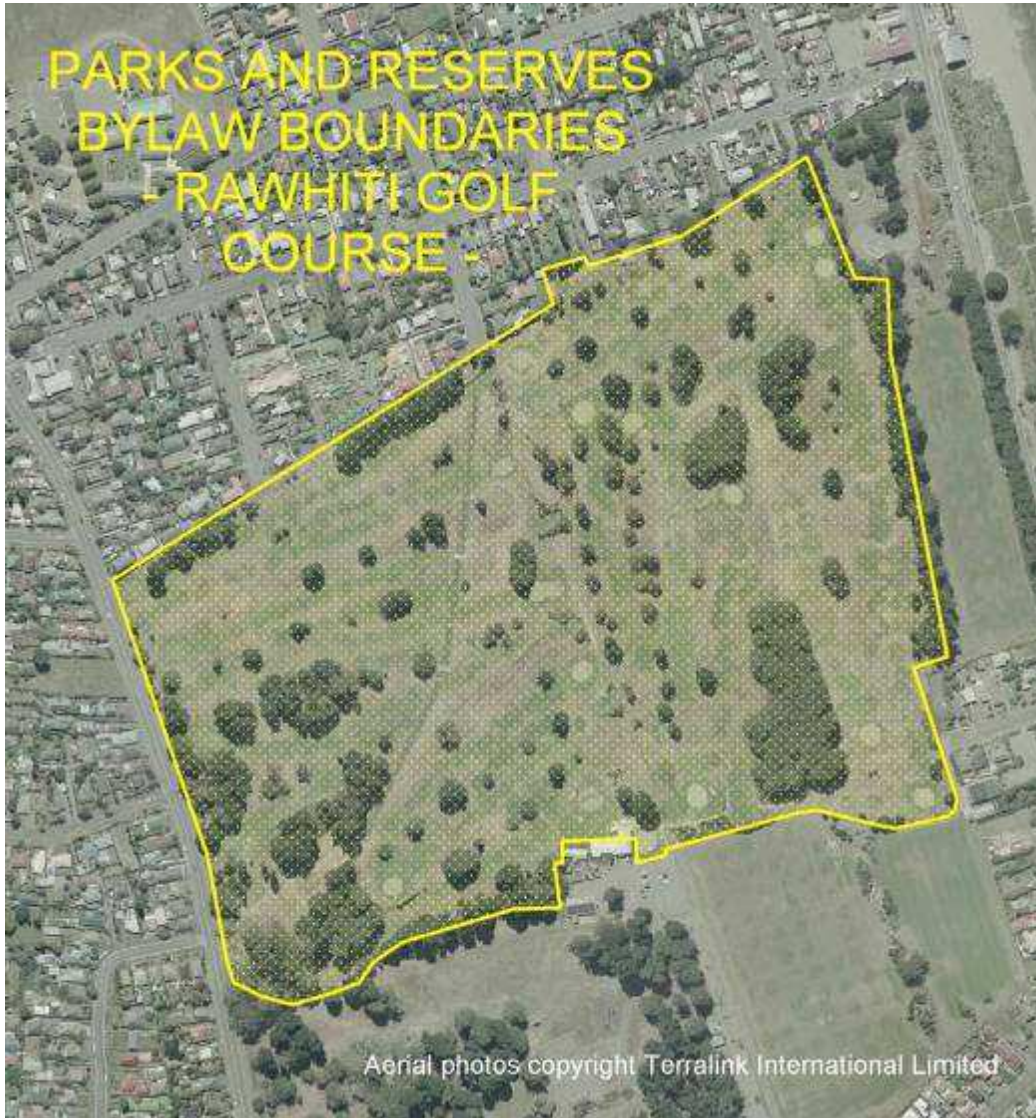
**SCHEDULE 1  
PLAN OF HAGLEY PARK**



**SCHEDULE 2**  
**PLAN OF CHRISTCHURCH BOTANIC GARDENS**



**SCHEDULE 3**  
**PLAN OF RAWHITI GOLF COURSE**



SCHEDULE 4  
PLAN OF AVON HEATHCOTE ESTUARY

