

10 - Reserves and Beaches Bylaw 2017

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PART 10: RESERVES AND BEACHES BYLAW 2017

The Dunedin City Council makes this Bylaw pursuant to the Local Government Act 2002 and the Reserves Act 1977, and the Land Transport Act 1998.

10.1 SHORT TITLE

10.1.1 This Bylaw is the Dunedin City Council Reserves and Beaches Bylaw 2017.

10.2 COMMENCEMENT

10.2.1 This Bylaw comes into force on 30 April 2018.

10.3 APPLICATION

10.3.1 This bylaw applies within the territorial boundaries of the Dunedin City Council.

10.4 PURPOSE

10.4.1 The purpose of this Bylaw is to provide for public safety, and the management and control of reserves and beaches vested in, administered by or under the control of the Dunedin City Council.

10.5 INTERPRETATION

10.5.1 In this Bylaw, unless the context requires otherwise –

Aircraft means any man-made device capable of flight, including but not limited to aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (including model aircraft, and drones), and radio controlled aircraft, excludes handheld kites.

Authorised Officer means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf, and includes an Enforcement Officer.

Beach means that land that is not privately owned and is that area of coastal land being the dune systems, banks, shore, salt marshes, estuaries, and other land that is covered and uncovered by the flow and ebb of the tide.

Camp means to reside in or sleep whether or not in a structure, tent or vehicle.

Council means the Dunedin City Council.

Ecologically Sensitive Area means those areas listed in Schedule 2.

Enforcement Officer means any person appointed or authorised in writing by the Chief Executive or by the Council to enforce the provisions contained in this Bylaw, and includes any rangers appointed by Council under the Reserves Act.

Flora means any plant in any reserve or on any beach, and includes but is not limited to trees, plants, shrubs, flowers, fruits, seeds, pods, cones, ferns, greenery or other foliage. Flora does not include seaweed taken for domestic use.

Fauna means any animal or insect in any reserve or on any beach.

Reserve means any open space, park, garden, or land set apart for public purpose, under the control or ownership of the Council, whether or not dedicated as a reserve under the provisions of the Reserves Act 1977, and includes any buildings, structures, amenities, vegetation, and memorials within.

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

Vehicle means any means of transport whatsoever which is equipped with wheels or revolving runners or tracks regardless of its means of motive power, and is not limited to cars, trucks, motorbikes, bicycles, Segways and skateboards, but does not include:

- (a) Kite buggies or wind powered vehicles;
- (b) Prams; or
- (c) Wheelchairs; or
- (d) Mobility scooters used by persons with a physical or neurological condition.

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, but does not include stand-up paddle boards, surfboards, body boards, sail boards or wakeboards.

10.6 ACCESS TO RESERVES AND BEACHES

10.6.1 Reserves and beaches will be open to the public at all times, except –

- (a) During such hours as the Council may from time to time otherwise determine;
- (b) If the reserve or beach is temporarily closed by Council, the appropriate signage is provided by Council to inform the public of such closure.

10.6.2 No person, other than an Authorised Officer, or person permitted by an Authorised Officer or Enforcement Officer, may enter or remain in any part of a reserve or on any beach that is closed to the public.

10.7 CONDUCT OF PERSONS IN RESERVES AND BEACHES

10.7.1 No person in a reserve or on a beach may –

- (a) Intentionally obstruct, disturb, or interfere with any other person in the use or enjoyment of the reserve or beach;
- (b) Undertake any activity likely to be injurious to any person or likely to damage any property.

10.7.2 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may –

- (a) Take on to any reserve or beach, or use any weapon including a firearm, air gun, bow and arrow, catapult, animal trap;
- (b) Disturb, interfere with, or remove any flora or fauna;

- (c) Plant any flora, or introduce any substance that may be injurious to plant or animal life;
- (d) Cause any damage to any part of a reserve or beach (including structures or fixtures);
- (e) Enter or leave any reserve except through the openings, gateways, entrances, ramps or exits;
- (f) Enter or remain on any reserve or beach if it has been closed by the Council.

10.8 ANIMALS

10.8.1 No person in a reserve or on a beach may –

- (a) Bring any animal into a reserve or onto a beach or allow any animal in his or her custody, charge or control to be in any part of a reserve or on any beach, except:
 - (i) Any dog being exercised in accordance with the Dog Control Bylaw; or
 - (ii) Any horse brought into a permitted area specified in Schedule 1 using formed or designated access points; or
 - (iii) If permission has been granted by an Authorised Officer; or
 - (iv) The reserve or beach has been booked and a permit issued for an event allowing the presence of animals.

Explanatory note:

For control of dogs upon reserves and beaches in Dunedin, see the Dunedin City Council Dog Control Bylaw 2016, or any replacement.

10.9 TENTS, STALLS AND TRADING

10.9.1 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may –

- (a) Erect stalls, tents, swings, amusement devices or structures of any kind (but excluding casual shade tents);
- (b) Conduct any trading, other than in accordance with a Mobile Trading Licence specifically permitting trading in the reserve or on the beach;
- (c) Post or distribute notices or erect any signs.

10.10 ORGANISED EVENTS

10.10.1 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may –

- (a) Hold, conduct, or take part in any public meeting, or assembly of any kind that causes damage or unduly restricts other people's use of the reserve or beach;
- (b) Hold, conduct, or take part in any organised sporting event or games, or other organised event.

Explanatory notes:

Permission will generally not be required for small gatherings in reserves or beaches (eg. picnics).

An organised event can be a one-off event, or a series of events. The type of events that require permission are pre-arranged sports events, fairs, festivals, and performances.

10.11 FIRES

10.11.1 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may –

- (a) Light or cause to remain alight, any fire, except the use of any gas fired barbecue or other self-contained cooking device provided by the Council for that purpose is allowed;
- (b) Set off any fireworks.

10.11.2 Nothing in this clause authorises the lighting of any fire in the open air if doing so would contravene any other Bylaw, Act, or Regulation.

10.12 CAMPING

10.12.1 No person in a reserve or on a beach may Camp unless –

- (a) It is in accordance with the Dunedin City Council Camping Control Bylaw 2015, or any replacement, and that person has paid any camping fees (if relevant); or
- (b) That person has obtained written approval from an Authorised Officer.

Explanatory note:

For the permissions and restrictions upon camping in reserves and beaches in Dunedin, see the Dunedin City Council Camping Control Bylaw 2015, or any replacement.

10.13 WASTE AND SEWAGE

10.13.1 No person in a reserve or on a beach may –

- (a) Place or leave any rubbish or litter of any description, except in any receptacle provided;
- (b) Pollute any water on any reserve or beach;
- (c) Dispose of grey water or sewage, except in designated disposal points;
- (d) Cause or permit wastage of any water supply;
- (e) Abandon or dump any vehicle, vessel or other structure.

10.13.2 The owner of any horse that defecates on or near an access point must immediately remove the droppings.

10.14 VEHICLES, VESSELS, AIRCRAFT AND OTHER MAN MADE DEVICES

10.14.1 No person in a reserve or on a beach may –

- (a) Drive, ride or park, or otherwise bring any vehicle or trailer into a reserve or onto a beach, except:
 - (i) To access any beach by the most direct formed route to launch or retrieve a vessel; or
 - (ii) For access by any lifeguard or emergency services acting in the course of his or her duty. This includes monitoring swim areas and training events; or
 - (iii) On any part of the reserve or beach set aside by the Council for vehicular traffic, such as driveways, carparks, and shared paths, provided that person is operating in accordance with all restrictions set by Council; or
 - (iv) Where permission has been granted by an Authorising Officer.
- (b) While using a motorised vehicle, exceed any speed limit that applies under this clause. The speed limit will either be:
 - (i) The speed limit shown on a sign; or
 - (ii) The speed limit prescribed by Council resolution under this clause; or
 - (iii) Where no speed limit has been fixed, the speed limit is 10 kilometres per hour.
- (c) Drive, ride or park, or otherwise bring any vehicle or trailer into a reserve or onto a beach in a manner that:
 - (i) Causes damage to the reserve or beach; or
 - (ii) Causes a nuisance to another person; or
 - (iii) Is dangerous, or might be dangerous to the public or any other person.
- (d) Stop or leave any vehicle or trailer in a manner that obstructs any part of an entrance to, or path or track in the reserve or beach.

10.14.2 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may –

- (a) Use power tools;
- (b) Use equipment for removing or cutting vegetation.

10.14.3 Without the prior permission of an Authorised Officer, or Council resolution permitting the activity, no person in a reserve or on a beach may fly, use or land any aircraft. This restriction does not apply to drones weighing under 1.5kg which may be used in accordance with of the relevant Civil Aviation Authority of New Zealand Rules applying to drones (UAV's), provided they are not used in the ecologically sensitive areas listed in Schedule 2.

10.14.4 Nothing in this clause prevents an aircraft from being used in or over a reserve or beach in an emergency situation.

10.15 ECOLOGICALLY SENSITIVE AREAS

10.15.1 Without the prior permission of an Authorised Officer for approved conservation activities no person may bring or allow to be in any part of an ecologically sensitive area any:

- (a) Animal in his or her custody;
- (b) Vehicle;
- (c) Vessel;
- (d) Aircraft.

10.16 PERMITS

10.16.1 Permissions under this Bylaw

- (a) 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.
- (b) Any permission given must be written (and can be electronic) and must set out:
 - (i) The activity(ies) or event(s) permitted; and
 - (ii) The duration of the permission; and
 - (iii) The particular reserve or beach that the permission relates to.

10.16.2 Any person given permission under this Bylaw must comply with all terms and conditions of the permission.

Explanatory note:

The Council is able to give permissions to people to enable them to carry out activities on reserves and beaches where not already dedicated areas for the activities.

10.17 EXEMPTIONS

10.17.1 This Bylaw does not apply to any person who acts –

- (a) In accordance with a valid contract for services with the Council; or
- (b) As a member of the emergency services in the course of carrying out his or her duties; or
- (c) In accordance with the terms and conditions of a lease or a licence.

10.18 ENFORCEMENT AND PENALTIES

10.18.1 Offences

- (a) Every person who breaches this Bylaw commits an offence under section 239 Local Government Act 2002 or section 104 Reserves Act 1977 or section 22AB Land Transport Act 1998.

10.18.2 Any person failing to comply with the direction of an Enforcement Officer commits a further offence against this Bylaw; Penalties and remediation –

- (a) Every person who breaches this Bylaw must, on request by an Enforcement Officer immediately stop the activity, and leave the reserve or beach if requested by the Enforcement Officer to do so;

- (b) Any aircraft, animal, vehicle or other item in a reserve or on a beach in breach of this Bylaw may be removed by any Police or Enforcement Officer at the expense of the driver or owner;
- (c) Any work or thing that has been constructed in breach of this Bylaw can be removed or altered by an Authorised Officer;
- (d) The person who committed an offence can be liable for the cost of removal or alteration of an unauthorised structure or rubbish or other litter.

10.18.3 A person convicted of an offence for breaching this Bylaw is liable to a fine not exceeding \$20,000 under the Local Government Act 2002, a fine not exceeding \$5,000 under the Reserves Act 1977, and a fine not exceeding \$500 under the Land Transport Act 1988.

10.18.4 Revocations

- (a) The Dunedin City Council Reserves Bylaw 2005 is revoked by this Bylaw;
- (b) Any approval, permission or authorisation under the Dunedin City Council Reserves Bylaw 2005 that is in effect at the commencement of this Bylaw continues to have effect for the purposes of this Bylaw, but is subject to the application of any relevant clause in this Bylaw.

SCHEDULE 1: WHERE HORSES ARE ALLOWED

- 1 Ocean Grove Recreation Reserve – Tomahawk Beach and Smaills Beach;
- 2 Waikouaiti Beach;
- 3 Island Park Recreation Reserve Beach (Beach and formal access tracks to beach only);
- 4 Ocean View Recreation Reserve (area leased by Brighton Pony Club);
- 5 Westwood and Ocean View Beaches (from Kaikorai Estuary down to the Braids Hill car park);
- 6 Brighton Beach (from south of opposite Barneys Island to the Taieri River mouth);
- 7 Doctors Point, Long Beach and Purakaunui Inlet (excluding the caves and Mapoutahi-see Schedule 2 Ecologically sensitive areas);
- 8 Warrington Beach (excluding the mudflats); and
- 9 Whareakeake Beach (Murdering Beach).

SCHEDULE 2: ECOLOGICALLY SENSITIVE AREAS

- 1 Okia Reserve/Victory Beach
- 2 Taiaroa Head/Albatross Colony
- 3 Back Beach/Shelly Beach (area to be defined)
- 4 Otapahi Beaches
- 5 Otekiho Reserve and Beach
- 6 Brighton Beach opposite Barneys Island (penguin nesting area)
- 7 Doctor's Point (from the caves to Mapoutahi)

Advice note:

Note that the Aramoana salt marsh and the Aramoana beach north of Keyhole Rock, Boulder Beach, Sandfly Bay and Allans Beach are all managed by the Department of Conservation, and are not included in the controls under this Bylaw.

SCHEDULE 1: WHERE HORSES ARE ALLOWED

Beach Access Points for Horses and Boats

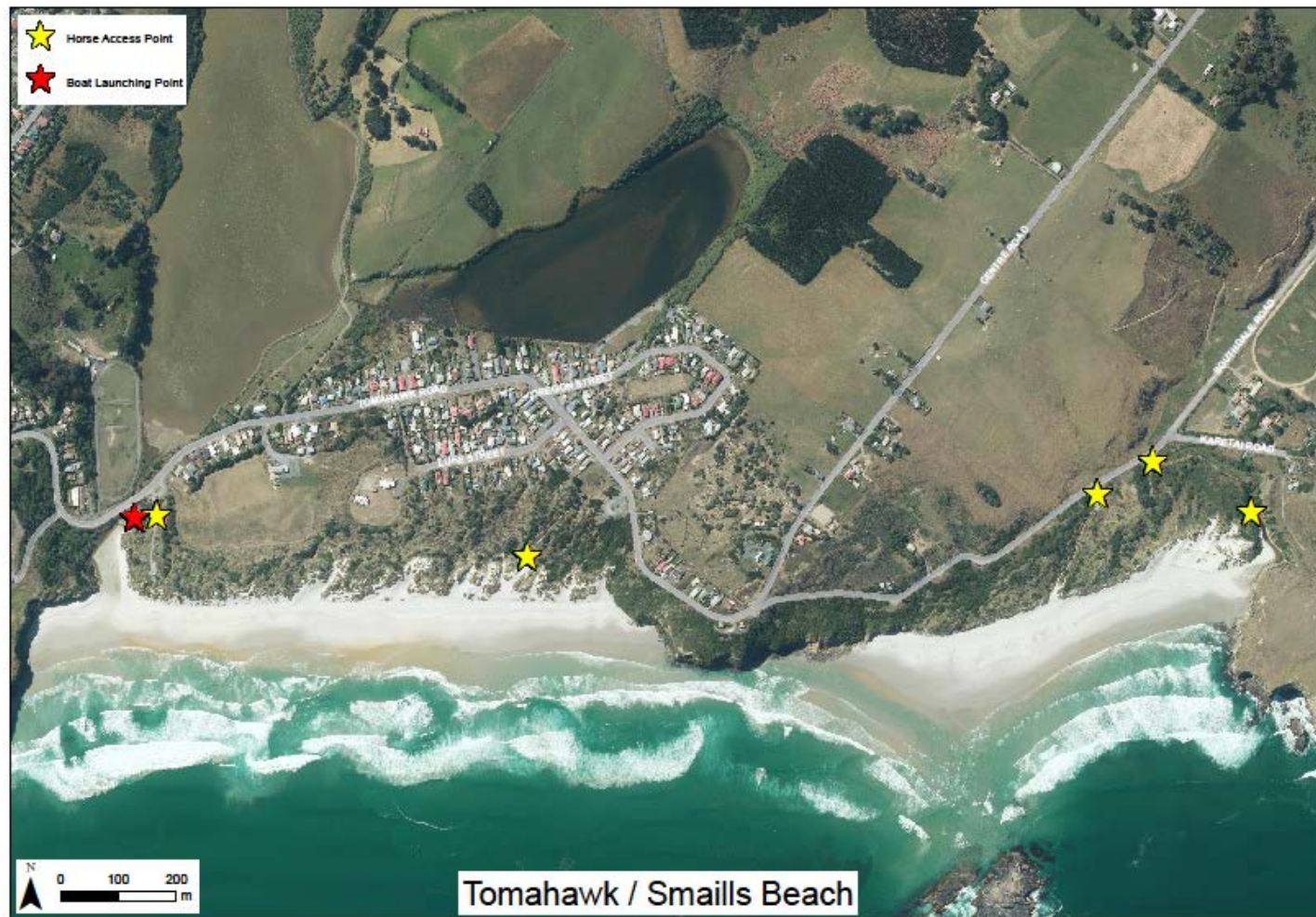


Table 1 – Ocean Grove Recreation Reserve - Tomahawk/Smaills Beach



Table 2 - Waikouaiti Beach



Table 3 - Island Park Recreation Reserve



Table 4 - Ocean View Recreation Beach



Table 5 – Westwood and Ocean View Beaches



Table 6.1 - Brighton Beach



Table 6.2 - Brighton



Table 7.1 - Doctors Point



Table 7.2 - Long Beach



Table 7.3 – Purakaunui Inlet



Table 8 - Warrington Beach



Table 9 – Whareakeake Beach (Murdering Beach)