

Auckland Regional Council  
Parks Bylaw 2007



Auckland  
Regional Council  
TE RAUHĪTANGA TAIAO

# EXPLANATION

The Council is authorised under section 149 of the Local Government Act 2002 to make bylaws managing the use of regional parks that it owns or administers.

This Bylaw manages activities so that these parks can be used for their intended purpose without users being subject to hazard, nuisance or activities that may adversely affect their health, safety and wellbeing.

It provides for the protection of the natural and heritage resources, land, buildings and structures of all regional parks, from damage or loss through any human activity.

Parks management plans identify activities that can be undertaken as of right without approval, activities for which written approval is required and activities which may not occur in any circumstances (prohibited activities). The Bylaw ensures compliance with parks management plans and these plans should be referred to when interpreting the bylaw.

The Bylaw does not prevent or inhibit any lawful regional parks management or emergency services activity.

The Dog Control Act 1996 and bylaws of city and district councils apply across all regional parks and for this reason dog control is not part of this bylaw except where specifically mentioned (clauses 4.1(a) and 6.1(d)).

# 1.0 BYLAW ADMINISTRATION

- |     |  |  |
|-----|--|--|
| 1.1 | This Bylaw is cited as the 'Auckland Regional Council Parks Bylaw 2007' and applies to all Regional Parks owned or administered by the Auckland Regional Council.  | <i>Name and application</i>              |
| 1.2 | This Bylaw shall come into force on 1 December 2007.   | <i>Operative date</i>                    |
| 1.3 | This Bylaw is in addition to all other Council powers under the Reserves Act 1977, the Local Government Act 2002, reserves and regional parks management plans and any other Acts and policies applying to Auckland Regional Parks.  | <i>Relationship with other Acts etc.</i> |
| 1.4 | This Bylaw shall not apply to:<br><br>(a) officers or agents of the Council exercising their lawful functions; or,<br><br>(b) emergency services and civil defence personnel carrying out public duties; or<br><br>(c) an activity undertaken within the terms of a prior written approval from the Council. | <i>Exceptions</i>                        |

## 2.0 DEFINITIONS

2.1 **'Act'** means the Local Government Act 2002 and amendments;

**'aircraft'** means any man made device using air as its medium for movement from place to place and includes helicopter, glider, and hot air balloon. It does not include a parachute, or a hang glider, kite or model aircraft, whether powered or not powered;

**'animal'** means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs;

**'authorised officer'** means any person appointed by the Council as an enforcement officer under section 177 of the Act and holding a warrant to enforce this Bylaw, and includes any Police Constable;

**'authorised sign'** means a Council approved sign bearing its corporate logo;

**'Council'** means the Auckland Regional Council or an officer authorised to act on its behalf;

**'emergency services'** means police, fire or ambulance personnel and ancillary services such as search and rescue;

**'ingest'** means to take into the body, whether by mouth, injection, inhalation, or other means;

**'litter'** shall have the meaning, given to it in section 2 of the Litter Act 1979;

**'material or thing'** means any natural or man-made element or substance, including but not limited to vegetation, sand, rock, wood, etc.

**'motor vehicle'**, shall have the meaning, given to it in section 2 of the Land Transport Act 1998;

**'nuisance'** shall have the meaning given to it by section 29 of the Health Act 1956 and includes a person, thing, or circumstance causing distress or unreasonable interference with the peace, comfort or convenience of any person;

**'parks management plan'** means an adopted management plan for any regional park;

**'person'** means a natural person or a corporate or unincorporated body of persons;

**'proscribed substance'** means a mind-altering substance, whether synthetic or naturally occurring which, substance might alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations in a person, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed; or
- (b) substances purchased from a pharmacy without medical prescription; or
- (c) alcohol as defined in the Sale of Liquor Act 1989; or
- (d) nicotine;

**'regional park'** means:

- (a) land that is a regional park of the Council pursuant to section 139[1] of the Local Government Act 2002;
- (b) land that the Council controls and manages as administering body pursuant to the Reserves Act 1977 or any other statute or authorisation;

**'sign'** means any display of posters, placards, hoardings, handbills, writings, pictures, images, murals and logos, or devices, (including but not limited to blimps, balloons, flags, sandwich boards and banners) for advertising or other purposes, together with any frame or support;

**'stock'** means any animal (except dogs), and its young, kept in captivity and dependent on humans for its care and sustenance;

**'trading'** means having or offering for sale, or making available for sale, goods or services;

**'vehicle'** means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved and includes any caravan, hovercraft, skateboard, in line skates or similar recreational devices, but does not include:

- (a) a baby carriage;
- (b) a wheel barrow or hand trolley;
- (c) a non-motorised child's toy including a tricycle and a bicycle, provided, in either case, no road wheel [including any tyre] has a diameter exceeding 335mm;
- (d) any other contrivance specified by the Council;

**'waahi tapu'** means a place sacred to the Maori people;

**'written approval'** means approval to undertake a specific activity provided through, but not restricted to, provisions in parks management plans and contracts (leases, licences, concessions, consents, permits or similar mechanisms).

## 3.0 NUISANCES, OBSTRUCTION AND OFFENSIVE BEHAVIOUR

3.1 No person shall behave in such a way so as to cause any nuisance, or any obstruction, or be offensive, including but not limited to:

- |   |   |
|---|---|
| (a) painting, drawing, writing, marking or distributing any graffiti, or offensive or indecent matter of any kind; or                                       | <i>Graffiti and indecent matter</i>           |
| (b) using indecent or obscene language; or  | <i>Obscene language</i>                       |
| (c) acting in a disorderly or intimidating manner; or   | <i>Disorderly behaviour</i>                   |
| (d) chasing, unlawfully interfering with, or causing distress or injury to any stock or other animal; or  | <i>Interference with animals</i>              |
| (e) ingesting any proscribed substance, or being under the influence of alcohol or proscribed substances so as to be offensive or cause a nuisance; or      | <i>Proscribed substances and intoxication</i> |
| (f) placing, leaving any material, or thing [including a vehicle of any kind], so as to obstruct the public right of passage on any road, passage or track. | <i>Obstruction</i>                            |

## 4.0 PROHIBITED ACTIVITIES

4.1 No person shall:

- (a) carry out an activity that is likely to be dangerous or injurious to the health of any person or animal (including dogs); or *Dangerous or injurious activities*
- (b) possess or use any weapon or instrument of a dangerous nature, or light any firework or signal flare [except in an emergency]; or *Dangerous weapons, or fireworks*
- (c) create in any way any sound or noise that is a nuisance to other persons; or *Noise*
- (d) light any fire in the open air except in a barbeque or Council provided fireplace; or *Lighting of fires*
- (e) deposit, or leave any flammable object, noisome material, noxious substance, or pollutant, either on land or, where applicable, in or onto water; or *Flammable objects, or pollutants*
- (f) drive any vehicle or use any other vehicle so as to be a danger to any person[s]; or *Use of motor or other vehicles*
- (g) park any vehicle other than in a place set aside by the Council for that purpose; or *Parking*
- (h) use any motor vehicle other than on any track or road provided for motor vehicles; or *Motor vehicles off road*
- (i) enter into or remain on any regional park, or part thereof, that is closed to public access or temporarily restricted to the public; or *Restricted areas*
- (j) deposit any litter otherwise than in a receptacle provided for that purpose; or *Litter*
- (k) land in an aircraft or having landed allow the aircraft to remain in any regional park [except in an emergency]. *Aircraft*

4.2 No person shall carry out any activity that is prohibited by a parks management plan. *Prohibited by parks management plan*

4.3 No person shall act contrary to, or fail to comply with, a direction for compliance with this Bylaw by an Authorised Officer. *Compliance with lawful instruction*

## 5.0 DAMAGE

5.1 No person shall cause or threaten to cause damage to, deface, or interfere with any Council property, natural or other, including but not limited to:

- |   |                                    |
|---|------------------------------------|
| (a) depositing, removing or damaging any material, land, buildings, structures, surfaces, vegetation; or  | <i>Land, buildings, vegetation</i> |
| (b) unlawfully damming or in any other way restricting the flow of any watercourse, taking excessively or interfering with, or wasting any natural or reticulated water; or | <i>Water</i>                       |
| (c) interfering with or damaging any archaeological, heritage, historic or waahi tapu site; or  | <i>Protected sites</i>             |
| (d) removing or damaging any artefact; or   | <i>Artefacts</i>                   |
| (e) interfering with the operation of any regional park, or any park activity, gate or structure, so as to endanger public health and safety.                               | <i>Interference</i>                |

## 6.0 ACTIVITIES REQUIRING APPROVAL

- 6.1 No person shall, without the prior approval of the Council, or as approved by way of authorised signs:
- (a) enter or remain for the purpose of carrying out any activity for which approval is required under a parks management plan or other regulation, without first having obtained that written approval; or *Activity without written approval*
  - (b) put up or erect any structure of any kind, or live or camp in any building, tent, structure or vehicle; or *Put up, or live in tents, structures, or vehicles*
  - (c) bring in, leave, plant, remove or interfere with any tree, shrub or plant of any kind or part thereof or sow or scatter the seed of any tree, shrub or plant of any kind; or *Interfere with trees, shrubs and plants*
  - (d) unlawfully bring in, leave or remove any animal (including dogs); or *Animals*
  - (e) organise, hold or conduct, or attempt to hold or conduct, any assembly of any kind or conduct themselves so as to in any way impede persons or traffic; or *Assemblies*
  - (f) carry out any commercial activity, trading activity, or solicit any subscription, collection or donation; or *Trading or soliciting, etc.*
  - (g) put up, display or leave any sign. *Signs*
- 6.2 Any written approval given under 6.1(a) must be produced when requested at any time by an Authorised Officer. *Production of written approval*
- 6.3 No person shall having committed a breach of this Bylaw remain in the park after being requested to leave by an authorised officer, that officer having first informed that person of the breach. *Illegal presence*

## 7.0 BREACHES AND OFFENCES

7.1 Every person commits a breach of this Bylaw who:

- (a) fails to obey a lawful instruction on being requested to do so, by an Authorised Officer; or
- (b) is party to, or incites to be done, anything that is a breach of this Bylaw; or
- (c) knowingly permits or allows anything to be done that is a breach of this Bylaw; or
- (d) obstructs or hinders any authorised officer of the Council in the performance of his or her duties under this Bylaw.

### *Breaches*

*Failure to obey  
lawful instruction*

*Commits a breach*

*Permits a breach*

*Obstruction of an  
Authorised Officer*

## 8.0 PENALTIES FOR BREACH OF BYLAW

- |     |  |  |
|-----|--|--|
| 8.1 | In the event of any breach of this Bylaw the Council may act under Sections 162, 164, 175, 176, 178, 239, 242 and Subpart 3 'Infringement offences' of the Act and may, with or without the assistance of the police, take such action as is necessary to stop the breach. | <i>Action against offences</i>           |
| 8.2 | Every person who breaches this Bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 and where the breach is a continuing one a further fine for every day on which the breach is continued.   | <i>Penalties on conviction</i>           |
| 8.3 | In addition to the powers under clause 8.1 to act upon any breach of this Bylaw, the Council may pursuant to section 163 of the Act:   | <i>Removal of illegal structures etc</i> |
|     | (a) remove or alter a work or thing that is, or has been constructed or set up in breach of this Bylaw; and  |  |
|     | (b) recover the costs of removal or alteration or loss or damage to public property arising as a consequence of any such breach.   | <i>Cost recovery</i>                     |
| 8.4 | Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name, and address.  | <i>Name, and address to be supplied</i>  |