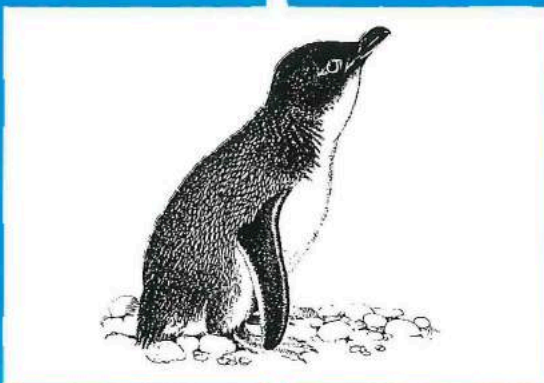


Little Blue Penguin Reserve Management Plan

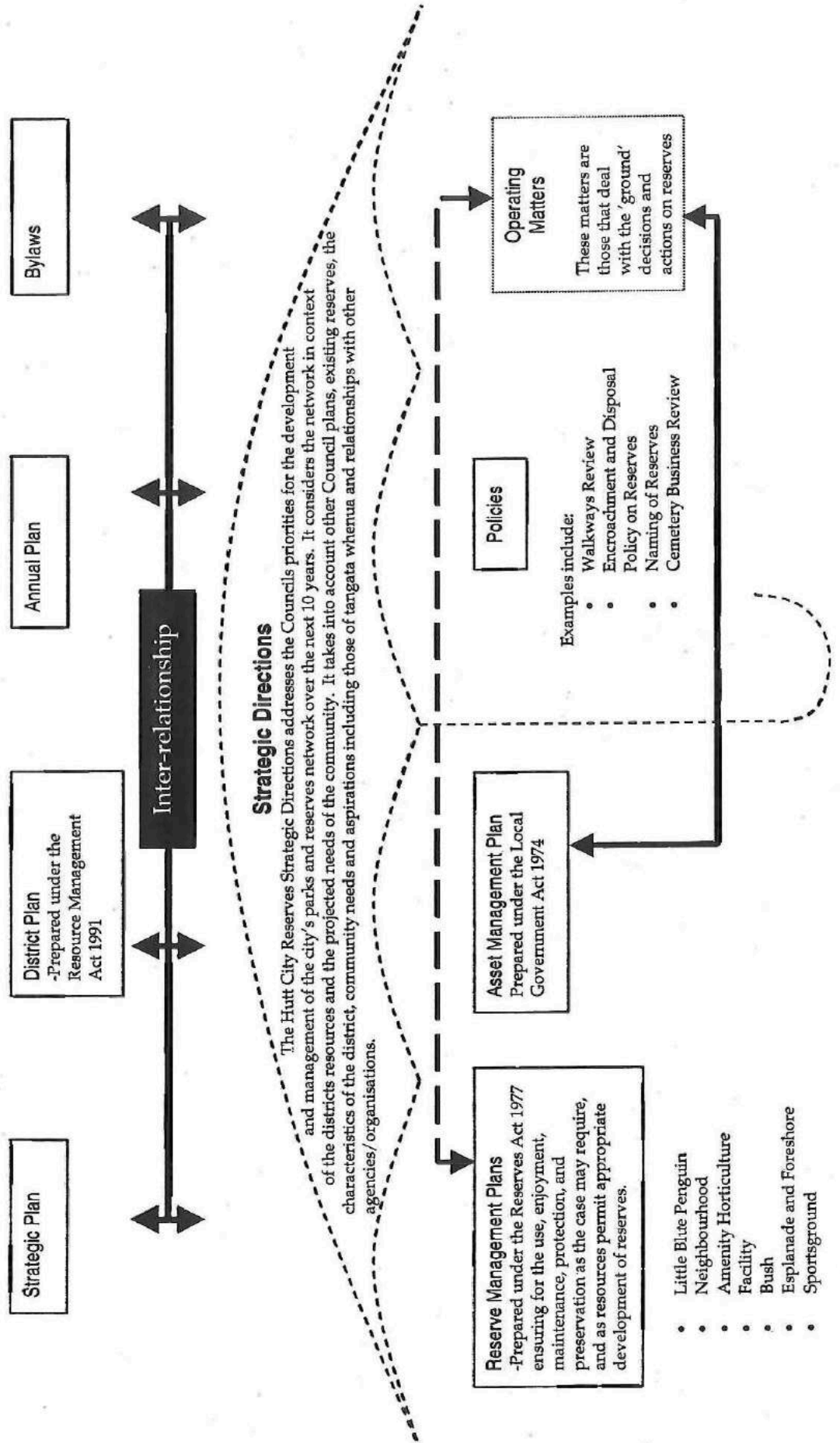
Review 2003



Council Framework Regarding Reserve Management

The responsibility and statutory requirements towards reserve management needs to be clearly identified. The following diagram displays the relative positioning of the documents that effect the management of reserves and how those documents relate to each other.

All parts of Council need to reflect the approach and provisions adopted in the documents below:





PREFACE

Under the Reserves Act 1977, the Hutt City Council is required to prepare Management Plans for the reserves under its control, management, or administration. The management plan is to provide for and ensure the use, enjoyment, maintenance, protection, preservation and appropriate development of reserves.

The Hutt City Council has taken the approach of developing Management Plans that cover all reserves and fee simple land used as reserves, of similar characteristics and management. The categories of the Management Plans are:

- **Bush**

Bush Reserves are open space areas that are set aside predominantly for passive purposes. Bush Reserves generally vary in botanical content and quality but provide habitat opportunities, visual appeal in terms of landscape values (green space), and recreational opportunities.

- **Sportsgrounds**

This Management Plan covers sportsgrounds or any part of recreational grounds associated with sports and associated facilities that primarily provide for formally organised sporting activities.

- **Facility**

Facility Reserves are those reserves where the principal use is a facility for community activities supporting sporting, educational and recreational activities.

- **Neighbourhood**

Neighbourhood Reserves are located within residential areas and are essentially characterised by open space, with low levels of development, children's playgrounds and unstructured activity. Recreation activities generally consist of passive and active forms of recreation such as walking, playing and informal ball games. Neighbourhood Reserves contribute to the appearance of surrounding areas by providing areas of open space and limited vegetation.

- **Amenity Horticulture**

Amenity Horticulture Reserves are open spaces with a diversity of functions, but managed predominantly for horticultural purposes. Areas within these reserves are intensively cultivated and contain a wide variety of species and shrubs, and flower display areas, available for public enjoyment and passive and active recreational opportunities.

- **Esplanade and Foreshore**

Esplanade and Foreshore Reserves are linear areas of land adjacent to a body of water or water course. This includes the harbour, lakes, rivers, streams, and some drainage ditches throughout the City.

- **Little Blue Penguin**

This Management Plan is for the Little Blue Penguin Haven in Days Bay. It involves two lots that are vested as Local Purpose Reserve (Wildlife Management) under the Reserves Act 1977, and the parts of another two Council owned parcels of Land.

There are a number of 'Multi' reserves included within the series of Reserve Management Plans. Multi reserves are those reserves that contain differing characteristics and management within the one land parcel. This in turn means that more than one Management Plan applies to that area. The following reserves are considered to be 'Multi'.

- | | |
|--|------------------------------|
| Avalon Park | Ngaturi Park |
| Bryan Heath Park | North Park |
| Delaney Park | Richard Prouse Park |
| Dowse Drive Reserve | Sladden Park |
| Frank Cameron Park | Taita Cemetery |
| Hikoikoi Reserve / McEwan and Lions Park | Te Whiti Park |
| Hutt Rec / Huia Pool | William Jones Park |
| HW Shortt Park | William Jones Swimming Pool |
| Leonard Wood Park | Williams Park |
| Memorial Park/Garden of Remembrance | Wingate Park |
| Naenae Park | Wise Park/Hugh Sinclair Park |

The overall design and structure of the Management Plans are generic in nature allowing the application of general policy while providing flexibility in the application of specifics to reserves with unique characteristics. The Management Plans are not exhausted with the specific detail of development proposed for every reserve in the City, but rather use policies to guide any future development and operations in a consistent manner.

The Reserve Management Plans are to be used alongside the Hutt City Council Reserves Draft Strategic Directions and the City of Lower Hutt Proposed District Plan in achieving any outcomes.

On Tuesday 27 May 2003 Hutt City Council confirmed the completion of the review of the Little Blue Penguin Reserve Management Plan under the Reserves Act 1977. The 2003 Reviewed Plan is now adopted as Council policy and is operational under the Reserves Act 1977.

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1. INTRODUCTION

1.1 Management Plan Review Process

This document is a review of the Little Blue Penguin Reserve Management Plan, first published in January 1997. The review of management plans is a requirement under section 41(4) of the Reserves Act 1977. "The administering body of any reserve shall keep its management plan under continuous review, so that, subject to subsection (3) of this section, the plan is adapted to changing circumstances or in accordance with increased knowledge".

Under the Reserves Act Guide 1999 "Generally, plans should be reviewed at a minimum of 10 year intervals and need not involve a complete rewriting". The Hutt City Council employs a best practice approach with a document review process to be completed on a five year turn around period. This ensures that any management or operational changes are accurately reflected and addressed within the management plan.

The review of the Little Blue Penguin Reserve Management Plan is a process that largely allows information to be updated and also ensures that the style and format is consistent with the current series of management plans, ensuring ease of use and coherency.

1.2 Purpose of a Reserve Management Plan

The purpose of this Management Plan is to provide a policy framework for the use, enjoyment, maintenance, protection, and appropriate development of the Little Blue Penguin Reserve (hereafter referred to as "the Penguin Haven"). This Management Plan along with the other management plans for the city's reserves will ensure consistency across the management of all reserves within the City. This Management Plan shall supersede the past Reserve Management Plan that applied to the Penguin Haven (dated April 1997). This Management Plan applies to the parcels listed in Appendix 1 and presented in Appendix 2, regardless of classification under the Reserves Act 1977, and has been prepared in accordance with the procedures outlined in section 41 of the Reserves Act 1977.

1.3 Identification of the Penguin Haven

The Penguin Haven is made up of Lots 5 and 6 and part of Lot 7 DP 1694, being Part CT 498/171 Wellington Registry and Part of Sec. 82 Harbour District SO 28357 being Part CT 20D/295. Council is the owner of all of these lots. Lots 5 and 6 DP 1694 are vested as Local Purpose Reserve (Wildlife Management) under the Reserves Act 1977. Although Lot 7 DP 1694 and Sec. 82 Harbour District (Days Bay Pumping Station site) are not part of the local purpose reserve, the maintenance and further development of the Penguin Haven area on these sites will be covered by this management plan. All references to the Penguin Haven are therefore inclusive of the haven area developed on Lot 7 DP 1694 and Sec. 82 SO 28359.

The provisions of this management plan are strictly limited to the area developed as a penguin nesting area on Lot 7 and Sec. 82, and do not include any part of the pumping station operation, or preclude any future development necessary on Lot 7 and Sec. 82 as part of the pumping operation.

1.4 Existing Documents and Provisions

Currently there are several documents and provisions that also address, and are of relevance to, the Penguin Haven. The documents include:

The Wellington Conservation Management Strategy

The strategy is prepared by the Department of Conservation, and endorsed by the Wellington Conservation Board, the Minister of Conservation and the New Zealand Conservation Authority. The Strategy contains objectives and policies concerning the management of protected species such as the Little Blue Penguin. Regard needs to be taken of the objectives and policies, implementation methods, and background information contained in the Strategy in carrying out this management plan.

Regional Coastal Plan for the Wellington Region 2000

This Plan is a statutory requirement of section 64 of the Resource Management Act 1991 and applies to the foreshore reserves below the mean high water springs, within this Management Plan. The Plan addresses the issues surrounding the balance between amenity values and intrinsic values within the coastal foreshore area. Key issues include use, access and development within the coastal marine environment.

Eastern Bays Marine Drive Design Guidelines

These guidelines were prepared by the Eastern Bays Marine Drive Steering Group (and subsequently adopted by Council) to specifically consider the immediate environment of Marine Drive, and in particular the coastal edge.

1.5 Legislation

The Reserves Act 1977 guides the preparation and implementation of reserve management plans. Other legislation that is of relevance in the preparation of this document includes the Resource Management Act 1991, Building Act 1991, Health and Safety in Employment Act 1992, Hazardous Substances and New Organisms Act 1996, Bio Security Act 1993 and Disabled Persons Community Welfare Act 1975.

1.6 Consultation

Public notification of this Draft is provided for under sections 41 and 119 of the Reserves Act 1977, and notice was given in the Hutt News, as well as a mail out to likely interest groups. Publicity material was also prepared and distributed for display at the Eastbourne and Lower Hutt War Memorial Libraries. All material was distributed to the Little Blue Penguin Foundation whom have a recognised stake in the management of the Penguin Haven.

1.7 Management and Monitoring

This Management Plan will be fully reviewed at five yearly intervals. In addition, a continuous process of monitoring the Management Plan will be carried out, with Council making alterations and additions as changing circumstances or increased knowledge may require. Any proposed changes will be publicly notified in accordance with the provisions of the Reserves Act 1977.

2. THE CITY OF LOWER HUTT PROPOSED DISTRICT PLAN 1995

The City of Lower Hutt Proposed District Plan 1995 places reserves within one of the four recreation activity areas. Issues, objectives, policies and rules have been developed for each of these activity areas. These provide an overall management framework for the type of activities and structures that can be located on reserves. The Penguin Haven is situated on lots which are General Recreation Activity Area. The Resource Management Act 1991 and the Reserves Act 1977 become interrelated in the management of reserves through the approach taken in the Proposed District Plan.

3. THE HUTT CITY COUNCIL BYLAW 1997

The Hutt City Council Bylaw 1997 outlines conditions for the operation of parks and reserves. This includes requirements for the hours of operation, closing of reserves, imposing of conditions, offences and any other prohibited activities. The provisions for public places and dog control are also of relevance to this Management Plan. This Bylaw should be read alongside the provisions of this Little Blue Penguin Haven Management Plan.

4. MANAGEMENT AGREEMENT WITH THE EASTERN BAYS LITTLE BLUE PENGUIN FOUNDATION

There is an agreement between the Eastern Bays Little Blue Penguin Foundation (the Foundation) and the Council (Reserves Asset Manager of the Leisure Services Division) for the actual management of the Penguin Haven. The agreement places the day to day management duties and responsibilities with the Foundation.

While public access to the coast will be maintained, the Foundation has exclusive use of the haven site. It is not possible to establish an effective haven environment and allow for other groups to use the site. While the Foundation manages the site as a Penguin Haven, the Hutt City Council holds the ultimate authority.

The specific responsibilities of the Foundation and Hutt City Council are listed in a contract drawn up between and agreed upon by both parties.

5. AIMS

The Aims of this Management Plan are to:

- provide for the development and management of the Penguin Haven in accordance with section 23 of the Reserves Act 1977;
- provide for the protection of the Little Blue Penguin and to create an environment that will encourage local breeding;
- encourage a common understanding within the City concerning how the haven will be managed;
- enhance the coastal environment with plantings of native coastal plant species, and the eventual eradication of pest plant and exotic plants; and
- ensure the adverse effects of noise and odour caused by penguins are adequately mitigated.

6. ISSUES, OBJECTIVES AND POLICIES

6.1 Statutory and Legal Requirements

Issue

There are a number of statutory and legal requirements that activities on the Penguin Haven must satisfy.

Objective

To ensure that all statutory and legal requirements pertaining to the management and use of the Penguin Haven are met.

Policies

- (i) That the Penguin Haven be managed in accordance with its classification under the Reserves Act 1977.
- (ii) That relevant provisions of the Resource Management Act 1991, the Regional Policy Statement 1995, the Lower Hutt Proposed District Plan 1995, The Hutt City Council Bylaw 1997 and other relevant policy document including those listed under section 1.3, are satisfied.
- (iii) Council employees or any agent undertaking contract work for the Council shall act in accordance with the requirements of the Health and Safety in Employment Act 1992, and Hutt City Councils Health and Safety Policies.
- (iv) That while Council shall take all reasonable care in administering the Penguin Haven, the Foundation users shall use the reserve entirely at their own risk in every respect. The Council shall have no liability for any loss or damage suffered by users.

6.2 Iwi Mana Whenua

Issue

Council has a responsibility under the Resource Management Act 1991, to consult with Te Atiawa the Iwi Mana Whenua.

Objective

To ensure proposed development and activities on the Penguin Haven are considered in accordance with the principles of the Treaty of Waitangi, and Part II of the Resource Management Act 1991.

Policies

- (i) That Te Atiawa be consulted where a significant development or activity is proposed on the Penguin Haven.
- (ii) That Council takes account of concern or issues raised by Te Atiawa or Taura Here during the consultation process.

6.3 Flora and Fauna on the Penguin Haven

Issue

It is necessary that the Penguin Haven is well maintained and that there is encouragement for further enhancement replicating indigenous species formerly existing in these coastal locations.

Objective

To maintain and enhance the Penguin Haven in a manner that assists with the integration of penguins onto the site, and recreates to some extent the original indigenous coastal environment, where it is practical to establish these species.

Policies

- (i) That indigenous coastal plant species which are suitable for the highly exposed site are planted, but with particular consideration being given to planting the local native coastal species listed in Appendix 3.
- (ii) That planting continues to be developed and maintained in general accordance with the base plan shown in Appendix 4.
- (iii) That a monitoring programme be undertaken by the foundation to assess and record the state of the penguin population, the indigenous coastal plant species, predators and the existence of other bird life.

6.4 Further Development of the Penguin Haven

Issue

It is necessary to ensure that along with the City of Lower Hutt Proposed District Plan provisions and policies are in place to guide future development of the Penguin Haven, ensuring any development is compatible with the purpose of the haven.

Objective

To ensure the provision of any new development (including structures, paths, penguin burrows and plantings) on the Penguin Haven is undertaken in a complementary manner that achieves integrated use of the surrounding area.

Policies

- (i) That the Penguin Haven is developed in a manner which is consistent with both the on and offsite characteristics. Future developments will be managed in such a way as to not adversely affect the environment and which are consistent with the principle purpose of the reserve.
- (ii) That the proponents of any potential development on the Penguin Haven firstly seek the approval of the Reserves Asset Manager.

*The addition of
of Gaud...*

NEW ZEALAND

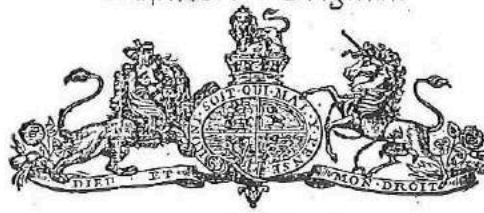
Deposited Original

[Laud and Deeds—4.]

Form B.

[CERTIFICATE OF TITLE.]

Reference: Vol. 166, Folio 214(C)
Transfer No. 274386
Application No.
Order for N/G No.



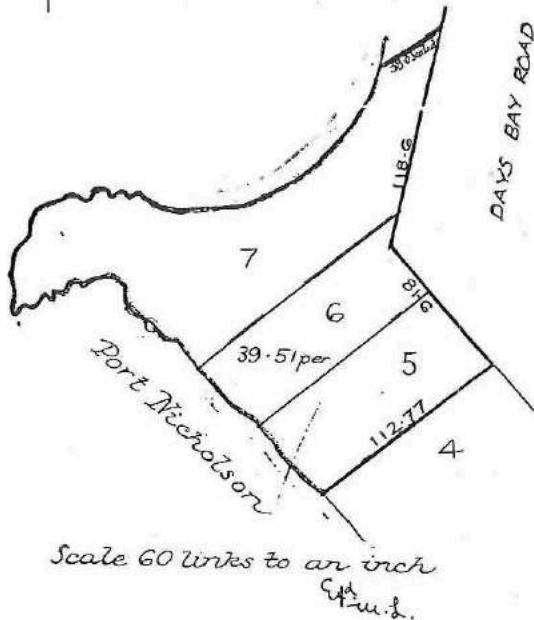
Register Book,

Vol. 498 Folio 171

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the fourth day of November, one thousand nine hundred and forty-three
under the hand and seal of the District Land Registrar of the Land Registration District of Wellington Witnesseth that
HENRY JOHN CORSKIE of Wellington Builder

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon; subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements a little more or less, that is to say: All that parcel of land containing THIRTY NINE AND FIFTY ONE ONE HUNDREDTHS PERCHES more or less situate in Block XVI of the Belmont Survey District being part Section 31 of the Harbour District and being also Lots 5, 6 and 7 on Deposited Plan 1694.



Karadus
District Land Registrar.

Mortgage 260553 Henry John Corskie to Sydney George Nicholls produced 4th November 1943 at 10.25 a.m.
14/11/43
14/11/43
Karadus
D.L.R.

Transfer 297829 Henry John Corskie to Cameron Wilson King of Wellington
witnessed 11-12 4.00 2.15 pm
John King

Mortgage 284200 Cameron Wilson King to The Bank of New Zealand
D.L.R.
Produced 23/6/50
17/7/50 at 3.50 pm
John King

Proclamation 14200, and Order in Council creating the County, taking the within land for Sanitary Works and vesting same in the Chairman Councillors and Inhabitants of the County of North as from 10 July 1950 produced 18 July 1950 at 11.50
John King

Transfer 804725 to The Mayor Councillors and Citizens of the Borough of Eastbourne for Sanitary Works etc.

Prior C/T



Transfer No.
N/C Order No. 373561.1

R

200/295

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 23rd day of **October** one thousand nine hundred and Eighty under the seal of the District Land Registrar of the Land Registration District of **WELLINGTON**

WITNESSETH that EASTBOURNE BOROUGH COUNCIL for car parking purposes

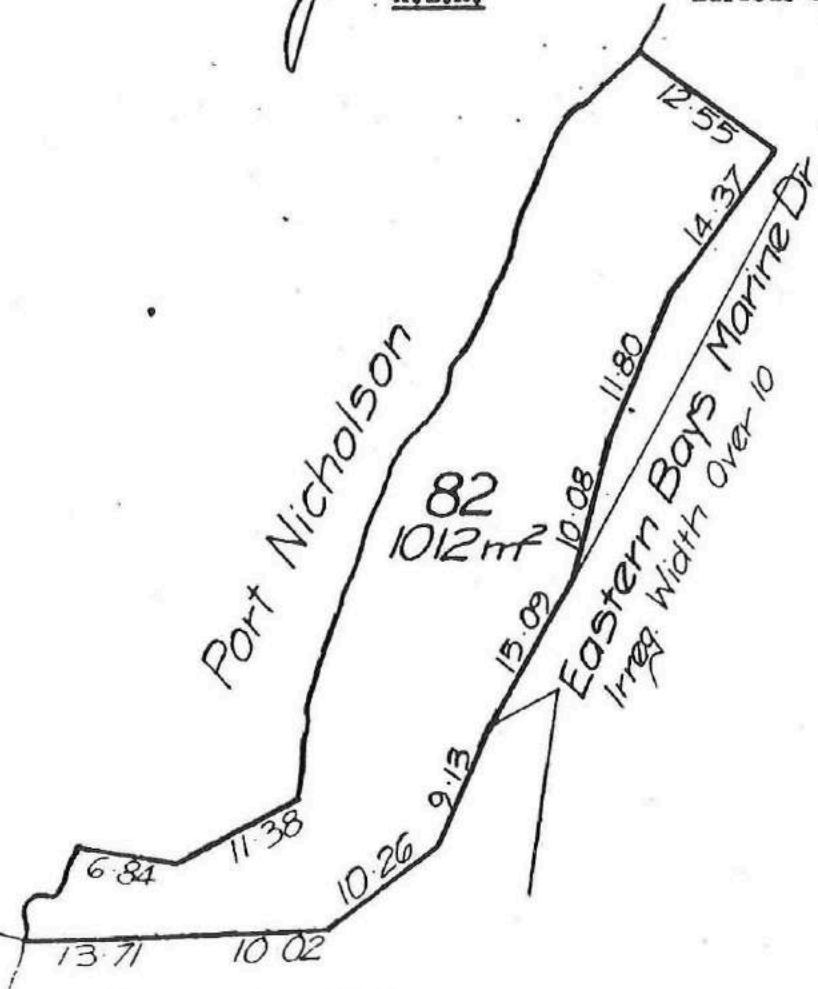
is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon. be the several admeasurements a little more or less, that is to say: All that parcel of land containing 1012 Square Metres more or less being situate in Block XVI Belmont Survey District and being Section 82 Harbour District

Subject to the Reserves Act 1977

J. Keenan
A.L.R.



J. Keenan
Assistant Land Registrar
No. 373561.3 Transfer grant of Right of Way (in gross) in favour of the Wellington Harbour Board - 23-10-1980 at 10.57 a.m.
J. Keenan
A.L.R.



200/295

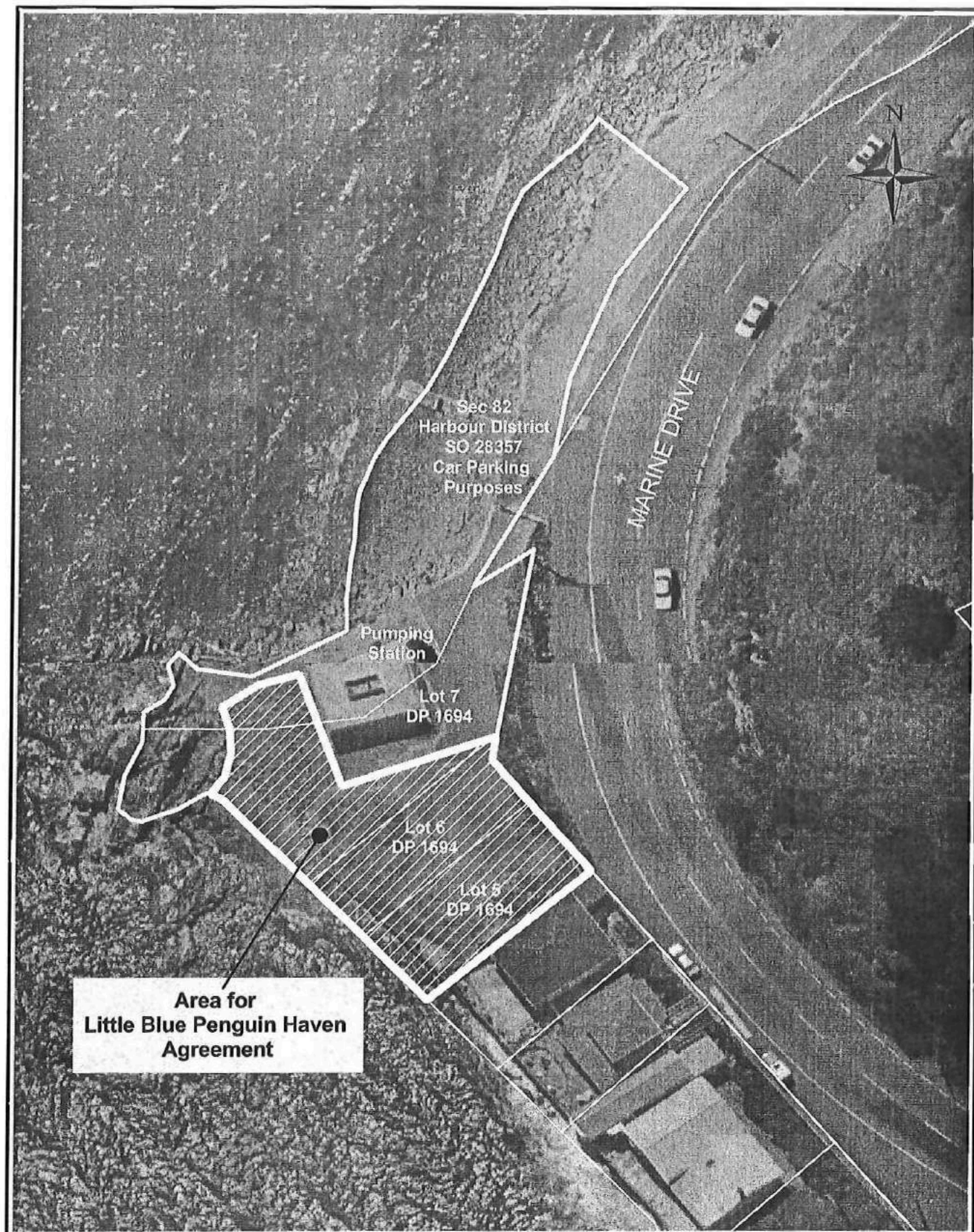
Measurements are Metric
SO 28357





Appendix 2





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Site Plan of Little Blue Penguin Haven



Appendix 3



Appendix 3

Native Coastal Plant Species Guide

It is important when planting the Penguin Haven site that the species indicated for each area are adhered to. This is an extremely tough environment to establish plants into and many of the species listed below are some of the most tolerant plants suitable for a location such as this.

Zone One Plants

Plants in this zone are suited from the high tide mark back, including those areas that receive large amounts of water from spring tides and storm surges. These plants can also be planted within zone two.

Species	Notes
<i>Apium prostratum</i>	Is commonly grown in the Eastbourne area and was present on this site at the time of the Penguin Haven development
<i>Disphyma australe</i>	Another plant that was established on the site before the development of the Penguin Haven
<i>Samolus repens</i>	Salt marsh plant that will withstand the poor growing media on site and also the severe sea spray that the site receives

Zone Two Plants

These plants can be planted in areas that receive only rare storm surges. These plants will be able to withstand the large amount of salt laden wind this site receives.

Species	Notes
<i>Asplenium obtusatum</i>	The shore spleenwort will grow in area that will receive regular salt spray. Planting of this plant would be best behind rocks or shelters where it would receive some protection during establishment.
<i>Aciphylla squarrosa</i>	Can tolerate conditions a site like this offers. Maybe a good plant to be used where added nest protection is required from predators and human interference
<i>Calystegia soldanella</i>	Can be grown around rocks that are present. As with all the plants listed would grow well if the area was mulched with a pebble and stone mix similar to what is present on the nearby beaches.
<i>Cyperus ustulatus</i>	A very tall rush that can reach the height of 1 metre. It could be required to be planted in areas where the ground is constantly damp
<i>Euphorbia glauca</i>	Would establish freely in the zone. Planting of this

(Wellington form only)	plant would be best behind rocks or shelters where it would receive some protection during establishment
<i>Poa cita</i>	Excellent plant for this location
<i>Tetragonia tetragonioides</i>	Could be planted besides rocks and structures. As with all the plants listed it would grow well if the area was mulched with a pebble and stone mix similar to what is present on the nearby beaches.

Zone Three Plants

These plants are to be used where only salt laden winds and the rare storm surge will occur. It is envisaged that these plants are only planted towards the rear of the site and the fence lines that are present. Any plants planted away from these areas would require shelter from rocks etc to become established.

Species	Notes
<i>Acaena pallida</i>	Could be planted around rocks and shelters
<i>Cassinia leptophylla</i>	Ideal for conditions at the rear of the planting
<i>Coprosma propinqua</i>	Extremely robust plant that would be shaped by the wind and water on this site
<i>Coprosma repens</i>	Taller growing plant that would be suited to the rear areas of the site. Not to be planted where it receives daily drenching by the salt winds
<i>Muehlenbeckia complexa</i>	Ideal for conditions at the rear of planting
<i>Melicytus crassifolius</i>	Ideal for conditions at the rear of planting
<i>Phormium cookianum</i>	Ideal for conditions at the rear of the planting. This plant will get severe damage to its leaves throughout the life of the plant. However it will provide shelter and protection to nest areas

Notes on Planting

The Penguin Haven site would be one of the most difficult sites to successfully establish plantings. Many of the plants listed will be constantly damaged by winds and salt water and will adapt to the site conditions slowly. Following are a few guidelines that may help with the establishment of further plantings in this area.

Planting

Planting would be best undertaken during the months of late May to late July. At the time of planting it is recommended that the excavated material that is removed from the planting pit be replaced with quality topsoil. As a general rule a hole should be excavated twice the size of the root ball of the plant. Zone one plants will not require topsoil incorporated into the planting pit. No fertiliser should be added at the time of planting due to the possibility of a

spring flush of plants growth in spring. Plants in these locations need to adapt slowly to site conditions, which in turn will lead to stronger plants.

If possible the plants should be planted as close to existing rocks and other structures as possible (eg fence lines). This will not only help in protecting plants from the wind but also help to anchor the plants during periods of severe storm surges as the roots will grow beneath the rock.

Mulching

It is highly recommended that the areas planted that are affected by storm surges be mulched with the same or a similar product that is currently deposited on the surrounding beaches (mixture of pebble and shells is readily available from Winstones in Petone). For Zone 3 where flooding will not occur a wood chip mulch would be adequate.

Mulching this area following planting will aid in the establishment of plants by:

1. Helping to anchor the plants following planting
2. Will help slow down any scouring of planting holes during storm surges
3. Will provide a media for plants like *T.tetragonioides* and *C.soldanella* that currently grows in this material
4. Help conserve water during the summer months
5. Make the appearance of the site look similar to surrounding areas
6. Would cut down major maintenance issues on site

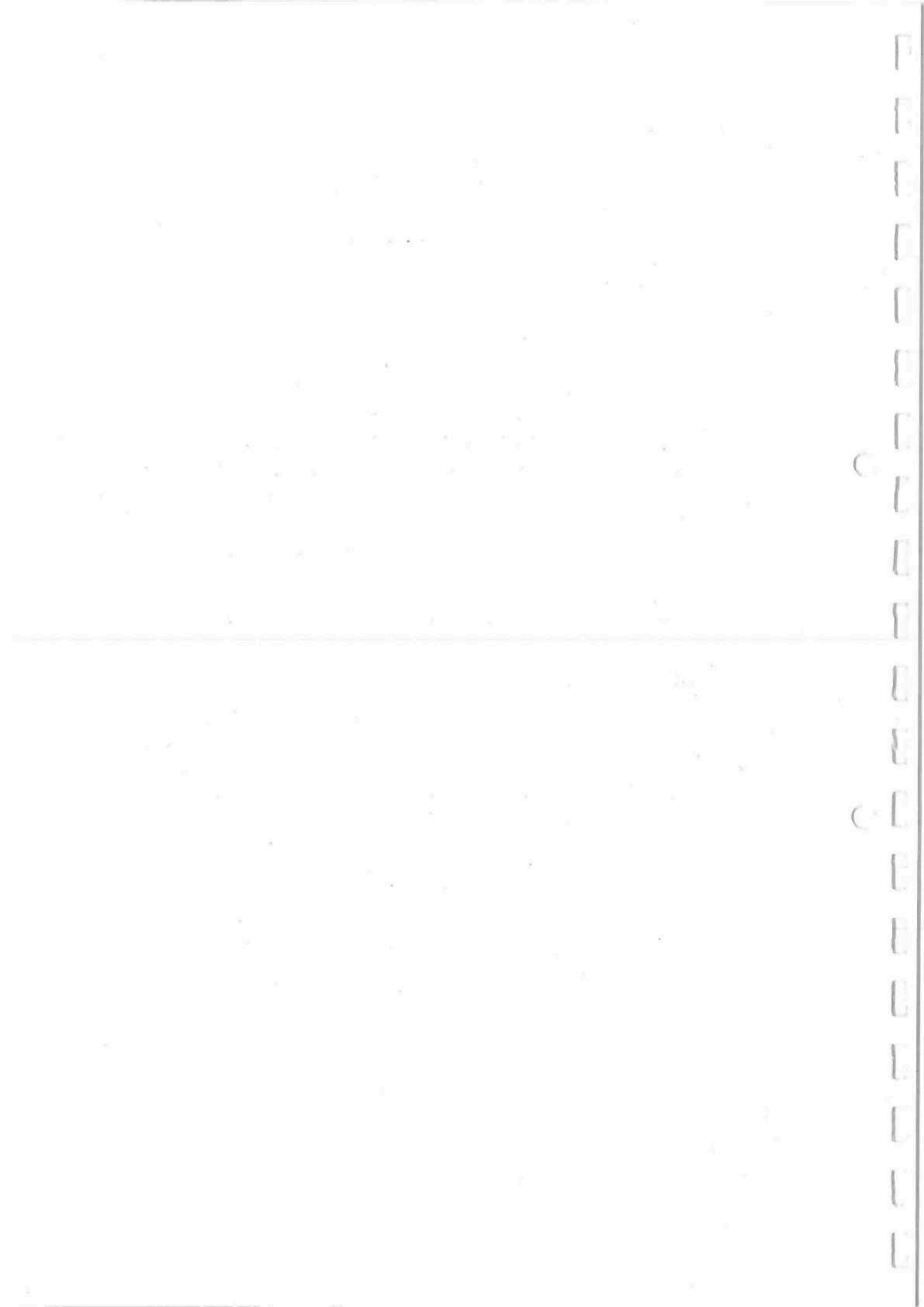
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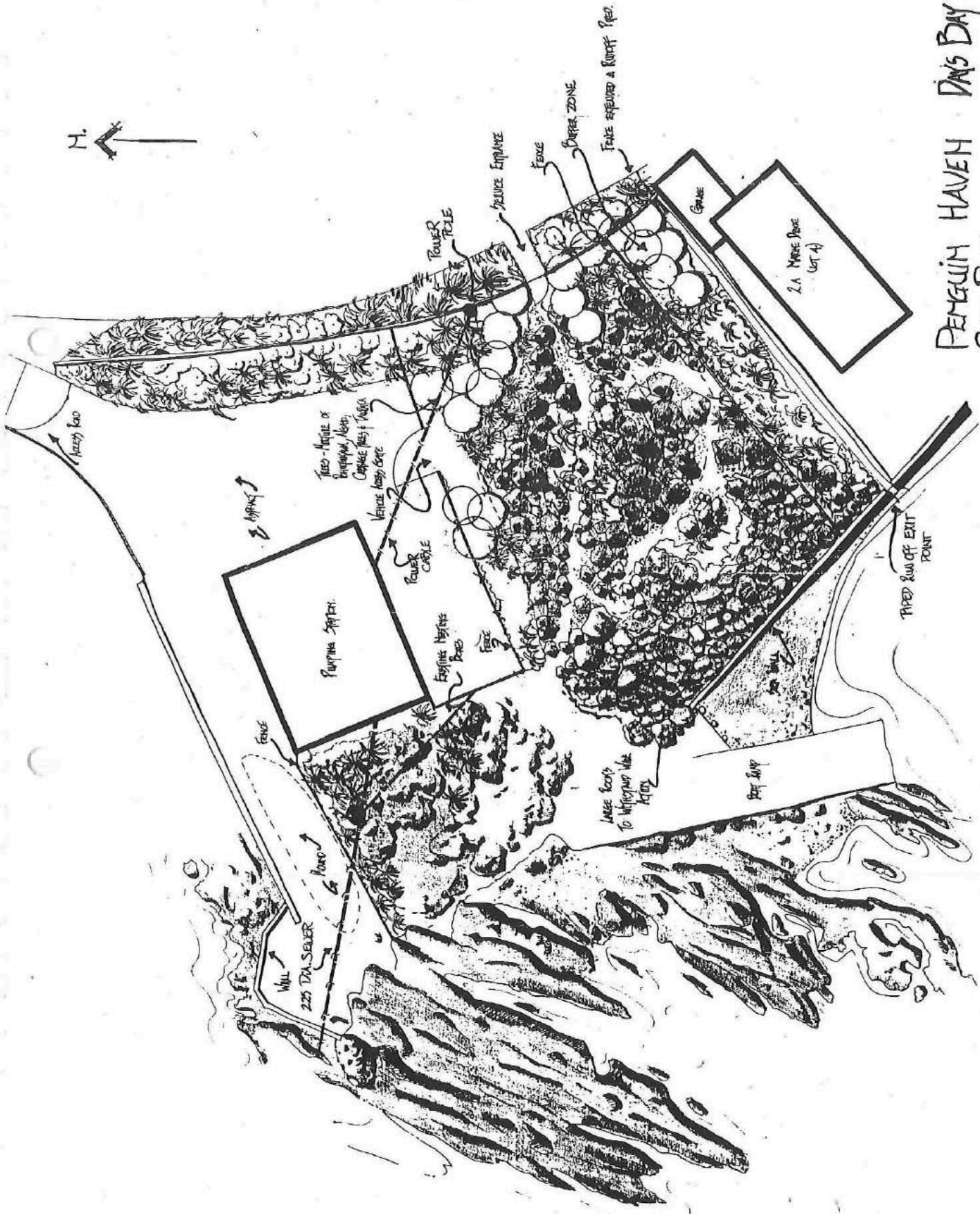
The plants could also be weighted down by the addition of larger rocks during planting time. These rocks could be similar to the material that is already present on site. This would aid the plants in Zone One and Two when severe storm surges are washing away lighter grade mulch. It would also prevent the possible loss of plants due to scouring of topsoil during prolonged spells of poor weather.

Plant material where possible should be sourced from the Wellington area to ensure that the plant has already adapted to similar site conditions.

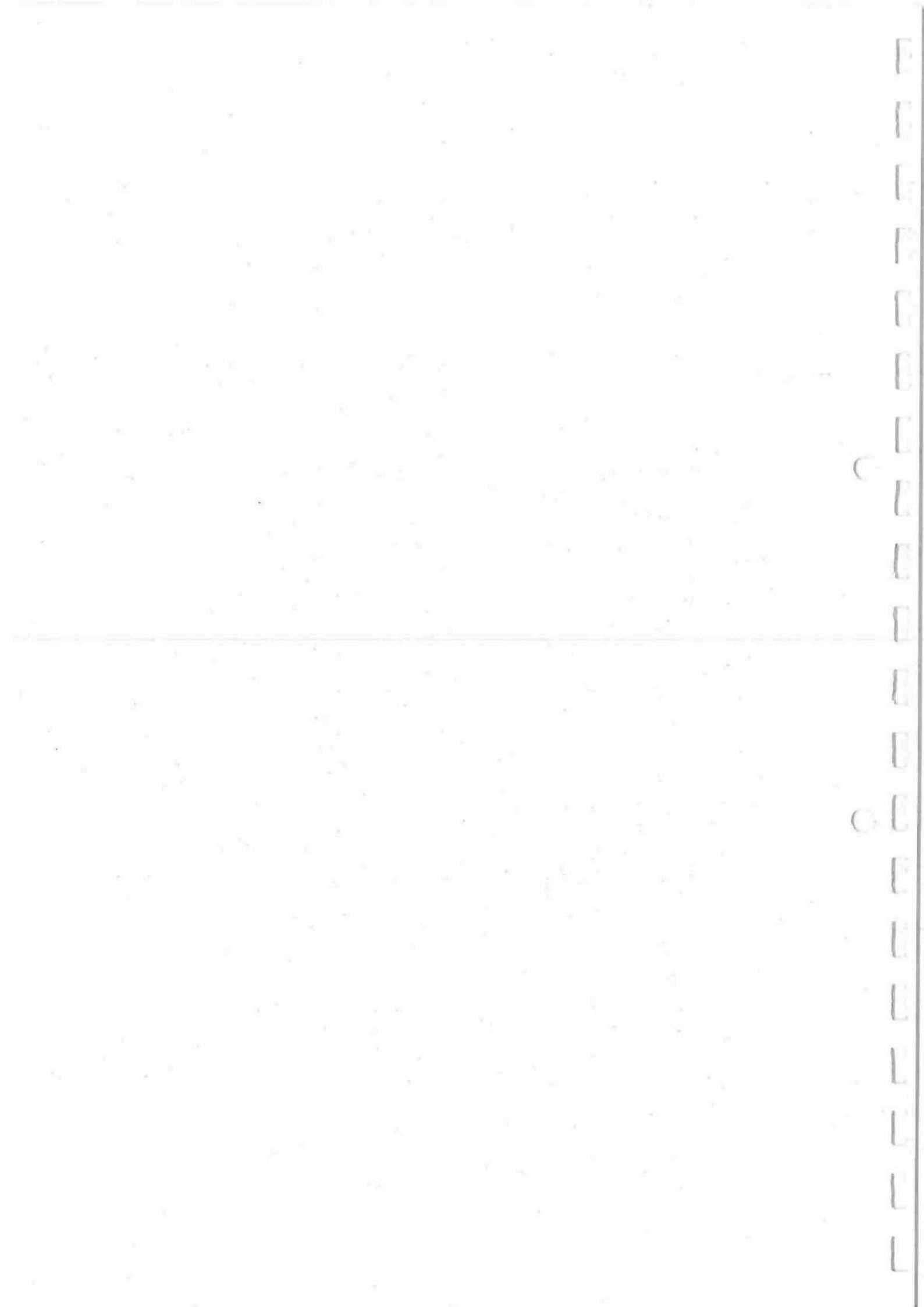


Appendix 4





PENGUIN HAVEN DAYS BAY
BASE PLAN
 JUNE 15 1947
 Surveyed by [Signature]
 Scale 1" = 100'



PART 4 - DOG CONTROL SCHEDULE ONE

1. Prohibited Places

1.1 Eastbourne

- (a) The entire road reserve, footpath and berms on the road frontage of the commercial properties on Rimu Street and Oroua Street.
- (b) Any beach in Eastbourne where there are signs clearly indicating that it is a prohibited area between 9.00 am. - 8.00 pm from 1 November to 31 March each year. These areas include the picnic and leisure areas of Point Howard, Sorrento Bay, Lowry Bay, York Bay, Mahina Bay, Days Bay, Rona Bay and Robinson Bay.
- (c) That piece of land vested in Council at Eastern Bays Marine Drive, Days Bay, being Lots 5, 6 and 7 Deposited Plan 1694, situated in Block XVI Belmont Survey District being part section 31 of the Harbour District and being all of the land contained in Certificate of Title 498/171 (Wellington Registry), more commonly known as the Days Bay Pumping Station Site and the Proposed Local Purpose Reserve (Wildlife Management).

1.2 Petone

- (a) The entire road reserve, footpaths and berms on the road frontages of the commercial properties on Jackson Street, Petone, between its intersections with Cuba Street and Hutt Road.
- (b) Petone Beach between 9.00 am - 8.00 pm from 1 November to 31 March each year except for the area between the Petone Wharf and Korokoro Stream which is a dog exercise area.
- (c) Percy's Reserve

1.3 Wainuiomata

- (a) The entire road reserve of Queen Street, and the footpath and berms on the road frontages of the commercial properties on Wainuiomata Road and Fitzherbert Road adjacent to Queen Street.
- (b) The footpaths and berms on the road frontages of the commercial properties on The Strand.
- (c) The footpaths and berms on the road frontages of the commercial properties on Norfolk Street, Ruthven Road and 157 Wainuiomata Road.

1.4 Lower Hutt

- (a) Mitchell Park.

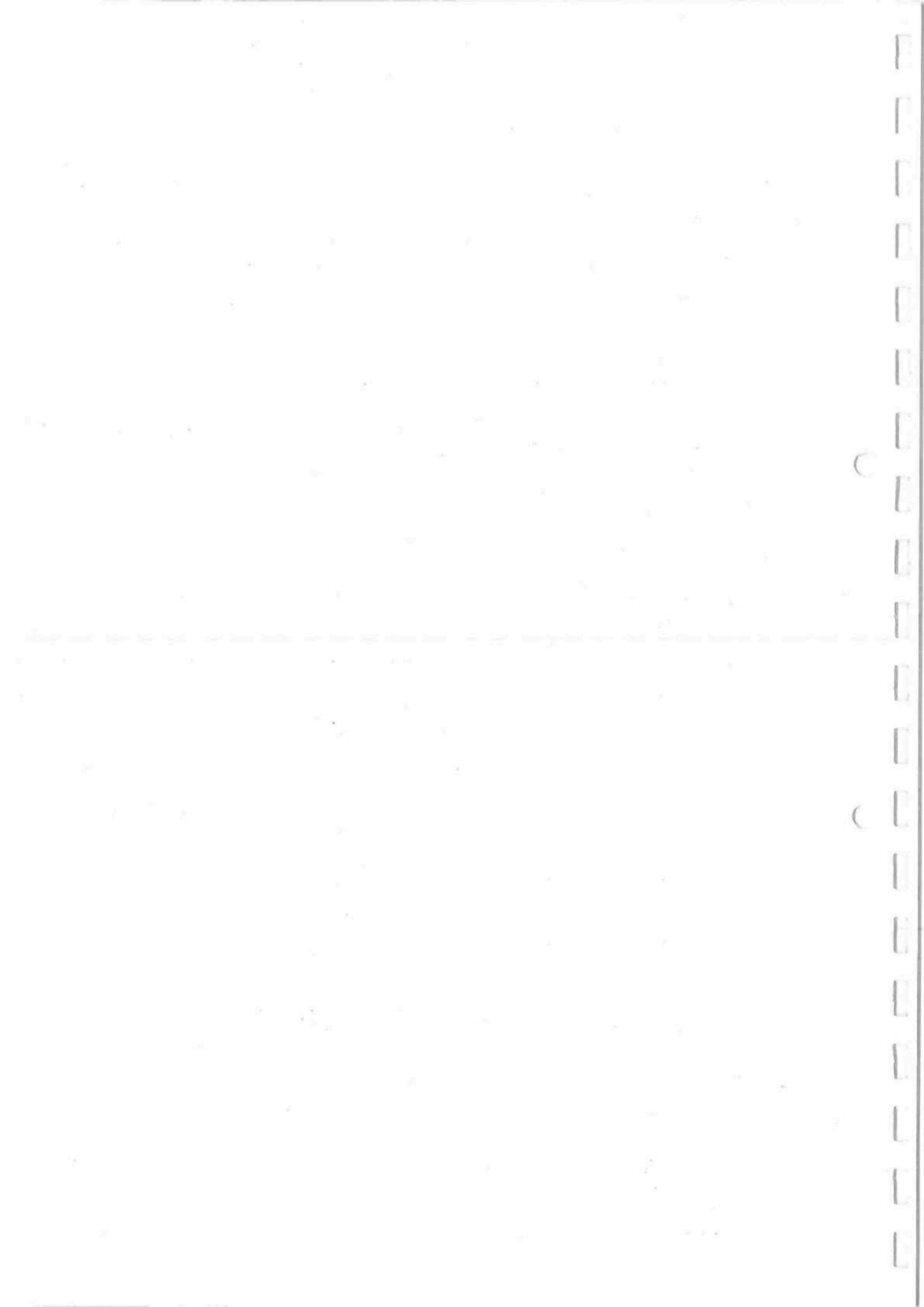
1.5 Rimutaka Forest Park and Catchpool Valley

- (a) Picnic areas adjacent to the Catchpool Valley road upstream of the vehicle ford.
- (b) The camping areas adjacent to Catchpole Stream.
- (c) Landcare Research Station, formerly DSIR Field Station, Orongorongo Valley.

1.6 Turakirae Head Scenic Reserve



Appendix 6



PART 12 - PARKS AND RESERVES

1201 Interpretation

1201.1 In this part of the bylaw, unless inconsistent with the context or where otherwise expressly provided:

CUSTODIAN means a person for the time being lawfully appointed to control or supervise a reserve.

RESERVE means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes all land administered by the Council under the Reserves Act 1977.

1202 Hours of Opening

1202.1 Subject to the provisions of this part of the bylaw and the Reserves Act 1977, all reserves shall be open to the public daily free of charge.

1203 Closing of Reserves

1203.1 The Council may by publicly notified resolution determine the days and hours during which a reserve shall be open or closed to the public.

1203.2 The Council may at any time, by a notice displayed at the entrances to a reserve, declare the reserve to be closed when it is necessary for maintenance, construction or other work to be carried out on the Reserve.

1204 Children

1204.1 No child under the age of 12 years who is not accompanied by an adult shall be permitted to enter or remain in any glass house or fernery on a reserve.

1205 Prohibited Activities

1205.1 No person shall:

- (a) remove, damage or destroy any label or inscription attached to a plant, sign, noticeboard or tablet in a reserve.
- (b) remove, damage or destroy any hedge, natural object or other structure on or enclosing a reserve.
- (c) take, deposit, remove or disturb any soil in a reserve.
- (d) uproot, or injure any shrub, tree or other growth in a reserve.
- (e) take any cutting or interfere with, pick or pluck any flowers, ferns or greenery in a reserve.

- (f) walk upon a grass border adjoining any formed path in a reserve.
- (g) Enter any enclosures or places set apart for the cultivation of plants in a reserve without the prior permission of the custodian.
- (h) Walk, drive, ride or trample, in a reserve:
 - (i) on any plantation, flower-bed or border; or
 - (ii) on any grass prepared for cricket, bowls, croquet or any other game.
- (i) Deface or damage a building in a reserve.
- (j) Leave any litter in a reserve, unless placed in a rubbish bin.
- (k) turn in or allow cattle or poultry to wander or graze in a reserve, without the prior permission of Council.
- (l) Ride or drive any cattle, drive a motor vehicle, bicycle or other machine within a reserve without the prior written consent of the Principal Administrative Officer **PROVIDED THAT** this clause shall not apply to wheelchairs or children's prams.
- (m) Swim, wade or wash in any ornamental water in a reserve.
- (n) Pollute any ornamental water in a reserve.
- (o) Light a fire in a reserve, except in a place provided by Council for that purpose.
- (p) Place a placard, billboard or notice on a reserve without the prior written consent of the Principal Administrative Officer.
- (q) Distribute any notices or leaflets in a reserve without written permission from the Principal Administrative Officer.
- (r) Erect a structure of any kind in a reserve without written permission from the Principal Administrative Officer.
- (s) Sell or offer for sale, any food, merchandise, alcohol or other kind of drink, or carry on a trade in a reserve without written permission from the Principal Administrative Officer and subject to compliance with the provisions of this bylaw and any relevant legislation.
- (t) Act in an improper, indecent or disorderly manner, or use foul or abusive language or disturb, annoy or interfere with any other person's use and enjoyment of the reserve.
- (u) Carry or take a firearm or other weapon of any kind onto a reserve without a permit authorised by the Principal Administrative Officer **PROVIDED THAT** a permit shall only be granted if the Principal Administrative Officer is satisfied that the weapon will be used for hunting or leisure purposes and the operator holds a valid firearms licence in accordance with the Arms Act 1983.
- (v) Except where a permit is granted in accordance with clause 1205.1(u), destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest or bird's egg in or from a reserve.
- (w) Play organised sport in any part of a reserve that is not set aside for that purpose.

- (x) Play a game or engage in an activity on any playing ground on a reserve, after being requested by the Custodian to leave or when a notice is erected at the entrance to the playing ground or reserve saying "Ground Closed".
- (y) Organise or take part in an organised picnic or athletic sports on a reserve, without the written permission of the Principal Administrative Officer.

1206 Conditions

1206.1 In granting permission in accordance with clause 1205.1(y) the Principal Administrative Officer may impose conditions in respect of all or any of the following matters:

- (a) The times of and charges for the use of the reserve;
- (b) Charges of the admission of the public to the reserve or to any stand, building or special enclosure on the reserve;
- (c) Possible injury or damage to the reserve or anything on or in the reserve.

1207 Offence

1207.1 Every person committing any breach of the provisions of this part of this bylaw shall, upon request by the Custodian, immediately leave the reserve.

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