

Cornwall Park Conditions of Entry

The Cornwall Park Trust Board, in pursuance of its power under certain Deeds of Trust and of all other powers enabling it in that behalf, HEREBY RESOLVES to adopt the following Conditions of Entry to Cornwall Park.

1. TITLE

These rules shall apply to all persons entering Cornwall Park and shall be known as the Cornwall Park Conditions of Entry.

2. INTERPRETATION

In these Conditions of Entry, if not inconsistent with the context:

“Board” means the Cornwall Park Trust Board.

“Park” means the area of land held by the Board as a place of public recreation and known as Cornwall Park.

“Park Director” means the director of Cornwall Park appointed by the Board or, in that person’s absence, the person appointed by the Board to act in the Director’s place for the time being.

“Park Employee” means any person acting under the authority of, or employed by, the Board.

“Motor Vehicle” means a vehicle that is drawn or propelled by mechanical power.

“Trade Motor” means a motor vehicle designed solely or principally for the carriage of goods, whatever the weight (laden or unladen) may be and shall include a station wagon displaying trade advertising.

“Vehicle” has the meaning given that term by the Transport Act 1962.

“Roads” means those portions of the Park that are used in a like manner to dedicated roads.

3. HOURS OF OPENING

- (1) Subject to these Conditions of Entry, the Park shall be open to the public at all times except during the hours that the Board determines the Park shall be closed.
- (2) No person shall enter the Park, or remain there, during the hours when the Park is closed.
- (3) The Board may close the Park to vehicular traffic only, or to both vehicular and pedestrian traffic.

4. GATES

No person shall:

- (1) Enter or leave the Park except through the gateways, entrances, or exits provided for that purpose.
- (2) Leave any gate in a different position from that in which he or she finds it; gates found open shall be left open and gates found closed shall be left closed.

5. GENERAL LIABILITY

- (1) Every person enters the Park at their own risk.
- (2) The Cornwall Park Trust Board accepts no responsibility or liability for the injury or damage to persons or property arising as a result of entry to or use of Cornwall Park, however it occurs.

6. MISBEHAVIOUR

No person shall:

- (1) Wilfully obstruct, disturb, annoy or interfere with any person in the use or enjoyment of the Park.
- (2) Use any foul, abusive, indecent or obscene language.
- (3) Be intoxicated, under the influence of drugs, noisy, riotous or in any way misbehave within the Park.
- (4) Obstruct or interfere with any Park Employee working in the Park.

7. DAMAGE TO PLANTS AND PROPERTY

No person shall:

- (1) Plant any tree, shrub, or plant of any kind or introduce any substance injurious to plant-life in the Park.
- (2) Take, deposit, remove or disturb any soil or sod.
- (3) Uproot, injure or interfere with, in any manner whatsoever, any shrub, tree, flowers, ferns, greenery, timber, bark, gravel or other substance or thing whatsoever in the Park.
- (4) No person shall remove, deface, or damage any inscription or label attached to or connected with any article, tree, shrub, or other plant in the Park, or any wall, building, equipment, natural object or any fixture, fitting, or implement of any kind within or enclosing the whole or any portion of the Park.

8. DANGEROUS WEAPONS

- (1) Except with the prior written permission of the Park Director, no person shall:
 - (a) Use or carry any firearm, axe or similar weapon or implement of a dangerous character; or
 - (b) Let off any fireworks, crackers, rockets or illuminate displays; or
 - (c) Throw any stick, stone, or other missile by hand or in any manner likely to hurt, injure, frighten any person or animal, or damage any property within or adjacent to the Park.
- (2) The Park Director or any Park Employee may confiscate any firearm, weapon or implement carried or used in breach of subclause (1) of this clause and may retain that firearm, weapon or implement until satisfied that it will not be the subject of any further breach.
- (3) The Park Director or any Park Employee will not be liable for any claim arising from the confiscation of any firearm, weapon or implement under subclause (2) of this clause.

9. TENTS, BOOTHS AND OTHER STRUCTURES

Except with the prior written permission of the Board, no person shall put up or erect any stall, booth, tent, marquee or other structure of any kind within the Park and then only subject to any conditions the Board may specify.

10. SALE OF GOODS

- (1) Except with the prior written permission of the Board, no person shall undertake any activities involving selling or displaying goods, or commercial activities whatsoever within the Park, and then only subject to any conditions the Board may specify.
- (2) No such permit shall be deemed to authorise the sale or offering of exposure for sale or the having in possession for the purpose of sale of any liquor in contravention of any provision of the Sale of Liquor Act 1989.

11. COMMERCIAL CATERING

No person shall undertake any commercial catering of any kind whatsoever in the Park.

12. WATER

No person shall in any manner pollute or render unfit for its intended use any water supply within the Park.

13. AIRCRAFT

No person shall:

- (1) Except with the prior written permission of the Board or the Park Director, or in case of emergency, use any part of the Park for the purpose of landing or flying any aircraft of any kind.
- (2) Except with the prior written permission of the Board, or in cases of emergency, land on the Park by parachute.
- (3) Use, operate or attempt to use or operate a hang-glider within the Park.
- (4) Bring into, use or operate in the Park any model aeroplane or aircraft which makes a noise loud enough to be heard more than six metres from the source of the noise.
- (5) Use, operate or attempt to use or operate a drone within the Park.

14. FIRES

No person shall make or light any fire or allow any fire to be lit or to continue to burn in the Park except in the barbecue areas provided and maintained by the Board for that purpose.

15. RUBBISH

No person shall:

- (1) Leave any bottle, tin, glass, paper, or other rubbish within the limits of the Park other than in the rubbish bins provided by the Board.
- (2) Break any bottles, glass or any other breakable articles in the Park.
- (3) Deposit, discharge or leave any offensive or dangerous substance or object in the Park.

16. ANIMALS

- (1) No person shall:
 - (a) Bring or admit any dog or other animal into the Park, unless it is kept under continuous control by a leash or chain or is properly secured to the satisfaction of the Park Director or any Park Employee.
 - (b) Lead, walk or run a dog by means of a leash or chain attached to a moving vehicle, or held by any person in a moving motor vehicle.
 - (c) Except with the prior written permission of the Park Director, ride a horse or other animal in the Park.
 - (d) By any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, bird, bird nest, or bird egg, or attempt to do so, in or from the Park, without the prior permission of the Park Director.
 - (e) Drive, disturb or in any way interfere with any sheep, cattle, or other livestock in the Park.
- (2) Every person whose dog defecates in the Park shall clean up using the dark green bins provided for this purpose.
- (3) The Park Director or any Park Employee may seize and confine any dog found at large within the Park any may deliver that dog into the custody of a dog control officer or dog ranger appointed by the Auckland city Council pursuant of the Dog Control Act 1996.
- (4) Any dog which attacks any person or attacks, worries, or runs at large among any sheep, cattle or other stock or poultry in the Park may be shot or otherwise destroyed by the Park Director or any person acting under the authority of the Park Director in accordance with the provisions of the Dog Control Act 1996.

17. SPORTS AND GAMES

- (1) Except with the prior written permission of the Park Director, no person shall play any sport or game within the Park except in the places set apart for sports or games. Any such permission may be revoked at any time.
- (2) The Board may close all or any part of the Park set aside for particular sports or games during such time as its thinks fit.
- (3) The Park Director or any Park Employee may prohibit any sport or game being played in or on the Park, which in his opinion is likely to damage the Park or endanger the public, even where permission has been given under subclause (1).
- (4) The Board may fix charges for the use of any area of the Park set aside for particular sports or games and fix admission charges to any such area.
- (5) No person shall play or practice golf in the Park at any time.

18. VEHICULAR TRAFFIC

No person shall:

- (1) Drive or ride any vehicle on any part of the Park other than the roads designated for this purpose.

- (2) Drive any vehicle within the Park in a manner that is, or might be, dangerous to the public or to any person.
- (3) Drive any vehicle in the Park at a speed greater than 40 kilometres an hour.
- (4) Drive any trade motor, caravan or trailer on any road within the Park. This subclause shall not apply to any trade motor which is being used for the delivery or transport of goods to the Kiosk in the Park or in connection with the farm or other business of the Board in the Park.
- (5) Except with the prior written permission of the Park Director, drive any bus on any road within the Park.
- (6) Drive on any road within the Park any vehicle the laden or unladen weight of which exceeds 1,500 kilograms for each axle or 3,000 kilograms in total.
- (7) Drive or ride or cause to be driven or ridden on any road within the Park any motor vehicle or other vehicle for the purpose of testing the vehicle or of teaching any person to drive or ride the vehicle.
- (8) Fail to observe and comply with all traffic signs or notices erected with the authority of the Board or by the Auckland city Council or the Ministry of Transport.
- (9) Use any object including a bicycle, motorised scooter, skateboard, roller skates, rollerblades or similar devices in the Park recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the Park.

19. STOPPING AND PARKING OF VEHICLES

- (1) No person shall:
 - (a) Park any vehicle on any grassed area within the Park.
 - (b) Stop or park any vehicle on any road or other part of the Park in contravention of any sign prohibiting or restricting the stopping, standing or parking of vehicles.
 - (c) Leave any vehicle in the Park when it is closed.
- (2) The Park Director, or any person acting under his authority, may cause to be removed from the Park any vehicle stopped or parked in contravention of subclause (1) of this clause.
- (3) Any towage, storage and other charges incurred by the Board pursuant to sub clause (2) of this clause shall be met by the person in breach of the clause, or in default, by the owner of the vehicle.

20. ASSEMBLIES

- (1) No person shall:
 - (a) Preach, lecture or hold any public meeting or assembly in the Park.
 - (b) Attend or take part in any organised meeting or assemblage of persons for sports or games or any other purpose within the Park without the prior written permission of the Board.
 - (c) Hold a wedding ceremony in the Park without the prior written permission of the Board.

- (3) In granting permission for the purpose of this clause the Board may direct what part of the Park is to be used for the activity and may impose any fees and conditions as it thinks fits.

21. SIGNS, NOTICES AND MEMORIAL PLAQUES

- (1) No person shall:
 - (a) Post, erect or display any placard, bill, sign, poster or notice or distribute any hand-bill or notice within or at any entrance to the Park.
 - (b) Erect or display any memorial plaque or other fixture of any kind within or at any entrance to the Park.

22. ENCLOSURES AND RESTRICTED AREAS

No member of the public shall enter any of the enclosures or places set apart for the cultivation of plants in the Park, or walk, drive, ride or cause damage:

- (1) On any portion of the Park on which any such activity is forbidden by any notice, either general or particular; or
- (2) On any flowerbed, shrubbery or border.

23. MUSIC AND NOISE

No person shall:

- (1) Within the Park, operate or play any musical instrument, radio, tape recorder, loudspeaker, amplifier, public address system or any other sound system without the prior written permission of the Board.
- (2) Cause in any way any sound or noise that disturbs, annoys, or is likely to disturb or annoy other users of the Park or occupants of properties adjoining the Park.

24. OTHER RESTRICTIONS

No person shall:

- (1) Commit any nuisance in the Park.
- (2) Make bets or play any game of chance in the Park.
- (3) Allow any child under the age of five years in his or her custody or care enter or remain in the Park unless accompanied by some person 14 years of age or older.
- (4) Do any act whatsoever which may destroy, damage or modify any archaeological site as defined in the Historic Places Act 1993 situated within the Park.
- (5) Undertake any filming or recording of any sort for commercial purposes any activity in the park without the prior written permission of the Park Director.

25. IMMINENT BREACH OF CONDITIONS OF ENTRY

The Park Director and any Park Employee who has reason to believe that any person has committed or is about to commit a breach of these Conditions of Entry or for any other reason may require any person to immediately leave the Park and before doing so, to supply his or her name and address.

26. GENERAL

- (1) The Board has the power to admit, refuse admission to, or expel any person from the Park, for the purposes of managing and controlling the use of the Park.
- (2) Notwithstanding anything else contained in these Conditions of Entry, any person who enters the Park shall follow the directions of the Park Director and any Park Employee.
- (3) For the purposes of its proper control and government the Park is a public place under the summary Offences Act 1981.
- (4) Nothing in these Conditions of Entry shall limit the Board's right to take any proceedings for damage to property, civil wrongs, offences, or otherwise.
- (5) Any reference to an Act of Parliament in these Conditions of Entry includes any amendment, alteration or replacement of that Act.

The Conditions of Entry were passed and adopted by resolution of The Cornwall Park Trust Board at a meeting held at Auckland this 26th day of April 2001.