

## 4 RULES FOR USE AND DEVELOPMENT

This part of the plan outlines the rules relating to the provision and management of all development and activities on suburban reserves<sup>21</sup>.

Within the suburban reserve network, a number of activities and experiences are offered and there is a range of values associated with the network as a whole and with the individual parks and reserves. As activities have the potential to impact on other park visitors and the environment, they need to be managed through Wellington City Council (Parks, Sport and Recreation) giving approval for each activity.

Each activity is identified as fitting one of the following three categories, and this determines what type of permission applies and what process any activity is subject to:

- allowed activities
- managed activities
- prohibited activities.

Rules for use and development are not intended to preclude day-to-day management by the Council. For example, use of a chainsaw is prohibited, but Council staff or their contractors will be permitted to use them as required for tree management.

Transpower activities are governed by The Electricity Act 1992, Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, and the Electricity (Hazards from Trees) Regulations 2003. Rules for use and development are not intended to preclude activities that are explicitly permitted by that legislation.

### 4.1 RULES - OBJECTIVE

- 4.1.1 Manage the suburban reserves in a manner that recognises and protects their key values: ecological, landscape, recreation, culture, and history.

### 4.2 RULES - POLICIES

- 4.2.1 Provide for environmentally sustainable activities and uses that are consistent with the objectives and policies of this plan.
- 4.2.2 Manage and maintain discretion over activities to ensure appropriate allocation of resources, protection of open space values, and the safety of users.
- 4.2.3 Maintain discretion over new activities and utilities to avoid or limit impacts on the environment and open space values.
- 4.2.4 Follow a process for determining whether new activities and development are appropriate for the open space directly affected and for the suburban reserves network in general.
- 4.2.5 Prohibit activities that are inappropriate for the reserves network.
- 4.2.6 Guide balanced decision-making when assessing potentially conflicting activities and/or when assessing effects of activity on the range of open space values.

<sup>21</sup> These rules should be read in conjunction with the Wellington Consolidated Bylaw 2008.

## 4.3 ALLOWED ACTIVITIES

These are activities that are generally “allowed” or anticipated on suburban reserves, but may be subject to restrictions in order to protect open space values and provide for the health, safety, and wellbeing of visitors.

The following activities by individuals or groups are permitted for non-commercial purposes and may be subject to certain conditions and temporary restrictions:

- walking
- running
- cycling and mountain biking on designated and shared tracks (refer to the Council's Open Space Access Plan)
- dog walking (on-leash unless in specified off-leash area, refer to the Council's Dog Policy)
- sightseeing
- picnics, barbecues (gas only), informal gatherings and group games and other similar activities (restrictions may apply to some locations or activities – refer 4.3.2)
- informal games
- painting, amateur photography, and filming<sup>22</sup>
- wildlife spotting
- nature trails
- orienteering
- organised sport on a sport and recreation park – subject to standard conditions for booking with Parks, Sport and Recreation
- access for park management and emergency vehicles
- vehicle access to public car parks and leased facilities
- quiet, sedentary, typically individual activities (eg reading, craft work) that do not have the potential to offend other park users.

### 4.3.1 EXPLANATION

Allowed activities are largely informal and unstructured, and traditionally associated with parks and reserve areas. In addition, organised sport is allowed on sport and recreation parks subject to booking and payment (as per Council user charges). Allowed activities have a low impact on park values and other users and need few restrictions. Members of the public do not need to book these activities (apart from sport and recreation park use) or seek approval for them (subject to 4.3.2. If in doubt please contact a Park Ranger).

Commercial activity is not an “allowed” activity. Commercial use refers to use by an individual, group, or organisation that is carried out for profit or as a means of livelihood or gain. This includes, but is not limited to, recreation and sport, tourism and filming businesses.

Some activities, like mountain biking and walking a dog off-leash, will only be allowed on identified tracks or areas. Dog walking, for example, is also governed by a separate and specific Council policy (Bylaw and Dog Policy 2009). Open space areas that are closed to mountain biking and open to horse riding are listed in the Open Space Access Plan (2008).

<sup>22</sup> Non-commercial filming that is anything other than a home video-type activity is a managed activity. The need for commercial photography to obtain landowner approval will be assessed on a case-by-case basis, primarily considering the impact of the activity.

### 4.3.2 RESTRICTIONS TO ALLOWED ACTIVITIES

In order to protect the park, the environment, the health, safety, and wellbeing of other users and to facilitate park operations, restrictions may be placed on *allowed* activities. The following is a guide of potential issues that may result in restrictions:

- a) group size for informal activities (up to 30 people is generally considered allowed, subject to assessment of the impact of what the group is doing)
- b) time of the day and duration of activity (assessed on impact)
- c) location (ensuring there is no user conflict between park users)
- d) day in the week or time of the year (restriction in regards to events during public holidays and considering weekday and weekend activity)
- e) the weather (restriction of activities and use of certain areas or facilities)
- f) environment conditions (any impact on the land and surrounding environment).

Maintenance or management of suburban reserves may limit *allowed* activities at certain times.

## 4.4 MANAGED ACTIVITIES

Managed activities are those that are not specifically “allowed” or “prohibited” and any that are not listed in this management plan or require a case-by-case assessment. These activities are generally undertaken in a specific location and may involve temporary or longer term allocation of a park area or structure for a specific use.

Each application is considered on its merits, compatibility, and appropriateness to both the suburban reserves in general and the location proposed. Some applications may need to be publicly notified, and all applications can either be approved, subject to conditions, or declined.

They may:

- be new activities and development
- be existing activities or development that do not have the appropriate approval in place
- involve the exclusive use of an area for an extended period of time
- require the development of temporary or permanent structures and buildings
- include commercial activities
- be large-scale events and a range of other uses.

### 4.4.1 APPLICATIONS FOR MANAGED ACTIVITIES

Wellington City Council will manage activities and development through **landowner approval** as either a:

- permit
- booking
- lease
- licence
- concession
- easement

Note that other approvals from Wellington City Council and other organisations may be required for some activities including:

- resource consent (Resource Management Act)
- liquor licence
- archaeological authority (from the New Zealand Historic Places Trust)

#### **4.4.1.1 Permits and bookings**

Managed activities that require a permit or booking will be approved or declined by Council officers. These include:

- a) conducting events (eg multisport) and including, but not limited to, events and activities run on a “cost-recovery” or “not-for-profit” basis
- b) camping (for educational purposes only)
- c) conducting one-off activities involving site occupation or use (eg weddings, concerts)
- d) commercial filming and photography (see footnote for 4.3)
- e) temporary access (except for park management, emergency access, and as identified in the sector plans), eg infrastructure maintenance, art installations, vehicle access, construction access
- f) parachuting, parapenting, hang-gliding, kite carts/boards
- g) aircraft and helicopter landing and activity
- h) storage of materials or plant (such as gravel in parking areas, or construction lay-down sites for infrastructure projects)
- i) markets and fairs
- j) collecting natural materials, removal of living plant material, cultural harvesting
- k) planting (unless carried out by the Council or its contractors or as approved by Parks, Sport and Recreation)
- l) commemorative planting
- m) formal environmental education activities
- n) total or partial demolition or removal of buildings or structures
- o) structures and furniture (including track infrastructure, gates, footbridges, track overpasses, fences, walls, retaining walls, artworks, sculpture, plaques, memorials, seats, interpretation, lighting, sun/shade shelters – does not include utilities)
- p) signs in relation to reserve activity only (signs and/or advertising for non-reserve-related activity are prohibited) (see 4.4.6).

#### **4.4.2 LEASES, LICENCES, CONCESSIONS AND EASEMENTS**

Managed activities that require a lease, licence, concession, or easement will be assessed by Council staff and the Council (or a delegated Committee) will approve or decline. These include:

- a) leasing buildings and/or reserve land, (consistent with policy at part 2.2.9 and the Leases Policy for Community and Recreational Groups)
- b) commercial activities that are either large one-off events or are concessions for six months or more (including but not limited to, multisport events, guiding tours, selling food or drinks or hiring equipment) (see 4.4.9)
- c) community gardens and orchards (see 4.4.7)

- d) new buildings, building extensions, car parks and hard surfaces, additions and alterations often associated with leases
- e) utilities (essential systems and networks that provide the city with water, energy, communications and wastewater removal) (see 4.4.8).

#### **4.4.3 PUBLIC NOTIFICATION**

Applications for managed activities will be publicly notified when:

- a) it is required under the Reserves Act 1977
- b) it is required by Council policy (eg granting a lease or licence under the Leases Policy for Community and Recreational Groups)
- c) an application to construct or modify a permanent utility would significantly alter the nature, scale, or intensity of the effect on the park or reserve
- d) the nature and/or scale of the proposed activity has the potential to adversely impact on reserve values, including permanent public access and open space
- e) they involve a commercial sub-lease or sub-licence or concession.

#### **4.4.4 INFORMATION REQUIRED WITH AN APPLICATION**

All applications are required to include the following<sup>23</sup> relevant information:

- a) a description and/or plans of the proposal with enough detail for Council staff to determine all potential effects
- b) an assessment of the impacts the development/activity will have on the immediate and wider environment
- c) the purpose of the proposed development/activity and why it needs to take place on the reserve network
- d) an explanation of how the development/activity is aligned with the objectives and policies in this plan
- e) details of other approvals or consents required (eg if consent is required under the Resource Management Act 1991)
- f) consultation with affected parties
- g) identification of health and safety issues and how these will be managed
- h) where required, a business plan for concessions, leases, and licence applications
- i) information as required by other Council policy (eg the Leases Policy) or as required on any specific application form (eg the Temporary Access Permit).

#### **4.4.5 DECISION-MAKING GUIDELINES**

Wellington City Council (Parks, Sport and Recreation) will consider the following when assessing applications for landowner approval:

- a) if the activity and/or development could be co-located, in particular when associated with formal sports facilities

<sup>23</sup> The amount of detail required will be in relation to the scale and complexity of the proposal and potential for effect on the reserve and other reserve users.

- b) whether the proposal could reasonably be undertaken in another location, eg on non-reserve land, on another park, or at another location in the suburban reserve network where potential adverse effects would be less
- c) the degree to which the proposal is consistent with the relevant objectives and policies of each section of this plan and the relevant sector plan
- d) effects (positive and negative) on park infrastructure, approved activities, the surrounding environment, and the enjoyment of other park users (limits may be placed on the frequency of the proposed activity and the need for temporary closure)
- e) the level of any additional benefits, enjoyment, and use opportunities for park visitors, local and regional community and mana whenua
- f) the extent to which the proposal affects current or future public access
- g) assessment of the effects of the location, extent, design and cumulative effect of any infrastructure (such as earthworks, lighting, fencing, car parking, access roads and so on) associated with a development or activity proposal
- h) the potential to mitigate the effects of the development or activity in a way that is in keeping with individual reserve landscape character and values
- i) the degree of risk associated with any activity (in relation to biosecurity, sustainability etc).

#### 4.4.6 SIGNS

- a) Council signage and interpretation will be used to inform visitors about recreation opportunities and potential hazards, and environmental, cultural, and historic values of the reserve or area. They will help reserve users navigate tracks successfully and safely. Signs will also help to manage the interface between private and public land.
- b) No signs or hoardings shall be permitted on parks and reserves that are not immediately relevant to the activities occurring on, or features of, the reserve. This includes election hoardings and any commercial advertising.
- c) A high number of signs can detract from reserve values, so control on the number, location, and design is necessary. The size, location, design, and appearance of signs and sponsorship information must not detract from the amenity of the area nor appear to dominate other public information signs. All signs must comply with the legislative requirements, District Plan and Leases Policy where relevant.
- d) In general, the use of reserve land for advertising purposes is not permitted. However, existing and future sponsorship advertising relating to sportsfields and events will be permitted where:
  - i. the wording of the sign is readable only from within the area concerned and the structure supporting the advertising is sited as unobtrusively as possible
  - ii. sponsorship signs are proposed on a building, the name of the sponsor must be incorporated into the external name signs for buildings rather than as a separate sign
  - iii. the Council has the right to refuse permission for the display of any sponsorship or advertising material that may offend any section of the community.
- e) Temporary signs relating to special events will require permission as part of an event permit application and assessment.

#### 4.4.7 COMMUNITY GARDENS AND ORCHARDS

In considering a request to establish a community garden on reserve land, the following criteria will be considered (partly based on Wellington City Council Guidelines for Community Gardens – September 2009).

- a) Wellington City Council will seek to maintain the public use and open-space values of the land in accordance with the policies in this plan.
- b) Alternative open spaces, such as schools, vacant or temporary lots, and community housing have been considered.
- c) The location of community gardens and orchards within the reserve network should support and complement the primary function of the network and its associated uses and users<sup>24</sup>.
- d) Community gardens and orchards should be located to minimise potential conflict with other reserve uses and users.
- e) Community gardens and orchards should not dominate the primary usable area of local or community parks.
- f) Community gardens and orchards must retain their public character.
- g) Community gardens and orchards must be not-for-profit.
- h) No private allotments will be allowed on the reserve network.
- i) Community gardens and orchards should not impact on indigenous biodiversity.
- j) Community gardens must follow the Wellington City Council Leases Policy for Community and Recreational Groups (2012).

#### 4.4.8 UTILITIES

Use of the suburban reserve network for public utilities is considered appropriate in some circumstances. This does not mean that the utility must be in public ownership, but it must provide an essential service to the public. All new utilities and all replacements and upgrades<sup>25</sup> of existing utilities will be allowed on reserves where the Council's specific conditions have been met (see policies below).

##### 4.4.8.1 Public utilities

- a) New utilities, replacement or upgrades of existing utilities may be permitted by granting leases or easements provided:
  - i. it is an essential service to the public
  - ii. it cannot be reasonably located elsewhere
  - iii. the recreational nature of the reserve is not significantly disturbed
  - iv. the public benefits outweigh any adverse impacts on this recreational nature<sup>26</sup>.
- b) All new utilities and replacement or upgrades of existing utilities shall comply with the following conditions to the satisfaction of the Council:
  - i. The impact of all utilities on reserve land and its values shall be minimised.
  - ii. Utility infrastructure shall be as unobtrusive as practicable with forms appropriate for the landscape and finished in low-reflective colours derived

<sup>24</sup> The intent of this point is to ensure that any community garden or orchard development considers and complements the ecological and recreation and open-space roles of the reserve network.

<sup>25</sup> "Upgrading" means an increase in the carrying capacity, efficiency or security of the facility. It may require a bigger footprint for the easement for a bigger cable or higher mast/aerial which changes the scale or character of the existing structure.

<sup>26</sup> "Recreational nature" means such features as the openness, the greenness and the peaceful, informal character and the public recreation opportunities provided on parks and reserves.

from the background landscape. Structures will be screened from view through planting where possible.

- iii. All utility services shall be placed underground, except where it is not practicable to do so.
  - iv. Underground services shall be sited to minimise interference with existing features, facilities and vegetation.
  - v. Utility services shall be located so as not to restrict areas usable for outdoor activities or required for future facilities or tree planting.
  - vi. Any disturbance of the existing site during installation of a utility shall be minimised and made good immediately after completion.
  - vii. Opportunities for the utility structure to benefit the reserve will be explored where appropriate (eg an essential maintenance track might provide an alternative walking route for the general public).
  - viii. Recorded archaeological sites are avoided and where required an Archaeological Authority is obtained from the Historic Places Trust.
- c) All utility companies wanting to build new structures or upgrade or replace existing ones on reserve land will need to obtain a lease and/or easement from the Council (as per the Reserves Act 1977). Easements shall be granted for utilities that are located underground in terms of Section 48 of the Reserves Act. Leases shall be granted for utilities that are located on or above the ground and shall be for less than 20 years. This period shall include both the term of the current lease and the term of any right of renewal. Leases and easements will require the approval of Council (or delegated committee).
- d) For existing utilities, where there is no lease or easement, utility companies will need to negotiate an agreement with the Council setting out the terms and conditions of access for inspection, maintenance and emergency repairs. Landowner approval will be required for any non-urgent earthworks.

#### 4.4.8.2 Private discharge utilities

- a) The routing of stormwater or sewer discharges from private houses and businesses across reserve land to connect to main Council networks may be allowed with the granting of an easement by Council provided:
- i. it cannot be reasonably located elsewhere because of the contour of the land
  - ii. the recreational nature of the park or reserve is not significantly disturbed
  - iii. the ecological values are not significantly disturbed.
- b) Approval from the Council for private discharge utilities will be subject to the following conditions:
- i. A fee for use of the route and a refundable site restoration bond shall be paid, with the Council to determine the restoration required and the size of the bond to be paid.
  - ii. The adjoining property owner shall be responsible for accurately mapping the connection(s) and shall provide documentation of this to the Council.
  - iii. The property owner shall be responsible for any future maintenance and repairs (including costs) of the private connection and shall be required to make good any site disturbance on the reserve to the Council's satisfaction. This includes any emergency works being undertaken without the owners' prior consent.
  - iv. The property owner shall be liable for removing any redundant materials, structures or utility infrastructure if required by the Council.

#### 4.4.8.3 All public and private utilities

- a) All existing and future public and private utilities (above and below ground) will be accurately mapped and documented.

- b) All costs arising from the application for a new utility or upgrade or replacement of an existing one shall be met by the applicant. This also includes mapping and surveying, resource consent, legal encumbrance, and public notification costs.
- c) Subject to the ability of the Council to do so under relevant legislation concerning utilities, the Council shall charge a market rental for any existing installations on a park or reserve if the ownership of the utility service or any of its installations changes (when replaced or upgraded). (Existing utilities do not necessarily have easements and/or leases.)
- d) When a utility is no longer required, that utility – including all related services, structures and materials – shall be removed and the site reinstated as necessary. This will be required at the utility operator's or private owner's expense.

#### **4.4.9 COMMERCIAL ACTIVITIES**

- a) Any approval to carry out commercial activity will only be permitted to the extent that the:
  - i. activity is necessary to enable the public to obtain the benefit and enjoyment of the park or reserve or for the convenience of people using the park or reserve
  - ii. commercial activity does not require a new permanent building or structure.
- b) In addition, where the activity is related to an existing sporting or community club or group:
  - i. the commercial activity must complement and be ancillary to a group's primary community or recreational activity
  - ii. excess funds generated by the activity are in the first instance applied to any maintenance obligations the group has under its lease and then to the group's community or recreational activity.

### **4.5 PROHIBITED ACTIVITIES**

#### **4.5.1 EXPLANATION**

These are activities considered to be inappropriate because of the permanent adverse effects on the environment or those that are incompatible with open space values, characteristics and/or management focus or other approved activities.

Prohibited activities include all those activities prohibited by Wellington City Council bylaws or prohibited by the Reserves Act 1977.

The Council will prohibit activities that would have a permanent adverse effect on open space values or would significantly detract from the enjoyment and safety of other park users.

Enforcement of all activities will be through the Wellington City Council Consolidated Bylaw 2008, and the Reserves Act 1977.

#### **Activities that are specifically prohibited**

The following list of activities is not exhaustive but covers activities that are specifically prohibited:

- spreading of ashes or placenta (unless approved through the Commemorative Policy)
- construction of private dwellings or landscaping
- all mining activities

- commercial resource harvesting
- permanent vehicle access for private purposes
- firearms and weapons use (unless specified in a lease, or as approved for police training)
- fireworks and/or amplified sound (not associated with an approved event)
- use of motorised trail bikes
- hunting
- use of a chainsaw
- golf
- grazing horses (unless specified in a lease or licence)
- keeping of pets or livestock (including but not limited to chickens, pigs, sheep, goats, and cattle)
- open fires (except as approved by permit for special events)
- gaming machines
- camping (except for educational purposes)
- firewood collection.

## 4.5.2 ENCROACHMENTS

Encroachments into open space are a significant issue for the management of reserve land. The use of public reserve land by private property owners effectively alienates the public from use or enjoyment of that land<sup>27</sup>. This is contrary to both the Reserves Act and the purpose of provision of public open space.

Due to the location of the suburban reserves, contained within the fabric of Wellington's urban and suburban development, the pressure on the edges of these smaller reserves continues to increase. The cumulative effect of encroachments (even those that seem very minor if considered in isolation) results in considerable reductions of public open space in the city and the potential values of that open space are compromised.

Parks and reserves are recognised as a unique and very valuable area of open space in Wellington and require protection against encroachment.

### 4.5.2.1 Encroachment policy

- a) Encroachments are a prohibited activity.
- b) The Council will resolve the existing encroachments with a view to regaining lost land.
- c) The Council will protect the suburban reserves network from new encroachment

Encroachments range in scale and effect, from the minor and easily removed without effect (such as washing lines and children's play equipment), to access driveways and, in the more extreme cases, to parts of dwellings or landscaping. A few encroachments are very old and associated with early settlement and building in the city while some are more recent. Encroachments include access encroachments.

In some cases, owners of encroachments believe these have been authorised by the Council through the resource consent process under the Resource Management Act 1991 (RMA).

<sup>27</sup> Use and enjoyment may be indirect or indirect. Examples of indirect use and enjoyment include tourist revenue from having an open space, views of open space or ecological value of vegetation.

Encroachments must be authorised under the provisions of the Reserves Act and not the RMA.

#### 4.5.2.2 Encroachment management

- a) The Council will keep a record of all known encroachments.
- b) The Council will require removal of all encroachments either immediately or as a managed process. Managed removal will require issuing a letter of understanding, and a licence or agreement to formalise the removal process.
- c) Managed removal of encroachments will result in a signed agreement between the property owner concerned and the Council and will detail:
  - i. a description of the encroachment
  - ii. a process for removal
  - iii. a timeframe for removal
  - iv. responsibilities of each party for particular actions
  - v. the payment of any one-off or ongoing fees
  - vi. any other matter the Council deems necessary to manage the encroachment removal.
- d) If the encroachment can be practically removed or stopped (it might be a garden fence, a shed, a path, an area of garden, part of a deck, a clothesline, or a private vehicle access) it will be removed with full reinstatement of the land generally within 12 months or sooner. This type of removal will be managed by way of a signed letter of understanding including details as listed above a 4.5.2.2(c).
- e) If the encroachment is associated with private vehicle or private pedestrian access and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 4.5.2.1 (a), (b), and (c). The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment. The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.
- f) If the encroachment cannot be removed because of ground stability (such as a retaining wall or part of a building) then a longer term removal agreement may be negotiated unless it is deemed unsafe.
- g) Emergency retaining and/or land stabilisation will be managed by way of a licence and only where there is no alternative remedial action available. This clause is only intended to apply to unforeseen stability issues (it is the landowner and their contractor's responsibility to carry out appropriate investigation before starting any work) and where there is an immediate need to retain the land and a public benefit to doing the work.
- h) If an application is received for a new retaining structure on a reserve boundary, the applicant will be required to provide a survey of the boundary and the completed structure. The completed structure must be built on the applicant's side of the boundary and not on the reserve. The applicant can apply for a temporary access permit to build the wall. The completed structure must be contained on the applicant's property and will be the responsibility of the owner so no encroachment licence is needed.
- i) If the encroachment is part of a house or other building, the timeframe for removal is likely to be longer and an encroachment licence may be negotiated (unless it is new and can be immediately removed) to manage long-term removal. The agreement will generally link removal of the encroachment to a specified situation, such as where there are renovations done to that wall or if the house is removed, demolished or falls down.

- j) Any managed removal agreement does not run with the land. Any new owner will have to apply for an agreement. It is expected that change of property ownership will often be the point at which a licence will end and the encroachment is removed or access stopped.
- k) The removal of all encroaching features is the responsibility of the owner concerned. If the owner fails to comply with the immediate or managed removal as specified by the Council, the work will be carried out by the Council after consultation with the owner and the owner will be charged for the work.
- l) All costs associated with immediate or managed removal, including survey and legal costs, shall be met by the owner of the encroachment.
- m) Reserve land will not be sold to resolve encroachment issues.
- n) Formalisation of managed removal through a licence may be publicly notified if the Council deems the effects of the agreement to be of a nature and scale that public notification is in the public interest and/or if required under the Reserves Act 1977.
- o) All encroachment easements and licences require approval by the Council or a delegated committee.

#### **4.5.2.3 Botanical enhancements/letter of understanding**

“Botanical enhancements” are small areas of land that are maintained and/or enhanced by a neighbour through planting or vegetation management in keeping with open space values and character. These are managed by way of a “letter of understanding”, which must be obtained by anyone who has or proposes to undertake “botanical enhancement”. For the purposes of managing encroachments, botanical enhancements are not considered encroachments and therefore are not by default prohibited.

Letters of understanding to permit “botanical enhancement” will only be issued if all of the following conditions are met. The botanical enhancement:

- i. is vegetation only (ie no paths, steps, walls, fences or structures of any kind are permitted)
- ii. is in keeping with the values and character of the particular park or reserve
- iii. does not include any plant species considered weeds or that may result in unwanted maintenance issues
- iv. must provide a level of public good
- v. must not prevent or discourage public access
- vi. must be adjacent to the applicant’s property (ie you will not be permitted to carry out botanical enhancement on reserve land that affects or is adjacent to your neighbour’s property).

There is no formal right of occupation associated with a botanical enhancement and responsibility of the ongoing maintenance of the area will be negotiated.