6. PERMIT TO OPERATE MOTOR VEHICLE ON THE BEACH

Officer responsible	Authors
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The purpose of this report is to seek the Council's approval for the issuing of permits allowing persons to drive vehicles along the beach from Spencer Park to the Waimakariri River Mouth for fishing and other recreational pursuits.

BACKGROUND

The operation of vehicles on the beach between Spencer Park and the Waimakariri River Mouth is governed by the Waimairi County Bylaw 1966 (No. 1). Since amalgamation in 1989 this bylaw, which is still operative, has been administered by the Christchurch City Council. (It is intended that this bylaw will be replaced by a new parks bylaw which is currently being drafted.)

Clause 277(3) of the Bylaw provides that no person shall without the prior consent of the Council operate a vehicle on any part of the beach which is ordinarily used for the purpose of bathing or recreation. Clause 278(1) provides that in granting its consent the Council may impose such conditions as it considers necessary. Clause 278(2) provides that any person who operates a vehicle on the beach without the Council's consent, or in breach of a condition of any consent given, commits an offence against the bylaw.

The beach in the vicinity of Spencer Park and northward thereof is regularly used by bathers, surfers and by people fishing, walking, jogging or running. Vehicular access to the beach at Spencer Park is gained from the seaward end of Heyders Road. The Council has erected a gate at the end of the sealed carriageway on Heyders Road in order to control vehicular access to the beach. This gate is kept locked, because it is considered necessary, in the interests of public safety, to maintain controls over the use of vehicles on this beach.

PERMIT SYSTEM

For a number of years, Council staff have issued annual permits authorising persons to drive vehicles from Spencer Park to the Waimakariri River Mouth along the beach. (see attached Plan). Permit holders have been issued either with a key to the gate or the combination to a combination lock. The Council has resolved that a fee of $25.00 be payable for these permits. This covers the cost of providing the permit holder with a key to the locked gate on Heyders Road and administering the permit system.

Up until now Council staff have set the conditions upon which the permits have been issued. However, the Greenspace Unit has received legal advice that if enforcement action were to be taken in respect of the breach of any such condition, those conditions must have been set by the Council or by someone who has been delegated the power to do so by the Council.

Consequently, a list of conditions has been prepared and is attached to this report (Attachment 1). These permit conditions have been strengthened on those included in previous permits, so as to enable the Council to more effectively control vehicle activities on the beach. It is recommended that the Council approve these conditions. It is also recommended that the Council delegate to the Greenspace Manager the power to amend those conditions or to impose any other conditions the Greenspace Manager may consider necessary. This will enable the Greenspace Unit to amend the conditions at short notice, should circumstances dictate.

It is further recommended that the Greenspace Manager be authorised to suspend or cancel all such permits should the Greenspace Manager consider that to be necessary in the interests of public safety, the protection of the environment or for any other appropriate reason.

The proposed upgrade of the permit is aligned with what is allowed under ECan's Coastal Regional Plan.

ENFORCEMENT OF PERMIT SYSTEM

In order that the permit system is able to be effectively enforced, it is recommended that the Council delegate to the Greenspace Manager the power to prosecute for offences against Clauses 277(3) and 278(2) of the bylaw.

It is also recommended that the Council delegate to the Greenspace Manager the power to suspend or revoke any such permit should the Greenspace Manager be satisfied that the permit holder has breached any condition of that permit.

Staff Recommendation: That the Council:

1. Delegate to the Greenspace Manager:

   (a) The power to issue annual permits, subject to the conditions specified in Attachment 1 to this report, for the operation of vehicles on the beach between Heyders Road and the Waimakariri River Mouth (with the power to sub-delegate this function to any officer(s) of the Greenspace Unit).

   (b) The power to alter the conditions of such permits at any time.

   (c) The power to initiate any prosecution for an offence against Clauses 277(3) and 278(2) of the Waimairi County Bylaw 1966 (No. 1) together with the power to make a decision on any matter relating to such prosecution.

   (d) The power to suspend or revoke any such permit if the Greenspace Manager is satisfied that the permit holder has breached any condition of that permit.

2. Authorise the Greenspace Manager to suspend or cancel all such permits at any time should the Greenspace Manager consider that to be necessary in the interests of public safety, the protection of the environment or for any other reason considered appropriate by the Greenspace Manager.

Chairman's Recommendation: That the above recommendation be adopted as above