

Attachment i

DRAFT WAIMAKARIRI DISTRICT COUNCIL NORTHERN PEGASUS BAY BYLAW 2010

1. Short Title and Commencement

- 1.1 This bylaw is made pursuant to section 145 and 146 of the Local Government Act 2002.
- 1.2 This bylaw is the Waimakariri District Council Northern Pegasus Bay Bylaw 2010.
- 1.3 This bylaw comes into force on 1 July 2010.

2. Scope and Purpose

- 2.1 The purpose of this bylaw is to control activities and the use of land, including camping, the use of horses and the use of vehicles, on the foreshore, beaches and adjacent areas of Northern Pegasus Bay.
- 2.2 This bylaw applies to all of the foreshore, and beach and adjacent land and water areas of Pegasus Bay under the control of the Council between the Waimakariri River Mouth marking the southern boundary of Waimakariri District and north to the boundary with Hurunui District.

3. Definitions and Interpretation

- 3.1 In this bylaw, unless the context requires otherwise:

Authorised officer means any person warranted by the Council in accordance with Section 177 of the Local Government Act 2002 as an enforcement officer to enforce this Bylaw.

Beach means any land in Waimakariri District adjacent to any seacoast which is part of the foreshore, or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore and coastal land on both sides of the level of Mean High Water Springs.

Camp means to occupy an area with a tent, bivy bag, hut or other form of temporary dwelling or shelter. It also includes the use of a caravan, trailer or vehicle for overnight accommodation.

Council means the Waimakariri District Council.

District means the district within the jurisdiction and under the control of the Council.

Fenton Reserve means a Fenton Reserve established by the Ngāi Tahu Claims Settlement Act 1998. The Fenton Reserves are available for use only by the people of Ngāi Tahu or their invitees for camping and fishing purposes. Two Fenton Reserves have been created on the Ashley River/Rakahuri and two on Saltwater Creek.

Foreshore means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the sea's tidal ebb and flow, that is, the area between the line of mean high water springs level and the mean low water springs level.

Mean high water spring is the highest level to which spring tides reach on the average. This level is generally close to being the "high water mark" where debris accumulates on the shore annually.

Mean low water spring is the lowest level to which spring tides retreat on the average.

Nohoanga means a site established as a nohoanga by the Ngāi Tahu Claims Settlement Act 1998. The sites allow Ngāi Tahu Whānui (tribal members) temporary, but exclusive, rights to occupy the sites to be used to facilitate the gathering of natural resources. The holder of the entitlement has the right to temporarily occupy the land to the exclusion of other persons, subject to conditions on use and public access, and applies for up to 210 days in any calendar year, (excluding any day on and from 1 May to 15 August). This includes the erection of camping shelters or similar temporary shelters while the right is being exercised.

Te Rūnanga o Ngāi Tahu means Te Rūnanga o Ngāi Tahu established by section 6 of Te Rūnanga o Ngāi Tahu Act 1996.

Vehicle means a motor vehicle as defined in Section 2(1) of the Land Transport Act 1998 and any amending or replacement legislation.

- 3.2 A written permission granting exemption from a provision or provisions of this bylaw may be given on request by the council or an authorised officer of the Council who has been delegated this role by the Council.
- 3.3 A permission given under this Bylaw may relate to:
- (a) an activity or event or a series of activities or events, as the case may be;
 - (b) one or more clauses under this Bylaw as is appropriate in the circumstances.
- 3.4 Any permission given under this Bylaw may be subject to such terms and conditions as the council or authorised officer giving the permission thinks fit.
- 3.5 The permission must set out:
- (a) the activity or event or activities or events which is or are permitted or exempted; and
 - (b) the duration of the permission or exemption; and

- (c) the areas to which the permission or exemption relates; and
 - (d) any conditions to which the permission or exemption is subject.
- 3.6 The Council may review and alter or cancel any permission or exemption given under this Bylaw, and will provide reasonable notice of any change to the affected party.
- 3.7 Where this Bylaw refers to written permission, that permission may be in electronic form.

4. Fees

- 4.1 For every application made for a permission, exemption or other authority under this bylaw, the applicant must pay to the Council such fee as the Council may prescribe in accordance with section 150 of the Local Government Act 2002.

5. Penalties and Offences

- 5.1 Every person commits a breach of this bylaw who:
- (a) Commits, or causes to be committed, any act contrary to this bylaw, or
 - (b) Omits, or knowingly permits to remain undone, any act required by this bylaw, or
 - (c) Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this bylaw, or
 - (d) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw or fails to comply with the instructions of an authorised officer of the Council given pursuant to this bylaw.
 - (e) Fails to give their name and address to an officer of the Council authorised to enforce this bylaw when requested to do so if the officer considers this bylaw has been breached.
- 5.2 A breach of this bylaw is an offence and every person is liable on summary conviction to the applicable penalty provided for in the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998, or such other penalty as may be prescribed in any other legislation.
- 5.3 In addition to summary conviction, where it is specified in this bylaw, a person may also be liable for an infringement fee as prescribed in Schedule 4 of the Land Transport Act 1998 or in Regulations made under the Local Government Act 2002.

- 5.4 Where a person commits a continuing breach of this Bylaw, the Council may apply to the District Court to grant an injunction restraining the continuance of the breach by that person, notwithstanding that proceedings for any offence constituted by the breach have not been taken.

6. General Conditions

- 6.1 No persons driving to or from a beach shall do so other than on access tracks or routes marked by the Council.
- 6.2 No person shall drive a vehicle, or ride, lead or otherwise use any horse or horses, through a beach area that is flagged at any time for surf lifesaving patrols, unless the surf lifesaving patrol has given their permission.
- 6.3 No person shall drive a vehicle or ride, lead or otherwise use any horse or horses on a beach other than below the last high tide mark or when directly leaving or entering the beach area.
- 6.4 No person shall drive a vehicle, or ride, lead or otherwise use any horse or horses, on a beach area that has been reserved by the Council from time to time and for periods set by the Council, for events for which those vehicular or equine activities are excluded.
- 6.5 No person shall drive any vehicle on any beach, foreshore or access track at a speed in excess of 30 kilometres per hour or at a speed in excess of 10 kilometres per hour within 50 metres of any other person not in the vehicle.
- 6.6 All persons operating a vehicle on a beach shall give way to all persons on foot, and to bathers and horses.
- 6.7 No person shall disturb or otherwise interfere with any colony of roosting or nesting birds or remove or destroy any bird nest or the contents of a bird nest.
- 6.8 No person shall displace, remove, or otherwise interfere with any sign, notice, post, fence, barrier, warning device or structure erected by the Council or a Surf Life Saving Club, other than a person authorised by the Council or Surf Life Saving Club to do so.
- 6.9 No person shall place any sign, notice, post, fence, barrier, warning device or structure on a beach, foreshore or access or other track except:
- (a) when the person is authorised by the Council or a Surf Life Saving Club to do so; or
 - (b) for temporary camping shelters erected in nohoanga entitlement areas or in Fenton reserves when the person is entitled and authorised by Te Rūnanga o Ngāi Tahu to do so, and is in compliance with that authorisation.
- 6.10 No person shall camp on the beach or foreshore other than:
- (a) in nohoanga entitlement areas or in Fenton reserves if that person is entitled and authorised by Te Rūnanga o Ngāi Tahu to do so, and is in compliance with that authorisation.

- 6.11 On being shown a current warrant of appointment by an officer of the Council authorised to enforce this bylaw, any person who is requested to do so shall provide their name and address to the authorised officer if that officer suspects that a provision of the bylaw has been breached, and shall in those circumstances immediately leave the beach or foreshore area and any prohibited vehicle area, if instructed to do so by the authorised officer.
- 6.12 Notwithstanding any prohibition or restriction on driving a vehicle set out in this bylaw a person may drive a vehicle in the following circumstances:
- (a) by or on behalf of the Council, the Regional Council, or a Government agency, or the Fish and Game Council, for the provision of enforcement services, for monitoring or ranger services, or for the rescue, protection, or disposal of marine animals or other wildlife or animals; or
 - (b) by or on behalf of the Council, the Regional Council, or a Government agency for: water quality sampling, flood protection, the control or cleanup of contaminants, or resource investigations or monitoring; or
 - (c) by or on behalf of the Council, the Regional Council, or a Government agency for: track maintenance, pest control, or the removal of rubbish or beach cast material; or
 - (d) the undertaking of civil defence, medical or fire fighting activities, (including training activities), beach and beach facility maintenance, or training or rescue operations by or on behalf of: the Council, the Regional Council, a Government department, the New Zealand Police, the New Zealand Fire Service, the New Zealand St. Johns Ambulance Service, the New Zealand Army Service Corps, Canterbury Surf Lifesaving Inc. or the New Zealand Coastguard.
- 6.13 Unless in emergency circumstances, any person other than an authorised officer, who is relying on clause 6.12 of this Bylaw, must first notify the office of the chief executive of the Council in writing.

7. Waimakariri River Mouth to the Ashley River/Rakahuri Mouth

- 7.1 No person shall drive any vehicle on the foreshore or beach north of the Waimakariri River mouth and south of Woodend Beach other than below the last high tide line or directly across the foreshore and beach from the vehicle access route at the Waimakariri River Mouth.
- 7.2 No person shall drive any vehicle or undertake horse training on the foreshore or beach:
- (a) north of a sign, indicating the limits of allowed vehicle and horse training use, erected by the Council south of Woodend Beach. This sign is located approximately 400 metres south of the extended midline of Woodend Beach Road, and

- (b) south of the track from the Ashley River Mouth Reserve to the beach, marked by the Council giving access to the Ashley River/Rakahuri Mouth.

7.3 Persons undertaking horse training on the foreshore or beach south of the sign referred to in clause 7.2 (a) shall only access or leave the foreshore or beach by the access track designated and marked by the Council adjacent to this sign, or through the vehicle access route at the Waimakariri River Mouth.

8. Ashley River/Rakahuri / Saltwater Creek Estuary and River Mouth

- 8.1 No person shall drive any vehicle or ride, lead or otherwise use any horse or horses within the prohibited vehicle area marked on Map W1.
- 8.2 Notwithstanding clause 8.1, a person may drive a vehicle within the prohibited vehicle area shown on Map W1 from 8 February to 30 November in any year to gain access to the Ashley River/Rakahuri mouth, provided they remain on the access track marked by the Council, from the Ashley River Mouth Reserve to the beach and then remain below the last high tide line.

9. North of the Ashley River/Rakahuri Mouth

- 9.1 No person shall drive any vehicle or ride, lead or otherwise use any horse or horses within the prohibited vehicle area marked on Map W1.
- 9.2 Notwithstanding clause 9.1 and Map W1, a person may drive a vehicle, within the prohibited vehicle area marked on Map W1, from 15 August to 30 November in any year, from north of the Ashley River/Rakahuri Mouth to the Waimakariri District's northern boundary, for the purpose of undertaking fishing activities, provided they drive only below the last high tide mark.
- 9.3 Notwithstanding clause 9.1 and Map W1, a person may ride, lead or otherwise use a horse or horses on the beach from north of the Ashley River/Rakahuri Mouth to the Waimakariri District's northern boundary, provided they remain below the last high tide mark.

The Common Seal of the Waimakariri District Council was hereto affixed in the presence of

Mayor

Chief Executive