

# Hearing Agenda

## Northern Pegasus Bay Bylaw

Thursday 4 April 2024

10am

Council Chamber  
215 High Street  
Rangiora

**Council:**

Councillor Al Blackie

Councillor Jason Goldsworthy

Councillor Philip Redmond

Kaiapoi-Tuahiwi Community Board Member Tim Bartle

Woodend-Sefton Community Board Member Shona Powell



WAIMAKARIRI  
DISTRICT COUNCIL

## WAIMAKARIRI DISTRICT COUNCIL

THE HEARING AND DELIBERATIONS OF THE NORTHERN PEGASUS BAY BYLAW SUBMISSIONS WILL BE HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA ON THURSDAY 4 APRIL 2024 AT 10AM

### BUSINESS

Page No

#### 1. APPOINT A HEARING PANEL CHAIRPERSON

#### 2. APOLOGIES

#### 3. CONFLICTS OF INTEREST

*Conflicts of interest (if any) to be reported for minuting.*

#### 4. HEARING OF SUBMISSIONS

10.00am Woodend-Sefton Community Board

10.10am Ashley-Rakahuri Rivercare Group

10.20am Waimakariri Biodiversity Trust

##### 4.1. Copy of all Submissions

All submissions received are included as attachments (ii) to (iv) to the staff report below.

#### 5. STAFF REPORT

##### 5.1. Northern Pegasus Bay Bylaw – Hearing Panel Report and Recommendations – Sylvia Docherty (Senior Policy Analyst)

RECOMMENDATION

4 - 122

**THAT** the Northern Pegasus Bay Bylaw Hearing Panel:

- (a) **Receives** Report No. 240209018866
- (b) **Receives and considers** all submissions on the Northern Pegasus Bay Bylaw.
- (c) **Requests** staff to prepare a Statement of Proposal for changes to the Northern Pegasus Bay Bylaw that reflect the decisions made by the Hearing Panel.

**Attachments to the report are as follows:**

Attachment I	Northern Pegasus Bay Bylaw 2016 (amended 2023)
Attachment ii	Northern Pegasus Bay Bylaw Area Boundary Map
Attachment iii	Public Consultation Submissions (Bang the Table) Survey
Attachment iv	Public Consultation Submissions (email submissions)
Attachment v	Thematic analysis of public consultation submissions and staff recommendations

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**



FILE NO and TRIM NO: BYL-69/240209018866

REPORT TO: NORTHERN PEGASUS BAY BYLAW HEARING PANEL

DATE OF MEETING: 04 April 2024

AUTHOR(S): Sylvia Docherty, Senior Policy Analyst

SUBJECT: Northern Pegasus Bay Bylaw – Hearing Panel Report and Recommendations

ENDORSED BY:  

(for Reports to Council, Committees or Boards) General Manager Chief Executive

**1. SUMMARY**

- 1.1. This report presents for consideration, written submissions received from the consultation for the review of Council's Northern Pegasus Bay Bylaw, which opened on 22 December 2023 and closed on Friday 01 March 2024.
- 1.2. In total, 48 submissions were received with 3 submitters wishing to present their views to the Hearing Panel.
- 1.3. Included in this report are the submissions received along with staff analysis and recommendations to the Panel.
- 1.4. Attachments:
  - i. Northern Pegasus Bay Bylaw 2016 (amended 2023) (TRIM: 230217021817)
  - ii. Northern Pegasus Bay Bylaw Area Boundary Map (TRIM: 240220025147)
  - iii. Public Consultation Submissions (Bang the Table) Survey (TRIM: 240313038678)
  - iv. Public Consultation Submissions (email submissions) (TRIM: 240313039481)
  - v. Thematic analysis of public consultation submissions and staff recommendations (TRIM: 240314040152)

**2. RECOMMENDATION**

**THAT** the Northern Pegasus Bay Bylaw Hearing Panel:

- (a) **Receives** Report No. 240209018866
- (b) **Receives and considers** all submissions on the Northern Pegasus Bay Bylaw.
- (c) **Requests** staff to prepare a Statement of Proposal for changes to the Northern Pegasus Bay Bylaw that reflect the decisions made by the Hearing Panel.

**3. BACKGROUND**

- 3.1. The Northern Pegasus Bay Bylaw 2016 (amended 2023) regulates recreational activities along the coastal strip of the District and includes the environmentally significant Ashley – Rakahuri River Estuary. Attachment ii outlines the Bylaw area.
- 3.2. The Bylaw has been instrumental in improving coastal management for Northern Pegasus Bay since it was introduced in 2010. However, there are environmental, health and safety, and implementation issues still affecting the coastal area and consideration needs to be



given to what additional regulatory and non-regulatory measures could be taken to resolve or reduce the issues.

- 3.3. The Northern Pegasus Bay Advisory Group was established in 2018 to ensure the purposes of the Bylaw are achieved with a responsibility to oversee the progress of the Northern Pegasus Bay Bylaw Implementation Plan.

#### **4. ISSUES AND OPTIONS**

- 4.1. The consultation was primarily promoted through a poster campaign at the beaches and estuary. This was supported by a staff interview with Compass FM, a community drop-in at Pines Beach Hall and staff presentation to the Pegasus Community Cuppa.
- 4.2. 48 submissions were received. The engagement statistics are broken down as follows:
  - 4.2.1. 696 visitors to the consultation page
  - 4.2.2. 558 clicked on consultation survey
  - 4.2.3. 40 of those sought further information, including reading the Bylaw
  - 4.2.4. 48 of those provided feedback, including 42 survey and 6 emailed submissions (attachments iii and iv).
- 4.3. The 2023/24 Beach Users Survey was undertaken during the same time as the consultation. 380 surveys were completed, 74 were face-to-face with Council staff making several visits to the beaches, and 306 surveys were completed online with residents and visitors being directed to the survey through a QR code on posters displayed at the beaches. A full analysis of the survey is currently underway and will be made available to the Hearing Panel for consideration.
- 4.4. Staff have provided a thematic analysis of Submission Points Received (attachments iii and iv) and recommendations to the Hearing Panel in attachment v.
- 4.5. The Northern Pegasus Bay Advisory Group advocates for the use of non-regulatory approaches where possible including education and publicity of the Bylaw. However, the Advisory Group also recognises that enforcement measures with more consequences may be required to manage both repeat breaches and breaches of the Bylaw that have a significant impact on the environment or health and safety of users. The Advisory Group also highlight the education and publicity is currently targeted at residents of the District but the coastal strip receives many recreational visitors from beyond the District may not be aware of the Bylaw.
- 4.6. **Implications for Community Wellbeing**
- 4.7. There are implications on community wellbeing by the issues and options that are the subject matter of this report. The Northern Pegasus Bay provides opportunities for recreational activities and social connection that support community wellbeing.
- 4.8. The Management Team has reviewed this report and support the recommendations.

#### **5. COMMUNITY VIEWS**

##### **5.1. Mana whenua**

As per the Terms of Reference, membership of the Northern Pegasus Bay Advisory Group includes Te Ngāi Tūāhuriri Rūnanga and Fenton Reserve Trustees. Te Ngāi Tūāhuriri Rūnanga have not yet been represented on the Advisory Group. Staff provided an update on the Bylaw review at the bi-monthly Rūnanga/Council meeting in September 2023 and

plan to provide a further update post-consultation. Representation on the Advisory Group and involvement in the review process is available to the Rūnanga.

## 5.2. **Groups and Organisations**

The Northern Pegasus Bay Advisory Group was established to represent the groups and organisations most affected by this Bylaw.

## 5.3. **Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. This primarily relates to the residents and members of the wider public that may have concerns around the prohibited and restricted activities of the Bylaw and the impact on the coastal environment where breaches of the Bylaw occur.

# 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

## 6.1. **Financial Implications**

There are financial implications of the decisions sought by this report. This budget is included in the Long Term Plan. Currently there are two budgets within the recreation account which are used for enforcement and infrastructure development related to the Northern Pegasus Bay Bylaw. An operational budget of \$21,530 and a capital budget of \$22,020 is available for this financial year.

Enforcement is undertaken by Environment Canterbury via a ranger service. The cost of this service is split between the Waimakariri District Council and Environment Canterbury with each organisation's share being \$29,760 per year. The schedule for ranger services is agreed between both Councils and is based on known high use periods, weather, and tides. For the winter months, when use of the beach is limited, the ranger service is reduced to half a day at weekends. During peak times, which include the white bait season and summer holiday period, the service is increased to 5 half days a week.

## 6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do have sustainability and/or climate change impacts.

The Bylaw prohibits vehicles and motorbikes from riding on the dunes. Previous research concluded that the higher the sand dunes were, the more they protected people from coastal hazards. Driving on dunes destroys vegetation that helps to bind the sand together and compacts the sand. This can lead to an unstable dune system that is more at risk from the climate change risks of extreme weather events and sea level rise.

The Bylaw also controls activities in the Ashley/Rakahuri Estuary which is recognised by the International Union for the Conservation of Nature (IUCN) as a wetland of 'international significance'. Over 90 species of birds have been recorded at the Ashley Rakahuri/Saltwater Estuary alone and many of these such as the black-billed gull, black-fronted tern, banded dotterel, and wrybill are rare and endangered species.

## 6.3. **Risk Management**

There are not risks arising from the adoption/implementation of the recommendations in this report.

## 6.4. **Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## **7. CONTEXT**

### **7.1. Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2. Authorising Legislation**

Local Government Act 2002  
 Resource Management Act 1991  
 Ngāi Tahu Claims Settlement Act 1998  
 Marine and Coastal Area (Tukutai Moana) Act 2011  
 Land Transport Act 1998  
 Reserves Act 1977  
 Conservation Act 1987  
 Wildlife Act 1953  
 Marine Mammals Protection Act 1978  
 Dog Control Act 1996  
 Fire and Emergency NZ Act 2017  
 Freedom Camping Act 2011

### **7.3. Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

The Bylaw supports the following community outcomes:

- Social: Public spaces are diverse, respond to changing demographics and meet local needs for leisure and recreation.
- Environmental: People are supported to participate in improving the health and sustainability of our environment.
- Environmental: The natural and built environment in which people live is clean, healthy and safe.
- Environmental: Our communities are able to access and enjoy natural areas and public spaces.

### **7.4. Authorising Delegations**

The Community and Recreation Committee has delegated authority to administer bylaws for its activities. The most relevant of the listed activities is parks and reserves but only a small parcel of Council-owned reserve land at Kairaki Beach is located within the Northern Pegasus Bay Bylaw area.

The District Planning and Regulation Committee is responsible for the administration of bylaws other than those clearly under the jurisdiction of another standing committee, but the full Council rather than this Committee has traditionally been involved in the preparation of the 2010, 2016 and 2016 (amended 2023) Northern Pegasus Bay Bylaws due to the significance of the coastal area.



# WAIMAKARIRI DISTRICT COUNCIL

## NORTHERN PEGASUS BAY BYLAW 2016 (amended 2023)

The Northern Pegasus Bay Bylaw 2016 (amended 2023) was adopted at a Council meeting held on 2 May 2023

  
\_\_\_\_\_  
Chief Executive  
\_\_\_\_\_  
Governance Manager

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## **WAIMAKARIRI DISTRICT COUNCIL NORTHERN PEGASUS BAY BYLAW 2016 (amended 2023)**

### **PREAMBLE**

This preamble is intended to explain the bylaw's context and general intention.

A number of agencies own or manage land within or adjacent to the area covered by this bylaw. These are the Waimakariri District Council, Environment Canterbury, the Department of Conservation, Land Information NZ Toitū Te Whenua and Te Kōhaka o Tūhaitara Trust.

The proposed bylaw seeks to address the following key issues:

- Health and safety of beach users.
- Conflicts between incompatible recreation activities.
- The impact of offensive behaviour on other beach users' enjoyment or use of the beach.
- Impacts of recreation use on the dune systems and on the wildlife and vegetation of the estuaries and lagoons.
- Disturbance and destruction of foreshore habitats.

### **Legislative Context and Links to other Documents**

The management of the coastal environment is legislated by various Acts. These include, but are not limited to, the *Resource Management Act 1991*, *Ngāi Tahu Claims Settlement Act 1998*, *Marine and Coastal Area (Tukutai Moana) Act 2011*, *Local Government Act 2002*, *Land Transport Act 1998*, *Reserves Act 1977*, *Conservation Act 1987*, *Wildlife Act 1953*, *Marine Mammals Protection Act 1978*, *Dog Control Act 1996* Fire and Emergency NZ Act 2017 and Freedom Camping Act 2011.

Additional documents that have been taken into consideration in developing this bylaw include the following:

- Treaty of Waitangi.
- Kemp's Deed.
- Waimakariri District Council Memorandum of Understanding with Te Ngāi Tūāhuriri Rūnanga.
- Mahaanui Iwi Management Plan 2013.
- NZ Coastal Policy Statement 2010 (*Resource Management Act 1991*).
- Regional Coastal Environment Plan for the Canterbury Region (*Resource Management Act 1991*).
- Waimakariri District Council District Plan and proposed District Plan (*Resource Management Act 1991*).
- Waikuku Beach Reserve Management Plan (*Reserves Act 1977*).
- Canterbury Conservation Management Strategy 2016 (*Conservation Act 1987*).
- Environment Canterbury Navigation Safety Bylaws 2016 (*Local Government Act 1974*).
- Estuarine Research Report 38 – impacts of vehicles on juvenile tuatua on Pegasus Bay surf beaches 2010.
- Estuarine Research Report 39 – assessment of intertidal tuatua 2009.

The legislative boundaries map at the end of this section shows the interface between the various rules and policies contained within the Regional Coastal Environment Plan (coastal marine area boundary), the Waimakariri District Council's District Plan (coastal marine area boundary), the Canterbury Conservation Management Strategy (conservation areas), the proposed Ashley/Rakahuri Regional Park Management Plan, the Reserves Act 1977 (local purpose reserves) and the Ngai Tahu Claims Settlement Act 1998 (Fenton Reserves and Entitlements).

There are also other Council bylaws that apply to the coastal area. These include the Waimakariri District Council Dog Control Bylaw 2019 and the Alcohol Control Bylaw 2018. Reference has been made in this bylaw to the relevant clauses in bylaws listed, to prevent coastal users having to research other Council bylaws to find out what rules apply.

### **Significance of Ashley River/Rakahuri and Saltwater Creek Estuarine Areas**

The Ashley River/Rakahuri and associated estuarine areas link up with the 550hectare Tuhaitara Reserve which stretches 10.5 km from the estuary and contains many protected wetlands. This string of wetlands has important values for some special invertebrate and plant communities and combined creates a large area of significant attraction to birdlife, the majority of which are indigenous and regarded as taonga by local iwi. The estuary, with its large areas of tidal mudflats at the conjunction of the Ashley/Rakahuri River and Pacific Ocean, is recognised as one of the best shorebird feeding sites on the South Island's eastern coastline. It is the largest, least modified estuary in Canterbury with a variety of ecosystems and habitats and observations of up to sixty bird species at any visit are common.

The Ashley River/Rakahuri estuarine area is recognised by the International Union for the Conservation of Nature (IUCN) as a wetland of 'international significance'. The *Regional Coastal Environment Plan for the Canterbury Region* lists the Ashley River/Rakahuri and Saltwater Creek Estuary as an area of 'significant natural value with Maori cultural values; wetlands, estuaries, and coastal lagoons; marine mammals and birds; ecosystems, flora and fauna habitats; historic places; and coastal landforms and associated processes' occurring in the area. The Ashley River/Rakahuri Estuary and wider Pegasus Bay wetlands are designated 'Important Bird Areas' by Birdlife International (of which Forest and Bird is the NZ partner) and the threatened native braided river birds breeding on the river are a priority for protection in the *Biodiversity Strategy for the Canterbury Region*. The Department of Conservation rates the area as being of 'significant conservation value' and is the administering body for five Local Purpose Reserves under the *Reserves Act 1977* and two stewardship areas under the *Conservation Act 1987* located in the area. One of these stewardship areas, known as the Conservation Area Pacific Ocean Foreshore, is described by the Department as being a 'priority ecosystem'. The Banks Peninsula Marine Mammal Sanctuary runs up the coastline extending four nautical miles out to sea from the mean high water springs mark.

The estuarine wetlands are the feeding, roosting and breeding grounds of a large number of native birds, including some threatened and critically endangered species such as the black-billed gull (the world's most endangered gull), the black-fronted tern, banded dotterel and wrybill. Wrybill, the only bird in the world with a bill that bends sideways, feed in the estuary and breed upstream in the braided river. The wetlands are an important summer resting and feeding site for a large number of locally resident and migrant wader species. Wrybills, banded dotterels, pied stilts and pied oystercatchers start to pass through in late August with small numbers of other northern hemisphere wading birds arriving in September and staying into April. Godwits also arrive in September to feed and rest after an 11,000 km non-stop trip from Alaska, preparing for their return journey in later March. In winter the Estuary is home to the white heron and very rare black stilt. The area is also an important breeding ground for fish such as flounder and whitebait.



As part of the consultation process, conservation-orientated organisations and bird specialists identified a number of activities that could have a negative impact on the important ecological and wildlife values of the Ashley River/Rakahuri and Saltwater Creek estuarine areas. The need to offer additional protection to this internationally significant area was well supported by submitters to the proposed 2015 Bylaw and the proposed 2016 Bylaw attempts to reduce the tension between environmental protection and recreational use by prohibiting activities that are able to be carried out elsewhere on the beach and restricting other site-specific activities. Examples of prohibited activities that can be carried out in other less ecologically sensitive coastal areas are horse riding, exercising dogs, land yachting, using model aircraft and drones, and taking off or landing microlights and helicopters.

Aerial activities can be seen as a threat to some birds who stay in the air while these are taking place. This interferes with their normal feeding, resting, nesting and roosting activities and puts chicks at risk of overheating or predation.

Since the bylaw was introduced in 2010, dogs were still frequently observed chasing birds and disturbing their nests. In the 2016 review Dogs were prohibited from the estuary, apart from permitted gamebird dogs during the gamebird hunting season, in order to offer greater protection to critically endangered or threatened bird species.

The estuary is the only safe training and self-landing area for kite surfing within the district and this is now a restricted activity, subject to an agreement between the Council, kite surfing community and bird conservation groups.

The bylaw also recognises the significance of the area as a regional sport fishery and provides limited vehicle access via a permit system from mid-August to the end of November each year.

### **Protection of Foreshore Habitats**

The intertidal coastal area is a very important feeding area for birds. Vehicles disturb birds feeding, resting and nesting in built-up areas of driftwood. They also disrupt their food sources by killing or stressing species such as tuatua that live in the sand.

A study of tuatua found that juvenile tuatua were largely found just adjacent to and beneath the high tide line along the beach whilst adult tuatuas were found closer to the low tide line along the beach. Another study found a relationship between the number of vehicle passes and tuatua damage with juvenile tuatua being more at risk from crushing than the larger more mature adults. The compactness of wet sand was also found to favour tuatua survival.

The bylaw offers some protection to tuatua by providing vehicle free areas and attempting to reduce the number of vehicles driving on the rest of the beach. Vehicles are also required to be driven below the high tide mark, apart from at the Waimakariri River Mouth where this is unsafe because of changes in levels along the side of the river. While vehicles driving on wet sand will damage adult tuatua, the more vulnerable juvenile tuatua living higher up the beach will be better protected. The impact of horse hooves on tuatua has been found to be similar to that of vehicles and the equestrian free area at Waikuku offers some protection.

## **Protection of Dune System**

Vehicles and motorcycles in the dunes continue to be a problem, particularly at Waikuku, Pines and Kairaki Beaches, and a number of submitters to the proposed 2015 Bylaw provided the hearing panel with photographic evidence of the damage done to the coastal environment by vehicles and motorcycles. The dunes provide beach settlements with some protection against coastal hazards and damage to the vegetation accelerates coastal erosion. Vehicles have been prohibited from the dunes and motorcycles have been prohibited from the beach altogether to try and address this problem as well as other safety concerns.

## **Safety Concerns of Beach Users, Conflicts between Different Types of Recreational Activity and Public Nuisance**

A number of submitters to the proposed 2015 Bylaw expressed safety concerns about the use of the beach for low key recreation activities such as walking, running, swimming and picnicking at the same time as horse riding, horse training, land yachting, driving and motorcycle riding. The lack of control of some dogs on the beach around other users, particularly children and horses, was also a concern for some people. In one instance, the hearing panel was shown photographic evidence of a vehicle and motorcycle passing through a busy flagged surf patrol area close to a toddler sitting on the beach. Vehicles had been prohibited from the area in question since the bylaw was introduced in 2010. Other submitters had incidences of accidents, near misses and verbal abuse to report.

The bylaw attempts to resolve identified public health, safety and nuisance issues in a way that is no more than reasonably necessary by:

- Giving priority to the most vulnerable beach users, such as children and other people on foot and bathers.
- Designating zones away from the most popular swimming beach (Waikuku Beach) for activities such as recreational horse riding, horse training, land yachting and driving.
- Prohibiting vehicles and horse trainers from passing through flagged surf patrol areas and requiring recreational horse riders to take due care and land yacht operators to dismount if passing through on a return trip is unavoidable.
- Reducing the number of vehicles on the beach by prohibiting recreational driving and motorcycles.
- Clearly setting out personal responsibilities around the use of a vehicle on the beach (the same as on a road) and dog control.
- Requiring the use of the beach for horse training to be in accordance with a user agreement.
- Requiring all beach users to be aware of each other and not impact on another's use or enjoyment of the beach.

## **Te Ngāi Tūāhuriri Values**

Ngāi Tūāhuriri concepts involving land, water and resources are determined by a very complex system of inter-relations and while free to utilise the resources, Ngāi Tūāhuriri are also restrained by a system of controls.

In an economic sense, the resources of an area determined the welfare of the people. The abundance, or lack of, directly affected the mana (prestige) of every tribal group. Traditionally the acquisition and maintenance of the exclusive right to those resources was central to the core of Maori society. The seasonal collection of these resources and the resulting community effort therefore also formed a very important part of the community's strength.

These seasonal activities were a time for Whanaungatanga – renewing contacts with distant relations, Whakatinana o ngā uara – of reinforcing traditional and cultural values, and Tikanga – of maintaining controls; thus providing a tangible link with the past. Another important example of cultural resource values is that of Manaakitanga – hospitality, towards guests. Tradition dictates that as hosts, Tūāhuriri whānau of this area must prepare the best local foods for manuhiri.

Mahinga kai was specifically recognised and protected in Kemp's Deed in 1848 and advanced within Te Kerēme, the Ngāi Tahu Claims Settlement Act 1998. It describes the natural resources gathered by Maori and the places and practices used in doing so. Mahinga kai is an important value and activity that will be acknowledged and provided for within the bylaw process and through ongoing partnership.

The Rakahuri Awa/Ashley River and Northern Pegasus Bay coastal area was a significant area for mahinga kai. Fenton Reserves and Fenton Entitlements were set aside for occupation and access to mahinga kai and some of these are located in or close to the estuary. Fenton Reserve owners and holders of Fenton Entitlements have a legal right to access waterways associated with these reserves and entitlements for mahinga kai purposes. The Ngāi Tahu Claims Settlement Act 1998 makes provision for Fenton Reserve owners and holders of Fenton Entitlements to have access up to 210 days per year for the above purposes, including the erection of temporary camping shelters. In the preparation of this bylaw these rights have been considered and applied.

Traditional values and controls regarding water are included in the Tribe's spiritual beliefs and practices. This recognises and reinforces the absolute importance of water quality and quantity to both mahinga kai and hygiene. Water is held in the highest esteem because the welfare of all life that it contains determines the welfare of the people reliant on those resources.

Traditionally water was the centre of all activity within Maori society. It provided the preferred transport medium, supported fish and shellfish populations and was used in religious ceremonies, including burials, and also for recreational activities. For these reasons and like most other cultures, settlements were centred beside, or in close proximity to major waterways.

This dependence on kai-moana, kai-awa and kai-roto is a subject that has remained constant throughout Ngāi Tūāhuriri history. Over time Ngāi Tūāhuriri accumulated an extensive amount of knowledge about the resources within its' rohe, particularly water-sourced foods. Harvesting methods reflect a sophisticated understanding of the breeding cycles, migration times and feeding habits of all the important fresh and salt-water species, with different names being used for the same fish at different parts of its life-cycle.

Connected to the concept of water guardianship is the matter of tapu. Water was declared tapu for several reasons. The best examples of Wai-Tapu are those waterways that act as burial places. Because of their primary use, food is not taken from these places. One such incident associated with this bylaw area is along the South bank of the Rakahuri, where Te Rauparaha dug up the remains of an elderly Ngai Tuahuriri woman. Subsequently those Tūāhuriri whānau knowledgeable in this history do not gather kai awa from that particular stream and surrounding area.

The Council acknowledges the sensitivity around the scattering of human ashes within the area covered by this bylaw and the concern Te Ngāi Tūāhuriri Runanga has for the impact on cultural values and customs and advises avoiding using mahinga kai areas and associated waterways for this purpose.

## **1. TITLE**

- 1.1 This bylaw is made pursuant to sections 145, 146 (b)(vi) and 153 (3) of the *Local Government Act 2002* and sections 22AB(1)(b), 22AB(1)(c), 22AB(1)(f) and 22AB(1)(zk) of the *Land Transport Act 1998*.
- 1.2 This bylaw is the Waimakariri District Council *Northern Pegasus Bay Bylaw 2016 (amended 2023)*.

## **2. DATE OF COMMENCEMENT**

- 2.1 This bylaw replaces the Waimakariri District Council *Northern Pegasus Bay Bylaw 2016* and comes into force on 30 June 2023.

## **3. APPLICATION AND PURPOSE**

- 3.1 The purpose of this bylaw is to control activities on the beaches, including the foreshore and adjacent land areas of Northern Pegasus Bay, in order to:
- (a) Manage recreational uses for the benefit and enjoyment of all users;
  - (b) Minimise environmental impacts arising from this recreation activity;
  - (c) Protect, promote and maintain public health and safety;
  - (d) Protect the public from nuisance;
  - (e) Minimise the potential for offensive behaviour in public places.
- 3.2 Activities that are prohibited from the whole of the bylaw area include recreational driving, all motorcycles and unregistered and unlicensed vehicles. Freedom camping, interfering with wildlife, erecting or interfering with buildings and permanent structures without permission and introducing substances that could harm other people, animals or plants. are also prohibited.
- 3.3 Activities that are prohibited from the Ashley River/Rakahuri and Saltwater Creek estuarine areas include equestrian and dog-related activities; operating land yachts, drones and model aircraft; and taking off or landing of aircraft including microlights and helicopters. Driving vehicles without a permit or exemption is also prohibited in this area.
- 3.4 Vehicles are also generally prohibited from between the Ocean Outfall and the Ashley/Rakahuri River Mouth. Land yachts are prohibited from the area between the beach entrance to the Waikuku Beach Horsefloat Car Park and Access Trail and the District's northern boundary.
- 3.5 Restricted activities (activities that have conditions attached) include driving vehicles between the Kairaki Beach Car Park and the Ocean Outfall, within the Ashley River/Rakahuri and Saltwater Creek estuarine areas and from the northern boundary of the district to the north of the Ashley/Rakahuri River Mouth, lighting fires, horse training, dog-related activities, kite surfing in the Ashley River/Rakahuri and Saltwater Creek estuarine area and using a land yacht between the Kairaki Beach Car Park and the beach entrance to the Waikuku Beach Horsefloat Car Park and Access Trail.

- 3.6 This bylaw applies to all of the beach, including the foreshore and adjacent land and water areas of Pegasus Bay between the southern boundary of the Waimakariri District, located at the Waimakariri River Mouth, and the northern boundary with Hurunui District, as described and set out in schedules 2, 3, 4, 5 and 6. Some of this land is under the control of the Waimakariri District Council and some is under the control of Environment Canterbury, Department of Conservation, Land Information NZ Toitū Te Whenua and Te Kōhaka o Tūhaitara Trust.

#### 4. DEFINITIONS AND INTERPRETATION

In this bylaw, unless the context requires otherwise:

**Absolutely protected or partially protected wildlife** means all wildlife throughout New Zealand and New Zealand fisheries waters except for those specified in Schedules 1, 2, 3, 4 and 5 of the *Wildlife Act 1953*.

**Access Route** means an unformed track through sand that provides vehicle access, including that from the Ashley/Rakahuri River Mouth Car Park to the Ashley/Rakahuri River Mouth and foreshore, as shown in schedules 2 and 3.

**Access Trail** means a cleared defined pathway providing access to the beach for horses, as shown in schedule 4.

**Authorised Officer** means any person appointed by the Council to perform duties required under this bylaw, irrespective of the designation given to that person.

**Beach** means any land in the Waimakariri District adjacent to any seacoast which is part of the foreshore, as defined in this bylaw, or is land contiguous to and used in connection with the foreshore and including dunes, and to which the public has a right of access. For the purposes of this bylaw, the beach therefore includes the foreshore and coastal land on both sides of the level of mean high water spring. The coastal marine areas diagram included in this section depicts the location of mean high water spring.

**Bed** means in relation to the sea, the submarine land areas covered by the sea. The coastal marine areas diagram depicts the location of the bed.

**Brazier** means free standing or hanging "bowl" of coals or charcoal and are an approved fire type in open and restricted seasons.

**Building** means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels) as defined in section 8 (1)(a) of the *Building Act 2004*. This does not include any structure erected by beach users for shade or shelter for less than one day's duration.

**Coastal Environment** means the environment in which the coast is a significant part or element. It includes the coastal marine area and, the water, plants and animals associated with that area, and the atmosphere above it, and dunes, beaches, areas of coastal vegetation and fauna, areas subject to coastal erosion or flooding, salt marshes, coastal wetlands and estuaries, and coastal landscapes. The coastal marine areas diagram included in this section depicts the location of the coastal environment.

**Coastal Marine Area** means the foreshore, seabed, and coastal water, and the air space above the water –

- (a) of which the seaward boundary is the outer limits of the territorial sea:
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of –
- (c) one kilometer upstream from the mouth of the river; or
- (d) the point upstream that is calculated by multiplying the width of the river mouth by 5.

**Horse training/Horse trainers** means an equestrian activity that is carried out in relation to an involvement with the horse racing industry.

**Council** means the Waimakariri District Council, or any Officer authorised to exercise the authority of the Council.

**Council/s** means the Waimakariri District Council and/or the Canterbury Regional Council (Ecan) or any Officer authorised to exercise the authority of one of these Councils.

**Detritus** means a build-up of organic matter such as driftwood, shells and seaweed on the foreshore due to wave or tide action.

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

**Enforcement Officer** means an officer or other person appointed by the Council/s to enforce the provisions contained in this bylaw and includes:

- (a) any person warranted by the Council/s in accordance with section 177 of the *Local Government Act 2002* as an enforcement officer.
- (b) any ranger appointed by the Council/s under the *Reserves Act 1977*.
- (c) any dog ranger or dog control officer appointed by the Council under the *Dog Control Act 1996*.
- (d) any parking warden appointed by the Council under the *Land Transport Act 1988*.
- (e) any enforcement officer defined as an enforcement officer under the *Land Transport Act 1998*.

**Fenton Entitlement** means an entitlement granted in favour of the holder (in this instance, particular people within Ngāi Tahu Whānui and their descendants) to occupy temporarily and exclusively the entitlement land for up to 210 days in any calendar year (excluding days on and from 1 May to 15 August). The entitlement is granted for the purposes of permitting the holders to have access to the waterway for lawful fishing and gathering of other natural resources on the terms and conditions set out in the Entitlement and allows holders to erect camping shelters or similar temporary dwellings.

**Fenton Reserve** means a Fenton Reserve established by Judge Fenton in 1868 in accordance with Kemp's Deed to ensure on-going access by the beneficial owners to the associated waterways and their mahinga kai.

**Foreshore** means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area. The coastal marine areas diagram depicts the location of the foreshore.

**Freedom Camp** means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

- (a) a tent or other temporary structure.
- (b) a caravan.
- (c) a car, campervan, housetruck, or other motor vehicle.

Freedom camping does not include the following activities.

- (a) temporary and short-term parking of a motor vehicle.
- (b) recreational activities commonly known as day-trip excursions.
- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

**Kite Surfing** means being propelled over water by means of a kite on a board or similar craft.

**Land Yacht** means a wind-driven recreation vehicle, usually consisting of three wheels supporting a bare-frame structure, mast and sail. In this context the term also refers to recreation vehicles known as blokarts and sand yachts. Land yachts are used especially on beaches and other sandy areas.

**Last High Tide** means the last time after a low tide (there is approximately a 12 hour cycle from high tide to high tide) that the tide has been at its fullest so that the sea water reaches its highest level on the foreshore. The last high tide mark is generally able to be identified by a band of wet sand and detritus.

**Mean High Water Spring** means the highest level to which spring tides reach on average. This level is generally close to being the 'high water mark' where detritus accumulates on the shore annually. The coastal marine areas diagram depicts the location of mean high water spring.

**Mean Low Water Spring** means the lowest level to which spring tides retreat on average. The coastal marine areas diagram depicts the location of mean low water spring.

**Motorcycle** means a motor vehicle, running on 2 wheels, or not more than 3 wheels when fitted with a sidecar, as defined in section 2 (1) of the *Land Transport Act 1998* and any amending or replacement legislation. It includes a vehicle with motorcycle controls that is approved as a motorcycle by the Transport Agency but does not include a moped.

**Motor Vehicle** means a vehicle drawn or propelled by mechanical power, including a trailer, as defined in section 2 (1) of the *Land Transport Act 1998* and any amending or replacement legislation. It does not include a mobility device.

**Permission** shall include a permit or exemption under this bylaw.

**Recreational Driving** means driving on the beach as an activity in itself and/or primarily for the pleasure of driving.



**Recreational Horse Riders** means the leading/riding/driving of horses along trails and the foreshore for pleasure/leisure, and for the enjoyment of the natural environment. This includes horse trainers delivering organised equestrian activities that fall outside of the horse racing industry such as riding lessons and treks.

**Regional Council** means the Canterbury Regional Council (Ecan), or any officer authorised to exercise the authority of the Council.

**Shall** indicates a mandatory requirement while the use of **should** indicates a recommendation.

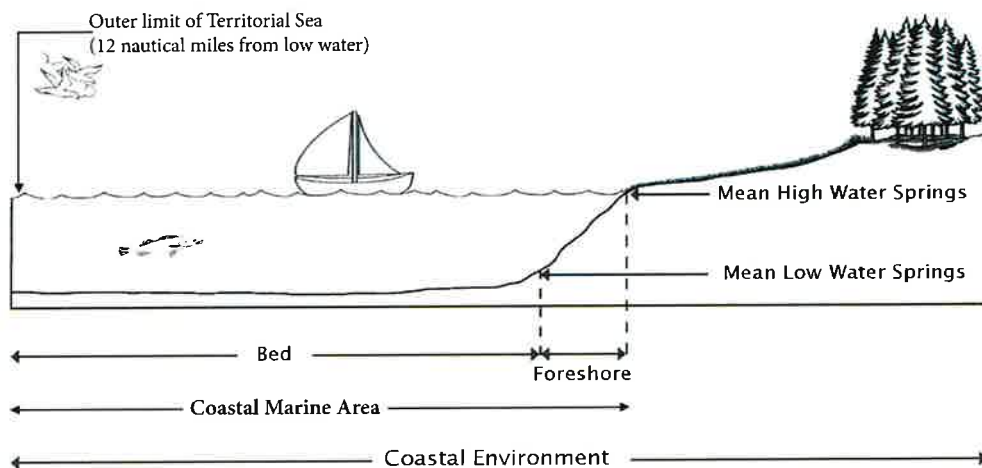
**Sign** includes a notice, label, inscription, billboard, plaque or placard.

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

**Under Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

### **COASTAL MARINE AREAS DIAGRAM**

The following diagram shows where the various marine terms referred to in this bylaw are located within the coastal environment.



## **PART 1 – PROHIBITED AND RESTRICTED ACTIVITIES IN BEACH AND ADJACENT LAND AREAS**

### **5. PROHIBITED VEHICLE ACCESS**

- 5.1 No person shall drive a motor vehicle to, from or on a beach, including the dunes, if prohibited from doing so by any clause within this bylaw.
- 5.2 No person shall ride a motorcycle on the beach, including the dunes.
- 5.3 No person shall drive a motor vehicle on the beach except in the areas outlined in Section 6 - Restricted Vehicle Access and described and set out in schedules 2 and 3 of this bylaw.

- 5.4 No person shall drive a motor vehicle on the beach for any purpose other than those specified in clauses 6.2, 6.3, 6.4 and 6.5 of this bylaw.
- 5.5 Recreational driving on the beach, as defined in section 4 is prohibited.

## **6 RESTRICTED VEHICLE ACCESS**

- 6.1 Clauses 6 and 7, and the sub-clauses thereto, set out restrictions that apply to driving on any Council beaches that are authorised by this bylaw, notwithstanding the provisions of clauses 5.1 to 5.5.
- 6.2 A person may drive a motor vehicle from the Kairaki Beach Car Park, located at the Waimakariri River Mouth, to the Ocean Outfall, as shown and set out in schedule 2, only for the purposes of boat launching or retrieval, taking machinery and equipment used for legitimate recreational purposes (this may include, but is not limited to jet skis, wind surfing boards and land yachts) to and from the water's edge, fishing, whitebaiting, mahinga kai gathering, or to enable disability access for holders of mobility parking permits.
- 6.3 A person may drive a motor vehicle in the restricted vehicle area, as described and set out in schedule 2, from the Waimakariri District's northern boundary to the north of the Ashley/Rakahuri River Mouth, only for the purposes of boat launching or retrieval, fishing, whitebaiting and mahinga kai gathering.
- 6.4 A person, upon obtaining a permit, may drive a motor vehicle through the locked gate at the Ashley/Rakahuri River Mouth Car Park and along the access route, as described and set out in schedules 2 and 3, to gain access to the Ashley/Rakahuri River Mouth. Permits may be issued for the purposes of boat launching or retrieval, fishing, whitebaiting and mahinga kai gathering, and are subject to the terms and conditions described and set out in schedule 1 of this bylaw.
- 6.5 A person holding a permit in accordance with clause 6.4 of the bylaw shall remain on the access route marked by the Council, from the Ashley/Rakahuri River Mouth Car Park to the beach and then remain below the last high tide mark, as described and set out in schedules 2 and 3.
- 6.6 The access route marked by the Council from the Ashley/Rakahuri River Mouth Car Park to the River Mouth, as described in schedules 2 and 3, may be physically relocated from time to time by the Council, following receipt of river management engineering and ecological advice. Signage will be used to advise users of any changes to the location of the route.
- 6.7 People driving permitted or exempted motor vehicles shall stay clear of areas of driftwood and other detritus likely to be used for bird habitats in the Ashley River/Rakahuri and Saltwater Creek estuarine areas or on beach areas adjacent to the estuary.

## **7. USE OF VEHICLES - GENERAL CONDITIONS**

- 7.1 The *Land Transport Act 1998* defines the beach as a road and therefore all motor vehicles driven on the beach are required to be registered and licensed, and all drivers are required to be licensed, where they are required to be registered and licensed under the Act.

- 7.2 No person shall drive a motor vehicle on a beach other than below the last high tide mark, unless it is unsafe to do otherwise, except when using an access route specified in this bylaw, or when at the Waimakariri River Mouth.
- 7.3 No person shall drive a motor vehicle through a beach area that is flagged for surf life saving patrols, except as provided for by approval under clause 16, and subject to the conditions set out in any such approval.
- 7.4 No person shall drive a motor vehicle on a beach area that has been reserved, by the Council from time to time and for periods set by the Council, for events from which vehicular activities are excluded.
- 7.5 No person shall drive a motor vehicle on any beach, adjacent land area 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 motor vehicle.
- 7.6 No person shall drive or ride a vehicle on any part of the beach where vehicles are allowed, in a manner, which having regard to all the circumstances of the case, is or might be dangerous to the public or to any person.
- 7.7 All persons operating a motor vehicle on a beach shall give way and show due consideration to all persons on foot, and to bathers, horses and other animals at all times. Birds and their nests must be avoided.
- 7.8 Any person who obtains a permit, permission or exemption under this bylaw to take a motor vehicle onto any beach shall strictly comply with any terms and conditions included within that permit or permission.

## **8. PROHIBITED HORSE ACCESS**

- 8.1 No person shall drive, ride, lead, let wander or otherwise use any horse or horses within the prohibited area extending from immediately north of the beach entrance to the Waikuku Beach Horse Float Car Park and Access Trail to the north of the Ashley /Rakahuri River Mouth, as described and set out in schedule 4 of this bylaw.
- 8.2 Horse training is prohibited on the beach outside of the permitted northern and Woodend Beach areas, as described and set out in schedule 4 of this bylaw.
- 8.3 Horses are prohibited from accessing the beach via the Pines Beach horse accessway at the end of Reid Memorial Avenue.

## **9. RESTRICTED HORSE ACCESS**

- 9.1 Clauses 9 and 10, and the subclauses thereto, set out the restrictions on horse access that are authorised by this bylaw, notwithstanding the provisions of clauses 8.1 to 8.3.
- 9.2 Recreational horse riders and horse trainers may drive, ride, lead or otherwise use a horse or horses in the restricted horse area, as described and set out in schedule 4, from the Waimakariri District's northern boundary to the north of the Ashley/Rakahuri River Mouth.
- 9.3 Recreational horse riders may drive, ride, lead or otherwise use a horse or horses in the restricted horse area, as described and set out in schedule 4, from Kairaki Beach to the south side of the beach entrance to the Waikuku Beach Horse Float Car Park and Access Trail.

- 9.4 Horse trainers may drive, ride, lead or otherwise use a horse or horses in the restricted horse training area, as described and set out in schedule 4, which runs approximately 3.2 km's (2 mile training run) either side of the beach entrance to the Woodend Beach Horse Float Car Park and Access Trail.
- 9.5 Open access to the beach for recreational horse riders will be provided from the Kairaki Beach Car Park and at Pines Beach, via a horse step over bar located at the eastern end of Reid Memorial Avenue, as described and set out in schedule 4.
- 9.6 Open access to the beach for recreational horse riders and horse trainers will be provided along a trail from the Woodend Beach Horse Float Car Park, via a horse step-over bar, as described and set out in schedule 4. Access via a gate is also available during day light hours at the discretion of Te Kōhaka o Tūhaitara Trust. That trail only, and not surrounding land, shall be used for horse access.
- 9.7 A permit shall be required by all people seeking to take a horse through the locked access gate at the Waikuku Beach Horse Float Car Park and then along a trail to the beach, as described and set out in schedule 4. That trail only, and not surrounding land, shall be used for horse access.
- 9.8 Recreational horse riders should not pass through flagged surf life saving patrol areas. In the event this is unavoidable on a return trip, riders must take all care to safely pass through the flagged area.
- 9.9 Horse trainers shall not drive, ride, lead or otherwise pass with a horse through a flagged surf lifesaving patrol area.
- 9.10 No person shall drive, ride, lead, let wander 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 from which those equine activities are excluded.

## **10. EQUINE ACTIVITIES – GENERAL CONDITIONS**

- 10.1 Any person undertaking an equine-related activity on a beach area shall remain below the last high tide mark, except when on an access trail as described and set out in schedule 4, when moving from the access trail to the last high tide mark, when at the Waimakariri River Mouth, or to avoid a potentially unsafe situation.
- 10.2 Any person undertaking an equine-related activity on a beach area shall give way and show due consideration to pedestrians at all times.
- 10.3 Any person driving a horse and sulky shall stay well clear of pedestrians at all times and ensure their driving does not endanger any person, bird or other animal.
- 10.4 The use of the designated horse training area at Woodend Beach will be in accordance with a user agreement between the Council and Woodend Beach horse training representatives. This agreement is to be reviewed annually prior to the start of each summer season.
- 10.5 Any person in charge of a horse shall remove the faeces passed by their horse/s from the horse float car parks.

## **11. INTERFERENCE WITH BEACH AREAS AND OTHER BEACH USERS**

- 11.1 Without the prior written permission of an authorised officer, no person shall on a beach, or adjacent land area:
- (a) remove, destroy, damage, displace, deface, or otherwise interfere with any sign, post, fence, barrier, warning device, structure or building erected by the Council, Canterbury Regional Council, Te Kōhaka o Tūhaitara Trust, Department of Conservation, Canterbury Surf Life Saving Association or an approved surf lifesaving club.
  - (b) erect, construct, fix or place any sign, post, fence, barrier, warning device, structure or building except when the person is otherwise expressly authorised by the Council, Canterbury Regional Council, Te Kōhaka o Tūhaitara Trust, Department of Conservation, Canterbury Surf Life Saving Association or an approved surf lifesaving club to do so.
  - (c) introduce any substance that may cause injury to another person, animal or plant life.
  - (d) destroy, injure, disturb or otherwise interfere with or cause distress to any roosting, nesting, resting or feeding birds or remove or destroy any bird nest or the contents of a bird nest.
- 11.2 No person shall intentionally obstruct, disturb, or interfere with any other person's legitimate use or enjoyment of the beach or adjacent land areas.
- 11.3 No person shall, without lawful authority, hunt, kill, dispose of, or have in his or her possession, any part of any absolutely protected or partially protected wildlife or marine wildlife, or rob, disturb, destroy, or have in his or her possession the nest of any such wildlife as per sections 3, 63 and 63A of the *Wildlife Act 1953*.

## **12. PROHIBITED FREEDOM CAMPING AREA**

- 12.1 No person shall freedom camp within the bylaw area (See glossary for definition).

## **13. RESTRICTED AND PROHIBITED AREAS FOR SPECIFIED RECREATIONAL ACTIVITIES**

- 13.1 No person shall use a drone or model aircraft or take off or land an aircraft, including a microlight or helicopter, within the Ashley River/Rakahuri and Saltwater Creek estuarine areas, as described and set out in schedule 5. Civil Aviation Authority (CAA) rules apply to the use of the air space over the estuary.
- 13.2 The Ashley River/Rakahuri and Saltwater Creek estuarine area, as described and set out in schedule 5, is a restricted area for kite surfing in accordance with a user agreement between the Council, Department of Conservation, Environment Canterbury, Northern Pegasus Bay kite surfing community, Canterbury Windsports Association Inc, Birds NZ, the Ashley-Rakahuri Rivercare Group Inc and Braided River Aid Inc (BRaid). This user agreement is to be reviewed annually prior to the start of the kite surfing season, which runs from November to April, and whenever significant changes to the coastal environment during this period necessitate additional reviews.

- 13.3 Land yachts shall only be operated on the beach in the area between Kairaki Beach and the beach entrance to the Waikuku Beach Horse Float Car Park and Access Trail.
- 13.4 Land yacht operators shall not pass through flagged surf lifesaving patrol areas. In the event this is unavoidable on a return trip, operators must dismount and push their yacht through the flagged area.
- 13.5 Environment Canterbury's Navigation Safety Bylaw applies to the Ashley River/Rakahuri and estuary area. This bylaw requires powered watercraft to stay within a 5 knot speed limit when on the river or any of its tributaries, downstream of the State Highway 1 Bridge.

#### **14. RESTRICTED FIRE CONTROL AREA**

- 14.1 Fires in the open air are permitted within the Bylaw area during an open season unless lit within an area managed by another agency such as TKTT, DOC or ECAN. Fire and Emergency NZ (FENZ) require a fire permit issued by FENZ for lighting a fire during a restricted season. No fires are permitted to be lit in the open in the Bylaw area during prohibited fire seasons. Please note the fire seasons are defined and prescribed by FENZ.
- 14.2 Braziers are an approved fire type in open and restricted fire seasons and do not require a FENZ permit.

#### **15. DOG CONTROL**

- 15.1 All dogs are prohibited from the Ashley River/Rakahuri and Saltwater Creek estuarine areas, as described and set out in schedule 5, but this requirement shall not apply to holders of Fish and Game Hunting Licenses who are permitted to use gamebird dogs during gamebird hunting season.
- 15.2 All dogs are prohibited from within the areas marked by surf lifesaving patrol flags and from an area extending 50 metres beyond the flags, in accordance with this bylaw and the Dog Control Bylaw 2019.
- 15.3 All dogs on the beach shall be kept under continuous and effective control at all times in accordance with this bylaw and the Dog Control Bylaw 2019
- 15.4 Dogs which are not able to be kept under effective voice control around horses shall be placed on a lead when in the vicinity of a horse.
- 15.5 Any dog found not under continuous and effective control on the beach may be seized and detained by any authorised officer, or a person employed by the Council, and be impounded in accordance with this bylaw and the Dog Control Bylaw 2019
- 15.6 No person being the owner of, or having the control of any dog shall permit the dog to foul any part of the beach with droppings, provided that no offence shall be deemed to have been committed against this bylaw and the Dog Control Bylaw 2019 when the person having control of the dog removes the droppings immediately.
- 15.7 The owner or person in charge of any dog on the beach shall carry a suitable receptacle for the removal of any faeces defecated by that dog in accordance with this bylaw and the Dog Control Bylaw 2019.

## PART 2 – OTHER MATTERS

### 16. EXEMPTIONS

16.1 This bylaw does not apply to any person who commits an act that is done:

- (a) in accordance with a valid and current contract for services with the Council; or
- (b) on a voluntary basis in accordance with a valid and current agreement entered into with the Council; or
- (c) by a member of the emergency services in the course of carrying out his or her duties as a member of the emergency services; or
- (d) in accordance with any operative reserve management plan, or pursuant to any resource consent under the Resource Management Act 1991.

16.2 This bylaw does not apply to owners of Fenton Reserves and holders of Fenton Entitlements located within the bylaw area when exercising their legal rights to access waterways associated with these reserves and entitlements for mahinga kai purposes. This access is to be managed through an agreement with Fenton Reserves/Entitlements Trustees that sits alongside the bylaw and is consistent with the principles of kaitiakitanga, the underlying rights/purpose of the reserves and entitlements and the values expressed in the bylaw.

16.3 Notwithstanding any prohibition or restriction on driving a vehicle set out in this bylaw, a person may drive a vehicle on a beach in the following circumstances, providing permission is first obtained from an authorised officer:

- (a) by or on behalf of the Council, the Canterbury Regional Council, a government agency, or the Fish and Game Council, or an approved voluntary group, 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 Canterbury 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 Canterbury Regional Council or a government agency, the Canterbury Surf Lifesaving Association or a surf lifesaving club, Te Kōhaka o Tūhaitara Trust, an approved 4WD club, or an approved voluntary group, for track maintenance, beach and beach facility maintenance, pest control, or the removal of rubbish or beach cast material; or
- (d) by or on behalf of the Council, the Canterbury Regional Council, a government agency, the New Zealand Police, the New Zealand Fire Service, the New Zealand St. Johns Ambulance Service, the New Zealand Defence Force, the Canterbury Surf Lifesaving Association or a surf lifesaving club, the New Zealand Coastguard or an approved 4WD club, for the undertaking of civil defence, police, medical, rescue or firefighting training.

## **17. PERMISSION UNDER THIS BYLAW**

- 17.1 A written permission granting exemption from a provision or provisions of this bylaw may be given on written request to the Council or an authorised officer of the Council who has been delegated this role by the Council.
- 17.2 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.
- 17.3 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.
- 17.4 The permission shall 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.
- 17.5 The Council may review and alter or cancel any permission or exemption given under this bylaw, and will provide reasonable notice of any alteration or cancellation to the affected party.
- 17.6 Where this bylaw refers to written permission, that permission may be in electronic form.

## **18. FEES**

- 18.1 For every application made for a permit, permission or exemption or other authority under this bylaw, the applicant shall pay to the Council such fee as the Council may prescribe in accordance with section 150 of the *Local Government Act 2002*.
- 18.2 The Council may, from time to time, by resolution that is publicly notified, specify the fees payable in respect of the issue of any permit, permission or exemption under this bylaw. The Council will consult on, and publicly notify its intended fees prior to making a resolution to fix such fees.

## **19. BREACHES AND PENALTIES**

- 19.1 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 direction, permit, permission, exemption, notice or any condition in any such notice whether public or private, given pursuant to this bylaw; or



- (d) obstructs or hinders any authorised or enforcement 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 or enforcement officer given pursuant to this bylaw; or
  - (e) fails to give their name and address to an enforcement officer when requested to do so if the officer considers this bylaw has been breached.
- 19.2 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* and the *Land Transport Act 1998*, or such other penalty as may be prescribed in any other legislation in force at any applicable time.
- 19.3 In addition to summary conviction, a person may also be liable for an infringement fee as prescribed in the *Land Transport Act 1998*, *Resource Management Act 1991*, *Dog Control Act 1996* or in regulations made under the *Local Government Act 2002*.
- 19.4 The Council may apply to the District Court to grant an injunction restraining a person from committing a breach of this bylaw, notwithstanding that proceedings for any offence constituted by the breach have not been taken.
- 19.5 On being shown a current warrant of appointment by an enforcement officer, any person who is requested to do so shall provide their name and address and the name and address and whereabouts of any person connected in any way with the alleged breach, to the enforcement officer if that officer believes on reasonable grounds that a provision of the bylaw has been or is being breached.
- 19.6 Every person who breaches this bylaw, shall on request by an enforcement officer immediately stop the activity, and leave the beach or adjacent land area, including any prohibited area, if instructed to do so by the enforcement officer and may be prohibited from returning for such period as the enforcement officer deems fit.
- 19.7 Any person failing with all reasonable speed to comply with a request under clause 19.6 commits a further offence against this bylaw.
- 19.8 The Council reserves the right to cancel a vehicle or horse access permit or any written permission or exemption held by a person who is breaching or has breached this bylaw.
- 20. REVOCATIONS AND SAVINGS**
- 20.1 The Waimakariri District Council *Northern Pegasus Bay Bylaw 2016* is hereby amended.
- 20.2 Any approval, permission or authorisation under the Waimakariri District Council *Northern Pegasus Bay Bylaw 2016* that is in effect at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, as long as it is consistent with any relevant clause in this bylaw.
- 20.3 The revocation of the Waimakariri District Council *Northern Pegasus Bay Bylaw 2016* under clause 20.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings shall continue to be dealt with and completed as if the bylaw had not been revoked.

## **21. REVIEW OF BYLAW**

- 21.1 A comprehensive review of this bylaw shall be carried out no later than 2024 as required by the *Local Government Act 2002*.
- 21.2 The Council reserves the right to carry out an early review of any aspect of the bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns, matters of public nuisance and environmental issues.

## PART 3 – SCHEDULES

### 22. SCHEDULE 1: ASHLEY/RAKAHURI RIVER MOUTH MOTOR VEHICLE ACCESS PERMIT SYSTEM

The schedule below specifies the terms and conditions, as determined by Council resolution from time to time, which apply to the permits required for vehicle use in the restricted areas described and set out in schedules 2 and 3 and is in addition to clauses 6 and 7 of the bylaw.

- (a) A permit is issued to a person, not a vehicle, and shall be carried by the holder at all times they seek to make use of it.
- (b) Permits are not transferable to any other person. They may be immediately revoked, and penalties and/or prosecution may be imposed for breaches of the conditions. They do not supersede any requirements under other legislation including by way of example only, but not limited to, the *Land Transport Act 1998*, *Resource Management Act 1991* and the *Wildlife Act 1953* and their amendments and replacements, etc.
- (c) A sticker issued to a permit holder shall be displayed on the vehicle in a prominent position to enable it to be easily identified by an enforcement officer.
- (d) Applicants shall be required to provide vehicle registration and license details and other vehicle description details, as well as the purpose the permit is being applied for, as part of their permit application for any vehicle that is intended for use on the beach.
- (e) Approved permit holders will be issued a key upon payment to the Council of a fee as specified by the Council by resolution from time to time. These permits are only available for use during the whitebait season as defined by the Department of Conservation.

### 23 SCHEDULE 2: VEHICLE ACCESS MAP

Schedule 2 is a map (see attached) showing approved vehicle access routes and prohibitions and restrictions on vehicle use on Waimakariri District beaches, as specified in clauses 5, 6 and 7 of this bylaw.

### 24 SCHEDULE 3: VEHICLE ACCESS MAP FOR ASHLEY RIVER/RAKAHURI AND SALTWATER CREEK ESTUARINE AREAS

Schedule 3 is a map (see attached) showing where vehicles are prohibited in the Ashley River/Rakahuri and Saltwater Creek estuarine areas, the location of the car park, vehicle access gate and access route for permitted vehicles, as specified in clauses 6.4 and 6.5 of this bylaw. Permitted vehicles shall stay clear of areas of driftwood and other detritus likely to be used for bird habitats on the access track, as set out in clause 6.7 of this bylaw. The map also shows the Fenton Reserves and Entitlements located in the general area.

**25 SCHEDULE 4: HORSE ACCESS MAP**

Schedule 4 is a map (see attached) showing designated horse float car parks, horse access trails and permitted areas for recreational riding and horse training on the Waimakariri District's beaches as well as prohibited areas, as specified in clauses 8 and 9 of this bylaw.

**26 SCHEDULE 5: RECREATION ACTIVITY MAP FOR ASHLEY RIVER/RAKAHURI AND SALTWATER CREEK ESTUARINE AREAS**

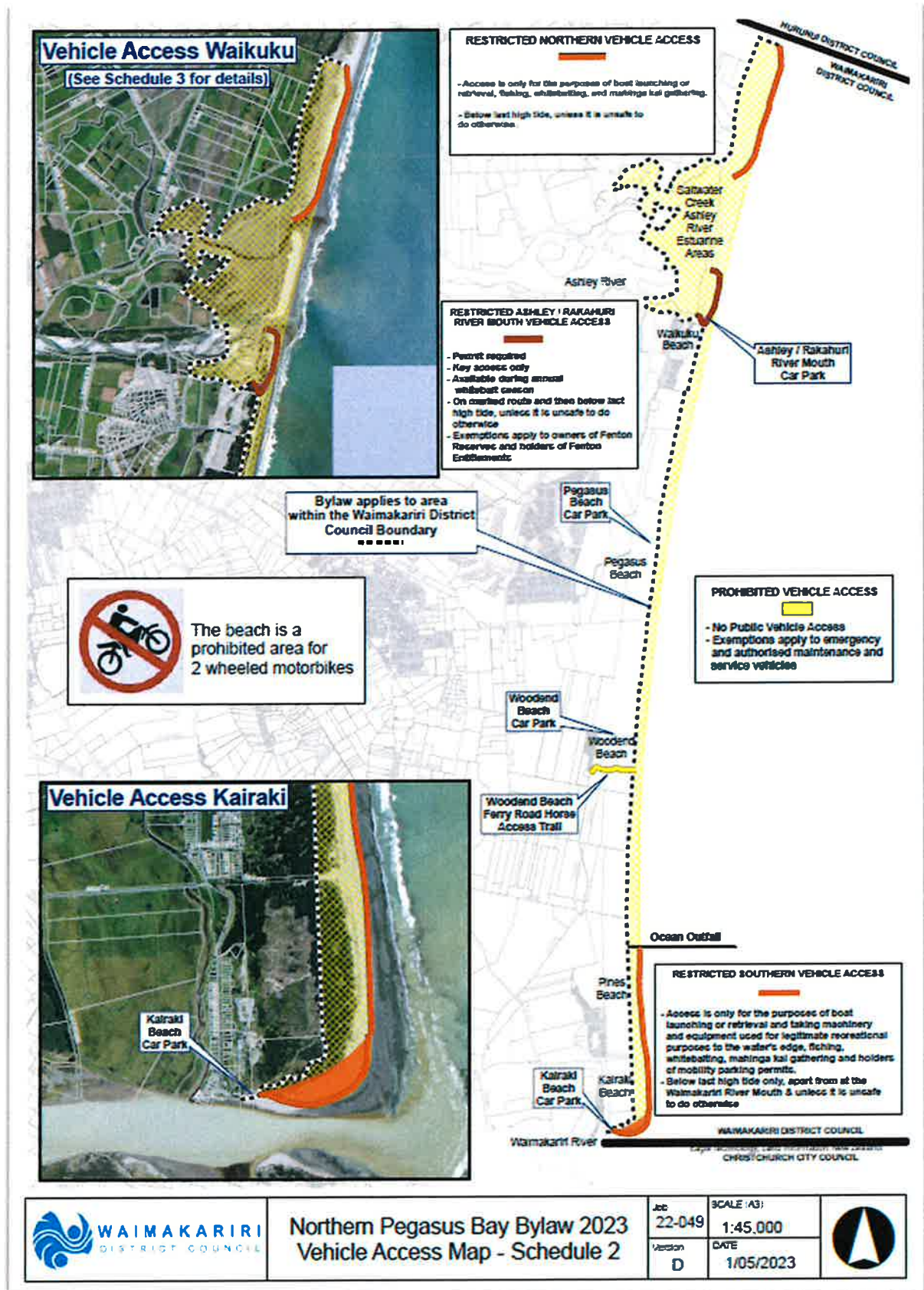
Schedule 5 is a map (see attached) showing the Ashley River/Rakahuri and Saltwater Creek estuarine areas where the recreational activities specified in clauses 8.1, 13.1 and 15.1 of the bylaw are prohibited. It also shows the activities that are restricted, as specified in clauses 13.2 and 13.5 of this bylaw.

**27 SCHEDULE 6: LAND YACHT ACCESS MAP**

Schedule 6 is a map (see attached) showing permitted and prohibited areas for operating land yachts on the Waimakariri District's beaches, as specified in clauses 13.3 and 13.4 of this bylaw.

**28 AMENDMENT OF SCHEDULES 2 TO 6**

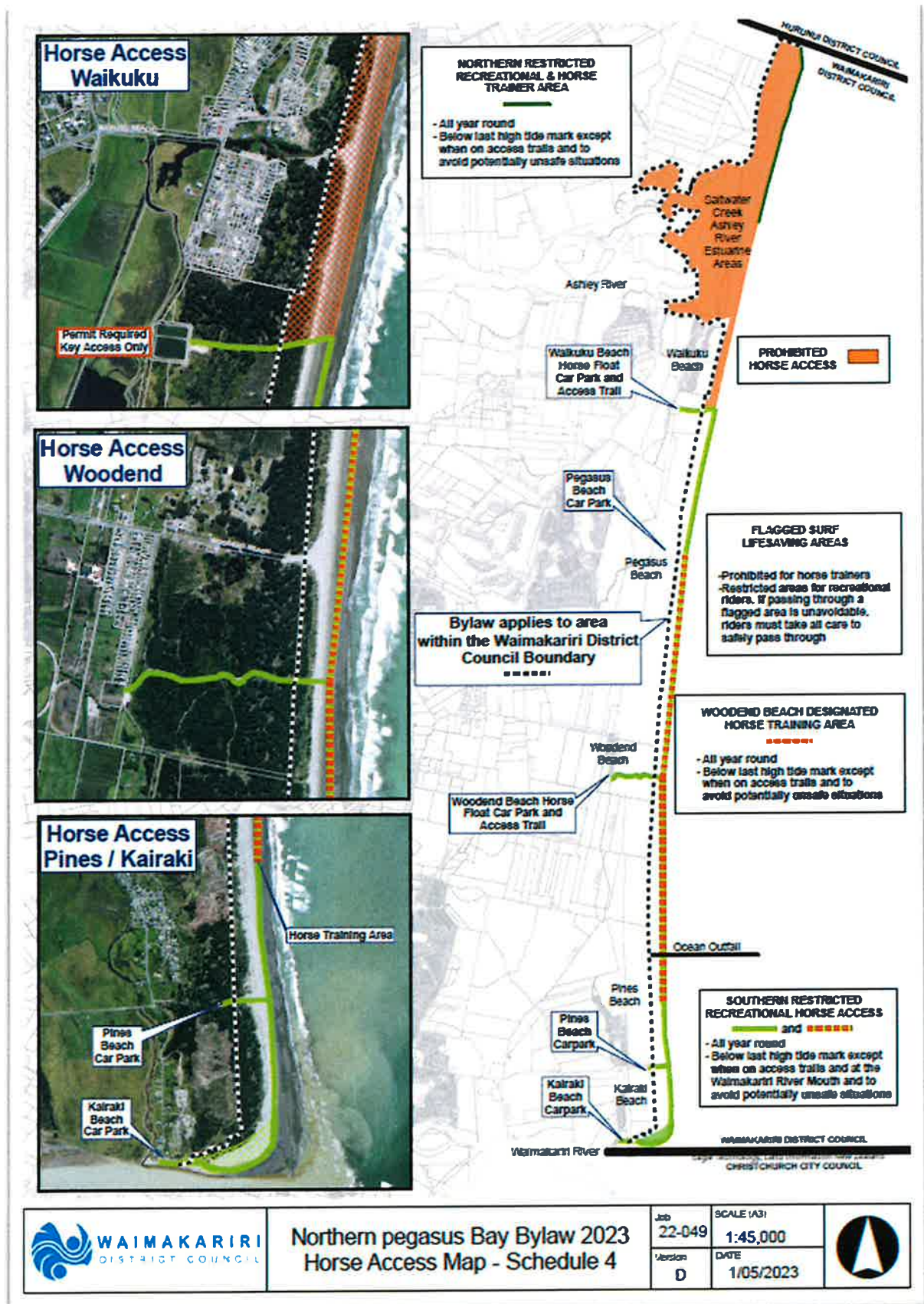
Schedules 2 to 6 may be amended by the Council from time to time as new aerial photography becomes available and/or to indicate physical changes that are occurring to the characteristics or topography of the beaches and estuarine areas included in the bylaw area.



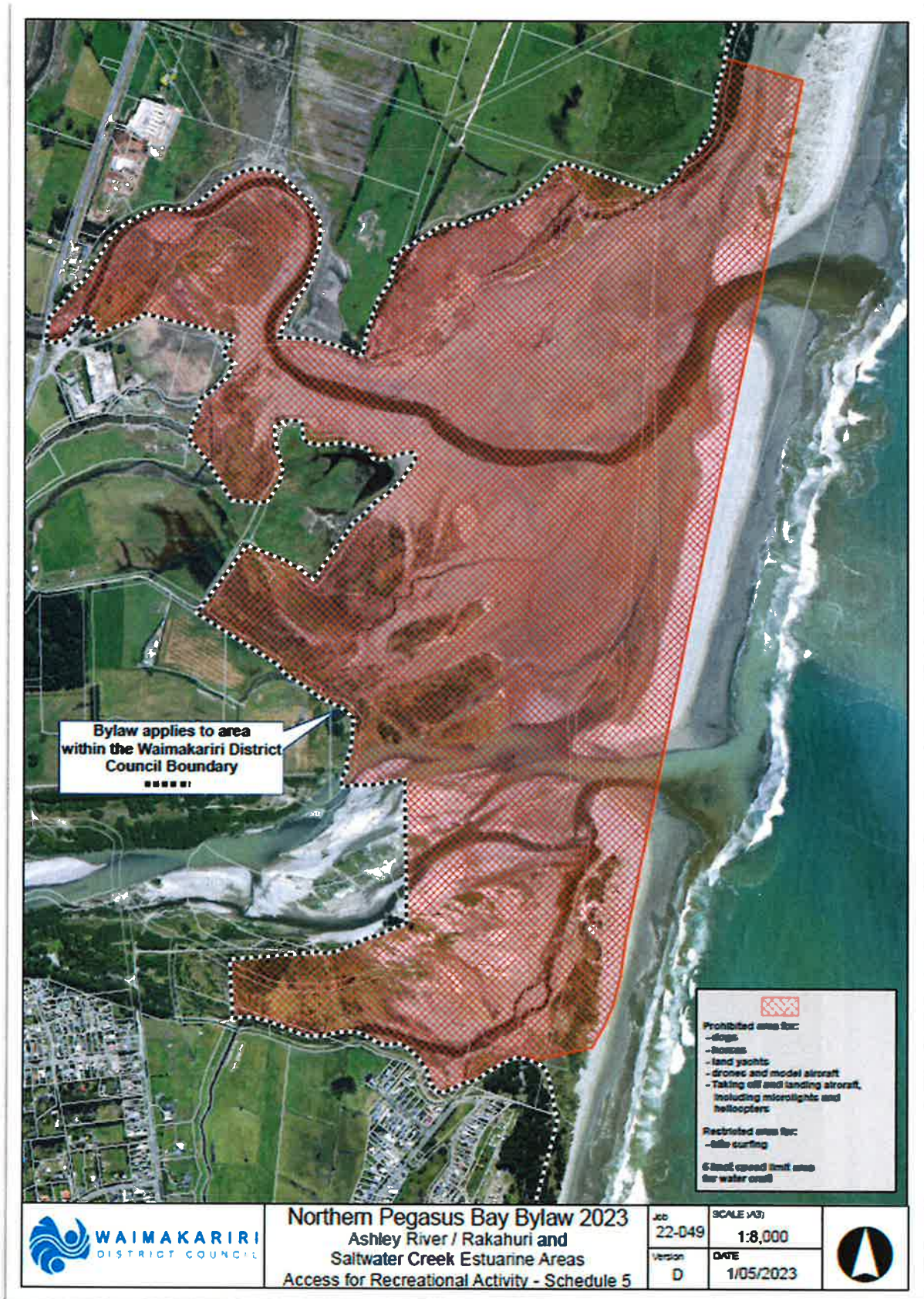




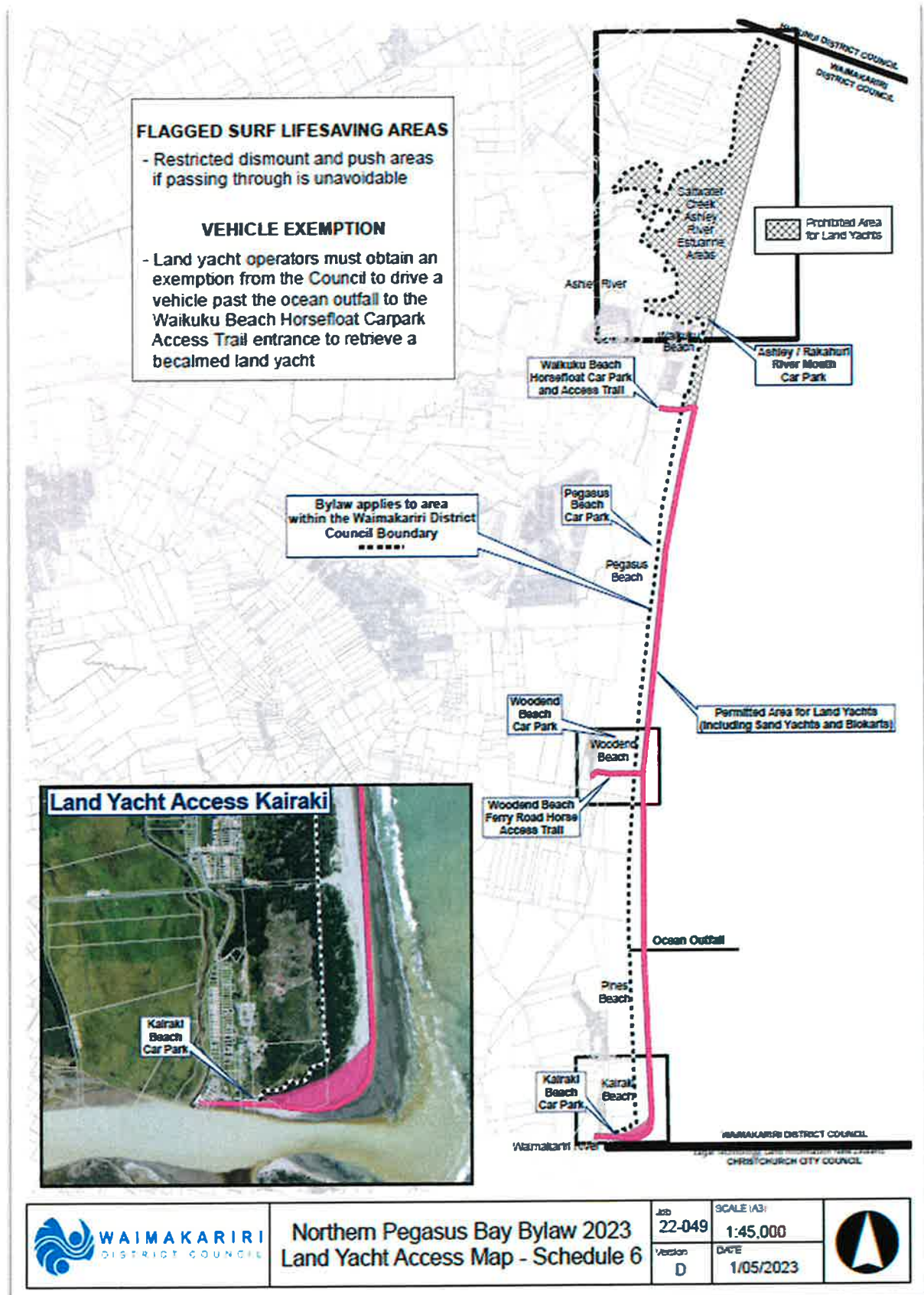




















# Northern Pegasus Bay Bylaw Survey

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## SURVEY RESPONSE REPORT

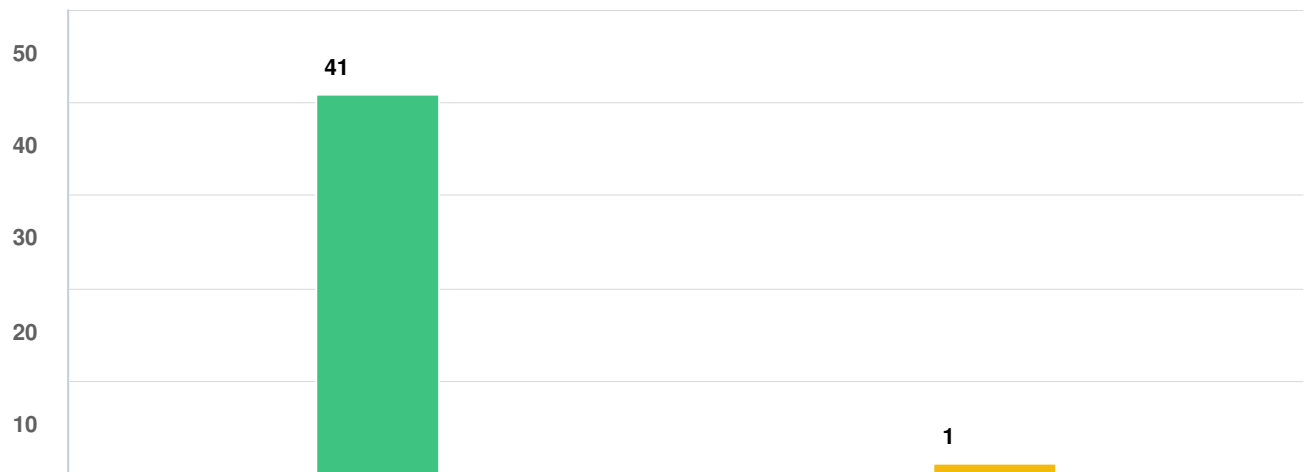
18 December 2023 - 04 March 2024

### PROJECT NAME:

Northern Pegasus Bay Bylaw



# SURVEY QUESTIONS

**Q1** Are you aware of the Northern Pegasus Bay Bylaw?**Question options**

☒ Yes ☐ No

*Optional question (42 response(s), 0 skipped)*

*Question type: Checkbox Question*

**Q2 Please tell what is working well with the bylaw****Zlbber**

12/18/2023 02:55 PM

In the main it works to cover all bases - but I 100% don't agree with fishing only access for the northern side of the Waimak River mouth - that is a nice beach and the upper ends of it are nice for picnics. It's unreasonable.

**walwaikuku**

12/18/2023 04:43 PM

It is comprehensive and covers a range of activities, and tries to balance these. It gives priority to wildlife.

**Msarkiwi**

12/18/2023 05:41 PM

In general, I think the designation of specific areas for certain activities, i.e. horse training, kite surfing, land yachting, and vehicle access works well

**janetwilcox46**

12/25/2023 11:52 AM

A mostly enjoyed shared space

**Sunight**

12/25/2023 01:37 PM

Horses are using their own tracks and not interfering with other users.

**Lewis**

12/26/2023 07:38 PM

Everything that was initiated with the bylaw is working well

**mattnz**

12/26/2023 08:44 PM

Overall most people are abiding by the bylaws and it is working well.

**Paul123**

12/26/2023 09:57 PM

Vehicle access is restricted to the beaches

**Nicola05**

12/28/2023 12:44 PM

Dogs on beach.

**Elizabeth53**

1/05/2024 03:59 PM

Happy with most

**hthrwa**

1/10/2024 10:33 PM

generally where there is no vehicle access ie past the ocean outfall that is working. Possibly more policing of the Ashley estuary area would help.

webmaster 1/11/2024 09:13 AM	Nothing, this is the most confusing bylaw Ive seen! You are relying on people understanding what recreation driving is. launching a boat, retrieving fishing gear is recreational!! There are also no repercussions for people breaking the bylaws - why are they not properly enforced?
Smoov 2/02/2024 07:09 PM	Disallowing recreational driving on the beaches. Keeps the cowboys out
Gmanz29 2/05/2024 05:00 PM	Vehicular access in its current form.
John Bull 2/06/2024 05:23 PM	Most people are abiding with the Dogs on the Beach rules And it is a unique experience to see the horse's being trained on the beaches which needs to remain (and when I have seen them they are keeping within the area set for them)
Geoffrey29 2/07/2024 09:20 AM	To my critical eye, Not Much
webmaster 2/07/2024 11:09 AM	Ashworths Beach Side Mostly simple to understand and reasonable
Mjparker21 2/09/2024 02:08 PM	The horse riders are good
Cinneva 2/12/2024 09:18 PM	all current law are working well - I think the lighting of fires should match the Fenz and remain how is currently is set out in the bylaw
mareenicholson 2/12/2024 09:31 PM	I think it is great we have a bylaw. I see it as living document that is there to protect the beach, the wild life and the people sharing our beach.
webmaster 2/16/2024 08:59 AM	Most people respect each other and are careful with their dogs.
AndrewT 2/18/2024 05:46 PM	Beaches have less bikes, cars and dogs than 10 years ago. People are starting to understand
SHarris88	Very little it appears to be aimed at prevention of activities



2/18/2024 10:20 PM

webmaster

2/19/2024 09:05 AM

I don't visit the beach a lot, maybe once a week, and haven't come across anything that's an issue. I'm pleased to hear the WDC will be working to make it more accessible down to the beach from the car park, as a lot of people struggle getting up/down, me included.

webmaster

2/20/2024 10:01 AM

The bylaws are good. The majority of people are responsible and respect the beach environment.

KdW

2/25/2024 07:42 PM

No vehicles on beach. Areas for horses/dogd/wildlife/people are balanced.

Richard03

2/25/2024 08:35 PM

I was only vaguely aware of the bylaw before reading it just now. However, I assumed something like it existed, as most of the behaviours in it were being shown

Rico77

2/26/2024 08:16 AM

Most folk respect it.

Swampdweller-NZ

2/28/2024 07:49 PM

The bylaw is working, but not as well as it could

Stanley53

2/29/2024 11:50 AM

The By Law is generally satisfactory but the problem is it is not being policed. This was pointed out at the Pines Hall Beach Law Presentation by the residents attending. It will only work if is policed properly, education is not enough. Also a quick easy communication system with Rangers is required for reporting problems

paul73

2/29/2024 03:24 PM

Regarding Waimack river mouth W D C have done a great job of improving the access to the beach with the road layout and signs there , nobody who drives onto the beach there could say they did not know the bylaws.

webmaster

3/04/2024 02:15 PM

I am better acquainted with it after reading this document. The regulation of motor vehicles on the beach in the protection of endangered bird species and the protection of foreshore vegetation and habitat. The prohibition of recreation driving or quad bikes and motorcycles in the sand dunes.

**webmaster**  
3/04/2024 02:20 PM

The Northern Pegasus Bay Bylaw for vehicles access during the white baiting season is working well. All the fishermen are abiding by the bylaw. In my opinion as a third generation white baiter the vehicle access should stand as it is.

**webmaster**  
3/04/2024 02:25 PM

Being able to walk my dog along the beach away from bird habitats.

**webmaster**  
3/04/2024 02:28 PM

The current bylaw of 2016 has been working well.

**Optional question** (35 response(s), 7 skipped)

**Question type:** Essay Question

### Q3 | Please tell us what you would like to see included in the bylaw

**Zlbber**  
12/18/2023 02:55 PM

Remove the above restriction, and perhaps find a piece of beach (including dunes) that the 4WD enthusiasts can use/access without fear of prosecution.

**walwaikuku**  
12/18/2023 04:43 PM

Nothing comes to mind

**Msarkiw**  
12/18/2023 05:41 PM

I'd like to see a total fire ban on the beaches and dunes

**janetwilcox46**  
12/25/2023 11:52 AM

A complete ban of horse training. It is a health and safety issue for other users of the beach as they are irresponsible and dangerous putting the lives of others at risk, I have seen them weaving in and out of children playing at very fast speeds, I cannot believe this is actually allowed at all.

**Sunight**  
12/25/2023 01:37 PM

Rubbish especially glass bottles should not be dropped on the beach. Vehicles should take all inorganic waste, including fishing tackle away with them. Consequences for repeated non-compliance.

**Paul123**  
12/26/2023 09:57 PM

Ban or limit the use (to designated zones) of mechanised fishing (motorised floats with multiple hooks) These pose a danger to people as they are not controllable with ocean currents and often drift through swimming zones. Also the bycatch is often discarded on the shore

Alan

12/27/2023 01:09 PM

No vehicles on the Ashley river bed

Nicola05

12/28/2023 12:44 PM

Restriction on vehicles on the beach (except park ranger)

davec47

1/05/2024 02:03 PM

I would like to see jet skis prohibited from the Ashey/Salt Water Creek Estuary, with clear signage of this restriction at the Salt Water Creek/Main Noth Road bridge as this seems to be where they are launched. The reasons being the disturbance to birdlife and the safety of other users of the estuary.

Elizabeth53

1/05/2024 03:59 PM

I would like to see the swimming area down by the beach area dog free in the swimming summer months like Sumner and other swimming town ships . I am a dog owner but would not consider taking my dog swimming between or near the area where people and families are having a recreational time . I have had clothes and towels peed on and my grandchildren's sand castles whilst they are playing and my son( anAdult ) had a dog cock his leg and pee on him whilst lying on beach . Over the christmas period there were far too many dogs running. Around this area and in the water . My daughter visiting from North Island wouldn't even get in as too many dogs . We had a family photo sitting in the sand dunes and after someone mentioned dog poo smell we realised some were actually sitting on dog poo skimpily buried . Dogs should have to enter beach from other car park or have a track that takes them further down away from swimming area . As i say i am not against dogs and in fact own a golden retriever who loves the beach but i am a responsible owner and use a lead when necessary ( around horses ) and do not take him to swimming area .

Lolagold

1/07/2024 09:47 PM

Removing horse training on the beach

hthrwa

1/10/2024 10:33 PM

vehicle access only to the river mouth for whitebaiting & fishing and then by permit only.

webmaster

1/11/2024 09:13 AM

Ban all vehicles, people fishing can walk, people launching a boat can use a boat ramp! If you really want to protect the environment and foreshore then removing all vehicles is a start. This includes whitebaiters vehicles. All these people do is leave rubbish and excrement behind.

Kristine

1/15/2024 03:13 PM

Total ban of all motorised traffic across the bay

Smoov

2/02/2024 07:09 PM

I think the current rules are good. Driving on the beach lets me bring my young ones along to go fishing. Most of the beaches are too far for them to walk from the carpark. It also means I can bring all the extras that small children need when out and about.

Gmanz29

2/05/2024 05:00 PM

Left as is.

John Bull

2/06/2024 05:23 PM

N/A

Geoffrey29

2/07/2024 09:20 AM

Proper active and immediate penalties, for transgression .

webmaster

2/07/2024 11:09 AM

The right for horse trainers to use the Ashworths beach Side I personally use this beach for that purpose

Mjparker21

2/09/2024 02:08 PM

I don't like the vehicles on the beach around kairaki and pines beach

Rebecca86

2/11/2024 08:32 PM

Signage in the area horses are working so you know when you go on to the beach. Signage for the horse track from the beach so people don't walk up it accidentally.

webmaster

2/12/2024 02:01 PM

Thank you for the opportunity to share my input on the About our Beaches Northern Pegasus Bay Bylaw Ashley/Rakahuri and Saltwater Creek Estuarine Areas has been part of the lives of many families living in the area. Both Maori and Pakeha have frequented the area for fishing, white baiting, trawling seafood gathering and recreational purposes. At seventy five years I have experienced many changes. Our braided rivers are the blood of the land and must be protected at all times for the benefit of the marine life, fauna, bird life etc. To hear the sound of the sea, smell the sea, witness the bird life, fish with your mates (passed and present) is a pleasure for many of us in our retirement years. Fisherman respect all the rules (most are your unpaid caretakers of the area). Many times we have spoken to young folk on two wheel motorbikes about what is expected for the

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care of our beach, sand dunes etc. Our beach is for everyone to enjoy. As a regular retiree fisherman, we can only access the Rakahuri mouth by vehicle as the distance is too far for walking with fishing gear. At Ashworth Beach entrance Hurunui Council rules, halfway down the rules to the mouth changes to Waimakariri Council rules. Consultation by both parties could be a start. Signs in the appropriate areas would clearly help rectify what is required. A ban on fast four wheel beach buggies and two wheel motor bikes driving on the sand dunes need to be addressed. Many families having picnics, recreational users at this beach are in a dangerous spot should a vehicle at speed come over a sand dune. In all the years I have been at the beach, I have not witnessed any problems on the north side with dogs. , - Since the introduction of the Commercial Clam dredging for shellfish it is no longer possible to locate shellfish-at low tide, which must be depleting the food source for our sea birds. It has also been noticed the paddle crabs that were once plentiful when white baiting have not been present in the last few years.

Cinneva

2/12/2024 09:18 PM

fines to be issued from breaching bylaws regular patrolling and enforcement of breaches

mareenicholson

2/12/2024 09:31 PM

I think vehicle access should be restricted on the beach. It is being used as a road and I worry for the safety of my grandchildren when out walking and playing in the pools at low tide.

webmaster

2/16/2024 08:59 AM

Rubbish bin at the first Pegasus beach carpark would be good.

AndrewT

2/18/2024 05:46 PM

Greater protection for birds and native wildlife in the area - recognising the risks / impact of human and dog interaction. The average person does not understand that disturbance of birds has a major impact on their breeding and success - dogs chasing and killing birds is not the only issue. Much greater effort must be put in to encourage the birds to prosper, in the estuary and Ashley Rakahuri river east of the bridge. This requires more education, signage and intervention. And the estuary is very special and needs to be recognised and protected better. There is a huge area of beach for dogs and their owners - the area north of the northern carpark at Waikuku beach should be out of bounds to all dogs ( ie not on the beach or estuary) And trail bikes and 4wd motorbikes are now the major source of problems as I see things, plus dogs. All of these disturb birds and hinder their prosperity There needs to be greater monitoring and resource available to intervene - this could be community based alongside council staff

SHarris88

2/18/2024 10:20 PM

Where is the consultation on gamebird hunting on the estuary There seems to be no option to comment

webmaster

2/19/2024 09:05 AM

Can't think of anything.

webmaster

2/20/2024 10:01 AM

Because Ashworths Beach comes under two councils jurisdiction (Waimakariri & Hurunui) I think as a regular beach user that any bylaws and conditions should be the same for the entire beach. Much easier to police and less confusing for beach users. Reduces signage and less expense. I have been a beach user for over 50 years. Grew up and spent all my life in this area and been a regular beach user with my family. Over time I have seen a huge increase in people, animals and vehicles using the beach. Most users respect the area and use their common sense. However there has been an increase in inconsiderate and outright dangerous behaviour by ignorant vehicles and their drivers, using the Sth lagoon/estuary where spoonbills live. Usually they are motorbikes and racing type off road buggies racing through the sandhills between the beach and southern lagoon/estuary. They appear to have no regard or respect for the environment or other beach users. Damage to the dunes along the beach is evident by the many tracks through the dunes. Motorbikes regularly climb the dune as well as 4WD vehicles. I think these people have come to use our beach because they are restricted from using other areas. My family use the beach and regularly gather pipis at low tide. There has been a big decrease in the amount of pipis. We often see the Storm Cat dredge boat used by Cloudy Bay company. At times in very close to shore just behind the breakers. Once a few months ago we noticed a huge area of live shellfish washed up and just out the water. I wonder if this was because of the dredge. As a result of a fire in the past there was no signage at the end of Ashworths Beach Road. The sign was important to educate beach users. It took months for a replacement sign to be erected. I contacted the Hurunui Council and they were not aware of no signage. What has appeared is a poor effort. The original sign was much larger and more effective. Beach users need educating effective signage is essential. A brochure with information on rules around beach use would be great. Maybe distributed via Hurunui and Waimak rates. It could also point out the delicate environment and bird life. Beach patrols would also be able to hand out the leaflets to beach users. The patrols would discourage people from breaking rules. The majority of this behaviour happens at low tide and during the weekends. My family has lived in this area for generations and we use this beach for swimming, fishing and exercise. It is a special place for us and because this beach is named after my family I feel a sense of responsibility. Everyone should be able to use the beach

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safely having respect for the environment and each other. 14  
February 2024 Vicki Mehlhopt (nee Ashworth) Leithfield

NCSupporter

2/24/2024 01:22 PM

I think it covers most things, but people just don't know enough about it nor see it being used against those who break the bylaw.

KdW

2/25/2024 07:42 PM

Better exclusion of vehicles

Richard03

2/25/2024 08:35 PM

It looks about right at the moment

Swampdweller-NZ

2/28/2024 07:49 PM

The bylaw covers most of the necessary items, it just needs more public awareness, and more scope for enforcement

Stanley53

2/29/2024 11:50 AM

Re Dogs on the beach. The following should be added regarding dogs being on a leash around horses "also people and other dogs". there have been cases of people and dogs being attacked on the beach. Ok to run the dog loose but as soon as a person is in sight it should be put on a leash . We have seen this on other parks done voluntarily

paul73

2/29/2024 03:24 PM

Ashworths beach road access. If W D C and H D C could work together and put up signage with all the relevant bylaws displayed it would help keep 2 wheeled motorbikes out of the restricted areas and educate all beach users. once again nobody could say they did not know the bylaws.

webmaster

3/04/2024 02:15 PM

The provision of poo bags at parking venues would further ensure the hygienic pathways and foreshores. More bins near the beach entrances would be complementary to the bags. A fresh water supply of potable water near the surf club.

webmaster

3/04/2024 02:20 PM

more signage on the vehicle track to let public that the track is used by four-wheel drives and quad bikes. All so more signage for dog walkers on the beach as during white baiting I have seen multiple dogs NOT under control entering the lagoon area and chasing birds.

webmaster

3/04/2024 02:25 PM

encourage people to pick up their rubbish don't leave it on the beach.

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webmaster

3/04/2024 02:28 PM

We would like to see more public awareness made to the public that there is a whitebait season. That there are 4 wheel drives and other vehicles that use the track to get on and off the beach.

**Optional question** (39 response(s), 3 skipped)

**Question type:** Essay Question

#### Q4 | Do you agree with the key themes of the Northern Pegasus Bay Bylaw Yes/No?

Zlbber

12/18/2023 02:55 PM

Yes, in the main. Beaches are to be preserved for all, it is only the few reckless that wreck it for the rest of us.

walwaikuku

12/18/2023 04:43 PM

Yes

Msarkiwi

12/18/2023 05:41 PM

Yes

janetwilcox46

12/25/2023 11:52 AM

Yes

Sunight

12/25/2023 01:37 PM

Yes.

Lewis

12/26/2023 07:38 PM

Yes

mattnz

12/26/2023 08:44 PM

Yes

Paul123

12/26/2023 09:57 PM

Yes

Alan

12/27/2023 01:09 PM

Yes

Nicola05

12/28/2023 12:44 PM

Yes



davec47 1/05/2024 02:03 PM	Yes
Elizabeth53 1/05/2024 03:59 PM	Very much so . Just want dog free area for swimmers and families enjoying beach
Lolagold 1/07/2024 09:47 PM	Yes
hthrwa 1/10/2024 10:33 PM	Yes but anyone can drive up and down the beach with a fishing rod in the back & say they're gathering Kai when that's not the case.
webmaster 1/11/2024 09:13 AM	No.
Kristine 1/15/2024 03:13 PM	Yes
Smooov 2/02/2024 07:09 PM	Yes, but I fear they could become too restrictive and lessen recreational opportunities for people, especially for people with disabilities and families.
Gmanz29 2/05/2024 05:00 PM	Yes.
John Bull 2/06/2024 05:23 PM	Yes
Geoffrey29 2/07/2024 09:20 AM	Yes
webmaster 2/07/2024 11:09 AM	Yes
Mjparker21 2/09/2024 02:08 PM	Vehicle access is a problem especially with no monitoring and lots of rubbish being left, disturbs the wildlife and walkers. I have had many bad experiences with drivers on the beach which makes it not nice being down there
webmaster	yes

2/12/2024 02:01 PM

Cinneva

2/12/2024 09:18 PM

yes, but more education on fishing rules in the Kairaki beach area would be helpful to ensure users following the bylaw rules - Game and fishing need to be more involved and long with Ecan and the NZ police and NZ Fisheries.

mareenicholson

2/12/2024 09:31 PM

Yes

webmaster

2/16/2024 08:59 AM

Yes

AndrewT

2/18/2024 05:46 PM

Yes, absolutely. The are very sound

SHarris88

2/18/2024 10:20 PM

No

webmaster

2/19/2024 09:05 AM

Yes

webmaster

2/20/2024 10:01 AM

Yes.

NCSupporter

2/24/2024 01:22 PM

Yes but I think the Bylaw has no teeth. The driving on the beach: "Vehicles must give way and show consideration to people, horses, other animals and birds at all times". This does not happen, people and birds are often disregarded by vehicles and particularly speeding vehicles around busy beach areas and of course 4WD around nesting / protected birds. There does not seem to be any consequences to this behaviour. You never see the bylaw being enforced, nor hear of people actually being held accountable.

KdW

2/25/2024 07:42 PM

Yes

Richard03

2/25/2024 08:35 PM

Yes

Rico77

2/26/2024 08:16 AM

Yes

Swampdweller-NZ

2/28/2024 07:49 PM

Yes

Stanley53

2/29/2024 11:50 AM

Yes I do but under item1 of the By Law Vehicles on the beach the wording for access from the Waimakariri River Mouth doesn't make sense i.e Outfall is estuary? Please clarify.

paul73

2/29/2024 03:24 PM

yes.

webmaster

3/04/2024 02:15 PM

Yes

webmaster

3/04/2024 02:20 PM

Yes

webmaster

3/04/2024 02:25 PM

Yes

webmaster

3/04/2024 02:28 PM

Yes

**Optional question** (41 response(s), 1 skipped)

**Question type:** Essay Question

## Q5 | How can Council better educate people on their responsibilities under the Northern Pegasus Bay Bylaw?

Zlbber

12/18/2023 02:55 PM

Better signs / maps perhaps at the entry to beaches.

walwaikuku

12/18/2023 04:43 PM

Work with local hobby/recreational groups, e.g.. 4WD clubs, motocross clubs, etc. Join local community Facebook groups and put messages on these. Let communities know what they can do if they see breaches of the by-law. There is a mindset amongst some that they don't care what any official says, they will do what they want. I don't know how you can change that attitude apart from penalising them.

<p>Msarkiw</p> <p>12/18/2023 05:41 PM</p>	<p>Town hall meetings in each of the beach villages, Facebook and other social media campaigns, print media distributed at the campgrounds and surf club.</p>
<p>janetwilcox46</p> <p>12/25/2023 11:52 AM</p>	<p>Better signage at entry points</p>
<p>Sunight</p> <p>12/25/2023 01:37 PM</p>	<p>Restrict access via a closed gate with signage outlining their responsibilities and consequences for non-compliance. Currently the bylaw is deliberately ignored and a casual observer would have no idea it exists.</p>
<p>Lewis</p> <p>12/26/2023 07:38 PM</p>	<p>Maybe larger signage at the entrance to the beaches to ensure there are no excuses and maybe social media reinforcement of main components of bylaws.</p>
<p>mattnz</p> <p>12/26/2023 08:44 PM</p>	<p>Enforcement.</p>
<p>Paul123</p> <p>12/26/2023 09:57 PM</p>	<p>Provide a link to a website. Stop placing signs everywhere, there is an overload of signs and as a result they get ignored. Also please consult with a wider group when making changes, grassed areas have been replaced by paved areas for cyclists. Actual beach users require these grass spaces to place equipment on (surfboard, kite surf gear, windsurf gear etc) Bikes are not beach equipment, but space has been prioritised for them. Don't build structure visible on the beaches. You claim via the bylaw to want to protect the natural space, let allow structures that intrude on that space. They have costly upkeep, are subject to damage.</p>
<p>Alan</p> <p>12/27/2023 01:09 PM</p>	<p>Regular enforcement</p>
<p>Nicola05</p> <p>12/28/2023 12:44 PM</p>	<p>Accurate signage</p>
<p>davec47</p> <p>1/05/2024 02:03 PM</p>	<p>More signage regarding dog access to the estuary area.</p>
<p>Elizabeth53</p> <p>1/05/2024 03:59 PM</p>	<p>Council and trust do a great job . Big signs for summer dog free area.</p>

**Lolagold**

1/07/2024 09:47 PM

Signage Public posts on social media Letterbox drop

**hthrwa**

1/10/2024 10:33 PM

More ranger patrols &amp; fines for infringements. People know they just think the rules don't apply to them.

**webmaster**

1/11/2024 09:13 AM

Scrap it and start again and work in with Hurunui DC to make things consistent - they allow motorbikes on their beaches which is crazy!!

**Kristine**

1/15/2024 03:13 PM

More signs as until now I was unaware of the by law. Also enforcement officers would be a great idea. I regularly see motor bikes racing up and down the beach at Leithfield as well as quad bikes simply enjoying the drive

**Smoov**

2/02/2024 07:09 PM

More signage on what is and isn't allowed and actually enforce the rules.

**Gmanz29**

2/05/2024 05:00 PM

More signage, newsletters, more readily available online information.

**John Bull**

2/06/2024 05:23 PM

To be advised of the restriction to vehicles (especially quad bikes) from north of Pines Beach. As an early morning user (of Pegasus Beach), I often see the tracks made by vehicles probably during the night/early hours of the morning.

**Geoffrey29**

2/07/2024 09:20 AM

Start a few prosecutions. In absence of this , the status quo will persist . You cannot educate the un-educatable. Everyone else is aware and follows the reg's.

**webmaster**

2/07/2024 11:09 AM

Unfortunately, the motor cyclists have no intention of listening to anyone. they enter via Ashworths Beach Rd or Leithfield Beach, sometimes they need to be prosecuted. (They take no notice of anybody)

**Mjparker21**

2/09/2024 02:08 PM

Have people there talking to the fisherman about taking rubbish with them

**Cinneva**

2/12/2024 09:18 PM

Regular patrolling of the area, presents of enforcements, printed brochures. Involving, Park Rangers, Council Green Space, Game

and fishing, Ecan, NZ police and NZ Fisheries.

mareenicholson

2/12/2024 09:31 PM

Visiting the beach and talking with the people driving, fishing and walking on the beach. Maintain a presence

webmaster

2/16/2024 08:59 AM

Signs at the beach.

AndrewT

2/18/2024 05:46 PM

First off, there is a need for more education. Signs are not enough  
Resource needs to be set aside to work alongside local Groups to raise awareness- and to intervene when breaches occur

SHarris88

2/18/2024 10:20 PM

Get out of the peoples way

webmaster

2/19/2024 09:05 AM

To continue to communicate with the local horse trainers in Woodend, to adhere to the "User Agreement" in that they respect the restricted area that they can train their horses. Most importantly, is that they slow down where deemed dangerous to people, children, wild life, and that they stop and offer assistance should an incident happen.  
RIP Charlie dog Dec. 3rd, 2001

NCSupporter

2/24/2024 01:22 PM

More work needs to be done in holding people accountable. If you monitored the area more and fined people then news would get out pretty quickly. More education for dog owners as this doesn't happen either: "Dogs must be under continuous and effective control at all times". Many times I've seen dogs rushing children and other dogs on the beach. Again, monitoring and fining people and making that known. One idea I had is that you could hold education sessions at the beach - have pop-up tent for a couple of hours and people can pop past and you can talk about the bylaw and their responsibilities. You NEVER see anyone talking about the bylaw - so why not become more prominent and rotate around beaches during summer to educate people while they are actually there.

KdW

2/25/2024 07:42 PM

Signage is probably the main way. Maps in strategic places can also inform.

Richard03

2/25/2024 08:35 PM

Regular reminders in North Canterbury News/Northern Outlook - ideally in the regular news rather than the WDC page which (sorry) usually gets skimmed

**Swampdweller-NZ**

2/28/2024 07:49 PM

Better signage. Larger signs, more of them (at ALL entrances to the beach). In particular, more (larger) signage regarding dogs in the estuary area, and also at frequent intervals along the top of the beachside dunes all the way down to the river mouth.

**Stanley53**

2/29/2024 11:50 AM

A pamphlet drop to every car on Kairaki Beach on selected days when the Kawhai are running as there are hundreds of vehicles on the beach. Also Facebook with a simple message.

**paul73**

2/29/2024 03:24 PM

Better education by prominent signs in relevant places.

**webmaster**

3/04/2024 02:15 PM

Publish these by-laws in the Nth Canty News and Outlook especially during the summer months. Leave extracts of the by-laws at retailers to give to purchasers of whitebait and fishing gear, surfing and sports good & encourage local respect from the recreational users. Teach respect for birdlife on foreshore, and tired seals or animals in recovery by dog-owners

**webmaster**

3/04/2024 02:20 PM

I would like to put a verbal presentation towards to council on the access on the beach for white bait season.

**webmaster**

3/04/2024 02:25 PM

frequent reminders of the bylaws in the mail and online

**webmaster**

3/04/2024 02:28 PM

more signs and more public meetings.

**Optional question** (38 response(s), 4 skipped)

**Question type:** Essay Question

7th February 2024

Submission from the Ashley Fishermans Association

Attention:- Sylvia Docherty

Hi Sylvia

This submission is from the Ashley Fishermans Association which is made up of a group of fishermen who fish at the mouth of the Ashley River on both the North and South sides. We all whitebait, trawl for flounders and generally fish along the sea coast line.

We have two access ways to the mouth, one at the Waikuku car park through the locked gate where there is a key issued each year in the whitebait season for access to the south side of the Ashley River. This system is working well for white baiters who purchase a key off the Waimakariri District Council. The key is issued each year and this access has been working well for white baiters.

The Northern Mouths closest access is from the Ashworth Beach paper road entrance to the beach, then there is a 5km drive along the beach, half way in Hurunui Council and half way in Waimak Council land. This is available all year round and works well depending on conditions.

The Fishermans Association informs their members and others who come to fish and whitebait along the coast what the rules are and we are very proud of the fact that all our members all stick to these rules.

I have included in this submission a copy of our letter from 2017 for your perusal. Ashworths Beach is the only access onto the beach which leads to the North side of the Ashley River mouth other than Leithfield Beach and Amberley Beach further North. So it is very important for access for vehicles to access the area for various types of fishing, surfing, swimming and just enjoying a fantastic area.

There is still a problem with some people not obeying all the rules. Signage and education is most important to make people aware of the rules.

Our opinion on the rules on the North side of the Ashley River to the Waimak District Council and Hurunui boundary is that the Waimak District Council should change their rules to be the same as the Hurunui County Council and increase the over all signage.

There has been some discussion about dogs on the beach and during white baiting season. The fishermen have dogs on both sides of the mouth and we never had one problem – with



birds or people. If the black backed gulls are not there then the smaller birds will recover.  
Most dog owners keep their dogs under effective control.

Lets up the education, change a few of the rules and keep Ashworths Beach and the spit the  
paradise it is.

Yours faithfully

Doug Guthrie  
President

 9-2-24

Paul Heppelthwaite  
Secretary

 9-2-24

Attention: Veronica Spittal

26 August 2017

Dear Veronica,

Thank you for the opportunity to comment on the Implementation Plan for the Northern Pegasus Bay Beaches.

As a member of the Ashley Fishermans Association Incorporated we were very disappointed to note that we were not invited to be part of the working party who will oversee the implementation of the new bylaw. After spending 2 years and a huge commitment to the 2010 bylaw we note that the Implementation committee did not include hardly any of the beach users who were on the original committee.

If there is to be any representation from the Beach and Coastal users then we as fisherman and beach users would like to be represented on this committee as I am sure other beach users would like also.

As a group of fisherman who are mainly white baiters using the Ashley River mouth for recreation, we inform all who came to fish there last year what the rules were and we tried to make sure that all fishermen obeyed these rules and we will do so this year as well.

Personally I myself and several other fishermen, fish on the north side of the mouth and access through the Hurunui Councils access way at Ashworths Beach. We enter through the paper road at Ashworths, as do the other beach users (horse trainers, walkers, swimmers, surfers and dog walkers).

We drive out onto the hard sand where possible, and then drive down the beach to the Ashley mouth passing into the Waimakariri Councils area about half way down towards the mouth. This move into the Waimakariri district is unknown to most people, but it is not only the users who come in from Ashworths but others that come from Leithfield and Amberley Beaches.

As per page 32 of your implementation plan the inconsistency in the Policy between the Hurunui Council and the Waimakariri Council will always cause a problem.

The Hurunui Council control from the Amberley rocks to within 2 km of the Ashley River, and I suggest that the Waimakariri District Council should have the same rules as the Hurunui County Council for this small beach area close to the Ashley River

As you have pointed out in the document, Education is the key to this plan being successful and since its implementation (new rules) from last year, not too many people know the new rules. If the rules are to stay as they are signs will need to be erected on the Hurunui and Waimakariri boundaries explaining the importance of the estuary area and the fact that all vehicles and dogs are excluded from this area and why.

When the 2010 plan was implemented and the Hurunui County Council and Waimakariri District Council and E Can all helped pay for a ranger it seems like most of the money has been spent on the area from the Ashley to the Waimak. If a ranger was paid to spend a couple of weekends at the access to Ashworths handing out pamphlets and explaining the rules alongside a new sign and a new sign at the Waimak/Hurunui boundary then this will help people understand the importance of the rules and what they mean. If users can not see the importance of the rules then they become very hard to police. The Hurunui County Council are very proactive at Ashworths Beach where they have fenced off large areas to keep out all vehicles completely and these areas are both wet and dry areas and are rejuvenating and doing well. However I do understand how it is impossible to fence off the whole estuary and sign and education is the best way forward with more ranger presence.

In my opinion the area from Ashworths to Ashley Mouth is paradise on our doorstep to be enjoyed by many and I fish, walk my dog and enjoy the area immediately.

All beach users using this area seem to respect the area except for a small minority and maybe they do not understand the rules or do not care. However stopping someone and explaining the rules when you are out for a walk with your wife and dog is not an option. These rules have to be more visible.

In finishing I would like to point out that I and other members of the local fisherman and users would like to help in the implementation of this plan and will make sure that all our fishermen know the rules for this year.

Yours sincerely,

Doug Guthrie

8 May 2016

Submission From: -

Doug Guthrie

Rangiora

Hi, I was a member of the Pegasus Bay Beach Committee that met for over 2 years to help write the 2010 Northern Pegasus Bay rules.

My main interest in this area is that I am a fisherman, white baiter, walker and dog walker and I enter the beach area at the Ashworths Beach access (Hurunui District) where I walk my dog or drive my vehicle to the mouth of the Ashley River for white baiting and also fishing at the Ashley River at other times of the year.

I love the area, it is only 10 minutes from my home in Ashley and I consider it paradise. During winter if I pick my times properly between Ashworths and the Ashley mouth I might be the only person on the beach.

However I am happy to share this area with all the other beach users and in general over the last 6 years the respect between beach users has been excellent.

When the beach rules were established in 2010 we all knew that if the rules were not enforced by the three councils involved, then we would have all been wasting our time. Over the last 6 years I think I have seen the ranger twice and probably never in the weekends.

If you change the rules now and don't enforce them you will be back in 2 years time trying to ban everyone because that is the easy option.

While I agree with most of the bylaw my main concern is the difference in rules between the Hurunui County Council and the Waimakariri District Council. Coming along the beach from Ashworths you cross the line between the Hurunui County Council and the Waimakariri District Council.

I am not exactly sure where but I have a rough idea that if the rules change then this will have to be signposted. A lot of Leithfield and Amberley Beach residence use the beach as their recreation and travel by vehicles and motorbike from their home to the mouth of the Ashley River and I am wondering if they are aware of this new change to ban vehicles if not fishing etc, therefore we will have two sets of rules from two councils which boarder each other. I am concerned that if all vehicles (motorbikes and vehicles) are banned from the area south of the Ashley River mouth are they all then going to come to Ashworths. I hope your new rule does not cause this to happen as enforcement of the rules that exist at the moment in this area would be more than satisfactory.

My last point is I would like to be informed about how the Fenton Reserve works and what the difference is between the Fenton Reserve and holders of the Fenton Entitlement. I am aware why the Fenton Reserve exists and agree with its existence but I would like to know how it works.

It seems to me that if we make all these rules but they do not apply to the Fenton Reserve holders then are the overall rules going to be obeyed.

Thank you for the opportunity to give my points of view.

Yours faithfully

Doug Guthrie

## **Ashley-Rakahuri Rivercare Group Submission to the Northern Pegasus Bylaw 2024 Review**

The Ashley Estuary / Te Aka Aka should be regarded as the jewel in the crown of the Waimakariri District biodiversity – particularly of birds (list follows). It is:

- One of the most important habitats for migratory shore birds (such as bar-tailed godwit/kuaka) in the South Island. This is due to its significant expanses of tidal mudflats compared to other east coast river mouths.
- A staging post for braided river birds (such as wrybill/ngutu pare) before and after they breed on the braided rivers of Canterbury.
- The nesting habitat for several species of bird – e.g. banded dotterel/pohowera) and variable oystercatcher/torea pango.
- Year round feeding habitat for birds such as the white-faced heron/matuka moana and several species of shag. Very rare endemic birds such as the white heron (kotuku) and black stilt/kaki are regular visitors to the estuary.

The Ashley-Rakahuri Rivercare Group was formed in 1999 to look after the braided river birds that nest between State Highway One and the Okuku junction. However, since 2018 we have had a predator trapping network around the estuary. In 2022 we organized for a MSc student to study various aspects of the birds at the estuary and obtained funding from the Waimakariri Zone Committee for a scholarship. During initial work done on this study by ARRG members, we realized that the estuary is in crisis. Predation by southern black-backed gulls and various forms of human disturbance (vehicles, pedestrians, dogs and sometimes planes) are severely impacting the birds. Detailed presentations on these matters have already been made to the Waimakariri District council, to the Waimakariri Water Zone Committee and to the Woodend – Sefton Community Board.

The bylaw already has significant stipulations regarding disturbance, but we feel the following are necessary to be added:

- A ban on dogs along the entire sandspit north of the Waikuku Beach carpark. Dogs are already prohibited along the edge of the estuary, but this rule is routinely ignored. Some dogwalkers head north along the beach, then free their dogs to roam across the spit. There is considerable international information available about the negative impact dogs have on birds and shorebirds in particular. A document regarding dog disturbance at the Avon-Heathcote estuary is attached.
- A ban on planes landing along the beach near the estuary. Recreational use of vehicles on the beach is already prohibited, this should be extended to planes.

Ways need to be explored to increase enforcement of the bylaw. Environment Canterbury rangers do an extremely professional job, but they cannot be in the area nearly enough. It is very common to see vehicles in areas where they are prohibited.

Signage also needs to be improved. In particular the small signs at the Waikuku end of the sandspit banning dogs from the estuary are very inconspicuous. Large signs need to be installed, and they should include reasons for the ban.

An increased effort needs to be made on public education. Residents and visitors need to be made properly aware of the unique environment that is the Ashley Estuary – and how to preserve it.

An absolutely key ingredient to improvement of the natural environment of the estuary would be the setting up of a dedicated local volunteer group. Perhaps the Waimakariri District Council could enable this.

## Ashley Estuary Birds

Mute Swan, Black Swan, Canada Goose, Feral Goose, Pied Shelduck, Australasia Shoveler, Mallard Duck, Grey Teal, NZ Scaup, Feral Pigeon, Pukeko, Pied Stilt, Black Stilt, Hybrid Stilt, Pied Oystercatcher, Variable Oystercatcher, Hybrid Oystercatcher, Spur-winged Plover, Banded Dotterel, Wrybill, Bar-tailed Godwit, Ruddy Turnstone, Sharp-tailed Sandpiper, Curlew Sandpiper, Sanderling, Red Knot, Greater Sand Plover, Grey-tailed Tattler, Whimbrel, Far-eastern Curlew, Pacific Golden Plover, Red-necked Stint, Black-fronted Dotterel, Crested Grebe, Black-billed Gull, Red-billed Gull, Southern Black-billed Gull, White-fronted Tern, Caspian Tern, Little Tern, Common Tern, Little Pied Shag, Black Shag, Pied Shag, Little Black Shag, Spotted Shag, White Heron, White-faced Heron, Royal Spoonbill, Little Egret, Glossy Ibis, Australasian Gannet, Harrier, Sacred Kingfisher, Bellbird, Grey Warbler, Australian Magpie, Fantail, Skylark, Welcome Swallow, Silvereye, Starling, Thrush, Blackbird, Dunnock, House Sparrow, Chaffinch, Greenfinch, Goldfinch, Red Poll, Yellowhammer, Pipit, Cirl Bunting, Little Owl, California Quail, Ring-necked Pheasant, Marsh Crake, Australasian Bittern, Shining Cuckoo, Arctic Skua, White-winged Black Tern, NZ Dotterel, Black-tailed Godwit



# BEHAVIOUR OF DOGS AND THEIR OWNERS AT KEY ESTUARY ECOLOGICAL SITES

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**Laura Hutchinson, Ashley Dai, Imogen Eglesfield,  
Aimee McQuillan-Reese, and Rose Bayldon  
GEOG309**



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# Executive Summary

- This research aims to find how effective the current dog by-laws in place at Avon Heathcote Ihutai Estuary are at protecting birdlife from the adverse effects of dogs. Dogs disturb birds in their habitat which is an increased risk at the estuary. The space is shared and treasured by the local community, so we aim to find a balance between birdlife and the community.
- Our research question is: What is the nature of dog and owner behaviour at Avon Heathcote Estuary? Are the by-laws fit for purpose or could they be improved and implemented differently?
- We surveyed community members, aiming to understand what dog owners knew about the current by-laws, and common beliefs surrounding dogs and their effect on birds. There were also observations taken to observe people not under prestige bias.
- While they are a disturbance, we found that people greatly appreciate the estuary for recreation and dog walking. Not everyone knew about the by-laws, and we found inadequate information for dog owners about restrictions, as well as about the reasons for those restrictions.
- Our limitations included covid-19 and the uncertainty of lockdowns. We were able to proceed as planned fortunately but we had to spend time creating alternative plans. We also had a relatively short time frame, so were unable to evaluate the efficacy of any recommendations.
- In future we would recommend looking into different effective ways to educate the community and create barriers along the estuary to protect birdlife more robustly. We discuss some of the results in our recommendation section.

# Introduction

Dogs are common pets, with ownership continuing to grow in the 21<sup>st</sup> century (Banks & Bryant, 2007). There are many aspects of dogs that entice people into owning one, such as physiological, psychological, and therapeutic health benefits (Wood, Giles-Corti, & Bulsara, 2005). Studies show that dog walking provides motivation for outdoor recreation and in some countries, it is also a legal requirement for animal welfare (Banks & Bryant, 2007). However, dogs have many tendencies such as predation and excretion habits, which negatively impact the health and diversity of ecosystems. Because of this, some countries such as New Zealand, enforce dog by-laws to control the level of freedom dogs and their owners have in certain areas that are deemed important. An example of this is the Avon-Heathcote Estuary, which has been named an area of ecological importance, due to the extensive flora and fauna of both native and endemic background which thrive there.

During this research project we worked alongside the Avon Heathcote Estuary Ihutai Trust (from here referred to as “the Trust”). The Trust is a non-profit organisation that was formed in 2002, who work in partnership with the Christchurch City Council, Environment Canterbury and Ngāi Tūāhuriri. The Trust’s vision is to restore the Mauri of the estuary through: Communities working together for clean water, healthy ecosystems, open space, and safe recreation that everyone can enjoy and respect. Their projects focus on the restoration, planting, and weeding, with help from community volunteers at McCormack’s bay, Thistledown, Charlesworth, and Bexley wetland reserves as well as South New Brighton Park.

## Research Question and Aims

The research question we hoped to answer for this study was: what is the nature of the relationship between dogs and birdlife at Avon-Heathcote estuary? And are the dog by-laws in place fit for purpose or could they be improved?

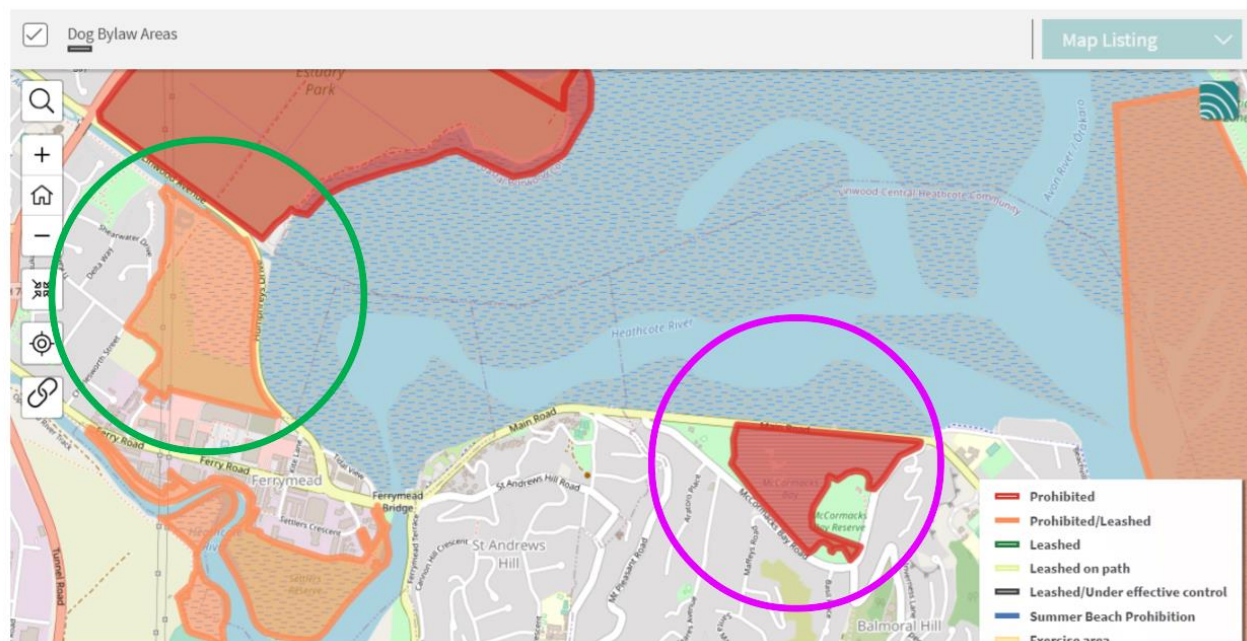
With information and past studies given to us by the Trust we decided that we should focus on three objectives when researching our topic. The first being what kind of behaviours dogs exhibit around the estuary, what the users of the estuary think about dog behaviors they have observed and what they think about the by-laws which are in place at the estuary, if they know about them at all.

# Research

## Cultural and Ecological Values

Te Ihutai was one of the food baskets of the South Island for Ngāi Tahu. It provided a site for mahinga kai, gathering food and other resources. Other Iwi such as Ngati Mamoe and Waitaha used this area for connectivity and relations. It was settled productively for generations until European colonisation occurred, when they confiscated fishing reserves and placed them in sewage plants that caused great detriment to water health and cultural values. This alongside damage to the surrounding land through urbanisation and development has clearly left a damaged relationship which continues to this day. There are attempts being made to mend this relationship and restore spaces at Te Ihutai. Estuaries are known globally to support diverse habitats and ecosystem services such as increased water quality, nutrient cycling, pollination, and carbon sequestration (Dong et al., 2018). This benefits the surrounding environment and community.

## Dog By-laws



*Figure 1: A map taken from the Christchurch City Council (CCC) that shows McCormacks Bay (in the purple circle) and Charlesworth Reserve (in the green circle). McCormacks Bay is highlighted in red as it is considered a prohibited area, but we surveyed people along the green space of the boundary of the restricted area which is an area of effective control (Section 3.2). Charlesworth Reserve is highlighted in orange as it is considered a prohibited/leashed area.*

We are most focused on Section 3.2 (Figure 2) and Section 14 (Figure 3) which both focus on how dogs must behave in public areas. Figure 1 is a visual example of the dog by-laws in place in Christchurch

### 3.2 Keeping your dog under effective control

Dog owners are required to keep their dog(s) 'under effective control' at all times when in public places.

The owner or person in charge of a dog in a public place must:

- be aware of where the dog is and what it is doing;
- ensure the dog is responsive to commands; and
- ensure it is not creating a nuisance.

*Figure 2: Effective control is a common definition used in the Christchurch City Council Dog By-laws, so it is important people understand what it means otherwise their ability to follow the by-laws is limited.*

(as shown in Figure 1). This area is not included in section 14 and is simply considered an area where an owner must keep their dog under "Effective Control." Section 3.2 and Section 14 are both hard to find if an owner were simply to google the dog by-laws as they are amongst an entire a whole lot of by-laws. A better explanation of how the dog by-laws work is provided in Appendix A.

and shows the areas dogs are allowed in our study sites, Charlesworth Reserve and McCormacks Bay Reserve. Figure 3 shows us Section 14 of the by-laws. Our study site in McCormacks Bay was not just the islands and mudflats, it included the green space around it

*Table 1: Section 14 of the Christchurch City Council Dog By-Laws explains where dogs are allowed on Department of Conservation land under section 10(5) of the Dog Control Act. McCormacks Bay Reserve is a restricted area and Charlesworth Reserve is a Prohibited/Leashed area.*

#### Section 14: Controlled or open dog areas under the Conservation Act

Area	Restriction	Details	Policy Status
Southshore Spit Reserve and foreshore	Prohibited/Leashed	Dogs are prohibited from the foreshore and sand dunes area to protect wildlife (particularly godwits and oyster catcher.) Dogs are allowed on a leash when walking around the boundary between the vegetated reserve area, and the foreshore and sand dunes area. Dogs are allowed under effective control on the vegetated reserve.	Effective
McCormacks Bay islands, Mudflat, and saltmarsh.	Prohibited	Dogs are prohibited on roosting/nesting islands and on wet areas. Dogs are permitted in other areas as long as they are under effective control at all times.	Effective
Te Huingi Manu Wildlife Reserve	Prohibited	Wildlife reserve - dogs are prohibited to protect wildlife and wildlife values (particularly up to 15,000 wetland birds including many threatened species.)	Effective
Linwood Paddocks	Prohibited	Dogs are prohibited to protect wildlife values (particularly native and migrating birds, including threatened species)	Effective
Charlesworth Reserve	Prohibited/Leashed	Dogs are prohibited in the wildlife habitat and regenerating bush areas. On the grass area with no wildlife values, dogs are allowed if leashed.	Effective
Raupo Bay Saltmarsh	Prohibited	Lower Avon saltmarshes Raupo Bay, Saltmarshes, Rat Island Reserve and the estuary and margins. Dogs are prohibited to protect wildlife values (particularly estuarine birds)	Effective

## Value of Birdlife

Literature research on birdlife values at the Avon Heathcote Estuary revealed social, cultural, and ecological values. Te Ihutai Estuary has been granted international significance due to the bird species currently present, as outlined above. There are 10 species recorded that meet or exceed the 1%

Ramsar international significance criteria, these include the famous Godwit (*Limosa lapponica baueri*) and more well-known birds like the Oystercatchers (*Haematopus*) or Paradise Shelduck (*Tadorna variegata*). This criterion gives international significance alongside its inclusion in the East Asian Australasian Flyway Partnership (East Asian Australasian Flyway Partnership, 2018). It currently hosts 38 wetland species, some of which are nationally endangered, threatened or at risk. These species mean a lot to the local Iwi Ngāi Tūāhuriri as kaitiaki of the land, and traditionally some species were used for mahinga kai purposes. Birds bring the community together in annual events like Farewell to the Godwits and people love birdwatching and protecting what is present at the estuary. The birds provide ecological benefits and are key players in the ecosystem.

## Human and Dog Disturbance

Human disturbance on birdlife studies were based on observational methods. Some research used meta-analysis, and some used surveying. The effects of this was negative, as more disturbance reduced the time birds spent incubating or foraging for food (Burger, 1981; Glover et al., 2011). Certain species were found to leave their original site altogether when disturbed, exposing them to harsher conditions and a potential lack of resources (Navedo & Herrera, 2012). Flight initiation distance (FID) was significantly impacted by the intensity of the disturbance. Walkers produced less of a response than joggers or people walking dogs because their movements are slower (Burger, 1981; Glover et al., 2011). Birds also react to proximity, where the closer the activity occurs the more likely they are to be frightened off. In extreme cases, the fitness of birds was significantly reduced by the extra energy costs of flying away, leading to higher mortality rates (Samia et al., 2015). Banks & Bryant (2007) found that dog walking can lead to a 35% reduction in bird diversity and a 41% reduction in numbers of birds detected when dogs are present. Another key finding showed that dogs walking on leash can still disturb birds, even when the dog itself is invisible to surrounding bird species.


## Community Engagement

Our findings on community engagement show that decisions are more likely to be upheld if they are made by the community (Howard et al., 2020). Allowing the community to participate in the design not just the implementation of the rules allows for more creativity, buy-in, and community cohesion. When a community regularly visits a space and comes to depend upon it the way visitors may depend on the estuary for leisure and exercise, they are more likely to take care of the space and advocate for it at a policy level (Vaske & Kobrin, 2010). Involving the community and empowering them to take care of communal space takes a combination of methods, such as putting formal rules in places, and then creating social and ethical norms around care (Bollier, 2014). This also avoids making a community feel “done-to” which could create resentment amongst users of the space (Howard et al., 2020).




# Methods

Our research was conducted at Avon Heathcote estuary which is situated to the east of Christchurch City. The estuary is enclosed by the South Brighton spit and meets the sea between Sumner beach and Southshore. The area is composed of 880ha intertidal mudflats, 100ha Linwood paddocks and 240ha oxidation ponds (Avon-Heathcote Estuary Education Resource, 2019). We focused on two main sections, those being, Charlesworth Reserve and McCormack's bay (Figure 1) (Google, n.d.).



UC UNIVERSITY OF CANTERBURY  
Te Whare Wānanga o Waitaha



Avon-Heathcote  
Estuary Ihtai Trust

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Area: \_\_\_\_\_

We are working with the Avon-Heathcote Estuary Ihtai Trust (Estuary Trust) to establish a baseline for the impact on birds of current behaviors of people and dogs in the estuary area. We are trying to determine if the current City Council dog by-laws are suitable, and what people think of them. The research we are doing will result in a report for the Estuary Trust, who will use it to recommend changes to the dog by-laws and to develop measures to minimize conflict between dogs, their owners, and estuary birdlife.

- How often do you come to the estuary?  

Daily	Weekly	Occasionally	Rarely
-------	--------	--------------	--------
- What is your primary reason for coming to the estuary?  

Close to my house	The scenery	Social Reasons	To keep fit/healthy	To take my dog for a walk	Other
-------------------	-------------	----------------	---------------------	---------------------------	-------
- How valuable or important is the estuary to you? (Scale of 1-10, one being little)  

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----
- What do you think the effects of dogs on birds are?  

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----
- Please circle what statement you agree with the most.  

**Purpose of the estuary:**

The Estuary should be solely for conservation	The estuary should be available for recreational activities as well as conservation	Recreation should be prioritized over conservation by the trust and city council
---	---	--
- Purpose of the rules**  
 Did you know that there are dog by-laws for where dogs are allowed within the estuary?  
 yes/no  
 If yes: I follow the rules OR I do not follow the rules  
 Any comments:
- Have you seen any signage around the estuary regarding the dog regulations?  
 • Are there enough signs?  
 • Are they clear?
- The dog bylaws require dog owners to keep their dogs under "effective control" What do you think effective control means
- The current dog by-laws require dog owners to ensure their dog is responsive to commands and is not creating a nuisance (barking, rushing, attacking, or intimidating.)
- Do you think the dog by-laws should be stricter, more relaxed, or clearer? \*
- In your opinion should there be dog-free zones around the estuary?
- Do you know where your nearest dog park is?

**Figure 3: The survey that we used at both McCormacks Bay and Charlesworth Reserve.**

Our research methods incorporated questionnaires and observational studies. We visited both reserves on multiple days for 2-3 hours per visit, totalling at approximately 20-25 hours. We completed surveys on both weekdays and weekends at a variety of times to better represent the users of the space, focussing primarily on dog walkers and owners, with some non-dog owners being questioned as well. Our questionnaire consisted of 12 questions that each aimed to give us a deeper understanding of our research question.

These questions aimed to give us an understanding of how people use the estuary and how valuable they perceive it to be. It provided us with insight regarding how well advertised and understood the by-laws are around the estuary, and whether people respected them.

Some questions served the dual purpose of educating the public on the current by-laws and provided insight as to how they are interpreted and what is understood about the issues the estuary faces.

In total we surveyed 30 people. All members of this research project are either dog owners or dog lovers. We used this to our advantage to make those being surveyed feel more relaxed. We did not want this bias to affect our results or recommendations, so sought lots of feedback and tried to make it as objective as possible.

LOCATION;		TIME;		DATE;		NAMES;			
#	Male/ Female	Age	Group/Single	Walking	Walking with dog	Type of Leash	Controlled/ Uncontrolled	Dog Disturbing Birds	Human disturbing birds

*Figure 4: This is the observation table we used to carry out our observations. We decided on different variables that would indicate to us how the community used the estuary.*

27 individuals or groups of people we observed recording data such as the age, gender, dog control, activity and bird disturbance as seen in figure 4. Some people who we surveyed were also included in the observational data, particularly where we observed the by-laws being broken.

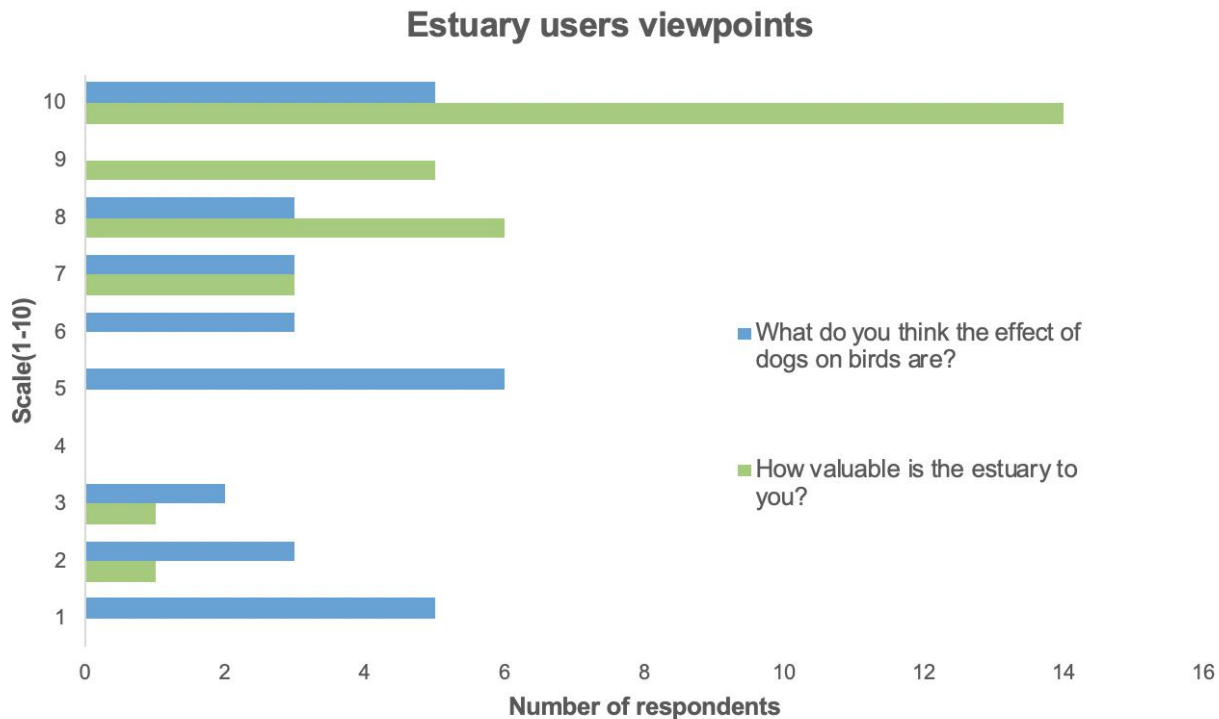


# Results

## Surveying

40% of people visit the estuary weekly and over 35% of people visit daily.

We found that the most common reason for going to the estuary was dog walking, making up 55%. The large number of responses indicated that convenience was a key factor when choosing where to walk one's dog.



*Figure 5: Result of Question 3 and 4 of our survey. Both answers were based on a scale ranging 1-10, where 1 is the lowest effect/value and 10 being the greatest. The value of the importance of the estuary placed an average of 8.6 on the 1-10 scale, and the effects of dogs on birds placed an average of 5.3.*

83% of respondents viewed the estuary to be 8 or higher of importance. Over 90% of respondents believed the purpose of the estuary should provide both recreation and conservation practices. The effect of dogs on birds averaged a 5.3 on a scale of 1-10 as seen in figure 5. However, many dog owners based these responses on the behaviour of their own dog which introduced a bias.

There were three main definitions people provided of what they thought effective control meant. 26% thought it was defined as on a lead at all times, 26% thought that dogs off leash should be under verbal command, and 40% of people thought a combination was appropriate. Many people also remarked that if an individual's dog could not be trusted to be responsive to commands it must be kept on a leash.

While 73% of people stated that they knew about the presence of by-laws, most did not appear to know the specifics. Majority of response who knew of the by-laws believed that they personally followed them at least some of the time (70% of people who were aware). Those who answered honestly and

admitted to not following them believed that since their dog was well behaved, they did not have to be leashed.

## Observations



*Figure 6: This shows a dog that was observed entering the estuary (left) whilst its owners walked along the walkway outlined in figure 10. The right photo shows the dog then exiting the estuary.*

The main age group we observed was 65+, no group was well-behaved than the others. We found 21/27 dogs were controlled and leashed. “Uncontrolled dogs” was defined by being off leash and not under effective control. We observed around 20% (22.22222%) of people had uncontrolled dogs according to this definition. One dog was observed actively chasing birds in the estuary (Figure 6). Our survey with them showed they did not believe their dog was a danger to wildlife as he did not run toward the sanctuary islands. We were also given more anecdotal examples of dogs actively disturbing birds at the bay. Many people used a retractable leash, which can extend up to 5 metres. This is potentially a loophole as the dog is technically on a lead but can still run into prohibited areas and disturb birds. The range of responses showed us that while people may know that there are by-laws, many of them do not know the specifics.

During our time at the estuary we also noticed multiple signs are the estuary that made little to no sense. Figure 7 was a great example of this. One of the great examples of a sign can be seen in figure 8.



Figure 7: These three signs are found along the wetland edge at Charlesworth Reserve. We find that they all hold different pieces of information and can be interpreted in different ways by the public. One of the icons shows dogs can be walked in this area but the other icon indicates no dogs at all. It does state no dogs allowed in the wetland, but people may not read this small print and choose which symbol to follow when walking a dog.



Figure 8: This sign was found at two entrances at Charlesworth Reserve. It shows the users of the estuary physically where they can and can't walk their dogs along the estuary which is good. However, it is quite outdated and lacks information about the current dog by-laws.



# Discussion

Our research question aimed to observe the relationship between dogs and owners at the estuary and



*Figure 9: A mock-up of an educational sign that could be used to inform members of the public.*

the effect on birdlife, allowing us to review the present dog by-laws and their effectiveness. While designing our survey questions, we had to ensure the wording was appropriate. Previous literature stated the importance of avoiding prestige bias when interviewing people. Leading questions can encourage participants to exaggerate their answers, so that they are framed in a more positive light (Schneider et al., 2019). Therefore, we tried to create unbiased questions that did not lead to answers we hoped for. Conducting research through observations in tandem with this had many benefits such as being efficient to collect and independent from what a respondent wanted us to believe. Observations also minimised the contact between us and members of the public which was useful when only one group member was available to visit the estuary.

We found the community seemed to care for the estuary, valuing it highly as recorded in our survey. People used it for a multitude of reasons, the main being dog walking. There was also an awareness of the conservation values at the estuary and willingness to maintain present birdlife. Based on



*Figure 10: Mock-up of what a sign could look like between the walkway where we found bird disturbance to be at its worse.*

Vaske & Kobrin (2010), helping people to create a place-dependency will mean they are more likely to act in an environmentally friendly way.

We have already seen evidence of this where locals formed relationships through frequent visitation and had a strong desire to maintain the tidiness of the space. The Trust, alongside other bird advocates, has a

vision of protecting biodiversity, especially that of birds (Avon Heathcote Estuary, n.d). In the face of a climate crisis, and the declared emergency by Christchurch City Council and Environment Canterbury in 2019, there is an understanding that the surrounding wildlife must be prioritised. From the input we received from the community in our survey we think it is most appropriate to strive for a balance of recreation and conservation, however, this will be carefully strategised.

Although the effects of dogs on birds are large, there are measures that can reduce this. Dogs may cause birds to relocate, leading to territorial issues, energy expenditure, reduced feeding, and more adverse effects (Figueiredo de Almeida Silver, 2020). Forest and Bird policies outline that dogs should not be present in intertidal zones or at the very least be consistently leashed (Forest and Bird, 2017). McCormacks Bay is adjacent to the intertidal zone and provides high biodiversity on the man-made islands. As Section 14 of the by-laws state in this space, dogs are prohibited, and in adjacent areas need to be under constant effective control. In this example of the estuary, it is advised that boundaries are changed to best protect ecologically valuable areas. In areas such as the rugby field at McCormacks Bay, which is directly connected to the islands, dogs must be under effective control. As defined, effective control can provide a safer zone for birds, but in addition to this it is beneficial to add barriers, which we discuss in the following section.

## Natural Barriers

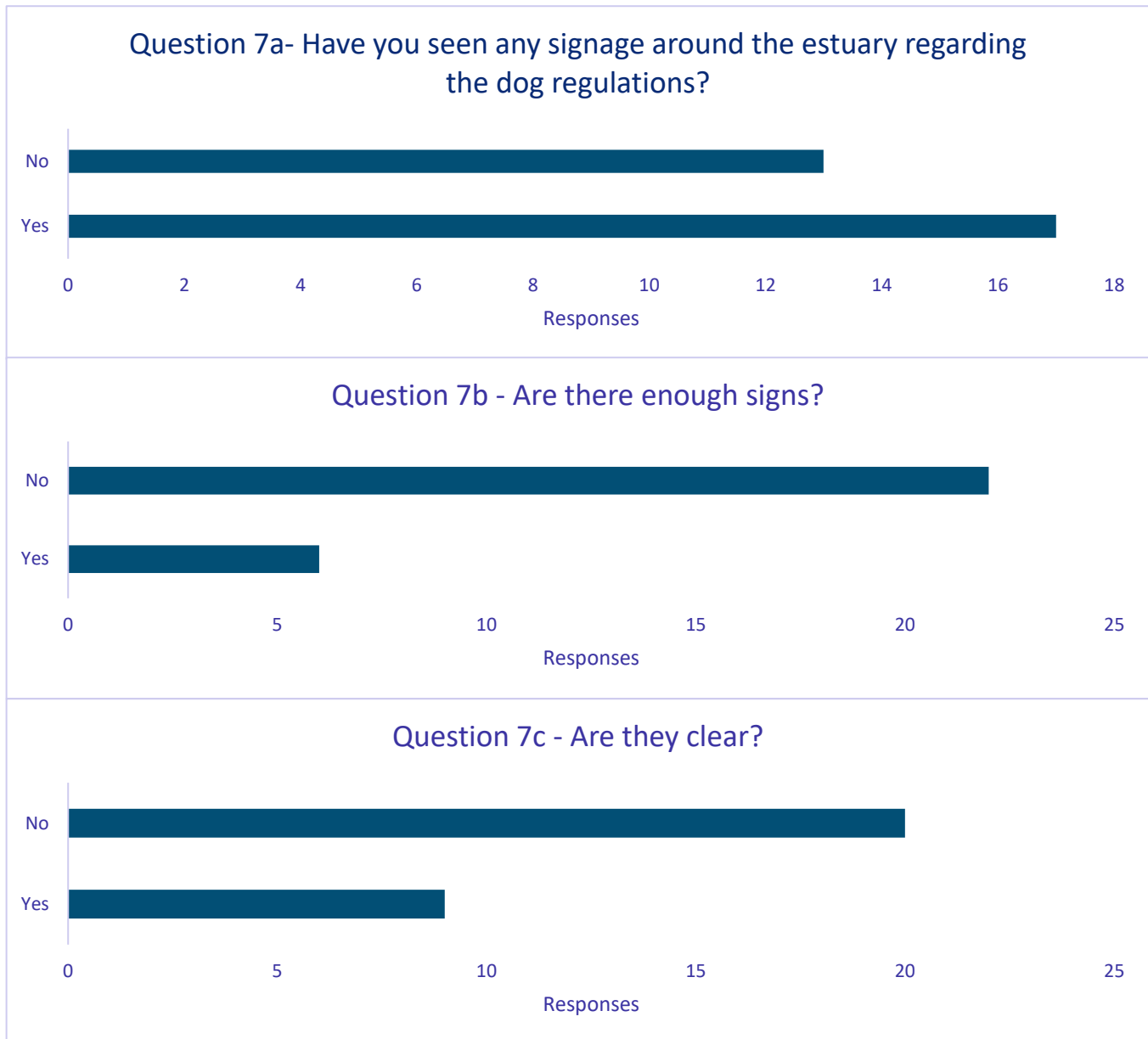
Multiple people mentioned seeing dogs running into the estuary in certain areas, which we also witnessed during our observations (Figure 6). From these observations, we suggest placing a natural barrier along this walkway as this will be one of the best deterrents, we must protect birds in the estuary (Figure 11). This figure outlines areas that would create more protected space for birds than is currently present. Natural barriers would not fully stop dogs



*Figure 11: A mock map of what a sign could look like at the McCormacks Bay Reserve to show users of the estuary where they can and can't take their dogs (based off signs seen in Charlesworth Reserve) the asterisk shows the walkway that connects the Mt Pleasant Community Centre to the rugby fields.*

from entering the estuary, but act as a visual deterrent for dogs and owners, with thicker shrub being more effective. Inserting a physical fence would prevent birds from using the estuary, so a natural barrier of salt tolerant plants would be preferable. The estuary could benefit further by using a plant such as

Mākaka, (saltmarsh ribbonwood) (Auckland City Council, 2009) which increases water quality and carbon sequestration. Natural barriers could also be supported by signage at either end of the walkway that would let users of the know that their dogs are no allowed on the estuary (Figure 11). We know that



**Figure 12: Show the responses to question 7 of our survey. 7a shows that out of 30 respondents, 43% had not seen any signs and 57% had seen signs. 7b shows us that out of 28 respondents, 21% said that there were enough signs and 79% said that there were not enough signs. 7c shows us that out of 29 respondents, 31% thought the signs were clear enough and 69% thought the signs were not clear enough.**

to influence pro-environmental decisions within the public they need a “nudge” (Byerly et al., 2018). This means changing their social norms and facilitating pro-environmental decision making. Our nudge could be the use of a natural barrier and signage to deter people from walking into/close by the edge of the estuary. Ensuring dogs do not enter the wetland and roosting areas we are hoping to mitigate some of the issues, however, unless the Trust wishes to revert the grassed rugby field space back to wetlands it will not be possible to completely eliminate disturbances, so we suggest natural barriers as a way to reduce the disturbances.



We think a mix of education and barriers will be most effective in ensuring that owners do not allow their dogs to enter the bird areas. Members of the public were not always aware of the by-laws or why they were in place and there was not enough clear signage, as shown in our results (Figure 12). The implementation must be improved first, we do not believe that changing the by-laws to restrict people further will have much effect if these changes are not communicated or policed clearly. The Trust highlighted that the balance of estuary use must not be taken lightly, it must represent both our growing population of people and our declining number of birds. However, we do not think that the status quo of implementation is sufficient.

## Educational Signs



**Figure 13: McCormacks Bay Reserve (Google Maps. 2020). Edits made by the authors. The blue dot represents the only information sign about the ecology and the area. The red dot represents the only sign denoting dog rules. The yellow dot represents the “Welcome to McCormacks Bay Reserve” sign which has no information on dog by-laws. The green dot shows where we would recommend the trust put a duplicate information sign.**



**Figure 14:** The McCormacks Bay Reserve sign that is found outside the rugby fields car park. It has no mention of any dog by-laws on it.

From our survey, we found that only 57% of interviewees had seen a sign regarding dogs during their time at the estuary (Figure 12). A key finding was also the high number of signs counted at Charlesworth Reserve (9) but very few signs at McCormacks Bay (3). There were three signs total, excluding the rugby club sign, and only one had information about dogs. The location of this is shown in figure 3 and denoted by the red dot. The main sign welcoming estuary users makes no mention of regulations surrounding dogs (Figure 14). 69% of estuary users acknowledged the need for clearer as well as more signs. We recommend that this is the first step

the Trust takes as we cannot expect people to follow the rules when there is no opportunity to learn what they are. Our question regarding the value of the estuary, showed us that it is highly valuable to most people, even if they do not visit regularly. Many people love the view of the estuary from their home or alternately visitors not from the area expressed a similar sentiment of valuing the estuary. This shows us that most people visiting have a high respect for our ecosystems and would be willing to take steps to care for the space better.

One sign that we found at McCormacks Bay Reserve was a two-sided educational board that explained numerous things about the estuary e.g. the birdlife, ecology, Māori history (figure 15). We thought that this sign could be replaced in a more high-traffic area, such as at the rugby park. The sign is currently in a relatively low traffic area and is sun-bleached, making it unattractive to look at and hard to read. A potential location change at McCormack's bay for a new information sign as seen in Figure 13. Creating a sense of shared responsibility can also help to shape people's behaviours toward taking care of the estuary in a better way. The demonstration sign in figure 9 and figure 16 aims to include people in the care for the space, as well as welcoming them.





Figure 15: The sun-bleached information sign that is found at McCormacks Bay Reserve. The information on the sign is good, just slightly outdated. The sign itself also has major water damaged so deters people from looking at it.

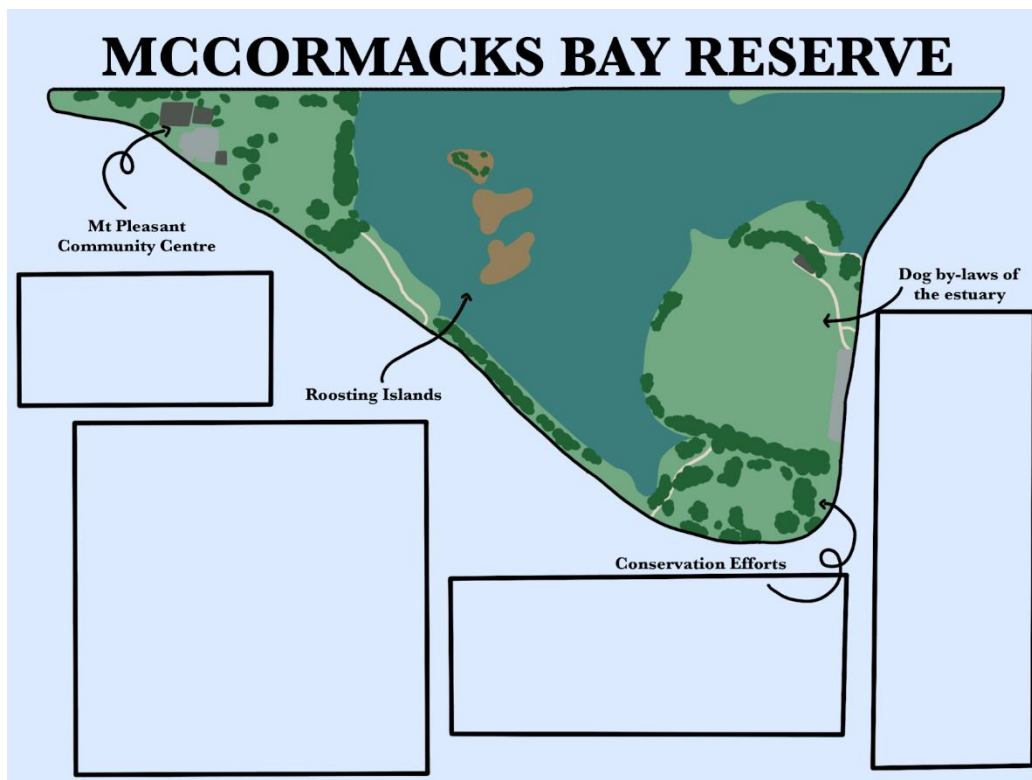


Figure 16: Another updated version of the information sign from figure 14 which focuses on the estuary but also the community. The Trust could include information on its conservation effects, the dog by-laws, the birds and their roosting islands and a bit about the sense of community found at the community centre.

## Seasonal Signs



*Figure 17: A mock-up of the warning signs that the estuary trust could use to inform people that they need to put their dog on a leash to avoid bird disturbance.*

Our third recommendation links to the second and was recommended by multiple people we spoke to around the estuary. Many estuary users thought that even if more signs are placed around the estuary, people wouldn't necessarily read them, or may forget what was on them due to seeing them so often that they become a part of the scenery. Placing signs seasonally at the estuary would mean it is more visually engaging and would allow people to become more familiar with bird species and cycles around the estuary. We were made aware in the literature review that dogs disturb birds especially during nesting times, they cause site shifts and decrease time spent in the nest, likely decreasing nesting success (Navedo and Lord). Anecdotally, many people believed that their dog had no impact on birds because they were well behaved, even when off the leash. This did not always align with observations or prove steadfast. Dogs can disturb birds even on-leash initiating flight and disturbance, and often off leashed dogs that are believed to be under effective control, can lose control (Navedo, 2012). Providing signage explaining what the effects of dogs on birds are and why this is so vital, would allow people to understand that the effect of dogs on birds is complex.

Placing Signs with pictures of specific birds as well as information would be interesting to many members of the public. This is like the signs up at the port hills when it comes to lambing season. Not only will people be aware of the wildlife at the estuary, but they can begin to understand why some of the by-laws are in place. We understand that a challenge of this is that people may disturb nesting birds after they see the signs as they want to see the birds for themselves or take photos. The Trust has

found that they need to keep the hatching period of the Little Blue Penguin secret for this reason. We recommend that the Trust does not disclose locations on the signs and makes a specific request not to seek the birds out. The Trust may also withhold the seasons of some more vulnerable species.

## Information Packets

Finally, a good way of educating owners would be during dog registry, this could be used as the first point of contact for education. Legally, dog owners are required to register their dog/s to the Christchurch City Council. Information packets could be provided, which contain numerous pieces of advice informing owners how to best use public spaces with their dog. The dog by-laws for Christchurch, and a clear explanation on what effective control means, could be included to ensure an understanding and acknowledgement of the restrictions in place. As well as this, maps could be provided as a visual aid to show where dogs can and cannot go and whether they need to be leashed or under effective control. Interviewees indicated that dog parks were too far away and felt that the dogs there were untrustworthy and aggressive. Extensive maps would educate dog owners on where it is appropriate to let dogs off lead and provide alternative options to dog parks.

Generally, we found there were many avenues to explore in solving this problem to suit both the community and birdlife. We wanted to ensure our research methods were sufficient and that we avoided any limitations. There was the limitation of COVID-19, but this was easy to overcome for our group and caused no great hindrance. In hindsight we may have explored more avenues of voices, such as non-dog owners and general community members to create a more diverse set of answers, but time and resources was a limit on this. There was also not enough time and resources to look further into other activities that we observed at the estuary and how they were affecting birdlife.

# Conclusion

This report aims to explore the way dogs behave at the estuary and their owners' understanding of the dog by-laws. In the future, it would be beneficial to investigate a wider range of variables that influence birdlife at the estuary, such as cats which many respondents believed had a large, if not greater, impact on surrounding birds than dogs. The recommendation of including natural barriers also would help to decrease the impact of dogs on birds by providing extra protected space and other environmental benefits, we believe the implementation of this would be highly beneficial. Another future research opportunity would be in terms of the signage around the estuary. From our recommendations, a new design layout may be necessary to grab people's attention. The survey showed that most estuary users would like signage to be clearer. Having distinct, informative, and engaging signs would be beneficial for the public, raising the level of education. The last research gap is the implementation of the by-laws. Some respondents commented "*who is going to catch me*" when talking about following the current dog by-laws, this shows a lack of enforcement perceived around the estuary. Enforcing the by-laws 24/7 is a difficult task and has many limitations, therefore educating the public on why the rules are there in the first place is essential. This research could be influential for the wider community as we continue to see significant losses of biodiversity worldwide.

## Acknowledgements

We would like to acknowledge our community partner from the Avon-Heathcote Estuary Ihutai Trust, Philippa Mein Smith for her valuable and constructive guidance throughout the research project, her help has been invaluable to our learning process. As well as a special mention to Tanya Jenkins for providing us with resources on the Avon-Heathcote estuary, as well as the treats provided to us for our survey participants.

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# Appendix

## Appendix A – Detailed explanation on Section 3.2 of the Dog By-laws

### *Explanation*

*When a dog is under effective control, it means the dog is not creating any sort of nuisance to people, domestic animals or any other wildlife. Nuisance in this sense means things such as barking, rushing at, intimidating, attacking or otherwise causing injury, damage or harm.*

*Going for a walk with your dog unrestrained (not on a leash) is fine in areas where there are no dog restrictions. However, the dog must still be 'under effective control'. This means you can see the dog or you are aware of what it is doing, and you are close enough to prevent issues or quickly bring it to heel. Having your dog under effective control is as much about the safety of your dog as it is about the safety of others.*

*The Dog Control Act requires all dog owners to carry a leash when taking their dog into a public place, whether or not the public place is a leashed area (section 54A). This is because unexpected situations may arise that require a dog to be leashed to keep the dog under control or to keep it safe.*

*Another requirement that is set out in the Dog Control Act is that the legal owner of a dog must be over the age of 16 (section 2). The owner or person in charge of a dog in a public place should also be physically capable of controlling the dog.*

**To:** Waimakariri District Council

**Submission:** Northern Pegasus Bay Bylaw Review

**From:** Woodend-Sefton Community Board

**Contact:** Kay Rabe (Governance Adviser) [com.board@wmk.govt.nz](mailto:com.board@wmk.govt.nz) (on behalf of the Board)

The Woodend-Sefton Community Board (the Board) would like to thank the Council for the opportunity to give feedback on the Northern Pegasus Bay Bylaw.

*The Board would like to be heard.*

### **General**

The Board notes that this area is made more complex with the fragmented responsibility of those assisting in managing the area. With Environment Canterbury, Waimakariri District Council, Hurunui District Council and the Te Kohaka o Tuhaitara Trust all contributing to the protection of the area there are acknowledged grey areas between authorities that are often exploited by those who wish to circumvent the rules. The shared responsibility hampers clear and consistent messaging often causing confusion for both the public and partner authorities. The Board believes that a clear management plan, especially for the estuary, should be developed to mitigate the above problem. The Board also acknowledges the Council's enforcement restrictions mean having to rely purely on education and the public's compliance.

The Board strongly supports the need for the Northern Pegasus Bay Bylaw and acknowledges the improvement gained due to the untiring work of rangers educating the public on appropriate activities in the area. In this regard the Board would like to acknowledge the invaluable contribution of the Tuhaitara Coastal Park staff who assist in monitoring and education for drivers of vehicles who use the beach, however vehicles on the beach remains the most concerning problem.

The Board would like to see more rangers being made available to monitor and educate the public especially due to the increased numbers using the beach as a result of the rapid growth of the district.

### **Vehicles and Dogs**

While the Board does not want to detract from resident's enjoyment of this natural recreational asset it does also wish to protect the fragile ecosystems the beach supports. Two of the highest risks to these ecosystems, especially near the Ashley River estuary, are vehicles and dogs. The Board supports limiting vehicles on the beach which can, in some instances, pose a risk to others using the beach. The Board would prefer if only essential workers and anglers/whitebaiters were allowed access. The reduction of vehicles on beaches can only improve the environment not only for ecosystems but also the enjoyment of other users of the beach.

The Board acknowledges that walking dogs on the beach is an enjoyable and healthy activity however supports prohibiting all dogs from the sensitive ecological areas and bird breeding grounds around the Ashley estuary and wetlands. While dogs chasing birds seems a harmless

pastime and good exercise for the dogs it does endanger nests and eggs as well as causing the birds stress during the breeding season.

The Board would like to recommend that all vehicles and dogs be prohibited from the area north of the public carpark at Waikuku Beach with appropriate and obvious signage to that effect. The Board would also like to recommend that a recognised volunteer group be established to monitor the estuary and to assist in educating the public on the damage to this sensitive area and danger that dogs and vehicles pose.

Another area of concern is the Waimakariri District Council's western boundary of the 'Saltwater Creek Ashley River Estuarine' areas and recommends that further restrictions and enforcement on cars and dogs be introduced to protect the biodiversity of the area.

### **Horses**

The Board would like to thank commercial horse trainers at Woodend Beach for complying with the restrictions that this bylaw places on them and would like to suggest that more obvious signage to alert people that they are entering a training area be considered. With so many new residents to the area, some people may venture into this area without knowing that it includes horses traveling at speed.

The Board thanks you once again for the opportunity to provide feedback on the Northern Pegasus Bay Bylaw.

Woodend-Sefton Community Board

February 28, 2024

## Northern Pegasus Bay Bylaw Review 2024

The Waimakariri Biodiversity Trust welcomes the opportunity to submit on the 2024 Northern Pegasus Bay Bylaw Review.

In compiling this submission the trust, which has just completed its first full 12 months of operation, acknowledges its lack of direct experience of projects along the Pegasus Bay Waimakariri Coast and in the Ashley Rakahuri River Estuary.

However having keenly embraced the mantle of “The voice for Waimakariri’s indigenous biodiversity” the trust has spoken directly to both individuals and groups which focus on the flora, fauna and wider environment of the Pegasus Bay coastal strip and Ashley Rakahuri River estuary and bring together many decades of knowledge, experience and passion for protection of the area.

These include Waimakariri council staff and councillors, locals and members of the Ashley Rakahuri Rivercare group. The trust also notes the beach user surveys over the past 14 years plus the 2023 bylaw effectiveness report adopted by the Waimakariri District Council.

The trust’s submission will focus on three areas of concern:

- Protection and management of the internationally renowned Ashley Rakahuri River estuary – the jewel in Waimakariri’s biodiversity crown
- The coastal dune system and the tuatua shellfish beds plus the concerns around ongoing issues of vehicle – motorbike and four-wheel drive - environmental damage
- Wildlife disturbance particularly by dogs.

### **1. Protection and management**

The 2016 bylaw and its 2023 amendment are viewed by all parties the trust has spoken with as essentially sound documents and the Waimakariri council and those who contributed to their creation and adoption should be congratulated.

This does not mean that there is not room for improvement in tightening provisions and particularly increasing enforcement.

The trust notes that in the absence of an Environment Canterbury Management Plan for the Ashley Rakahuri River estuary, the bylaw is the sole regulatory mechanism to manage recreational use of the coast and estuary and minimise

environmental disturbance, damage and degradation. The lack of an overarching plan also means that there is only irregular and disconnected monitoring of indigenous biodiversity values in the area and lack of data on threats and trends.

So it becomes increasingly more concerning that apart from relying on the regional coastal policy statement such an environmentally important area as the estuary remains bereft of a formal management plan.

Because the bylaw is the only management tool for this very popular and environmentally significant area, it is all the more important enforcement and education are well resourced.

The trust notes that with population growth in Christchurch and North Canterbury and increased recreational use of Pegasus Bay and its rivers, the coast and estuary are under growing visitor pressure.

Traffic counts record 2239 vehicles on the beaches over a two-week period in Spring 2020, the first week's tally at 1146 and 1093 vehicles in the second week.

Weekday vehicle tallies range from 79-224 with weekends seeing 185-257 vehicles.

Even with the bylaw banning motorcycles and recreational driving, the coast is an increasingly busy 'road' for launching boats and transporting fishing gear. In the seven days from September 24-30, 2022 1134 vehicles drove onto the beach from the Kairaki Beach carpark.

A bylaw's effectiveness is only as good as its enforcement and the common criticism from all parties the trust has talked with is that enforcement of, and education about, the bylaw and its necessity remains deficient.

The trust understands that the cost of bylaw enforcement is split three ways on a pro-rata basis between Waimakariri and Hurunui district councils and Environment Canterbury, with Waimakariri's share at \$27,000 annually. For the past three summers Tuhaitara Park staff have been contracted to supplement ECan ranger patrols after hours.

Relying solely on scheduled Environment Canterbury ranger patrols on weekdays and occasional weekend beach patrols and the smaller number of estuary patrols is insufficient to make a dent in the ongoing number of bylaw breaches particularly by vehicles, which account for 95% of all reported incidents.

The point has been made to the trust that even one off-leash uncontrolled dog running through prohibited bird breeding, nesting and feeding areas and one four wheel-drive vehicle or motorbike rider driving through nesting and feeding areas can cause enormously serious damage to the Ashley Rakahuri estuary bird populations.

More funding for increasing the frequency and time of patrols to coincide with tide cycles is needed not only to catch breaches but also for education days to enhance bylaw knowledge and understanding and ultimately reduce bylaw breaches.

The \$27,000 annual budget seems a small amount to be allocated by Waimakariri to this work and the trust would support an increase in budget to deliver more frequent patrols focused primarily on the tidal cycle when fishers are on the beach.

The training and warranting of Tuhaitara Park staff to boost after hours and weekend patrols should be a focus.

While the park does not include the estuary, which is an ECan responsibility, the trust proposes that Tuhaitara staff plus some willing locals could be trained, contracted and warranted by WDC with ECan approval to provide an after-hours, night and weekend professional ranger service to increase bylaw enforcement in the estuary and along the beaches.

Locally based enforcement patrols by committed warranted local rangers has every advantage.

Equally, increased budget should fund more bylaw education sessions based at the beach carparks at Kairaki, The Pines and Waikuku beaches which are the major entrances for vehicles to the coast.

Concerningly, the 2021 beach user survey reveals that five years after implementation of the bylaw some 36 per cent of visitors, both local and non-local, claim no knowledge of the bylaw – a clear indication more education is needed.

The trust notes that beach users said the most effective tool for bylaw awareness was signage.

The trust supports the Ashley Rakahuri Rivercare Group's call for larger and more signs in the beach carparks and key points along the coast and estuary to publicise bylaw rules.

## **2. Vehicle damage**

The Ashley Rakahuri Rivercare Group identifies the estuary as an area “in crisis” and the trust urges the council to fund more patrols of this environmentally outstanding and precious area.

The trust notes also that while the number of vehicle breaches reported is slowly declining at Kairaki, the Pines Beach and at the ocean outfall, the virtual halving of patrols at the estuary by ECan rangers – from 99 in 2017 to 51 in 2021 - has seen an increase in the number of vehicle breaches and incidents reported – from 23% in 2017 to 57% in 2021.



The trust views these statistics as particularly supporting the need for increased ranger patrols in and around the estuary.

The trust supports the Ashley Rakahuri Rivercare Group's suggestion that WDC facilitate the formation of a dedicated local volunteer group to focus on protection and enhancement of the estuary. This new volunteer group could also provide support for an expanded local ranger service.

The ARRG also requests the bylaw bans recreational aircraft from landing along the beach near the estuary. This would appear to be an oversight missed in the present bylaw which already bans motorbikes and the recreational use of vehicles along the beach unless being used to transport fishing gear to the sea edge.

The trust understands that the Rangiora Aero Club is a regular user of the beach near the estuary for landing practice. Disturbance to the estuary and shore bird populations can be significant. The trust supports extending banned activities to include recreational plane landings.

The trust notes concerns that the bylaw's approved use of vehicles to transport fishing gear is being abused by some vehicle drivers. These are people whose intent is not fishing but simply to race along the beach and they escape the bylaw's rules by carrying a couple of fishing rods in the back of the ute.

The trust suggests a more rigorous evaluation of what constitutes 'transport of fishing gear.' This could be done by amending the bylaw to require fishers with rods to leave their vehicle parked in one of the several well-appointed beach carparks and walk to the ocean edge with their gear rather than drive.

The trust also notes that much heavier Kontiki fishing gear can be transported to a launch point with a motorised trolley unit.

The trust believes that increasing vehicle numbers on the beach and accessing the estuary will demand a rethink of the rule permitting transporting fishing gear by vehicle down to the water's edge.

Surely true recreation and enjoyment of the beach is well served by walking down to the ocean edge to fish?

Aerial imagery in 2010 pre-bylaw shows extensive erosion of the Pegasus Bay dune system pocked with vehicle tracks through the back dunes with little vegetation on the retreating foredunes, according to a reported student research paper.

By 2014 surveys showed significant development and revegetation of the foredunes.

While the coastal dune system is highly mobile, the level of protection afforded to the beach communities at Kairaki, The Pines and Pegasus by these dunes, their fencing and revegetation is significant in a changing and volatile climate. The trust supports Tuhaitara Park's continued dune protection fencing and revegetation and congratulates staff on their continuing efforts to stabilise, protect and revegetate the dunes with indigenous species thereby enhancing habitat and food sources for local invertebrates and birds.

Drone footage in 2020 showed small vegetated foredune areas at the estuary and Kairaki demonstrating the effectiveness of the bylaw's vehicle and motorbike ban where pre-bylaw there had been no vegetation.

While somewhat out of scope of this Waimakariri bylaw review, the trust urges efforts be made to address the inconsistency of approach from the Hurunui council side of the estuary where motorbike and vehicle access via Ashworth's Beach is still permitted with the resulting increase in dune erosion and environmental damage.

Surveys reveal the coastal tuatua shellfish population is impacted by vehicle and horse traffic in the intertidal zone where they live.

This shellfish plays a key role in the marine food chain as well as being culturally significant to Maori as a traditional food source.

A 2013 report on the protection of the shellfish identified a 37% death rate for tuatua around the hoofprints made in the sand from horses using the beach.

Whether the present vehicle and horse use of the beach is significantly impacting the tuatua population along Pegasus Bay is unknown as no base data on the population has been collected.

However the trust supports the 2021 recommendation from the Northern Pegasus Bay Bylaw advisory group that the Ministry of Primary Industries research the tuatua population along Pegasus Bay and the effect horse and vehicle traffic is having on their survival and growth.

### **3. Disturbance by dogs**

Dogs are the second most prevalent subject of complaint in bylaw breaches and reported incidents and the devastating effect one uncontrolled dog can have on the estuary and shore bird population does not need elaboration.


While dogs are already banned from the Ashley Rakahuri River estuary and wetlands under the bylaw and must be under continuous and effective control at all times on the stretches of the coast they are welcome to enjoy, the Ashley Rakahuri Rivercare Group say this bylaw rule is routinely ignored.

The group says some dog owners head north along the beach from the Waikuku carpark to let their dogs loose to race through the sand spit oblivious to the disturbance created to feeding and nesting birds.

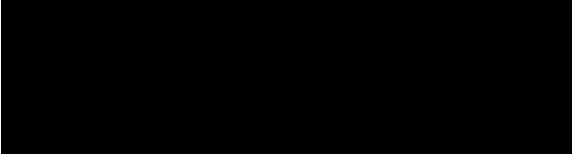
The trust supports the ARRG's call for extension of the dog ban to include this area and also supports further education on the bylaw rules specifically targeted at dog owners.

Thanks again for the opportunity to comment on the bylaw review.  
We would be pleased to meet with the review panel in person to expand on these comments.

Sandra Stewart  
Trustee, The Waimakariri Biodiversity Trust



Dr Judith Roper-Lindsay  
Chair, The Waimakariri Biodiversity Trust





23<sup>th</sup> February 2024

Waimakariri District Council  
215 High Street  
Rangiora  
7400

To whom it may concern,

RE: North Pegasus Bay Bylaw Consultation

Our group, Waimakariri Access Group (WAG) are a collaborative advisory and advocacy group to ensure the voice of the disabled person(s) in our Waimakariri communities is heard. We wish to communicate to you the importance of enabling better access to our beaches in Pegasus Bay.

The incidence of disability across New Zealand is 1 in 4 people. There is a vast range of disability; some visible, some invisible. As our council invests in infrastructure across Waimakariri, we would ask that some of this investment is used to support people with disabilities to gain access to Pegasus Bay beaches. Accessible Beaches are a practical and entirely doable solution. There is an online directory, featuring accessible beaches across New Zealand. Follow the link for the list - <https://www.accessiblebeaches.co.nz/beach-directory/>

What does this mean for disabled access to the beaches in Pegasus Bay:

- For peoples with disability, gaining access across the sand dunes with current infrastructure is nigh impossible.
- In many locations around Aotearoa, Accessible beaches have become an attraction and a feature at many beaches. Supporting local people and communities.

E-mail: [waimakaccess@wmk.govt.nz](mailto:waimakaccess@wmk.govt.nz)

[facebook.com/WaimakaririAccess](https://facebook.com/WaimakaririAccess)





- Our residents with a disability are not presently able to easily access and enjoy Pegasus Bay given difficulty at some beaches with access, carparking, toilets and paths.

We support the progress of the Ocean Access Advocates Roopu, who have loaned mat and installed this at Waikuku Beach, with the support of the Surf Club. We are also excited about the prospect of the viewing platforms at Pegasus and Waikuku Beaches. We ask that Council continue to support these projects, as both result in better access to Pegasus Bay.

- We ask that you consider making provision for Accessible equipment on the beach within your bylaw. Whether it is equipment such as powerchairs, or manual wheelchairs.
- We would ask that you improve the surfaces that lead to the beach, and the water, enabling better access for mobility devices.
- We ask that you consider the safety needs of our community, over and above the rights of passenger vehicles using the beach, except in occurrences where vehicles are used for emergency services or accessible transport needs.
- We note that the toilets in Woodend beach are not accessible for wheelchair users. We would like to see the infrastructure around all our beach car parks, toilets and infrastructure designed in an accessible manner. We know of a number of local wheelchair users who access the beach areas, and providing suitable parking and toilets is necessary.

Yours Sincerely,

Karen Richardson  
Deputy Chairperson  
Waimakariri Access Group

E-mail: [waimakaccess@wmk.govt.nz](mailto:waimakaccess@wmk.govt.nz)

[facebook.com/WaimakaririAccess](https://facebook.com/WaimakaririAccess)



Good afternoon

Thank you so much for allowing our submission to go through in this way. And I apologise again for missing the deadline last Friday.

I'm not actually sure if this is a submission in the normal way. It's probably not the usual submission that you normally get, as we have included a little bit of history about the area to explain a few things. However, I'll let the submission below give it to you in more detail.

But I will add just here as per your question on the attached brochure, that yes, we are aware of the Northern Pegasus Bay Bylaw. And the Kairaki Beach and Pines Beach residents main concern is access to the beach for vehicles must always remain open. And you will see why below..

The following is a few reasons to remember why the beach access at Kairaki Beach must always remain open at all times.

Not only is the beach there for everyone. But Kairaki Beach staying open to vehicle access, is pretty special really. As there are not many driveable beaches left in New Zealand now. Plus there is a safety side to it too as you will see further down.

Vehicles access the beach for a wide range of activities and reasons. Fishing, swimming, whitebaiting, jetskiing and boating, are just a few to name. So you can see that only a very small number of people want the beach closed. All the ones who want it closed, quite likely don't spend time down the beach doing any of the above activities.

The sand dunes...

Some are quite right in saying that some people make a mess by driving in the sand dunes. Unfortunately no matter what and where in life, there are going to



be a very small amount who are going to selfishly mess it up for so many of us who are trying to do right and think of others.

So should the beach be closed just because a small number do mess things up for others?? No, we don't close carparks and such places because people leave litter around in them.

It's certainly now illegal to drive vehicles up in the sand dunes. However, if any mess is made up in them, it soon disappears within hours when the wind gets up and heals the scars with the ever moving and shifting sands.. Not only that. Recently there is so much more vegetation growing in and over the sand dunes than there has ever been before, and yet vehicle numbers have increased at the beach.

And that also goes for the horses on the beach. The galloping horses hooves do make a mess down on the hard sand. But as soon as the tide comes in again, it all disappears. The incoming tide literally clears it all up.

Danger to wildlife...

Actually dogs are far more hazardous for wildlife than anything else. Yet do we ban dogs from the beach?? No of course we don't. Even though we see and hear quite often of dogs attacking a seal that may be resting down on the beach.

There are some idiots who carelessly drive on our main highways. Yet we don't close the roads down because of them. So to the beach should not be closed because of a few who are out to ruin it for others. Closing the beach because a few don't behave responsibly would be like banning vehicles on highways simply because some people ignore road laws on the highways.

Danger to the public...

It is important to note that most people as a whole are very considerate and respectful of others.

At busy times, like during the summer. The beach ought to be patrolled better to keep an eye on anyone not playing fair or being dangerous. Years ago the Police actually used to do that.

If anything needs to be done is Environment Canterbury(ECAN) patrolling the beach better. As they currently just drive pass and not do anything... They also need to stop the public from just dropping fish heads around where the public are on the beach and making a disgusting mess. And that has nothing to do with vehicles on the beach. Aside from that, I have even seen some of the public scaling live fish on the beach..

Beach access...

Some people have been commenting on some groups who are rather selfish. They are calling people lazy for not walking down the beach. Some of them never give it a thought that some people cannot walk down there, yet they want to. Spare a thought for the elderly and invalids who simply cannot walk the distance, yet still want to enjoy the beach like everyone else. Then there's ones like fishermen with all their gear, and families who want to take their young children down the beach to explore, but can't walk the long distance.. the list goes on...

Beach access. The safety side of it...

My family has been here for a great many years. Our history goes back a long way in this area. Certainly mine alone is getting close to half a century..(in Kairaki) So we have seen the beach in all weather's and all its colours so to speak. That includes shipwrecks of all sizes. From ships, big yachts, right down to powerboats, jetskis and canoes/kayaks.

Out of the many disasters on the bar over the years, one big disaster stands out from them all. My family well remembers the time when not too long ago, a big family launch attempted to come in over the bar.

The launch had nine people on board, with three young girls up on the front deck.

Unfortunately it was a deadly failed attempt, as the launch tried coming in over the waves at too higher speed and suddenly pitch poled into waves and overturned while crossing the bar. There were no survivors.

The bodies were scattered along the beach on both sides of the river mouth. And at that time, access to the beach was not easy like it is now. So later when

the bodies were recovered one by one from the sea and the beach, they were brought up river by boat and laid out at the top of the slipway in front of the Kairaki Beach yacht club.

Another time was when the jetboat racing started at the river month. The start line was opposite where the new Kairaki Beach carpark is now. The jetboats would race all the way up the river to the Waimakariri Gorge bridge and then all the way back down to Kairaki Beach.

In one direction, it was a thirty six mile(57.9km) run. But whoever reached and crossed the finish line back at Kairaki Beach, they were the winner. That was fine until one day, someone in charge, foolishly decided to have the end of the race at Lyttelton. Yes, that meant crossing the Waimakariri River mouth bar at an undesirable high speed. So yes, you can guess what happened next!!

The jetboats hit the waves on the bar at such a speed that some of them were flung high into the air, while others immediately sank on the spot. Some of the boats were never recovered. Yes, that bar entrance to the Waimakariri River is a treacherous one and needs to be treated with respect and care..

That last incident may be getting a little off track of what this submission is about. But I think you can see that beach access for vehicles is also important for any emergencies. Who wants to wait around waiting for emergency services to mess around looking for a key to unlock a gate while someone is needing immediate help down there. Whether it be drowning or dying from too much walking..

So remember that at the end of the day, open vehicle access to the beach could very well save your life. As it's a lonely beach away out there. And if you need immediate help while out walking, swimming or fishing, you may need it immediately. And a passing motorist may be the difference between life and death...

I hope all that shows why the access to the beach for vehicles must always stay open.

On behalf of the residents in Kairaki Beach and Pines Beach. Thank you for reading this submission. Adios

Kindest regards Simon Reeve and Family from Kairaki Beach

## Northern Pegasus Bay Bylaw

### Thematic Analysis of Public Consultation Submissions March 2024

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1. <u>General comments</u>	Officer Feedback	Officer recommendations
<p><b>Walwaikuku</b> - It is comprehensive and covers a range of activities, and tries to balance these. It gives priority to wildlife.</p> <p><b>Lewis</b> - Everything that was initiated with the bylaw is working well.</p> <p><b>Mattnz</b> - Overall most people are abiding by the bylaws and it is working well.</p> <p><b>Anonymous</b> - Nothing, this is the most confusing bylaw Ive seen!</p> <p><b>Mareenicholson</b> - I think it is great we have a bylaw. I see it as living document that is there to protect the beach, the wild life and the people sharing our beach.</p>	<p>The majority of submitters are supportive of the current Northern Pegasus Bay Bylaw with one submitter finding the Bylaw confusing.</p> <p>Gamebird hunting has been discussed previously by the Advisory Group. This activity may appear inconsistent with the Bylaw intention to avoid disturbance of wildlife</p>	

1. <u>General comments</u>	Officer Feedback	Officer recommendations
<p><b>AndrewT</b> - Beaches have less bikes, cars and dogs than 10 years ago. People are starting to understand.</p> <p><b>SHarris88</b> - Very little it appears to be aimed at prevention of activities. Where is the consultation on gamebird hunting on the estuary There seems to be no option to comment.</p> <p><b>Anonymous</b> - The bylaws are good. The majority of people are responsible and respect the beach environment.</p> <p><b>SwampdwellerNZ</b> - The bylaw is working, but not as well as it could.</p> <p><b>Davec47</b> - I would like to see jet skis prohibited from the Ashley/Salt Water Creek Estuary, with clear signage of this restriction at the Salt Water Creek/Main Noth Road bridge as this seems to be where they are launched. The reasons being the disturbance to birdlife and the safety of other users of the estuary.</p> <p><b>Anonymous</b> - Rubbish bin at the first Pegasus beach carpark would be good.</p> <p><b>Anonymous</b> - I have been a beach user for over 50 years ... Over time I have seen a huge increase in people, animals an vehicles using the beach. Most users respect the area and use their common sense... It is a special place for us and because this beach is named after my family I feel a sense of responsibility. Everyone should be able to use the beach safely having respect for the environment and each other.</p> <p><b>Smooov</b> - I fear they could become too restrictive and lessen recreational opportunities for people, especially for people with disabilities and families.</p> <p><b>Stanley53</b> - under item1 of the By Law Vehicles on the beach the wording for access from the Waimakariri River Mouth doesn't make sense i.e Outfall is estuary? Please clarify.</p> <p><b>NCSupporter</b> - I think it covers most things, but people just don't know enough about it nor see it being used against those who break the bylaw.</p> <p><b>Waimakariri Biodiversity Trust</b> - The trust notes that with population growth in Christchurch and North Canterbury and increased recreational use of Pegasus Bay and its rivers, the coast and estuary are under growing visitor pressure. In the seven days from September 24-30, 2022 1134 vehicles drove onto the beach from the Kairaki Beach carpark ... The trust understands that the Rangiora Aero Club is a regular user of the beach near the estuary for landing practice. Disturbance to the estuary and shore bird populations can be significant. The trust supports extending banned activities to include recreational plane landings.</p>	<p>however, gamebird hunting in the area does not occur when the birds are breeding/raising young.</p> <p>There is a request to prohibit jet skiing from the estuary area. Currently, a reduced speed limit (5-knot) is in place downstream of the State Highway 1 Bridge, including its lagoon and all tributaries of the Ashley River/Rakahuri, including Saltwater Creek. It is possible to amend the Bylaw to prohibit this activity.</p> <p>A request to ban planes landing on the beach near to the estuary has been made by two submitters due to environmental concerns. Clause 13.1 of the Bylaw identifies 'Civil Aviation Authority (CAA) rules apply to the use of the air space over the estuary.' The minimum flying height is 500 feet unless landing or taking off.</p> <p>Staff have previously identified the need to review definitions and maps to ensure clarity and general understanding of accessible and restricted areas.</p>	<p>Staff recommend requests for changes/improvements to amenities within the Bylaw area are addressed through a refreshed Bylaw Implementation Plan.</p>



1. <u>General comments</u>	Officer Feedback	Officer recommendations
<p><b>Waimakariri Access Group</b> - For peoples with disability, gaining access across the sand dunes with current infrastructure is nigh impossible. We would like to see the infrastructure around all our beach car parks, toilets and infrastructure designed in an accessible manner. We are also excited about the prospect of the viewing platforms at Pegasus and Waikuku Beaches.</p> <p><b>Ashley-Rakahuri Rivercare Group</b> - The bylaw already has significant stipulations regarding disturbance, but we feel the following are necessary to be added: A ban on planes landing along the beach near the estuary. Recreational use of vehicles on the beach is already prohibited, this should be extended to planes.</p>		

2. <u>Enforcement</u>	Officer feedback	Officer recommendations
<p><b>Hthrwa</b> - More ranger patrols &amp; fines for infringements. People know they just think the rules don't apply to them. Possibly more policing of the Ashley estuary area would help... anyone can drive up and down the beach with a fishing rod in the back &amp; say they're gathering Kai when that's not the case.</p> <p><b>Anonymous</b> - There are also no repurcussions for people breaking the bylaws - why are they not properly enforced?</p> <p><b>Stanley53</b> - The By Law is generally satisfactory but the problem is it is not being policed. This was pointed out at the Pines Hall Beach Law Presentation by the residents attending. It will only work if is policed properly, education is not enough. Also a quick easy communication system with Rangers is required for reporting problems.</p> <p><b>Geoffrey29</b> - Proper active and immediate penalties, for transgresion . Start a few prosecutions. In absence of this , the status quo will persist . You cannot educate the un-educatable. Everyone else is aware and follows the reg's.</p> <p><b>Cinneva</b> - fines to be issued from breaching bylaws regular patrolling and enforcement of breaches. Regular patrolling of the area, presents of enforcements, printed brochures. Envolving, Park Rangers, Council Green Space, Game and fishing, Ecan, NZ police and NZ Fisheries.</p> <p><b>AndrewT</b> - There needs to be greater monitoring and resource available to intervene - this could be community based alongside council staff.</p>	<p>There is support for increased levels of monitoring/ enforcement across the Bylaw area which is currently undertaken by ECan and Te Kōhaka o Tūhaitara Trust ranger patrols on behalf of the Council under contract. Staff note that any increase in ranger patrols would require additional funding.</p> <p>Consequences for breaches of the Bylaw is also raised by a number of submitters. The Local Government Act 2002 and Land Transport Act 2003 provide the legislation framework for enforcement of the Bylaw. Council staff are very limited in what infringements they can issue. Bylaw breaches related to recreational driving of vehicles would require Police NZ to issue the infringement notice/penalty.</p>	<p>Staff recommend a review of enforcement/monitoring through the ranger patrols is included in a refreshed Bylaw Implementation Plan.</p>

2. <b>Enforcement</b>	<b>Officer feedback</b>	<b>Officer recommendations</b>
<p><b>NCSupporter</b> - I think the Bylaw has no teeth. The driving on the beach: "Vehicles must give way and show consideration to people, horses, other animals and birds at all times". This does not happen, people and birds are often disregarded by vehicles and particularly speeding vehicles around busy beach areas and of course 4WD around nesting / protected birds. There does not seem to be any consequences to this behaviour. You never see the bylaw being enforced, nor hear of people actually being held accountable. More work needs to be done in holding people accountable. If you monitored the area more and fined people then news would get out pretty quickly.</p> <p><b>Walwaikuku</b> - There is a mindset amongst some that they don't care what any official says, they will do what they want. I don't know how you can change that attitude apart from penalising them.</p> <p><b>Sunight</b> - Restrict access via a closed gate with signage outlining their responsibilities and consequences for non-compliance. Currently the bylaw is deliberately ignored and a casual observer would have no idea it exists.</p> <p><b>Kristine</b> - enforcement officers would be a great idea. I regularly see motor bikes racing up and down the beach at Leithfield as well as quad bikes simply enjoying the drive.</p> <p><b>Anonymous</b> - Unfortunately, the motor cyclists have no intention of listening to anyone. they enter via Ashworths Beach Rd or Leithfield Beach, sometimes they need to be prosecuted. (They take no notice of anybody).</p> <p><b>Simon Reeve</b> - At busy times, like during the summer. The beach ought to be patrolled better to keep an eye on anyone not playing fair or being dangerous. Years ago the Police actually used to do that. If anything needs to be done is Environment Canterbury(ECAN) patrolling the beach better. As they currently just drive pass and not do anything... They also need to stop the public from just dropping fish heads around where the public are on the beach and making a disgusting mess. And that has nothing to do with vehicles on the beach. Aside from that, I have even seen some of the public scaling live fish on the beach..</p> <p><b>Waimakariri Biodiversity Trust</b> - A bylaw's effectiveness is only as good as its enforcement and the common criticism from all parties the trust has talked with is that enforcement of, and education about, the bylaw and its necessity remains deficient. Relying solely on scheduled Environment Canterbury ranger patrols on weekdays and occasional weekend beach patrols and the smaller number of estuary patrols is insufficient to make a dent in the ongoing number of bylaw breaches particularly by vehicles, which account for 95% of all reported incidents. The point has been made to the trust that even one off-leash uncontrolled dog running through prohibited bird breeding, nesting and</p>	<p>A number of submissions raise concern that some individuals breaching the Bylaw rules do not acknowledge the Bylaw and their behaviour is unlikely to be affected by any Bylaw rule changes. This is a difficult and ongoing issue to address where consequences and escalation of consequences are difficult to implement without input from Police NZ.</p> <p>Staff support community participation in the monitoring of the Northern Pegasus Bay area.</p> <p>The request for a closed gate with signage is unclear on its location though currently Kairaki Beach / Waimakariri River Mouth is the only access point that is unrestricted.</p>	<p>Staff recommend a refreshed Bylaw Implementation Plan consider increased promotion of the Snap, Send, Solve app to report any Bylaw breaches.</p> <p>Members of the community can be designated as warranted officers (honorary rangers). Staff recommend this option is considered in the refresh of the Bylaw Implementation Plan.</p> <p>See recommendation for a gate at Kairaki Beach in the vehicles analysis.</p>

2. <u>Enforcement</u>	Officer feedback	Officer recommendations
<p>feeding areas and one four wheel-drive vehicle or motorbike rider driving through nesting and feeding areas can cause enormously serious damage to the Ashley Rakahuri estuary bird populations. the trust proposes that Tuhaitara (<i>Coastal Park</i>) staff plus some willing locals could be trained, contracted and warranted by WDC with ECan approval to provide an after-hours, night and weekend professional ranger service to increase bylaw enforcement in the estuary and along the beaches. Locally based enforcement patrols by committed warranted local rangers has every advantage.</p> <p><b>Woodend-Sefton Community Board</b> - The Board notes that this area is made more complex with the fragmented responsibility of those assisting in managing the area. The shared responsibility hampers clear and consistent messaging often causing confusion for both the public and partner authorities. The Board believes that a clear management plan, especially for the estuary, should be developed to mitigate the above problem. The Board also acknowledges the Council's enforcement restrictions mean having to rely purely on education and the public's compliance. The Board would like to see more rangers being made available to monitor and educate the public especially due to the increased numbers using the beach as a result of the rapid growth of the district.</p> <p><b>Ashley-Rakahuri Rivercare Group</b> - Ways need to be explored to increase enforcement of the bylaw. Environment Canterbury rangers do an extremely professional job, but they cannot be in the area nearly enough. It is very common to see vehicles in areas where they are prohibited.</p>		

3. <u>Environment</u>	Officer feedback	Officer recommendations
<p><b>Anonymous</b> - Our braided rivers are the blood of the land and must be protected at all times for the benefit of the marine life, fauna, bird life etc. To hear the sound of the sea, smell the sea, witness the bird life, fish with your mates (passed and present) is a pleasure for many of us in our retirement years.... Since the introduction of the Commercial Clam dredging for shellfish it is no longer possible to locate shellfish-at low tide, which must be depleting the food source for our sea birds. It has also been noticed the paddle crabs that were once plentiful when white baiting have not been present in the last few years.</p> <p><b>AndrewT</b> - Greater protection for birds and native wildlife in the area - recognising the risks / impact of human and dog interaction. The average person does not understand that disturbance of birds has a major impact on their breeding and success - dogs chasing and</p>	<p>There is a strong understanding across most of the submissions of the environmental values that the Bylaw seeks to uphold.</p> <p>Staff disagree with the comment of minimal impact driving has on the dunes with international research available to discredit this statement.</p>	

3. <u>Environment</u>	Officer feedback	Officer recommendations
<p>killing birds is not the only issue. Much greater effort must be put in to encourage the birds to prosper, in the estuary and Ashley Rakahuri river east of the bridge. This requires more education, signage and intervention. And the estuary is very special and needs to be recognised and protected better.</p> <p><b>Anonymous</b> - My family use the beach and regularly gather pipis at low tide. There has been a big decrease in the amount of pipis. We often see the Storm Cat dredge boat used by Cloudy Bay company. At times in very close to shore just behind the breakers. Once a few months ago we noticed a huge area of live shellfish washed up and just out the water. I wonder if this was because of the dredge.</p> <p><b>Simon Reeves</b> - Some are quite right in saying that some people make a mess by driving in the sand dunes. Unfortunately no matter what and where in life, there are going to be a very small amount who are going to selfishly mess it up for so many of us who are trying to do right and think of others. It's certainly now illegal to drive vehicles up in the sand dunes. However, if any mess is made up in them, it soon disappears within hours when the wind gets up and heals the scars with the ever moving and shifting sands. Recently there is so much more vegetation growing in and over the sand dunes than there has ever been before, and yet vehicle numbers have increased at the beach.</p> <p><b>Waimakariri Biodiversity Trust –</b></p> <ul style="list-style-type: none"> <li>• The trust notes that in the absence of an Environment Canterbury Management Plan for the Ashley Rakahuri River estuary, the bylaw is the sole regulatory mechanism to manage recreational use of the coast and estuary and minimise environmental disturbance, damage and degradation. The lack of an over-arching plan also means that there is only irregular and disconnected monitoring of indigenous biodiversity values in the area and lack of data on threats and trends.</li> <li>• Aerial imagery in 2010 pre-bylaw shows extensive erosion of the Pegasus Bay dune system pocked with vehicle tracks through the back dunes with little vegetation on the retreating foredunes, according to a reported student research paper. By 2014 surveys showed significant development and revegetation of the foredunes. While the coastal dune system is highly mobile, the level of protection afforded to the beach communities at Kairaki, The Pines and Pegasus by these dunes, their fencing and revegetation is significant in a changing and volatile climate. The trust supports Tuhaitara Park's continued dune protection fencing and revegetation and congratulates staff on their continuing efforts to stabilise, protect and revegetate the dunes with indigenous species thereby enhancing habitat and food sources for local invertebrates and birds. Drone</li> </ul>	<p>Submissions highlight the negative impact commercial fishing is having on Tuatua and pipis in the area. Staff are in contact with Ministry for Primary Industries for updates on the assessment of shellfish beds that is being undertaken.</p> <p>Staff acknowledge the observations of Waimakariri Biodiversity Trust of the improving environment of the this coastal area impacted by the Bylaw and work of Te Kōhaka o Tūhaitara Trust.</p> <p>The Environmental Canterbury Management Plan has been referenced previously in the development and review of this Bylaw but to date has not been realised.</p> <p>Staff support the recommendation for a dedicated local volunteer group and identify this as an opportunity for the refresh of the Bylaw Implementation Plan.</p>	

3. <b>Environment</b>	Officer feedback	Officer recommendations
<p>footage in 2020 showed small vegetated foredune areas at the estuary and Kairaki demonstrating the effectiveness of the bylaw's vehicle and motorbike ban where pre-bylaw there had been no vegetation.</p> <ul style="list-style-type: none"> <li>• Surveys reveal the coastal tuatua shellfish population is impacted by vehicle and horse traffic in the intertidal zone where they live. This shellfish plays a key role in the marine food chain as well as being culturally significant to Maori as a traditional food source. the trust supports the 2021 recommendation from the Northern Pegasus Bay Bylaw advisory group that the Ministry of Primary Industries research the tuatua population along Pegasus Bay and the effect horse and vehicle traffic is having on their survival and growth.</li> </ul> <p><b>Ashley-Rakahuri Rivercare Group</b> - The Ashley Estuary / Te Aka Aka should be regarded as the jewel in the crown of the Waimakariri District biodiversity – particularly of birds. It is:</p> <ul style="list-style-type: none"> <li>• One of the most important habitats for migratory shore birds (such as bar-tailed godwit/kuaka) in the South Island. This is due to its significant expanses of tidal mudflats compared to other east coast river mouths.</li> <li>• A staging post for braided river birds (such as wrybill/ngutu pare) before and after they breed on the braided rivers of Canterbury.</li> <li>• The nesting habitat for several species of bird – e.g. banded dotterel/pohowera) and variable oystercatcher/torea pango.</li> <li>• Year round feeding habitat for birds such as the white-faced heron/matuka moana and several species of shag. Very rare endemic birds such as the white heron (kotuku) and black stilt/kaki are regular visitors to the estuary.</li> </ul> <p>An absolutely key ingredient to improvement of the natural environment of the estuary would be the setting up of a dedicated local volunteer group. Perhaps the Waimakariri District Council could enable this.</p>		

4. <b>Vehicles</b>	Officer feedback	Officer recommendations
<p><b>Anonymous</b> - The Northern Pegasus Bay Bylaw for vehicles access during the white baiting season is working well. All the fishermen are abiding by the bylaw. In my opinion as a third generation white baiter the vehicle access should stand as it is.</p>	<p>Submissions highlight both the benefits and issues associated with vehicles on the beaches.</p>	

4. Vehicles	Officer feedback	Officer recommendations
<p><b>Zibber</b> - Remove the above restriction, and perhaps find a piece of beach (including dunes) that the 4WD enthusiasts can use/access without fear of prosecution.</p> <p><b>Nicola05</b> - Restriction on vehicles on the beach (except park ranger).</p> <p><b>Anonymous</b> - Ban all vehicles, people fishing can walk, people launching a boat can use a boat ramp! If you really want to protect the environment and foreshore then removing all vehicles is a start.</p> <p><b>Kristine</b> - Total ban of all motorised traffic across the bay.</p> <p><b>Smooov</b> - Driving on the beach lets me bring my young ones along to go fishing. Most of the beaches are too far for them to walk from the carpark. It also means I can bring all the extras that small children need when out and about.</p> <p><b>Mjparker21</b> - I don't like the vehicles on the beach around Kairaki and Pines beach... Vehicle access is a problem especially with no monitoring and lots of rubbish being left, disturbs the wildlife and walkers. I have had many bad experiences with drivers on the beach which makes it not nice being down there.</p> <p><b>Anonymous</b> - As a regular retiree fisherman, we can only access the Rakahuri mouth by vehicle as the distance is too far for walking with fishing gear... A ban on fast four wheel beach buggies and two wheel motor bikes driving on the sand dunes need to be addressed.</p> <p><b>Mareenicholson</b> - I think vehicle access should be restricted on the beach.</p> <p><b>Anonymous</b> - there has been an increase in inconsiderate and outright dangerous behaviour by ignorant vehicles and their drivers, using the Sth lagoon/estuary where spoonbills live. Usually they are motorbikes and racing type off road buggys racing through the sandhills between the beach and southern lagoon/estuary. They appear to have no regard or respect for the environment or other beach users. Damage to the dunes along the beach is evident by the many tracks through the dunes. Motorbikes regularly climb the dune as well as 4WD vehicles... The majority of this behaviour happens at low tide and during the weekends.</p> <p><b>Simon Reeve</b> - the Kairaki Beach and Pines Beach residents main concern is access to the beach for vehicles must always remain open. There are some idiots who carelessly drive on our main highways. Yet we don't close the roads down because of them. So to the beach should not be closed because of a few who are out to ruin it for others. Closing the beach because a few don't behave responsibly would be like banning vehicles on highways simply because some people ignore road laws on the highways. Some people</p>	<p>There is support to continue this activity as it allows greater accessibility particularly for young families and older residents where walking from the beach car park is a barrier to recreational activities, particularly fishing.</p> <p>A submission suggests providing a section of the Bylaw area that allows recreational driving for 4WD enthusiasts. Staff do not support recreational driving on the beaches due to environmental and other user safety concerns.</p> <p>Submissions opposing vehicles driving on the beach highlight current issues with non-compliant behaviour and subsequent impact on the environment and other users. The majority of the Bylaw area has prohibited vehicle access. Clauses 6.2 to 6.5 of the Bylaw outline restricted access including the locked gate at the Ashley / Rakahuri River Mouth Car Park and access from the Kairaki Beach Car Park as far as the Ocean Outfall.</p> <p>A request has been made to include a similar locked gate/permit system at Kairaki Beach/Waimakariri River Mouth though early indications are that this would not be widely supported by the community. Noting the increase in vehicles accessing this restricted area recently.</p>	<p>Staff recommend no further action.</p> <p>Staff recommend investigating options for the Bylaw to manage the volume and safety issues in this area.</p>



4. Vehicles	Officer feedback	Officer recommendations
<p>have been commenting on some groups who are rather selfish. They are calling people lazy for not walking down the beach. Some of them never give it a thought that some people cannot walk down there, yet they want to. Spare a thought for the elderly and invalids who simply cannot walk the distance, yet still want to enjoy the beach like everyone else. Then there's ones like fishermen with all their gear, and families who want to take their young children down the beach to explore, but can't walk the long distance.. the list goes on...</p> <p><b>Waimakariri Biodiversity Trust</b> - The trust notes also that while the number of vehicle breaches reported is slowly declining at Kairaki, the Pines Beach and at the ocean outfall, the virtual halving of patrols at the estuary by ECan rangers – from 99 in 2017 to 51 in 2021 - has seen an increase in the number of vehicle breaches and incidents reported – from 23% in 2017 to 57% in 2021. The trust views these statistics as particularly supporting the need for increased ranger patrols in and around the estuary ... The trust notes concerns that the bylaw's approved use of vehicles to transport fishing gear is being abused by some vehicle drivers. These are people whose intent is not fishing but simply to race along the beach and they escape the bylaw's rules by carrying a couple of fishing rods in the back of the ute. The trust suggests a more rigorous evaluation of what constitutes 'transport of fishing gear.' This could be done by amending the bylaw to require fishers with rods to leave their vehicle parked in one of the several well-appointed beach carparks and walk to the ocean edge with their gear rather than drive. The trust also notes that much heavier Kontiki fishing gear can be transported to a launch point with a motorised trolley unit. The trust believes that increasing vehicle numbers on the beach and accessing the estuary will demand a rethink of the rule permitting transporting fishing gear by vehicle down to the water's edge.</p> <p><b>Woodend-Sefton Community Board</b> - The Board supports limiting vehicles on the beach which can, in some instances, pose a risk to others using the beach. The Board would prefer if only essential workers and anglers/whitebaiters were allowed access.</p> <p><b>Waimakariri Access Group</b> - We ask that you consider the safety needs of our community, over and above the rights of passenger vehicles using the beach, except in occurrences where vehicles are used for emergency services or accessible transport needs.</p> <p><b>Ashley Fishermans Association</b> - Ashworths Beach is the only access onto the beach which leads to the North side of the Ashley River mouth other than Leithfield Beach and Amberley Beach further North. So it is very important for access for vehicles to access the area for various types of fishing, surfing swimming and just enjoying a fantastic area.</p>	<p>The 2023/24 Beach User Survey highlights vehicles as the key issue over this summer period. Comments indicated recreational driving particularly the speed of vehicles, proximity to other users and damage to sand dunes and foreshore.</p>	

5. <u>Dogs</u>	Officer feedback	Officer recommendations
<p><b>John Bull</b> - Most people are abiding with the Dogs on the Beach rules.</p> <p><b>Elizabeth53</b> - I would like to see the swimming area down by the beach area dog free in the swimming summer months like Sumner and other swimming town ships... Dogs should have to enter beach from other car park or have a track that takes them further down away from swimming area .</p> <p><b>Anonymous</b> - In all the years I have been at the beach, I have not witnessed any problems on the north side (Ashley / Rakahuri Estuary) with dogs.</p> <p><b>AndrewT</b> - There is a huge area of beach for dogs and their owners - the area north of the northern carpark at Waikuku beach should be out of bounds to all dogs ( ie not on the beach or estuary).</p> <p><b>Stanley53</b> - The following should be added regarding dogs being on a leash around horses ""also people and other dogs"". there have been cases of people and dogs being attacked on the beach. Ok to run the dog loose but as soon as a person is in sight it should be put on a leash . We have seen this on other parks done voluntarily</p> <p><b>Anonymous</b> - The provision of poo bags at parking venues would further ensure the hygenic pathways and foreshores. More bins near the beach entrances would be complementary to the bags.</p> <p><b>Anonymous</b> - more signage for dog walkers on the beach as during white baiting I have seen multiple dogs NOT under control entering the lagoon area and chasing birds.</p> <p><b>NCSupporter</b> - More education for dog owners as this doesn't happen either: "Dogs must be under continuous and effective control at all times". Many times I've seen dogs rushing children and other dogs on the beach.</p> <p><b>Waimakariri Biodiversity Trust</b> - The trust supports the ARRG's call for extension of the dog ban to include this area (<i>north of the public carpark at Waikuku Beach</i>) and also supports further education on the bylaw rules specifically targeted at dog owners.</p> <p><b>Woodend-Sefton Community Board</b> - The Board would like to recommend that all vehicles and dogs be prohibited from the area north of the public carpark at Waikuku Beach with appropriate and obvious signage to that effect. The Board would also like to recommend that a recognised volunteer group be established to monitor the estuary and</p>	<p>The 2023/24 Beach User Survey highlights dogs not under control and dog poo not picked up as key issues experienced on our beaches over this summer period. Dog related incidents was noted as the most common reason for conflict in the survey.</p> <p>Submissions have requested two potential changes to restricted access for dog walking activities:</p> <ol style="list-style-type: none"> <li>1. extending the area near swimmers beyond the current requirements of not between lifesaving flags and 50m beyond the lifesaving flags.</li> <li>2. prohibiting access for dog walking north of the Ashley/Rakahuri River Mouth car park.</li> </ol> <p>The 2023/24 Beach User Survey specifically identified issues over the summer period with uncontrolled dogs and swimmers. Currently lifesaving patrols are in place at Woodend and Pegasus Beach for a limited period during Summer.</p> <p>The request to prohibit access north of the Ashley/Rakahuri River Mouth car park supports the environmental values of the area.</p>	<p>Staff recommend investigation into what seasonal restrictions could be effective to support swimming activities.</p> <p>Staff recommend an amendment to the Bylaw to prohibit access for dog walking north of the Ashley/Rakahuri River Mouth car park.</p>

<p>to assist in educating the public on the damage to this sensitive area and danger that dogs and vehicles pose.</p> <p><b>Ashley-Rakahuri Rivercare Group</b> - The bylaw already has significant stipulations regarding (<i>bird</i>) disturbance, but we feel the following are necessary to be added: A ban on dogs along the entire sandspit north of the Waikuku Beach carpark. Dogs are already prohibited along the edge of the estuary, but this rule is routinely ignored. Some dogwalkers head north along the beach, then free their dogs to roam across the spit. There is considerable international information available about the negative impact dogs have on birds and shorebirds in particular. A document regarding dog disturbance at the Avon-Heathcote estuary is attached (<i>University of Canterbury Research Report</i>).</p> <p><b>Ashley Fishermans Association</b> - There has been some discussion about dogs on the beach and during white baiting season. The fishermen have dogs on both sides of the mouth and we never had one problem – with birds or people. If the black backed gulls are not there then the smaller birds will recover. Most dig owners keep their dogs under effective control.</p>		<p>Staff recommend changes to amenities/education associated with dog walking are considered in a refresh of the Bylaw Implementation Plan.</p>
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6. <u>Fishing / Whitebaiting</u>	Officer feedback	Officer recommendations
<p><b>Paul123</b> - Ban or limit the use (to designated zones) of mechanised fishing (motorised floats with multiple hooks) These pose a danger to people as they are not controllable with ocean currents and often drift through swimming zones. Also the bycatch is often discarded on the shore.</p> <p><b>Hthrwa</b> - vehicle access only to the (<i>Waimakariri</i>) river mouth for whitebaiting fishing and then by permit only.</p> <p><b>Anonymous</b> - Fisherman respect all the rules (most are your unpaid caretakers of the area).</p> <p><b>Anonymous</b> - We would like to see more public awareness made to the public that there is a whitebait season. That there are 4 wheel drives and other vehicles that use the track to get on and off the beach (<i>Waikuku permit gate</i>).</p> <p><b>Cinneva</b> - more education on fishing rules in the Kairaki beach area would be helpful to ensure users following the bylaw rules - Game and fishing need to be more involved and long with Ecan and the NZ police and NZ Fisheries.</p> <p><b>Mjparker21</b> - Have people there talking to the fisherman about taking rubbish with them.</p>	<p>The 2023/24 Beach User Survey and ranger patrol reports have indicated a significant increase in fishing activities at Kairaki Beach/Waimakariri River Mouth during the 2023/24 summer period. This increase in volume has led to issues with conflict and fishing litter. It is unclear if this is a temporary increase due to good fishing stock or a long-term change.</p> <p>A request has been made to prohibit or restrict mechanised fishing equipment. Staff have no background information to support this request and would need to investigate further.</p>	<p>Staff recommend events and availability of fishing-related education resources are considered in a refresh of the Bylaw Implementation Plan to address the number of new residents and visitors in the area.</p>

<p><b>Ashley Fishermans Association</b> - The Fishermans Association informs their members and others who come to fish and whitebait along the coast what the rules are and we are very proud of the fact that all our members stick to these rules. We have two access ways to the (<i>Ashley / Rakahuri river</i>) mouth, one at the Waikuku car park through the locked gate where there is a key issued each year in the whitebait season for access to the south side of the Ashley River. This system is working well for white baiters who purchase a key off the Waimakariri District Council. The key is issued each year and this access has been working well for white baiters.</p>		
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7. <b>Horses</b>	<b>Officer feedback</b>	<b>Officer recommendations</b>
<p><b>Sunight</b> - Horses are using their own tracks and not interfering with other users.</p> <p><b>John Bull</b> - it is a unique experience to see the horse's being trained on the beaches which needs to remain (and when I have seen them they are keeping within the area set for them)</p> <p><b>janetwilcox46</b> - A complete ban of horse training. It is a health and safety issue for other users of the beach as they are irresponsible and dangerous putting the lives of others at risk, , I have seen them weaving in and out of children playing at very fast speeds, I cannot believe this is actually allowed at all.</p> <p><b>Lolagold</b> - Removing horse training on the beach.</p> <p><b>Anonymous</b> - The right for horse trainers to use the Ashworths beach Side I personally use this beach for that purpose.</p> <p><b>Rebecca86</b> - Signage in the area horses are working so you know when you go on to the beach. Signage for the horse track from the beach so people don't walk up it accidentally.</p> <p><b>Anonymous</b> - To continue to communicate with the local horse trainers in Woodend, to adhere to the "User Agreement" in that they respect the restricted area that they can train their horses. Most importantly, is that they slow down where deemed dangerous to people, children, wild life, and that they stop and offer assistance should an incident happen. RIP Charlie dog Dec. 3rd, 2001.</p> <p><b>Simon Reeves</b> - The galloping horses hooves do make a mess down on the hard sand. But as soon as the tide comes in again, it all disappears. The incoming tide literally clears it all up.</p>	<p>Staff note a significant drop in the volume of submissions and responses in the 2023/24 Beach User Survey related to horses.</p> <p>The Horse User Agreement was introduced as part of the Bylaw Implementation Plan and can be attributed to the reduced level of issues.</p> <p>There are two submissions that request that horse training is prohibited from the Bylaw area. Staff do not support this request and would seek to continue to review the user agreement on a regular basis to ensure it is fit for purpose and responds to issues raised.</p> <p>One submission highlights the need for horse trainers to access Ashworths Beach. Clause 9.2 of the Bylaw allows recreational riding and training of horses in the restricted areas from the Waimakariri District's northern</p>	

7. <u>Horses</u>	Officer feedback	Officer recommendations
<b>Woodend-Sefton Community Board</b> - The Board would like to thank commercial horse trainers at Woodend Beach for complying with the restrictions that this bylaw places on them and would like to suggest that more obvious signage to alert people that they are entering a training area be considered.	boundary to the north of the Ashley/Rakahuri River Mouth.	

8. <u>Fires</u>	Officer feedback	Officer recommendations
<b>Cinneva</b> - I think the lighting of fires should match the Fenz and remain how is currently is set out in the bylaw. <b>Msarkiwi</b> - I'd like to see a total fire ban on the beaches and dunes	Staff support the request to prohibit fires in the Bylaw area and note this would align with the fire ban in the adjacent Tūhaitara Coastal Park.	

9. <u>Awareness raising / signage / education</u>	Officer feedback	Officer recommendations
<p><b>Anonymous</b> - Beach users need educating effective signage is essential. A brochure with information on rules around beach use would be great. Maybe distributed via Hurunui and Waimak rates. It could also point out the delicate environment and bird life. Beach patrols would also be able to hand out the leaflets to beach users.</p> <p><b>Zlibber</b> - Better signs / maps perhaps at the entry to beaches.</p> <p><b>Walwaikuku</b> - Work with local hobby/recreational groups. Join local community Facebook groups and put messages on these. Let communities know what they can do if they see breaches of the by-law.</p> <p><b>Msarkiwi</b> - Town hall meetings in each of the beach villages, Facebook and other social media campaigns, print media distributed at the campgrounds and surf club.</p> <p><b>Janetwilcox46</b> - Better signage at entry points.</p> <p><b>Lewis</b> - Maybe larger signage at the entrance to the beaches to ensure there are no excuses and maybe social media reinforcement of main components of bylaws.</p> <p><b>Paul123</b> - Provide a link to a website. Stop placing signs everywhere, there is an overload of signs and as a result they get ignored.</p>	<p>The number of submissions related to this topic indicate its level of importance for the Bylaw.</p> <p>Submission feedback on how to educate/promote the Bylaw is helpful and will support future work.</p>	<p>Staff recommend feedback on awareness raising, signage and education is considered in a refreshed Bylaw Implementation Plan.</p>

9. <u>Awareness raising / signage / education</u>	Officer feedback	Officer recommendations
<p><b>Davec47</b> - More signage regarding dog access to the estuary area.</p> <p><b>Elizabeth53</b> - Big signs for summer dog free area.</p> <p><b>Lolagold</b> - Signage Public posts on social media Letterbox drop.</p> <p><b>Kristine</b> - More signs as until now I was unaware of the by law.</p> <p><b>Smooov</b> - More signage on what is and isn't allowed and actually enforce the rules.</p> <p><b>Gmanz29</b> - More signage, newsletters, more readily available online information.</p> <p><b>Mareenicholson</b> - Visiting the beach and talking with the people driving, fishing and walking on the beach. Maintain a presence.</p> <p><b>AndrewT</b> - First off, there is a need for more education. Signs are not enough Resource needs to be set aside to work alongside local Groups to raise awareness- and to intervene when breaches occur.</p> <p><b>NCSupporter</b> - hold education sessions at the beach - have pop-up tent for a couple of hours and people can pop past and you can talk about the bylaw and their responsibilities. You NEVER see anyone talking about the bylaw - so why not become more prominent and rotate around beaches during summer to educate people while they are actually there.</p> <p><b>KdW</b> - Signage is probably the main way. Maps in strategic places can also inform.</p> <p><b>Richard03</b> - Regular reminders in North Canterbury News/Northern Outlook - ideally in the regular news rather than the WDC page which (sorry) usually gets skimmed.</p> <p><b>Swampdweller-NZ</b> - Better signage. Larger signs, more of them (at ALL entrances to the beach). In particular, more (larger) signage regarding dogs in the estuary area, and also at frequent intervals along the top of the beachside dunes all the way down to the river mouth.</p> <p><b>Stanley53</b> - A pamphlet drop to every car on Kairaki Beach on selected days when the Kawhai are running as there are hundreds of vehicles on the beach. Also Facebook with a simple message.</p> <p><b>Paul73</b> - Better education by prominent signs in relevant places.</p> <p><b>Anonymous</b> - Publish these by-laws in the Nth Canty News and Outlook especially during the summer months. Leave extracts of the by-laws at retailers to give to purchasers of whitebait and fishing gear, surfing and sports good &amp; encourage local respect from the</p>		



9. <u>Awareness raising / signage / education</u>	Officer feedback	Officer recommendations
<p>recreational users. Teach respect for birdlife on foreshore, and tired seals or animals in recovery by dog-owners.</p> <p><b>Ashley-Rakahuri Rivercare Group</b> - Signage also needs to be improved. In particular the small signs at the Waikuku end of the sandspit banning dogs from the estuary are very inconspicuous. Large signs need to be installed, and they should include reasons for the ban. An increased effort needs to be made on public education. Residents and visitors need to be made properly aware of the unique environment that is the Ashley Estuary – and how to preserve it.</p> <p><b>Waimakariri Biodiversity Trust</b> - Because the bylaw is the only management tool for this very popular and environmentally significant area (<i>Ashley Rakahuri River estuary</i>), it is all the more important enforcement and education are well resourced ... increased budget should fund more bylaw education sessions based at the beach carparks at Kairaki, The Pines and Waikuku beaches which are the major entrances for vehicles to the coast. Concerningly, the 2021 beach user survey reveals that five years after implementation of the bylaw some 36 per cent of visitors, both local and non-local, claim no knowledge of the bylaw – a clear indication more education is needed. The trust notes that beach users said the most effective tool for bylaw awareness was signage. The trust supports the Ashley Rakahuri Rivercare Group's call for larger and more signs in the beach carparks and key points along the coast and estuary to publicise bylaw rules.</p> <p><b>Ashley Fishermans Association</b> - There is still a problem with some people not obeying all the rules. Signage and education is most important to make people aware of the rules.</p>		

10. <u>Hurunui DC Northern Pegasus Bay Bylaw</u>	Officer feedback	Officer recommendations
<p><b>Anonymous</b> - At Ashworth Beach entrance Hurunui Council rules, halfway down the rules to the mouth changes to Waimakariri Council rules. Consultation by both parties could be a start. Signs in the appropriate areas would clearly help rectify what is required.</p> <p><b>Anonymous</b> - Because Ashworths Beach comes under two councils jurisdiction (Waimakariri &amp; Hurunui) I think as a regular beach user that any bylaws and conditions should be the same for the entire beach. Much easier to police and less confusing for beach users. Reduces signage and less expense.</p>	<p>Staff note the lack of alignment between the Waimakariri District Council and Hurunui District Council Northern Pegasus Bay Bylaw rules can be problematic but manageable as long as good communication is maintained between the Waimakariri District Council and the Hurunui District Council. Northern Pegasus Bay (Hurunui) Coastcare Inc have</p>	

<p><b>Paul73</b> - Ashworths beach road access. If W D C and H D C could work together and put up signage with all the relevant bylaws displayed it would help keep 2 wheeled motorbikes out of the restricted areas and educate all beach users.</p> <p><b>Anonymous</b> - Scrap it and start again and work in with Hurunui DC to make things consistent - they allow motorbikes on their beaches which is crazy!!</p> <p><b>Waimakariri Biodiversity Trust</b> - the trust urges efforts be made to address the inconsistency of approach from the Hurunui council side of the estuary where motorbike and vehicle access via Ashworth's Beach is still permitted with the resulting increase in dune erosion and environmental damage.</p> <p><b>Ashley Fishermans Association</b> - Our opinion on the rules on the North side of the Ashley River to the Waimak District Council and Hurunui boundary is that the Hurunui County Council and increase the over all signage.</p>	<p>advocated to Hurunui DC for a review of their Bylaw inline with this Council to support better alignment. Staff from Hurunui District Council are represented in the Northern Pegasus Bay Advisory Group to support the understanding between the two Bylaws.</p> <p>Staff acknowledged the need to educate users entering the coastal strip from Ashworths Beach of the Waimakariri regulations.</p>	<p>Staff recommend any refresh of signage at Ashworths Beach should be specific to the needs of the area affected by two different Bylaws.</p>
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