

# Hearing Agenda

## Northern Pegasus Bay Bylaw

Tuesday 3 September 2024

11.30am

Council Chamber  
215 High Street  
Rangiora

**Council:**

Councillor Al Blackie

Councillor Jason Goldsworthy

Councillor Philip Redmond

Board Member Tim Bartle

Board Member Shona Powell



WAIMAKARIRI  
DISTRICT COUNCIL

## WAIMAKARIRI DISTRICT COUNCIL

A MEETING OF THE NORTHERN PEGASUS BAY BYLAW PANEL WILL BE HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA ON TUESDAY 3 SEPTEMBER 2024 COMMENCING AT 11.30AM

### BUSINESS

Page No

#### 1. APOLOGIES

#### 2. CONFLICTS OF INTEREST

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

#### 3. CONFIRMATION OF MINUTES

##### 3.1 Minutes of the Northern Pegasus Bay Bylaw Hearing – 18 July 2024

3-15

##### *RECOMMENDATION*

**THAT** the Rangiora-Ashley Community Board:

- (a) **Confirms**, as a true and accurate record, the circulated Minutes of the Northern Pegasus Bay Bylaw Hearing, held on 18 July 2024.

#### 4. NORTHERN PEGASUS BAY BYLAW AMENDMENTS TO BE CONSIDERED

At its reconvened meeting on Friday 20 July 2024, the Panel considered the changes to be made to the bylaw in light of the feedback received from submitters

16-50

##### *RECOMMENDATION*

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

- (a) **Receives** the amendments to the Northern Pegasus Bay Bylaw (Trim Ref: 240830147209).
- (b) **Notes** that staff will prepare an amended draft Northern Pegasus Bay Bylaw 2024 which reflects the decisions made by the Hearing Panel and then report back to Council for final adoption of the Bylaw.

## **WAIMAKARIRI DISTRICT COUNCIL**

### **THE MINUTES OF 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, 18 JULY 2024 AND FRIDAY, 19 JULY 2024, COMMENCING AT 9AM**

#### **HEARING PANEL MEMBERS PRESENT**

Councillor A Blackie (Chairperson)  
Councillor J Goldsworthy  
Councillor P Redmond  
Kaiapoi-Tuahiwi Community Board Member T Bartle  
Woodend-Sefton Community Board Member S Powell

#### **IN ATTENDANCE**

S Docherty (Senior Policy Analyst), M Kwant (Greenspace Community Projects Officer), K Rabe (Governance Advisor) and H Leslie (Community Greenspace Administrator).

The meeting adjourned at 10.25am and reconvened at 10.55am for refreshments.  
The meeting adjourned at 12.28pm and reconvened at 1.20pm for lunch.  
The meeting adjourned at 4.20pm and reconvened at 9am on Friday 20 July 2024.

#### **1. APOLOGIES**

There were no apologies.

#### **2. CONFLICTS OF INTEREST**

No conflicts of interest were declared.

#### **3. HEARING OF SUBMISSIONS**

<b>SUBMITTER</b>	<b>COMMENTS</b>
Gary Wilkie	G Wilkie did not attend the hearing.
Vicki Mehlhopt	<p>V Mehlhopt noted that her family had been residents in the Ashworths Beach area for many years and had used the beach for swimming, fishing and walking on an almost daily basis for generations. The following points were raised:</p> <ul style="list-style-type: none"><li>• Marram grass had been planted to mitigate erosion of the dunes</li><li>• Concern regarding increased disrespect for the dunes, vegetation and wildlife</li><li>• More and more people flouting the rule regarding vehicles prohibited on dunes</li><li>• Increase in off-road buggies driving at speed over the dunes and in the lagoon area, which was dangerous and could cause serious injury to other beach users</li><li>• Signage at the Ashworths Beach entrance was not significant</li></ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <li>• A walkway had been a waste of time and money; however, fencing off the lagoon had worked well.</li> <li>• Suggested that dunes also be fenced off, which would protect the dunes, native vegetation, plantings and wildlife</li> <li>• Clear, bold signage was needed.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• What other, if any, changes would V Mehlhopt like to see in the bylaw? <i>Better enforcement measures in relation to vehicles and large bold signage. Agreed that education was the key.</i></li> </ul>
Sandra Stewart Kaiapoi-Tuahiwi Community Board	<p>S Stewart spoke on behalf of the Kaiapoi-Tuahiwi Community Board and raised the following points:</p> <ul style="list-style-type: none"> <li>• Supportive of changes made to the bylaw</li> <li>• Concern that there was not a Management Plan for the area, especially the estuary</li> <li>• Thanked staff for the drop-in sessions and acknowledged them for having to engage in difficult conversations</li> <li>• The Board believed there was plenty of beach for exercising dogs to the south of the spit at Waikuku Beach.</li> <li>• Concern regarding the lack of resources for enforcing the bylaw.</li> <li>• Clear breaches of current bylaw by both dog owners and vehicle drivers.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• What evidence did the Board have of dogs disturbing birdlife? <i>Nothing directly, but volunteer groups and other beach users had approached S Stewart.</i></li> <li>• Would the Board consider allowing dogs on leashes in the area? <i>This option did not come up during the discussions.</i> What was the Board's view of aircraft on the beach? <i>Believed aircraft were a disruption to the birdlife.</i></li> <li>• Would the Board consider signage as adequate? <i>Existing signage and education had not seemed to stop conflicts between users to date.</i></li> </ul>
Andrew Fox	A Fox did not attend the hearing.
Tessa Chisholm	<p>T Chisholm spoke to her submission, and the following points were raised:</p> <ul style="list-style-type: none"> <li>• Saw no problem with dogs on the beach.</li> <li>• Concerned that few people on the beach were aware of the review and, although unhappy with changes, were too apathetic to submit.</li> <li>• Better signage required.</li> <li>• Agreed that fires should not be encouraged on the beach – fire risk for residents.</li> <li>• Queried factual evidence and long-term data showing that dogs were disturbing the birdlife – believed pests and vehicles did more damage.</li> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <li>Noted that the area designated for dogs would be full of families using the beach during summer – conflict between families and dog walkers.</li> <li>Common sense and compromise between beach users to mitigate conflict.</li> <li>Noted that proposed dog restrictions would severely impact the community's wellbeing.</li> <li>Hardly any birds on the beach between high and low tide marks – only on the spit.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>How was the existing bylaw working? <i>T Chisholm had never seen issues with walkers and dogs; however, quad bikes and other vehicles had been a problem.</i></li> <li>What would be the best way to let visitors to the beach know of the restrictions? <i>Better, larger signage was required at car parks and surf clubs; however, dune signage was inadequate – and needed to be much more obvious. Suggested an alert on cell phones that alerted people that they were entering a sanctuary would be more beneficial than signs.</i></li> <li>Were T Chisholm happy with the current bylaw? <i>Compromise rather than a blanket ban, dogs on leashes in sensitive areas suggested. Believed that more damage by pests eating eggs and suggested better protection of the riverbed area.</i></li> <li>Do you think an “honorary” ranger or volunteer groups would be useful to monitor and educate? <i>That may be better than enforcement; however, local residents were more supportive of trapping than becoming watchdogs.</i></li> </ul>
Barry Churchill	<p>B Churchill spoke to his submission and raised the following points:</p> <ul style="list-style-type: none"> <li>No issue with dogs on the beach.</li> <li>Education and signage regarding bird sanctuary would be sufficient.</li> <li>Believed that dogs were not a problem for birds and suggested that better pest control be carried out as nests vulnerable to possums, hedgehogs and cats.</li> <li>Vehicles should be banned on the dunes.</li> <li>Did not understand how drones were a danger to birds – birds more intelligent than credited.</li> <li>Planes should be able to land if the area was clear of other users.</li> <li>Queried if the changes to the bylaw had been consulted with iwi and Rūnanga.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>What other, if any, changes would B Churchill like to see in the bylaw? <i>B Churchill was satisfied with the current bylaw, which seemed to be adequate. Had not noted any major issues. Acknowledged that beach buggies were a danger; however, education should be sufficient to deter most offenders.</i></li> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <li>Would a beach boundary between Hurunui District Council and Waimakariri District Council be useful? <i>Yes, as no one was sure where this was, and the councils had differing rules for beach users.</i></li> </ul>
Barry Renwick	B Renwick apologised for being unable to attend the Hearing.
David Tillman	<p>D Tilman spoke to his submission and raised the following points:</p> <ul style="list-style-type: none"> <li>Supported the ability of aircraft to land on the beach.</li> <li>Concern about how the question was phrased in the consultation, which, he believed, led people to answer Yes. Few reasons to support the Yes answer.</li> <li>Only land when no other users were on the beach and only land below the high tide mark.</li> <li>No evidence that aircrafts was disruptive to other users of the beach or damaged the natural environment</li> <li>No cost to the Council in relation to this activity.</li> <li>Requested that staff revisit the submitters who responded Yes for a reason.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>How many planes that land on the beach belong to the club? <i>All the pilots belong to the club, and the club could control the outcome.</i></li> </ul>
Ursula Mullins	U Mullins did not attend the Hearing.
Sandra Stewart Waimakariri Biodiversity Trust	<p>S Stewart spoke on behalf of the Waimakariri Biodiversity Trust and apologised for the Chairperson not being able to attend due to illness. The following points were raised:</p> <ul style="list-style-type: none"> <li>Endorsed its previous submission.</li> <li>Mitigating disturbance to the birdlife was paramount.</li> <li>Plenty of beach area for other users to the south of the river mouth.</li> <li>Did not support the compromise of dogs on leashes.</li> <li>Concerned at the lack of resourcing and enforcement of bylaw.</li> <li>More education was required regarding the impact of disturbances to the birds on the spit.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>Noted the literature listed and asked if it was credible. <i>This was provided by the Ashley Rakahuri Rivercare Group, though there was nothing specific to the Ashley Rakahuri area.</i></li> <li>Did the Trust have a view of aircraft in the area? <i>Yes, it supported all the changes suggested in the consultation.</i></li> <li>Would Avian Flu only be spread by dogs? <i>Not all mammals have the propensity for spreading the virus.</i></li> <li>Would you consider pest control as important as dog control? <i>Yes, however, the bylaws did not have the ability to regulate pests or enforce pest control.</i></li> </ul>
Bruce Carter	B Carter apologised for being unable to attend the Hearing.

SUBMITTER	COMMENTS
Samantha Wilson	S Wilson did not attend the Hearing.
Iain McPhail and Buzz Harvey Canterbury Recreational Aircraft Club	<p>This was a joint submission, and the following points were raised in support of their submissions:</p> <ul style="list-style-type: none"> <li>• Canterbury Recreational Aircraft Club currently have 150 members of which a small number had aircraft capable of beach landing.</li> <li>• Concern that the Club had not been contacted in regard to the review until after the first consultation had occurred.</li> <li>• Concern regarding the wording of question two, which predisposed a Yes or No answer.</li> <li>• No evidence there had been complaints regarding aircraft landing on the beach.</li> <li>• Pilots only landed if there were no other beachgoers on the beach.</li> <li>• Rangers had no issue with aircraft and had been friendly and supportive.</li> <li>• Members stayed away from the estuary especially during nesting season.</li> <li>• Aircraft approach from the seaward side.</li> <li>• Given the space only and capabilities for craft only a few aircraft could land in this area.</li> <li>• This was the only area suitable for aircraft to land due to other beaches being too gravelly or undulating – positives for this area were smooth, level sand, relatively isolated and had positive safety margins.</li> <li>• Due to spread of weight of the craft over three wheels, the craft did not exert undue weight on the sand and no environmental damage was caused.</li> <li>• Prepared to offer compromise as follows:               <p><i>Option 1</i> Limit the protected area in Schedule 5 to stop at the MHWS, allowing aircraft to operate on the Coastal Marine Area (CMA), which was the foreshore area between the high and low watermarks.</p> <p><i>Option 2</i> Develop a user agreement between WDC and CRAC to allow CRAC pilots to operate in the protected area in Schedule 5 as stated in Option 1.</p> <p><i>Option 3</i> Introduce a permit system with a permit holder displaying a sticker on their aircraft to show authority. Permits to be issued by WDC to allow CRAC pilots to operate in the protected area in Schedule 5 as above.</p> </li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• How do aircraft get to the seaward side without flying over the estuary? <i>They do fly over the estuary but only higher than 500ft which would not disturb the birdlife on the spit.</i></li> <li>• If you were asked not to fly over the estuary would that be acceptable? <i>Happy to work something out which would get the best result.</i></li> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <li>How many planes used the beach regularly? <i>About ten planes currently had the ability to land.</i></li> <li>Had any aircraft landed south of the estuary? <i>Yes, on occasion but only if the beach had no other users.</i></li> <li>Which option would you prefer? <i>The options are in order of preference, with the last being heavy on administration and, therefore, not a preferred option.</i></li> <li>How many landings were made? <i>Each plane landed at least once, and then there was a competition to see who could land closest to a chosen target; however, the aircraft was very quiet.</i></li> </ul> <p>When members met for lunch on the beach, were fires lit? <i>No.</i></p> <ul style="list-style-type: none"> <li>Do you have views on the dog issue? <i>No</i></li> <li>How many times a year do you use the beach? <i>Generally, they flew on Saturdays. However, it depended on the tides and the weather, so they were unable to fly every week. On occasion, a lone pilot may use the beach during the week.</i></li> </ul>
Anna McKenzie	A McKenzie did not attend the Hearing.
Thomas Jones	T Jones did not attend the Hearing.
David Stenhouse	<p>D Stenhouse spoke to his submission, and the following points were raised:</p> <ul style="list-style-type: none"> <li>Regulation without evidence was dangerous.</li> <li>Environmental changes would change the nesting habits of birds, and the river mouth was a changing environment; therefore, it would not be surprising for nesting habits to change.</li> <li>Appropriate signage was a better option than regulation. Wellbeing trumped regulation.</li> <li>Dogs and horses do not mix, and this could lead to dangerous accidents</li> <li>Signage should be large and clear, such as a montage of birdlife, to aid with education and deter crime.</li> <li>Never witnessed dogs chasing birds on the spit.</li> <li>Enforce the current bylaws before increasing regulation.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>Why did D Stenhouse believe the decision had been predetermined? <i>Seemed the Council had already made its decision.</i></li> <li>Did D Stenhouse have any evidence of predetermination? <i>No other than conversations with some Councillors and other residents.</i></li> </ul>



SUBMITTER	COMMENTS
Russell Clifford	<p>R Clifford spoke to his submission and raised the following points:</p> <ul style="list-style-type: none"> <li>• Dogs are part of the family – generally, it was the dog owners who were at fault.</li> <li>• Concerned that no one had approached the local residents prior to consultation.</li> <li>• Concern about 4-wheel drive vehicles and motorbikes on the beach – dangerous to children and dogs</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Noted that some areas required only effective control over dogs, would you support dogs leashed? <i>A lot of owners cannot control their dogs, even with a leash. Believed it unfair to expect everyone to leash their dogs due to some people's inability to control their animals. Believed cats were more of a problem to birdlife than dogs.</i></li> <li>• How should vehicle activity on dunes and beaches be controlled? <i>The NZ Police should be involved, and it was up to the Council to put pressure on them to achieve a positive outcome. Someone was going to be killed if no effective action was taken.</i></li> </ul>
Karen Fox	K Fox did not attend the Hearing.
Rita Martin	R Martin did not attend the Hearing.
Christian Cosgrove Young Birders New Zealand	<p>C Cosgrove spoke to his submission and raised the following matters:</p> <ul style="list-style-type: none"> <li>• Against drones being used on the beach, as he had witnessed Oyster Catcher attacking a drone.</li> <li>• Concern that unleashed dogs allowed on the spit.</li> <li>• Many rare birds used the spit.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• How many young birders belong to the group? <i>The group was disbanded but recently started up again. It was for ten to 18-year-olds and had a following on Facebook and Instagram. There were about six members in North Canterbury.</i></li> </ul>
Andrew Thompson Woodend-Sefton Community Board	<p>A Thompson spoke on behalf of the Woodend-Sefton Community Board, which represented thousands of residents. The Board believed that dogs should be prohibited from sensitive ecological areas.</p> <p><u>Question:</u></p> <ul style="list-style-type: none"> <li>• Did the Board have any evidence of dogs' adverse effects on birdlife? <i>The Ashley Rakahuri Rivercare Group came to present to the Board, and each Board member brought their own experiences to the table regarding the matter.</i></li> </ul>

SUBMITTER	COMMENTS
Andrew Thompson	<p>A Thompson spoke to his personal submission and raised following points:</p> <ul style="list-style-type: none"> <li>• Submission was fact-based.</li> <li>• Balanced needs for different users such as dogs, walkers, fishermen, vehicles and birds.</li> <li>• Risk not fully appreciated between birds and dogs by owners.</li> <li>• It was not a fundamental right for dogs to run on the beach unrestrained – other users were restricted, such as horse riders and kite racing.</li> <li>• Dogs were often seen unrestricted south of river mouth</li> <li>• Monitoring and education required.</li> <li>• Against aircraft landing on the beach.</li> <li>• As long as duck shooting did not occur in the estuary, he had no problem.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Given that aircraft fly at 500f above sea level, how do they impact the birds? <i>Believed that most of the craft fly north to south and not east to west as most craft he had observed do not come from the seaward side for landing.</i></li> </ul>
Ryan Humphreys	<p>R Humphreys spoke to his submission and raised the following points:</p> <ul style="list-style-type: none"> <li>• Agree with restricting aircraft to the foreshore and to stay away from the estuary.</li> <li>• Birds mass on the estuary and not on the foreshore.</li> <li>• Schedule five was the only place aircraft could land where there were no other beach users. Walkers, dogs and swimmers used the area south of the estuary.</li> <li>• Concerned no direct consultation with the aircraft club prior to public consultation.</li> <li>• Ōkārito Lagoon restriction discussed.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Have you ever flown under 500ft over the estuary? <i>CAA rules have a minimum height of 500ft unless coming into land. There was nothing to stop a pilot from flying over the estuary as they came to land or took off; however they chose not to in accordance with the club's informal agreement</i></li> <li>• Was the Ōkārito restriction via a bylaw or a Civil Aviation Association (CAA) rule? <i>It was a CAA ruling.</i></li> <li>• Had R Humphreys heard of aircraft flying lower over the estuary? <i>This could happen, especially if the pilot was a visitor to the area. However, you could easily see the birds nesting on the spit, and if the birds did scatter, they settled back pretty quickly.</i></li> <li>• Have you ever landed on the beach on the south of the estuary? <i>Yes, if the conditions were right and there were no other users on the beach.</i></li> </ul>

SUBMITTER	COMMENTS
<p>Grant Davey Ashley Rakahuri Rivercare Group</p>	<p>G Davey spoke on behalf of the Ashley Rakahuri Rivercare Group and raised the following points:</p> <ul style="list-style-type: none"> <li>• Supported banning dogs and aircraft from the estuary area.</li> <li>• Photos shown of dogs running in the already prohibited area.</li> <li>• Birds being disturbed had a negative effect and may force birds to relocate for nesting.</li> <li>• Concerns that people took no notice of signage.</li> <li>• Low-flying planes caused birds to take flight – dangerous for both birds and aircraft.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Do you think it was possible for dogs and birds to co-exist if dogs were on leashes? <i>People already ignore current signage. He was in favour of a total ban with larger signage. Signage should show that people could be prosecuted and fined up to \$100,000.</i></li> <li>• Are you aware that pilots fly at 500f as a buffer? <i>No, but not all pilots comply with that ruling.</i></li> </ul>
<p>Kevin Roche Northern Pegasus Bay (Hurunui) Coastline Inc</p>	<p>K Roche spoke on behalf of Northern Pegasus Bay (Hurunui) Coastcare Group and raised the following points:</p> <ul style="list-style-type: none"> <li>• Noted that the Hurunui District Council had different rules for beach users and believed that there should be a clear boundary marker so people would know where the rules changed.</li> <li>• If a bylaw was in place, it should be effectively enforced.</li> <li>• Currently, there were fewer restrictions on vehicles or motorcycles on the beaches of the Hurunui.</li> <li>• Commented that because both the Christchurch City Council and the WDC had banned motorcycles on the beach, there were many who came to the Hurunui beaches to ride.</li> <li>• The Hurunui District Council would be reviewing its position on beaches in the near future.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Noted that an ecological report was being prepared. <i>Yes, this was a sensitive ecological area. The aim was to protect the existing flora and fauna in the coastal zone by increasing biodiversity, predator trapping, and promoting safe recreational use that does not harm the natural environment.</i></li> </ul>
<p>Michael Glen</p>	<p>M Glen did not attend the Hearing.</p>
<p>Doug Guthrie Ashley Fisherman's Association</p>	<p>D Guthrie spoke on behalf of the Ashley Fisherman's Association and raised the following points:</p> <ul style="list-style-type: none"> <li>• Currently, 550 members were in the association with a committee of 12.</li> <li>• Was included in the original steering group that set up the original bylaw in 2010, which required negotiation and compromise between all stakeholders.</li> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <li>• Was unaware the Woodend-Sefton Community Board supported the banning of dogs on beaches.</li> <li>• No evidence of issues between users and believed issues exaggerated.</li> <li>• Black-backed Gulls were the main culprit for disrupting bird life.</li> <li>• Believed that the Community Board had a conflict of interest in this matter.</li> <li>• Concern that public consultations were electronically driven – older generation being excluded as they do not use digital devices.</li> <li>• Concern that the current bylaw was not enforced and did not see the need to increase restrictions.</li> <li>• Education and better signage were all that was needed.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• Would you support dogs on leashes? <i>Yes, if you had to, however, you would not get compliance.</i></li> </ul>
<p>Matthew Garrick North Canterbury Fish and Game Council</p>	<p>M Garrick spoke on behalf of the North Canterbury Fish and Game Council and raised the following points:</p> <ul style="list-style-type: none"> <li>• Game bird hunting restricted from the first weekend of May to the last week of July; therefore no overlap with the nesting season.</li> <li>• Hunting dogs were completely under control as they were working dogs.</li> <li>• Most beachgoers do not interact with hunters as they operate at different times and in more isolated areas.</li> <li>• Restrictions without positive outcomes were counteractive.</li> <li>• All activities disturbed nesting birds – so it was difficult to determine which was more destructive between activities.</li> </ul> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• What was the Council's view on dogs off-leash? <i>That was outside the Council's scope. However, protection and respect for birdlife should be encouraged.</i></li> <li>• Would it be viable to hunt without dogs? <i>It was more ethical to work with a dog who could retrieve birds in areas where humans could not.</i></li> <li>• Would you support compromise? <i>Yes, as that would align with ECan's position.</i></li> <li>• When hunting licences were issued, were people informed where they could and could not hunt? <i>A booklet with maps was available to all hunters; however, this is now moving to digital via an app. Regulations and education were all part of the work undertaken by the Council.</i></li> <li>• How many licences were issued? <i>Approximately 3,000, however, could not define how many were from this area.</i></li> </ul>

#### 4. STAFF REPORT

##### 4.1. Northern Pegasus Bay Bylaw 2024 – Hearing Panel Report and Recommendations – S Docherty (Policy and Corporate Planning Team Leader)

S Docherty spoke to the report, which presented the feedback received from submitters on the Northern Pegasus Bay Bylaw public consultation. In total, 143 submissions were received, with 33 submitters wishing to present their views to the Hearing Panel. S Docherty noted that two submitters, S Stewart and A Thompson, would be speaking twice, once regarding their own submission and once on behalf of the Boards they represented.

Councillor Blackie asked for clarification on whether or not the bylaw had jurisdiction over planes and was advised that two matters needed to be considered, one being the management of the estuary by Environment Canterbury in the absence of a Management Plan or appropriate Land Status of the estuary, and the other was in regards to the Northern Pegasus Bay Bylaw which covered the foreshore between the high and low tides which the bylaw clearly states is included in its jurisdiction.

Moved: A Blackie

Seconded: J Goldsworthy

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

- (a) **Receives** Report No. 240618098916.
- (b) **Receives and considers** all submissions on the Northern Pegasus Bay Bylaw.
- (c) **Notes** that staff will prepare an amended draft Northern Pegasus Bay Bylaw 2024, which reflects the decisions made by the Hearing Panel, and then report back to Council on 06 August for final adoption of the Bylaw.

**CARRIED**

*The meeting adjourned at 4.20pm and reconvened at 9am on Friday, 19 July 2024.*

##### 4.2. Discussion and responses to submission requests for changes to the Bylaw

The panel first considered the questions asked during public consultation.

***Question One - Do you agree with adding “Protect the natural and cultural value of the foreshore and estuary environment” to the overall purpose of the Bylaw***

The consensus of the Hearing Panel was that this was covered in the Natural Environment Strategy.

S Docherty noted that staff had considered rewriting the phrase; however, from the feedback, it had been understood that the Council needed to be clearer regarding the cultural element, and staff had thus used a submitter's suggested wording.

T Bartle asked what the word 'natural' entailed. M Kwant advised that the preamble of the bylaw mentioned the cultural values and the implementation plan had a section on cultural values. S Docherty noted that there seemed to be a gap in the overall purpose.

Councillor J Goldsworthy suggested, “protect the natural value for all users”.

***Question Two - Do you agree with extending the prohibited area for aircraft taking off and landing within the Ashley River/Rakahuri and Saltwater Creek estuarine areas to include adjacent beach areas?***

Councillor A Blackie noted that the panel were satisfied with the area suggested by CRAC, landing north of the mouth of the river, and enquired what would happen if the mouth of the river changed. S Docherty believed that was where a user agreement worked well, as the agreement could be reviewed and updated outside of the bylaw review.

M Kwant noted that there were exemptions for drone usage in the area.

Councillor P Redmond noted that the panel supported CRAC's Option 1, aircraft landing on the designated area on the map. He asked if there should be signage or boundary pegs installed for clarity. S Docherty answered that this could be worked through in the user agreement. P Redmond requested that staff include in the report to the Council that it may wish to investigate controlled airspace over the estuary with CAA.

S Powell asked if there was any feedback from the Northern Pegasus Bay Advisory Group. S Docherty replied that this would be a conflict of interest. The Group would be involved and focused on the implementation plan of the amended bylaw.

M Kwant suggested implementing a buffer zone of a few hundred metres around the estuary where microlites and/or other aircraft could not land. This would address the low-flying issue.

***Question Three - Do you agree with amending the clause prohibiting dogs from the Ashley River/Rakahuri and Saltwater Creek estuarine areas by removing the exemption for holders of Fish and Game Hunting Licenses during gamebird hunting season?***

It had been established that a retriever dog was required when game hunting, as all birds had to be retrieved no matter where they landed. An exemption was made north of the green line on the map.

***Question Four - Do you agree with extending the prohibited area for dogs to include the entirety of the spit adjacent to the estuarine area to the low tide mark north of the Waikuku northern car park and south of the Ashley River/Rakahuri?***

S Docherty noted that there were three interest groups related to this question. Environmentalists discussed the impact on birds, fishermen discussed companionship with dogs, and local residents, primarily those in Waikuku, walked dogs.

Councillor P Redmond suggested that dogs be permitted on the seaward-facing side of the spit; however, they must be on a leash.

Councillor J Goldsworthy noted that dogs were only one factor, highlighting the concern regarding pests such as possums, hedgehogs, and cats, and included that humans themselves were a problem.

M Kwant noted that there was not sufficient evidence to show the impact of dogs as opposed to other factors on the beach. The only evidence was photos taken by G Davey and his observations. It was agreed that there were definitely dogs in the estuary; however, the impact could not be proven above other disturbances. Data was currently being collected; however, it was over a short period of time; therefore, no trends were yet apparent. collected; however, it was over a short period of time; therefore, no trends were yet apparent.yet apparent.

S Powell noted that while listening to the people at the Waikuku Beach public meeting and those who had presented their submissions, she believed the local people were the guardians of the beach, respecting it and wishing to protect it.

It was agreed that dogs needed to be on a leash north of the carpark.

T Bartle was concerned that the Council would be implementing a bylaw that it was unable to enforce effectively.

S Powell asked if geofencing could be investigated in relation to enforcing the bylaw and educating beach users about the restricted areas.

Fines could be issued under the Dog Control Bylaw if required.

**Question Five - Do you agree with prohibiting fires and fireworks but allow cultural cooking fires and braziers?**

Councillor A Blackie asked if there was a clause in the bylaw for how far people were allowed on the sand dunes in order to light a fire. M Kwant replied that FENZ defined where people could or could not light a cultural fire.

Councillor P Redmond suggested banning all fires and fireworks apart from barbeques, which included a ban on cultural fires.

Councillor J Goldsworthy enquired if the Council was legally allowed to prohibit cultural fires.

The Panel were largely opposed to fires; however, it needed to align with FENZ regulations.

**Question Six - Do you agree with removing the need for an agreement with Fenton Reserves/Entitlements Trustees?**

S Docherty noted that the previous bylaw agreed to establish the agreement. A draft agreement was written in 2019, but it has never progressed; therefore, there was currently no agreement in place. In the 2024 Bylaw, the Fenton Reserve was still recognised; however, the requirements for an agreement had been removed. S Docherty recommended that this be investigated again in five years when the bylaw was reviewed.

**Question Seven: Do you agree with including a new clause acknowledging the Hurunui District Council Northern Pegasus Bay Bylaw?**

S Docherty noted that the Council Bylaw had been developed and was detailed, whereas the Hurunui District Council Bylaw had only been reviewed once, and no changes had been made since it was established in 2015.

THERE BEING NO FURTHER BUSINESS THE HEARING ADJOURNED AT 10:17AM.

# WAIMAKARIRI DISTRICT COUNCIL

## NORTHERN PEGASUS BAY BYLAW ~~2016~~ (AMENDED 2023) 2024

DRAFT

Adopted Council meeting held on  
01 October 2024  
The Northern Pegasus Bay Bylaw 2016  
(amended 2023) was adopted at a  
Council meeting held on 2 May 2023

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Chief Executive

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Governance Manager





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## WAIMAKARIRI DISTRICT COUNCIL NORTHERN PEGASUS BAY BYLAW ~~2016~~ (amended 2023) 2024

### 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, Freedom Camping Act 2011 [and Whitebait Fishing Regulations 2021](#).

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 2005 (Resource Management Act 1991).
- Waimakariri District Council District Plan and Proposed District Plan (Resource Management Act 1991).
- Waikuku Beach Reserve Management Plan 2010 (Reserves Act 1977).
- [Environment Canterbury Ashley Rakahuri Management Plan 2023](#).
- Canterbury (Waitaha) Conservation Management Strategy 2016 (Conservation Act 1987).
- Environment Canterbury Navigation Safety Bylaw 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 Ngāi 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 550-hectare Tūhaitara Coastal 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 River/Rakahuri 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 Māori 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 Bylaw consultation process, Local 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 aircraft, including 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. It is well-documented scientifically that the mere presence of dogs causes disturbance and stress to birds causing physical displacement that impacts where the birds feel safe to feed, breed and rest. In the 2016 review Dogs were bylaw prohibited dogs 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. Consultation for the 2023/24 bylaw review identified a need to extend the prohibited area for dogs in the estuarine area to include the entirety of the spit south of the Ashley River/Rakahuri. This 2024 bylaw has also removed the exemption for gamebird dogs.

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 for the annual open season set by the Whitebait Fishing Regulations 2021, currently 1 September to 30 October (inclusive), 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 2010 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 in 2010 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

~~The 2018 Waimakariri Coastal Natural Character Study identifies the most significant dunes of the Canterbury coastline are located along the backshore of Pegasus Bay. 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 caused by vehicles and motorbikes 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 Beach User Survey has been conducted in 2019, 2021 and 2023/24. These surveys provide Council staff and the Northern Pegasus Bay Advisory Group with feedback and evidence of what's important to locals and visitors to our beaches as well as highlighting main issues and any conflict occurring along the Northern Pegasus Bay coastline. All three surveys identify unsafe or inappropriate driving of vehicles as the main issue followed by the lack of dog control by some users. Vehicles and motorbikes continue to be a problem, particularly in Waikuku, Pines, Kairaki and Ashworths Beaches. A summary report for each of the surveys is available on the council's website.

~~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, bathers 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 dogs, 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 beach users to have effective control of their dogs at all times.
- Prohibiting or restricting dogs from areas with high biodiversity value, where there are critically endangered or threatened bird species.

- 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 Māori 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 Māori 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 Māori 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

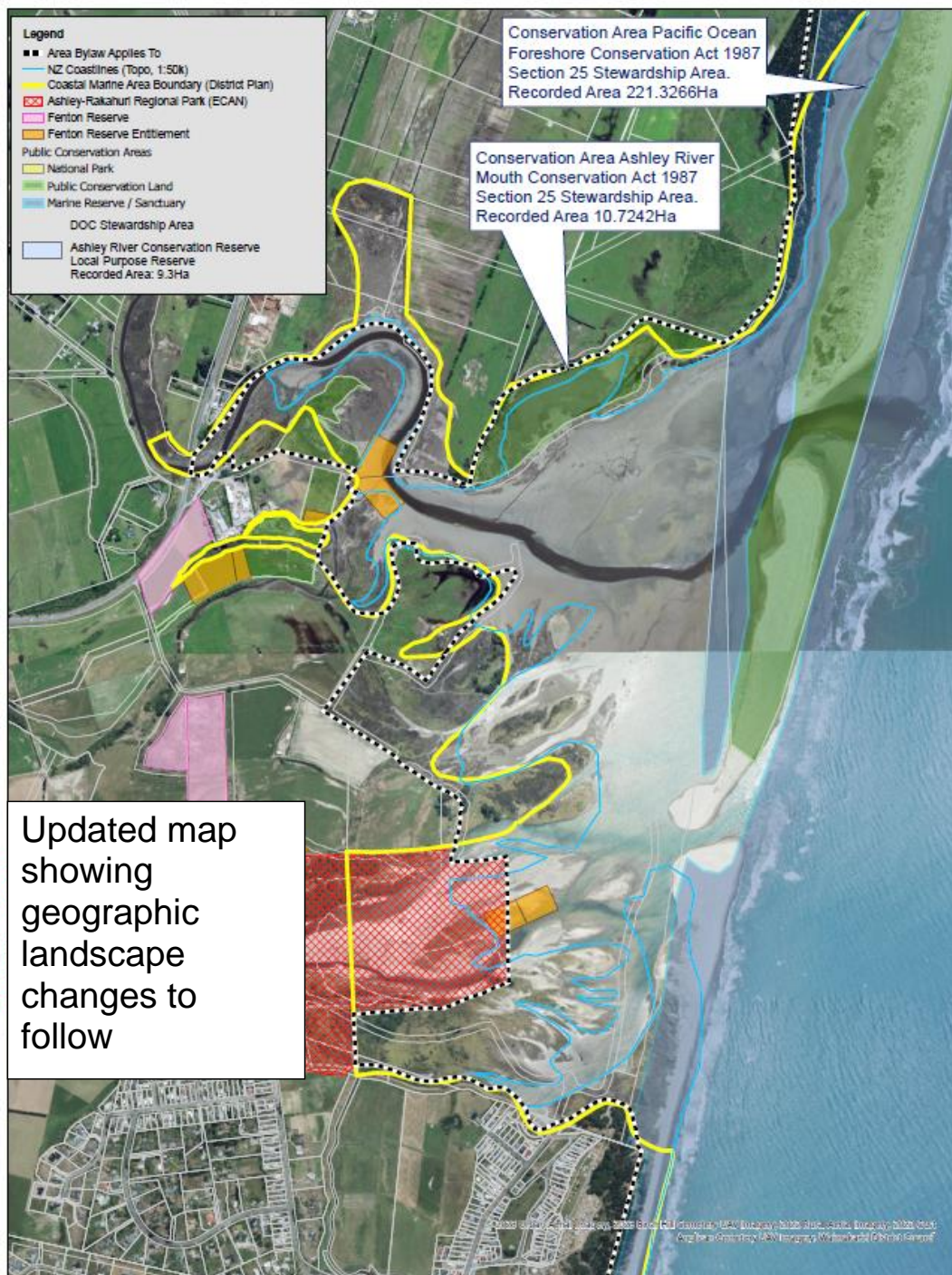
feeding habits of all the important fresh and salt-water species, with different names being used for the same fish at different parts of its life cycle.

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 Tūāhuriri 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.

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## 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)~~ 2024.

## 2. DATE OF COMMENCEMENT

- 2.1. This bylaw replaces the Waimakariri District Council *Northern Pegasus Bay Bylaw 2016* ~~(amended 2023)~~ and comes into force on 01 November 2024 ~~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) Protect the natural values of the foreshore and estuary environment while acknowledging community values associated with its use
  - ~~a)b)~~ Manage recreational uses for the benefit and enjoyment of all users
  - ~~b)c)~~ Minimise environmental impacts arising from this recreation activity
  - ~~c)d)~~ Protect, promote and maintain public health and safety
  - ~~d)e)~~ Protect the public from nuisance
  - ~~e)f)~~ 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, fires, fireworks, 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. 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:

#### 3.5.1. Driving vehicles

- a) between the Kairaki Beach Car Park and the Ocean Outfall
- b) within the Ashley River/Rakahuri and Saltwater Creek estuarine areas

c) from the northern boundary of the district to the north of the Ashley/Rakahuri River Mouth

3.5.2. Horse training

3.5.3. Dog-related activities

3.5.4. Kite surfing in the Ashley River/Rakahuri and Saltwater Creek estuarine area

3.5.5. Using a land yacht between the Kairaki Beach Car Park and the beach entrance to the Waikuku Beach Horsefloat Car Park and Access Trail.

3.5.6. Landing and taking off of aircraft

~~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~~ 1, 2, 3, 4, 5, 6, 7 and 8. 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.

3.7. This bylaw acknowledges the Hurunui District Council (HDC) Northern Pegasus Bay Bylaw noting similar issues and purpose. Clauses in the HDC bylaw are not necessarily the same as this bylaw.

#### 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 1 and 7.

**Access Trail** means a cleared defined pathway providing access to the beach for horses, as shown in schedule 2.

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

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**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 kilometre 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.

**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 [Environment Canterbury 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 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using one 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.

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

**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 [Environment Canterbury 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.

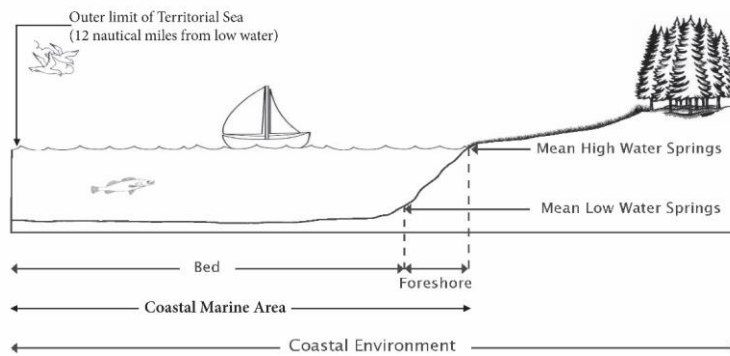
**Sign** includes a notice, label, inscription, billboard, plaque or placard.

**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 1 and 7 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 described and set out in schedule [21. Vehicle access in this area is](#) 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 [21](#), 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 [2-1](#) and [37](#), 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 [4-9](#) 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 [2-1](#) and [37](#).
- 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 [2-1](#) and [37](#), 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 lifesaving patrols, except as provided for by approval under clause [4617](#), 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 [bathers](#), 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 [4-2](#) 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 [4-2](#) 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 [42](#), 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 [42](#), 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 [42](#), 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 [42](#).
- 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 [42](#). 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 [42](#). That trail only, and not surrounding land, shall be used for horse access.
- 9.8. Recreational horse riders should not pass through flagged surf lifesaving 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 2, 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, [Environment Canterbury 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, [Environment Canterbury 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

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~~The use of 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 ~~is prohibited,~~ as described and set out in schedule ~~56.~~~~–Civil Aviation Authority (CAA) rules apply to the use of the air space over the estuary.~~

13.2. Taking off and landing of aircraft, including a microlight or helicopter, shall only occur in the restricted area at Ashworths Beach, as described and set out in schedule 5, and in accordance with a user agreement between the Council and the Canterbury Recreational Aircraft Club. This user agreement is to be reviewed annually, and whenever significant changes to the coastal environment necessitate additional reviews.

~~13.2.~~13.3. The Ashley River/Rakahuri and Saltwater Creek estuarine area, as described and set out in schedule ~~56,~~ 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.~~13.4. 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.~~13.5. 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.~~13.6. Environment Canterbury's Navigation Safety Bylaw 2016 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 FIRES~~ CONTROL AREAS

- 14.1. Fires in the open air are prohibited within the bylaw area. Exemptions may be granted with prior written approval from the Waimakariri District Council.~~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.~~

Commented [SD2]: Previous draft clauses for braziers and cultural cooking fires have been removed.

~~14.2. Cultural cooking fires, examples include hāngī, umu, and lovo, are permitted and must adhere to FENZ safety guidelines.~~

~~14.3. Braziers are an approved fire type in open and restricted fire seasons and do not require a FENZ permit.~~

## 15. FIREWORKS

~~15.1. Setting off any firework, flare or any other explosive material within the bylaw area is prohibited. Exemptions may be granted with prior written approval from the Waimakariri District Council.~~

~~15.2. Firework means an object containing hazardous substances with explosive properties.~~

## 15.16. DOG CONTROL

~~16.1. 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.~~

~~15.1.16.2. All dogs are prohibited from the Ashley River/Rakahuri and Saltwater Creek estuarine areas, as described and set out in schedule 56, 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.~~

~~15.2.1.1. 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.~~

~~16.3. Holders of Fish and Game Hunting Licenses are restricted to use dogs for the activity of gamebird hunting in a specified area of the Ashley River/Rakahuri and Saltwater Creek estuarine areas during gamebird hunting season, as described and set out in schedule 8.~~

~~16.4. All dogs shall be on a leash on the seaward facing spit adjacent to the estuarine area to the low tide mark north of the Waikuku northern car park and south of the Ashley/Rakahuri River Mouth, as described and set out in schedule 3.~~

~~15.3.16.5. 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. Access through the prohibited area is permitted only where the dog is on a short leash and under effective control, and the person and dog are passing directly through the area, as described and set out in schedule 3.~~

~~15.4.16.6. Dogs which are not able to be kept under effective voice control around horses shall be placed on a leash when in the vicinity of a horse.~~

~~15.5.16.7.~~ 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.

~~15.6.16.8.~~ 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.

~~15.7.16.9.~~ 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

### ~~16.17.~~ EXEMPTIONS

~~16.1.17.1.~~ 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.

~~16.2.17.2.~~ 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.~~

~~16.3.17.3.~~ 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, [Environment 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, [Environment 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, [Environment 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, [Environment 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, temporary military training activities, rescue or firefighting training.

#### 17.18. PERMISSION UNDER THIS BYLAW

17.1.18.1. 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.

17.2.18.2. 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.

17.3.18.3. 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.

17.4.18.4. 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.

17.5.18.5. 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.

17.6.18.6. Where this bylaw refers to written permission, that permission may be in electronic form.

#### 18.19. FEES

18.1.19.1. 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*.

~~48.2.~~19.2. 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.

## ~~19.20.~~ BREACHES AND PENALTIES

~~19.1.~~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.~~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.~~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.~~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.~~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.~~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.

~~19.7-20.7.~~ Any person failing with all reasonable speed to comply with a request under clause 20.6 commits a further offence against this bylaw.

~~19.8-20.8.~~ 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.

## 20-21. REVOCATIONS AND SAVINGS

~~20.1-21.1.~~ The Waimakariri District Council Northern Pegasus Bay Bylaw 2016 ([amended 2023](#)) is hereby amended.

~~20.2-21.2.~~ Any approval, permission or authorisation under the Waimakariri District Council Northern Pegasus Bay Bylaw 2016 ([amended 2023](#)) 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.

~~20.3-21.3.~~ The revocation of the Waimakariri District Council Northern Pegasus Bay Bylaw 2016 ([amended 2023](#)) under clause ~~20.4-21.1~~ 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.

## 21-22. REVIEW OF BYLAW

~~21.1-22.1.~~ A comprehensive review of this bylaw shall be carried out no later than [2024](#) ~~2029~~ as required by the *Local Government Act 2002*.

~~21.2-22.2.~~ 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

### 22-23. SCHEDULE ~~21~~: VEHICLE ACCESS MAP

Schedule ~~2-1~~ 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.



**23-24. SCHEDULE 42: HORSE ACCESS MAP**

Schedule 4-2 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.

**25. SCHEDULE 3: DOG ACCESS MAP**

Schedule 3 is a map (see attached) showing prohibited and restricted areas for walking dogs on the Waimakariri District's beaches, as specified in clauses 16.2, 16.4 and 16.5 of this bylaw.

**24-26. SCHEDULE 64: LAND YACHT ACCESS MAP**

Schedule 6-4 is a map (see attached) showing permitted and prohibited areas for operating land yachts on the Waimakariri District's beaches, as specified in clauses 43-313.4 and 43-413.5 of this bylaw.

**27. SCHEDULE 5: AIRCRAFT ACCESS MAP**

Schedule 5 is a map (see attached) showing permitted and prohibited areas for landing and taking off of aircraft on the Waimakariri District's beaches, as specified in clause 13.2 of this bylaw.

**25-28. SCHEDULE 56: RECREATION ACTIVITY MAP FOR ASHLEY RIVER/ RAKAHURI AND SALTWATER CREEK ESTUARINE AREAS**

Schedule 5-6 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 45-416.2 of the bylaw are prohibited. It also shows the activities that are restricted, as specified in clauses 43-213.3 and 43-513.6 of this bylaw.

**26-29. SCHEDULE 37: VEHICLE ACCESS MAP FOR ASHLEY RIVER/RAKAHURI AND SALTWATER CREEK ESTUARINE AREAS**

Schedule 3-7 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.

**30. SCHEDULE 8: DOG ACCESS FOR GAMEBIRD HUNTING PERMIT HOLDERS MAP FOR ASHLEY RIVER/RAKAHURI AND SALTWATER CREEK ESTUARINE AREAS**

Schedule 8 is a map (see attached) showing where holders of Fish and Game Hunting Licences are permitted to use dogs while hunting during gamebird hunting season in the Ashley River/Rakahuri and Saltwater Creek estuarine areas, as set out in clause 16.3 of this bylaw.

**27-31. SCHEDULE 49: ASHLEY/RAKAHURI RIVER MOUTH MOTOR VEHICLE ACCESS PERMIT SYSTEM**

**27-31.1.** 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 2-1 and 3-7 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.

**28-32. AMENDMENT OF SCHEDULES 2-10-61 TO 8**

Schedules 2-10-61 to 8 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.

## Vehicle Access Waikuku

(See Schedule 3 for details)



### RESTRICTED NORTHERN VEHICLE ACCESS

- Access is only for the purposes of boat launching or retrieval, fishing, whitebaiting, and mahinga kai gathering.
- Below last high tide, unless it is unsafe to do otherwise.

### RESTRICTED ASHLEY / RAKAHURI RIVER MOUTH VEHICLE ACCESS

- Permit required
- Key access only
- Available during annual whitebait season
- On marked route and then below last high tide, unless it is unsafe to do otherwise
- Exemptions apply to owners of Fenton Reserves and holders of Fenton Entitlements

Bylaw applies to area within the Waimakariri District Council Boundary

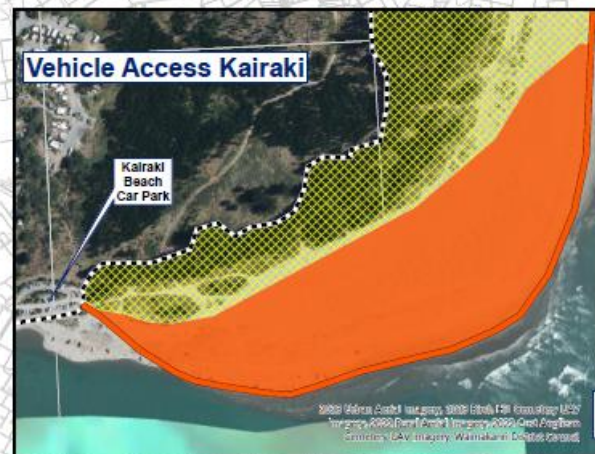


The beach is a prohibited area for 2 wheeled motorbikes

### PROHIBITED VEHICLE ACCESS

- No Public Vehicle Access
- Exemptions apply to emergency and authorised maintenance and service vehicles

## Vehicle Access Kairaki



### RESTRICTED SOUTHERN VEHICLE ACCESS

- Access is only for the purposes of boat launching or retrieval and taking machinery and equipment used for legitimate recreational purposes to the water's edge, fishing, whitebaiting, mahinga kai gathering and holders of mobility parking permits.
- Below last high tide only, apart from at the Waimakariri River Mouth & unless it is unsafe to do otherwise



Northern Pegasus Bay Bylaw 2024  
Vehicle Access Map

Schedule 1 – being updated

Job  
24-027

SCALE (A3)  
1:45,000

04/2024





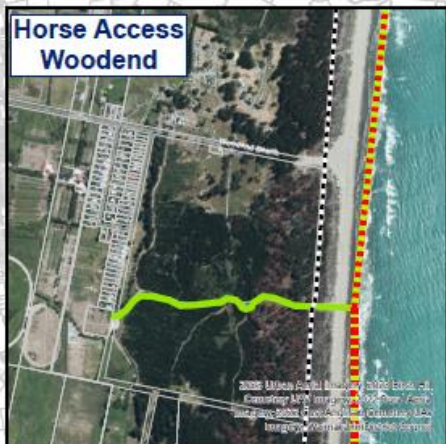
## Horse Access Waikuku



### NORTHERN RESTRICTED RECREATIONAL & HORSE TRAINER AREA

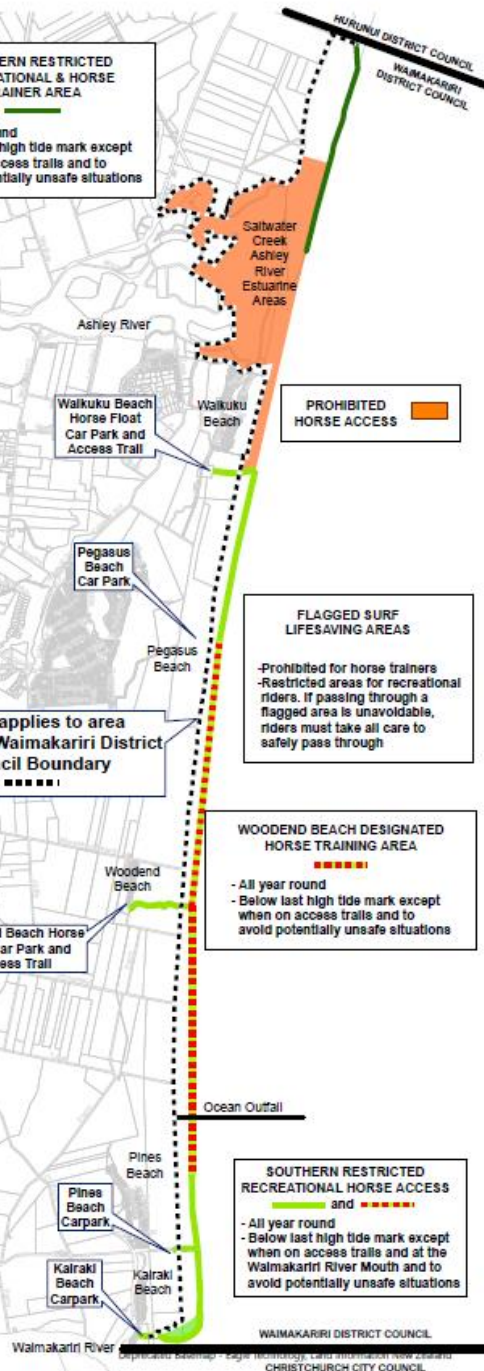
- All year round
- Below last high tide mark except when on access trails and to avoid potentially unsafe situations

## Horse Access Woodend



Bylaw applies to area within the Waimakariri District Council Boundary

## Horse Access Pines / Kairaki





[illegible]

**Prohibited Area for:**

- dogs
- horses
- land yachts
- drones and model aircraft

**Restricted area for:**

- kite surfing

**Prohibited Area (new) for:**

- dogs


**Prohibited Area for:**

- taking off and landing aircraft including microlights and helicopters



- Restricted dismount and push areas if passing through is unavoidable

- Land yacht operators must obtain an exemption from the Council to drive a vehicle past the ocean outfall to the Waikuku Beach Horsefloat Carpark Access Trail entrance to retrieve a becalmed land yacht

 Prohibited Area for Land YachtsPermitted Area for Land Yachts  
(Including Sand Yachts and Biokarts)

2023 Urban Area Imagery: [atlas.brockton.com/imagery](#)  
 UAV imagery: 2022 Rural Area Imagery: [2022 GWR](#)  
 Anglican Cemetery: UAV imagery: [Waltham Forest Council](#)

Waimakariri District Council  
 Christchurch City Council

Land Yacht Access Map

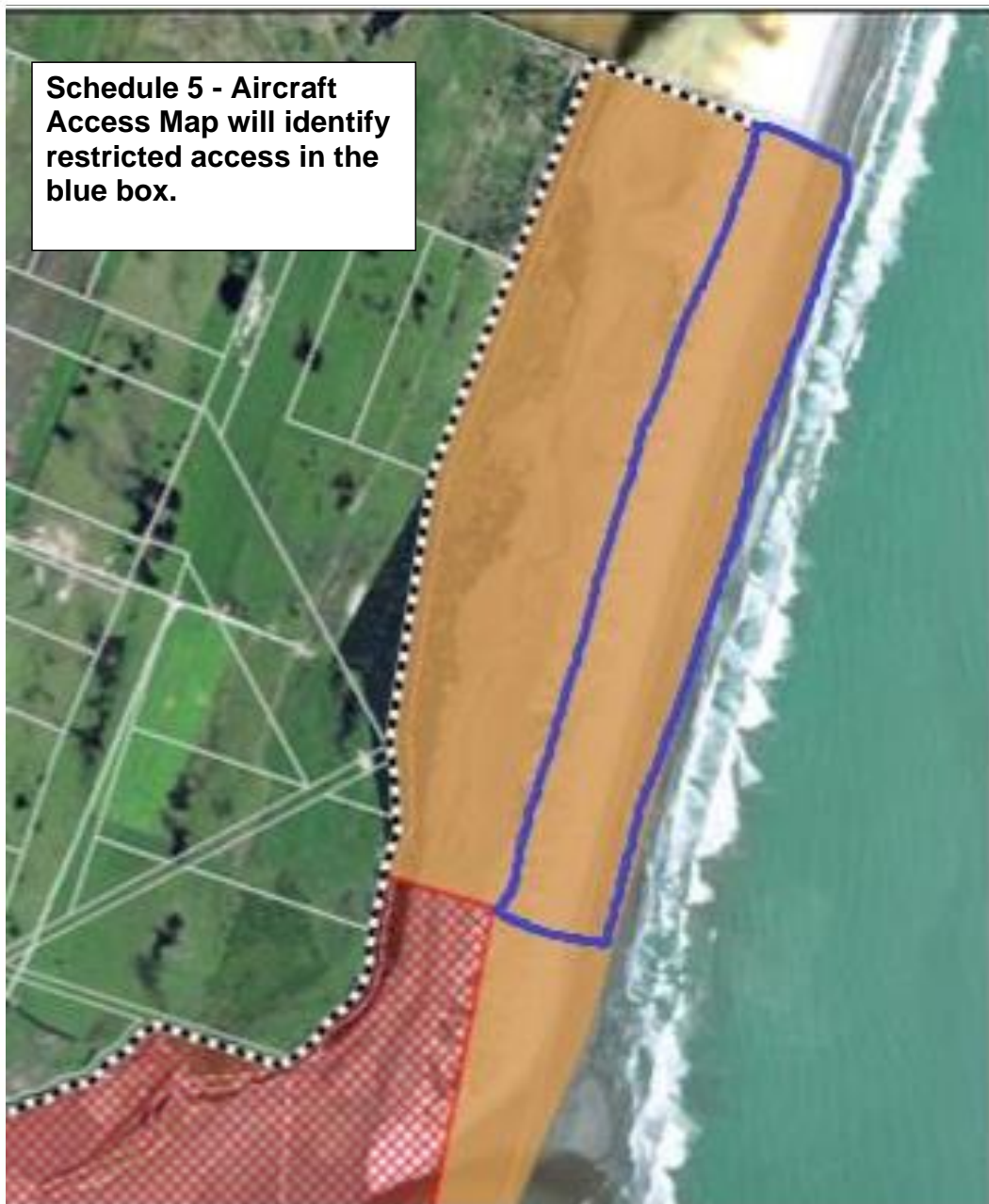
Schedule 4 – being updated

024







**Schedule 5 - Aircraft  
Access Map will identify  
restricted access in the  
blue box.**



microlights and  
helicopters



	<b>Northern Pegasus Bay Bylaw 2024</b>		Job 24-027	SCALE (A3) 1:12,500	
	Schedule 5 – NEW		Version D	DATE 17/04/2024	

**Schedule 6 - Recreation Activity Map will remove the orange section and redefine the pink area as 'dogs on leash at all times'**

Bylaw applies to area within the Waimakariri District Council Boundary

**Prohibited Area for:**  
 -dogs  
 -horses  
 -land yachts  
 -drones and model aircraft  
**Restricted area for:**  
 -kite surfing

**Prohibited Area (new) for:**  
 -dogs

**Prohibited Area for:**  
 -taking off and landing aircraft including microlights and helicopters



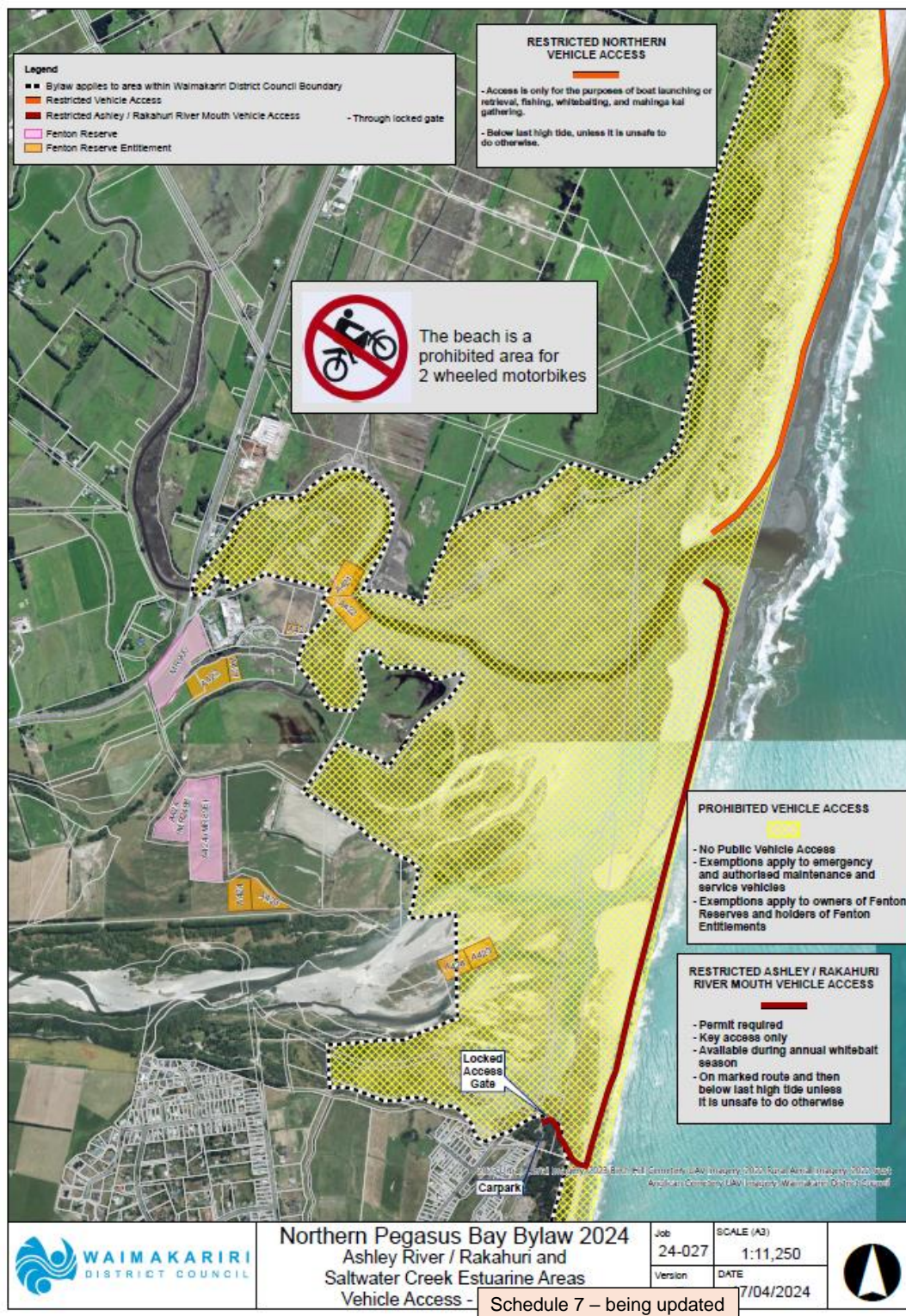
**Northern Pegasus Bay Bylaw 2024**  
 Ashley River / Rakahuri and  
 Saltwater Creek Estuarine Areas  
 Access for Recreational Activity

Job	SCALE (A3)
24-027	1:12,500
Version	DATE
	15/06/2024



Schedule 6 – being updated







**Schedule 8 - Dog  
Access for Gamebird  
Hunting Map will allow  
this activity from the  
green line upwards  
within the estuary**

Bylaw applies to area  
within the Waimakariri District  
Council Boundary \*\*\*\*\*

**Prohibited area for:**  
- dogs  
- horses  
- land yachts  
- drones and model aircraft  
- taking off and landing microlights  
and helicopters

**Restricted area for:**  
- kite surfing

5 knot speed limit area  
for water craft



**Northern Pegasus Bay Bylaw 2016**  
Ashley River / Rakahuri and  
Saltwater Creek Estuarine Areas  
Access for Recreational Activity -

Job 16-049	SCALE (AS) 1:8,000
Version	DATE



Schedule 8 – NEW