

## **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-Tuahivi 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><li>• A walkway had been a waste of time and money; however, fencing off the lagoon had worked well.</li></ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <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> <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> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <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> <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.

SUBMITTER	COMMENTS
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.
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> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <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:  <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.  <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.  <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.</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> <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?</li> </ul>

SUBMITTER	COMMENTS
	<p><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></p> <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>
Grant Davey Ashley Rakahuri Rivercare	G Davey spoke on behalf of the Ashley Rakahuri Rivercare Group and raised the following points:



SUBMITTER	COMMENTS
Group	<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>
Kevin Roche Northern Pegasus Bay (Hurunui) Coastline Inc	<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>
Michael Glen	M Glen did not attend the Hearing.
Doug Guthrie Ashley Fisherman's Association	<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> <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> </ul>

SUBMITTER	COMMENTS
	<ul style="list-style-type: none"> <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 split 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?**

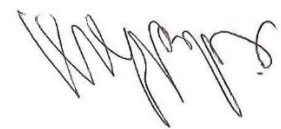
S Docherty noted that the previous bylaw agreed to establish the agreement. A draft agreement was written in 2019, but it has never progressed; therefore, there was currently no agreement in place. In the 2024 Bylaw, the Fenton Reserve was still recognised; however, the requirements for an agreement 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.

CONFIRMED



A Blackie  
Chairperson

20 July 2024