

**HURUNUI DISTRICT COUNCIL
NORTHERN PEGASUS BAY BYLAW 2015**

Adopted: Council, 7 May 2015
Replaces: Northern Pegasus Bay Bylaw 2010
Review Date: 1 July 2025

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PART 1 – INTRODUCTION AND OVERVIEW

1. Preamble

This preamble is not part of the Bylaw, but is intended to explain its context and general intention. A number of agencies own or manage land within the area covered by this Bylaw. These are the Hurunui District Council, Canterbury Regional Council, the Department of Conservation and Land Information NZ. Most of these agencies have worked closely with the Council to develop this Bylaw.

Legislative Context

The management of the coastal environment is legislated by various Acts. These include, but are not limited to, the Resource Management Act 1991, Land Transport Act 1998, Ngāi Tahu Claims Settlement Act 1998, Local Government Act 2002, Reserves Act 1977 and the Forest and Rural Fires Act 1977.

The documents that have been taken into consideration in developing this Bylaw include the following:

- NZ Coastal Policy Statement 2010
- Regional Coastal Environment Plan for the Canterbury Region
- Hurunui District Plan

There are also other Council Bylaws that apply to the coastal area. These include the Hurunui District Council Freedom Camping Bylaw 2011 and the Dog Control Policy and Bylaw 2008.

Key Issues

The Bylaw seeks to address three key issues;

- Impacts of high recreation use on the dune systems and on the wildlife and vegetation of the estuaries and lagoons
- Disturbance and destruction of foreshore habitats
- Conflicts between incompatible recreation activities

Protection of Foreshore Habitats

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

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

The Bylaw offers some protection by requiring that vehicle users and horse riders do not disturb or endanger any bird or animal. Furthermore, the Bylaw requires vehicles to be driven on wet sand below the high tide mark to protect tuatua.

Protection of Dune System

The dunes provide beach settlements with some protection against coastal hazards. Damage to the vegetation and dune structures accelerates coastal erosion. Therefore, the provisions of the Bylaw prohibit the use of vehicles on the dunes.

Incompatible Recreation Activities

The beach environments are used for a range of activities, including low key recreation activities such as walking and running at the same time as higher impact activities such as horse riding, commercial horse training and recreational vehicles. Therefore, the Bylaw requires that all vehicle users and horse riders give way and show due consideration to pedestrians and bathers, to ensure a safe recreational environment for all users.

2. Title

- 2.1 This Bylaw is made pursuant to section 145 and 146 (b) of the Local Government Act 2002.
- 2.2 This Bylaw is the Hurunui District Council Northern Pegasus Bay Bylaw 2015.

3. Date of Commencement

- 3.1 This Bylaw replaces the Hurunui District Council Northern Pegasus Bay Bylaw 2010 and comes into force on 1 July 2015.

4. Application and Purpose

- 4.1 The purpose of this Bylaw is to control activities and the use of land, on the foreshore, beaches and adjacent areas of Northern Pegasus Bay, in order to manage recreational uses, including camping and the use of horses and vehicles, for the benefit and enjoyment of all users and to minimise environmental impacts arising from this activity.
- 4.2 This Bylaw applies to all of the foreshore, beach and adjacent land areas of Pegasus Bay between the southern boundary of Hurunui District and south of a position, using the New Zealand Map Grid projection coordinates of easting 2495400 and northing 5786010, which is approximately 3 kilometers north of the Waipara River mouth at the northern end of Pegasus Bay Beach, as shown on Map 1. Some of this land is under the control of the Council and some is under the control of Environment Canterbury, the Department of Conservation, Land Information NZ and Ngāi Tahu.

5. Definitions and Interpretation

- 5.1 In this Bylaw, unless the context requires otherwise:

Access Route means an unformed track through sand identified by Council for the purpose of public access from formed legal roads to the foreshore.

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

Beach means any land in Hurunui 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.

Camp means to reside or sleep, including in a tent, bivy bag, hut or other form of temporary dwelling or shelter. Camping includes the use of a caravan, trailer or vehicle for overnight accommodation.

Council means the Hurunui District Council or any Officer authorised to exercise the authority of Council.

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

Foreshore means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the sea's tidal ebb and flow, that is, the area between the line of Mean High Water Springs level and the Mean Low Water Springs level.

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.

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

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

Structure means any building, equipment, device, or other facility made by people and which is fixed to land, but does not include any structure erected by beach users for shade or shelter for less than one day's duration.

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

Vehicle means a motor vehicle or motorcycle as defined in section 2 (1) of the Land Transport Act 1998 and any amending or replacement legislation and includes, but is not limited to cars, 4-wheel drive vehicles, trucks, heavy machinery, hovercrafts, quad bikes and motorbikes. It does not include bicycles, prams, strollers, wheelchairs or other mobility scooters used by persons with physical or neurological impairment or unpowered horse-drawn appliances such as sulkies.

PART 2 – PROHIBITED AND RESTRICTED ACTIVITIES IN BEACH AND ADJACENT LAND AREAS

6. Use of Vehicles

6.1 General Conditions

- 6.1.1 No person shall drive or use a vehicle on a beach other than on wet sand below the last high tide mark, except when using an access route specified in this Bylaw and/or when directly leaving or entering the beach area which shall be by the shortest most practicable route.
- 6.1.2 No person shall drive any vehicle on any beach, foreshore or access track at a speed in excess of 30 kilometres per hour or at a speed in excess of 10 kilometers per hour within 50 metres of any other person not in the vehicle.
- 6.1.3 All persons operating a vehicle on a beach shall give way to all persons on foot, and to bathers and horses and shall ensure not to disturb or endanger any bird or other animal.

6.2 Restricted Vehicle Access

Leithfield Beach and South to Hurunui District Boundary

- 6.2.1 No person shall drive any vehicle other than below the last high tide mark, except where soft sand makes this impractical.

Leithfield Beach to the Kowai River Mouth

- 6.2.2 No person shall drive any vehicle on the foreshore or beach to the north of the Leithfield Beach access track marked by the Council other than:
- (a) below the last high tide mark;
 - (b) along the marked track to the east of the former forestry area immediately north of the Leithfield Beach settlement;
 - (c) directly across the foreshore or beach to or from one of the two access tracks marked by the Council south and north of the Leithfield Beach settlement to or from the last high tide mark; or
 - (d) directly across the foreshore or beach to or from the access track marked by the Council immediately south of the Kowai River mouth, to or from the last high tide mark.
- 6.2.3 No person shall drive a vehicle through a beach area that is flagged at any time for surf lifesaving patrols, unless the surf lifesaving patrol has given their express permission after request.
- 6.2.4 No person shall drive a 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 for which those vehicular or equine activities are excluded.

6.3 Prohibited Vehicle Access

Kowai River Mouth and North to Amberley Beach

- 6.3.1 No person shall drive any vehicle within the prohibited vehicle area marked on Map 2.

Waipara River Mouth

- 6.3.2 No person shall drive any vehicle within the prohibited vehicle area marked on Map 3.

- 6.3.3 Notwithstanding clause 6.3.2, a person may drive a vehicle within the prohibited vehicle area marked on Map 2 during the whitebaiting season, for the purpose of whitebaiting, provided they remain on an access track marked by the Council.

7. Use of Horses

7.1 General Conditions

- 7.1.1 No person shall drive, ride, lead, let wander or otherwise use any horse or horses on a beach other than on wet sand below the last high tide mark, except when using an access route specified in this Bylaw and/or when directly leaving or entering the beach area which shall be by the shortest most practicable route, or where the soft sand immediately south of Ashworths Beach makes it physically impossible to do otherwise.
- 7.1.2 Any person undertaking an equine-related activity on a beach area must give way and show due consideration to pedestrians at all times.
- 7.1.3 Any person driving a horse and sulky must stay well clear of pedestrians at all times and ensure their driving does not endanger any pedestrian, bird or other animal.

7.2 Restricted Horse Access

- 7.2.1 No person shall drive, ride, lead, let wander or otherwise use any horse or horses, through a beach area that is flagged at any time for surf lifesaving patrols, unless the surf lifesaving patrol has given their express permission after request.
- 7.2.2 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.

7.3 Prohibited Horse Access

Kowai River Mouth and North to Amberley Beach

- 7.3.1 No person shall drive, ride, lead, let wander or otherwise use any horse or horses within the prohibited vehicle area marked on Map 2.

Waipara River Mouth

- 7.3.2 No person shall drive, ride, lead, let wander or otherwise use any horse or horses within the prohibited vehicle area marked on Map 3.

8. Beach Habitat and Environment

- 8.1 Without the prior written permission of an Authorised Officer, no person may 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, the Regional Council, the Canterbury Surf Life Saving Association or a Surf Life Saving Club;
 - (b) erect, construct, fix or place any sign, post, fence, barrier, warning device, structure or building except:

- (i) when the person is otherwise expressly authorised by the Canterbury Surf Life Saving Association or an approved Surf Life Saving Club or to do so; or
 - (ii) for temporary camping shelters erected in nohoanga entitlement areas when the person is entitled and authorised by Te Rūnanga o Ngāi Tahu to do so, and is in compliance with that authorisation.
- (c) 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; or
- (d) introduce any substance that may cause injury to other person, animal or plant life.
- 8.2 No person shall camp on the beach or foreshore other than:
- (a) in nohoanga entitlement areas if that person is entitled and authorised by Te Rūnanga o Ngāi Tahu to do so, and is in compliance with that authorization.
- 8.3 No person shall damage, destroy or remove any vegetation or material from sand dunes.

PART 3 – OTHER MATTERS

9. Penalties, Offences and Enforcement

- 9.1 Every person commits a breach of this Bylaw who:
- (a) Commits, or causes to be committed, any act contrary to this Bylaw;
 - (b) Omits, or knowingly permits to remain undone, any act required by this Bylaw;
 - (c) Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this Bylaw;
 - (d) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw or fails to comply with the instructions of an Authorised Officer of the Council given pursuant to this Bylaw; or
 - (e) Fails to give their name and address to an Authorised Officer when requested to do so if the officer considers this Bylaw has been breached.
- 9.2 A breach of this Bylaw is an offence and every person is liable on summary conviction to the applicable penalty provided for in the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998, or such other penalty as may be prescribed in any other legislation.
- 9.3 In addition to summary conviction, where it is specified in this Bylaw, a person may also be liable for an infringement fee as prescribed in Schedule 4 of the Land Transport Act 1998 or in Regulations made under the Local Government Act 2002.
- 9.4 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.

- 9.5 On being shown a current warrant of appointment by an Authorised Officer of the Council authorised to enforce this Bylaw, any person who is requested to do so shall provide their name and address and the name and address and whereabouts of any other person connected in any way with the alleged breach to the Authorised Officer if that officer believes on reasonable grounds that a provision of the Bylaw has been breached.
- 9.6 Every person who breaches this Bylaw, must on request by an Authorised Officer immediately stop the activity, and leave the beach, foreshore or adjacent land area, including any prohibited area, if instructed to do so by the Authorised Officer and may be prohibited from returning for such period as the Authorised Officer deems fit.
- 9.7 Any person failing with all reasonable speed to comply with a request under clause 5.6 commits a further offence against this Bylaw.

10. Exemptions

- 10.1 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;
 - (b) on a voluntary basis in accordance with a valid and current agreement entered into with the Council;
 - (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.
- 10.2 Notwithstanding any prohibition or restriction on driving a vehicle set out in this Bylaw, a person may drive a vehicle on a beach in the following circumstances, providing permission is first obtained from an Authorised Officer:
- (a) by or on behalf of the Council, the 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;
 - (b) by or on behalf of the Council, the Regional Council or a Government agency for water quality sampling, flood protection, the control or cleanup of contaminants, or resource investigations or monitoring;
 - (c) by or on behalf of the Council, the Regional Council or a Government agency, the Canterbury Surf Lifesaving Association or a Surf Life Saving Club, Te Kōhaka o Tūhaitara Trust, 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) the undertaking of civil defence, medical, rescue or firefighting training, by or on behalf of the Council, the 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 Life Saving Club, or the New Zealand Coastguard.

11. Permissions Under This Bylaw

- 11.1 A written permission granting exemption from the provisions of this Bylaw may be given on request by the Council or an Authorised Officer of the Council delegated this role by the Council.
- 11.2 A permission or exemption given under this Bylaw may relate to one or more clauses under this Bylaw as is appropriate in the circumstances for an activity or event or a series of activities or events.
- 11.3 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.
- 11.4 The permission or exemption must set out:
- (a) the activity or event or activities or events which is or are permitted or exempted;
 - (b) the duration of the permission or exemption;
 - (c) the areas to which the permission or exemption relates; and
 - (d) any conditions to which the permission or exemption is subject.
- 11.5 The Council may review and alter or cancel any permission or exemption given under this Bylaw.
- 11.6 Where this Bylaw refers to written permission or exemption, that permission or exemption may be in electronic form.

12. Fees

- 12.1 Actual and reasonable fees will be charged and included in Council's Fees and Charges manual.
- 12.2 For every application made for a permission, exemption or other authority under this Bylaw, the applicant must pay to the Council such fee as the Council may prescribe in accordance with section 150 of the Local Government Act 2002.
- 12.3 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 under this Bylaw. The Council will consult on, and publicly notify, its intended fees prior to making a resolution to fix such fees.

13. Service of Documents

- 13.1 A document is deemed to be delivered to a person if it is delivered to him or her personally by an Authorised Officer or sent by post to his or her last known place or residence or business.

14. Revocations and Savings

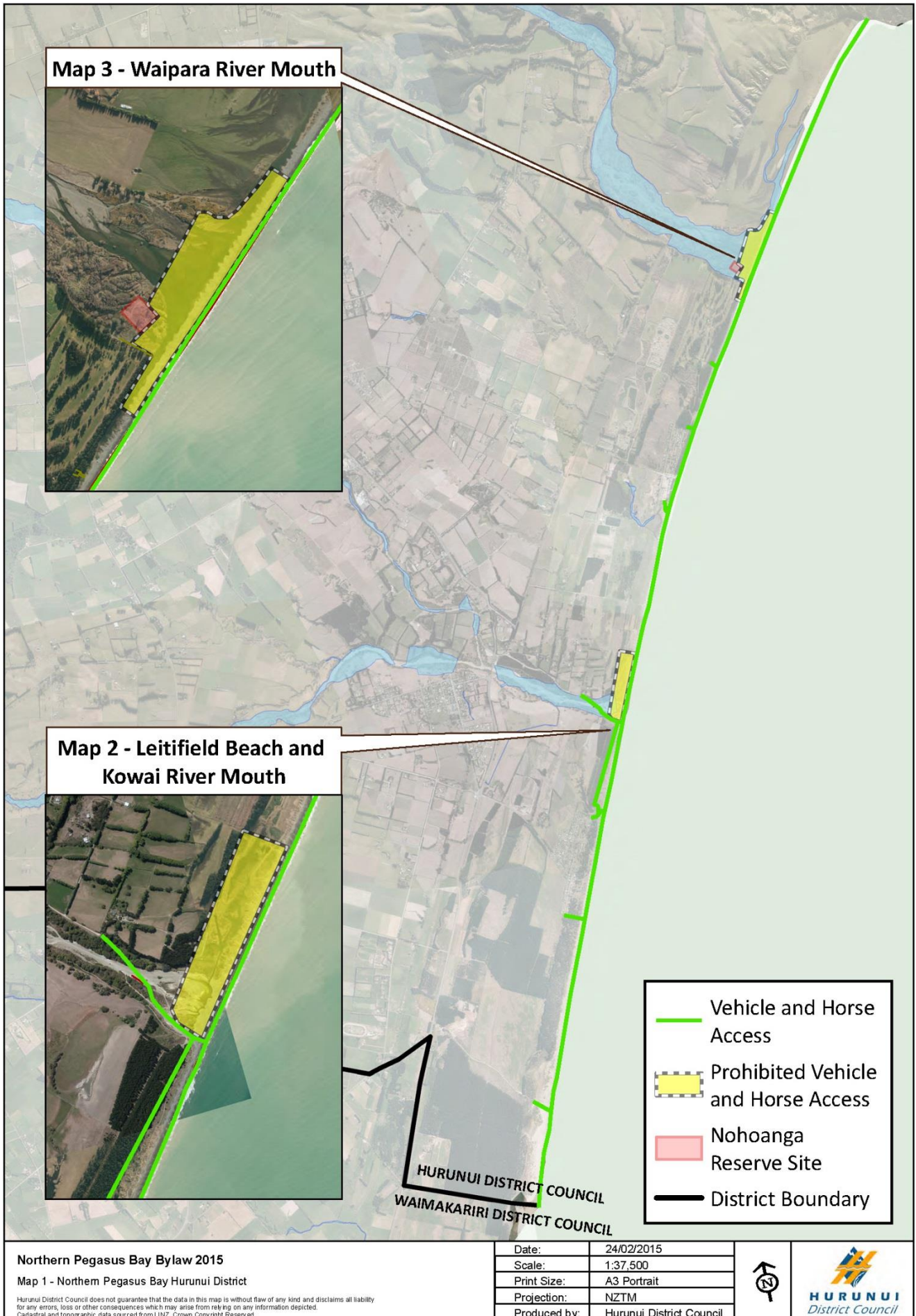
- 14.1 The Hurunui District Council Northern Pegasus Bay Bylaw 2010 is hereby revoked.

14.2 Any approval, permission or authorisation under the Hurunui District Council Northern Pegasus Bay Bylaw 2010 that is in effect at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clause in this Bylaw.

14.3 The revocation of the Hurunui District Council Northern Pegasus Bay Bylaw 2010 under clause 14.1 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.

15. Review of Bylaw

15.1 This Bylaw shall be reviewed by July 1 2025.





	Vehicle and Horse Access
	Prohibited Vehicle and Horse Access

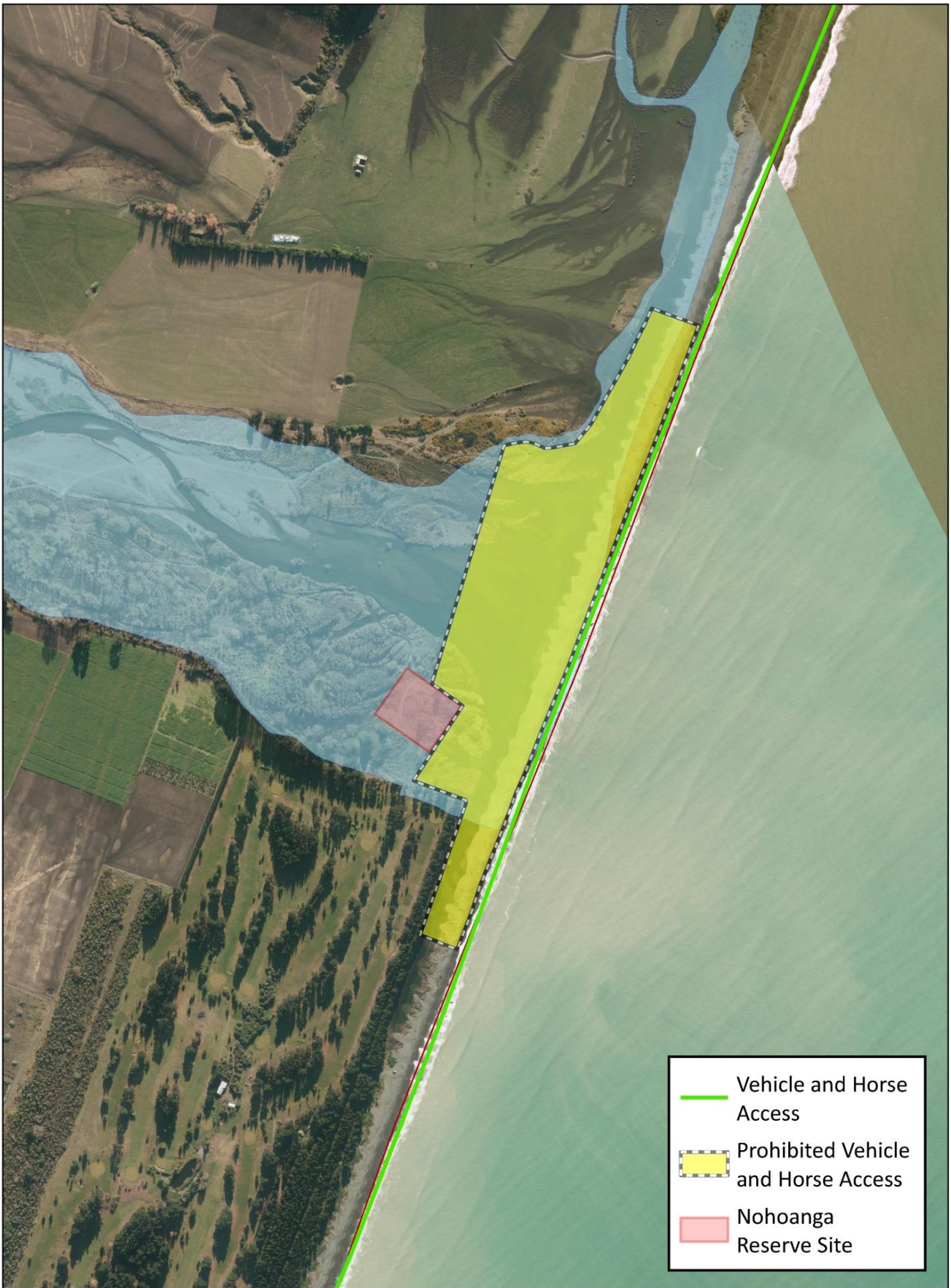
Northern Pegasus Bay Bylaw 2015




Map 2 - Leithfield Beach and Kowai River Mouth

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	Vehicle and Horse Access
	Prohibited Vehicle and Horse Access
	Nohoanga Reserve Site

Northern Pegasus Bay Bylaw 2015

Map 3 - Waipara River Mouth

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