

<b>Meeting</b>	Taharoa Domain Bylaw Deliberation
<b>Date</b>	Friday 05 April 2019
<b>Time</b>	10.00 am
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

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## **Deliberations Agenda**

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**Hearing Panel:**

Chair: Mayor Jason Smith

Members: Ric Parore  
Sonny Nesbit  
Councillor Karen Joyce-Paki  
Councillor Andrew Wade

**Taharoa Domain Bylaw Deliberations**

**Friday 05 March 2019 in Dargaville**

**1 Opening**

**1.1 Karakia Timantanga**

**1.2 Present**

**1.3 Apologies**

**1.4 Confirmation of Agenda**

**1.5 Conflict of Interest Declaration**

Elected members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as Councillors and any private or other external interest they might have. It is also considered best practice for those members to the Executive Team attending the meeting to also signal any conflicts that may have with an item before Council.

## **Deliberations on Draft Taharoa Domain Bylaw Submissions**

**Meeting:** Taharoa Domain Bylaw Hearing Panel  
**Date of meeting:** Friday 05 April 2019  
**Reporting officer:** Paula Hansen, Policy Planner

### **Purpose/Ngā whāinga**

To agree on recommendations to the Kaipara District Council (council) on the final wording of the Taharoa Domain Bylaw.

### **Executive summary/Whakarāpopototanga**

This report provides an overview of submissions received and guidance on potential changes to the draft Taharoa Domain Bylaw (the 'Bylaw').

Responsibility to hear submissions and make recommendations to council was delegated to the Taharoa Domain Governance Committee (the Committee), consisting of Ric Parore, Sonny Nesbit, Councillor Wade and Councillor Joyce-Paki at the November 2018 council meeting with Mayor Smith appointed as the Chair, hereinafter referred to as the Taharoa Domain Bylaw Hearing Panel (the 'Panel').

Public consultation on the Bylaw took place from 04 December 2018 to 08 February 2019. The hearing was held on Monday 25 March 2019. The Panel now needs to decide on recommendations to present to the council.

Forty-nine submissions were received, of which eight wished to be heard in support of their submissions, including one late submitter. The late submission was received on Monday 25 February 2019 and accepted at the Hearing on 25 March 2019. Attachment A contains a summary of the submissions received.

At the Hearing only two submitters spoke to their submissions.

### **Recommendation/Ngā tūtohunga**

That Taharoa Domain Bylaw Hearing Panel:

- a) Recommends to Kaipara District Council the wording proposed in the proposed Taharoa Domain Bylaw shown in Attachment C of the Policy Planner's report 'Deliberations on Draft Taharoa Domain Bylaw Submissions' dated 28 March 2019, with the following amendments:
  - i) delete if not required
  - ii) delete if not required.
- b) Recommends to Kaipara District Council to investigate appropriate and effective enforcement of the final Taharoa Domain Bylaw.

## Context/Horopaki

Council is required to comply with the Local Government Act 2002 (LGA02) in respect to the community consultation process for the adoption of a new Bylaw. This process includes inviting submissions from the public and giving submitters a reasonable opportunity to be heard.

Having held a Hearing the Panel now needs to deliberate on submissions and make a recommendation to the council.

## Discussion/Ngā kōrerorero

The draft Bylaw proposes to give effect to the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) 2016. The draft Bylaw seeks to formally restrict motorised boats on Lake Waikare and Lake Kai Iwi to those power-driven vessels (power boats) that have been specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations while also allowing non-motorised boat activities to occur. The draft Bylaw also provides for how those permissions can be obtained. The draft Bylaw seeks to support the requirement for biosecurity checks. It is also proposed that in the interests of health and safety and to protect the surroundings of the Lakes within the Taharoa Domain rules need to be in place to control activities around the boat ramp, specifically traffic movements and parking.

The Panel must provide recommendations to the council on the Bylaw. These recommended decisions must be within scope of the Bylaw as consulted on.

A summary of comments can be found in **Attachment A** of this report. These points form part of the discussion of each point below.

### 1. Application, Interpretation, relationship between other council Bylaws and use of power-driven vessels

These are parts 2, 5, 6 and 7 of the Bylaw. Comments were received by Northland Regional Council. Requested changes are reasonable and shows a better alignment with their Kai Iwi Lakes Navigation Safety 2017. These have been incorporated in the recommended Bylaw in **Attachment C** to this report.

### 2. Boat Ramps

Boat ramps and biosecurity at the boat ramp provisions are contained within parts 8 and 9 of the draft Bylaw. These provisions were generally supported.

When closing a boat ramp it was requested that the Domain Manager or any council Officer is to consult with the Council (Chief Executive) before making any changes in rules and closing of both boat ramps. The reasons for this request was that changing the rules or closing the boat ramp should be a very unusual occurrence, and should require a higher level of authority and decision-making.

It is agreed that the closing of a boat ramp will be the result of a very unusual occurrence. It would be expected the clause would be used as the direct result of an adverse event. If an event were to occur a delay due to consulting with the Chief Executive may result in a worse outcome. Clarity of when these decisions will be made could be clearer within the Bylaw under clause 8(7).

Comments made on boat ramps that are outside the scope of the Bylaw will be referred to the Parks Team. These include a request for a concrete boat ramp. They can then consider these when planning future projects in conjunction with the Committee.

### 3. Traffic Movements and Parking

These are contained within part 9 Vehicle Movements and Parking. Generally, where cars may be driven and parked was supported. Most submitters thought there was sufficient parking provided for day visitors. There were concerns that parking could be better managed. This could be through better signage or directing people to other parts of the Domain. Day visitors could be encouraged to use the area just outside of the Pine Beach Camp Ground if this area was developed. This would take pressure off available parking spaces within the Pine Beach Camp Ground.

Comments made on traffic and parking outside the scope of the Bylaw will be referred to the Parks Team. This includes a request to have markings on the road. They can then consider these when planning future projects in conjunction with the Committee.

### 4. Restricted Use of Power Vessels on the Lakes

This is in part 7 of the Bylaw. Comments from the Northland Regional Council are reasonable. They allow for better alignment between the draft Bylaw and their Kai Iwi Lakes Navigation Safety Bylaw 2017.

There were a number of concerns raised by a submitter which are covered below.

- a) **Comment:** The Bylaw is contrary to the intent and purposes of a recreation reserve.

**Reply:** The status under the Reserves Act 1977 ([section 17 – Attachment B](#)) does not require the use of a recreational reserve to allow for every type of recreational pursuit available. Rather, that any recreational use should be complementary to the environment of that reserve. So a balance needs to be made between the type of recreational pursuits and environmental concerns related to the Lake's ecological values.

The Bylaw also does not restrict access or entry into the reserve, rather places conditions and restrictions necessary for the protection and general well-being of the reserve and the control of the public using the Domain. (Section 17(2)(a) of the Reserves Act 1977).

Indigenous flora or fauna present on the reserve need to be managed and protected to the extent compatible with the principal or primary purpose of the reserve (Section 17(2)(b) of the Reserves Act 1977). In particular, this involves protection of the Dune Lake Galaxias.

There is currently a lack of scientific knowledge on the effect of releasing trout into Lake Waikare and the effect of not fishing released trout. It is acknowledged that trawling for trout is a key method to catch trout. The unknown effects on existing ecosystems and health of the Lakes to provide the appropriate environment for native flora and fauna within the Lake to thrive, in the absence of fishing, needs to be carefully considered with the ability to use boats for fishing.

The proposed Bylaw seeks to conserve those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve as identified in the RMP for the Kai Iwi Lakes. The restriction of boats on Lake Waikare and Lake Kai Iwi has been identified as such an action as it provides for people not wanting to be near power-driven vessels. (Section 17(2)(c) of the Reserves Act 1977).

THE extent compatible with the principal or primary purpose of a recreational reserve, its value as a soil, water, and forest conservation area shall be maintained. (Section 17(2)(d) of the Reserves Act 1977). Recreation can include a wide range of activities. Reflection of what activities are compatible within the Domain environment is a key consideration in order to maintain water values in particular. This means the restrictions of power-driven vessels is an important consideration.

- b) **Comment:** The Bylaw is contrary to the historical use of Lake Waikare's angling public.

**Reply:** Because there is history, it does not make it appropriate nor provides a right or an ongoing right to carry out an activity.

- c) **Comment:** The ban [of powered boats] will discriminate against anglers who are and have differing forms of disability.

**Reply:** Power-driven vessels (powerboats) are not banned on Lake Taharoa where trout may also be caught. So there is still an opportunity for anglers to use boats within the Taharoa Domain.

- d) **Comment:** The Bylaw if enacted may put members of the public at risk in the event of sudden and violent weather events.

**Reply:** This is within reference to fishing on Lake Taharoa. There are likely to be very few experienced anglers who would not consider the weather forecast when deciding to go fish. Flotation devices are also required to be worn under the Kai Iwi Lakes Navigation Safety Bylaw 2017. Refer to clause 3.1.

- e) **Comment:** The water quality of Lake Waikare has not deteriorated with the use of power boats.

**Reply:** There is no scientific evidence to support one way or another, the effects of power-driven vessels on Lake Waikare.

- f) **Comment:** The removal of power boats will have an adverse effect on the recreational use and enjoyment of the reserve by the people of Northland and from further afield.

**Reply:** There are other alternative recreational uses at the Domain that are available for people to enjoy and the restriction of one activity is not seen to adversely affect the enjoyment of the reserve by the majority.

- g) **Comment:** The removal of power boats will have an adverse effect on the economic well-being of the local economy.

**Reply:** Over the last summer with most power-driven vessels restricted to Lake Taharoa there has been an increase in visitor numbers. Given other comments made on the draft Bylaw it is considered that if powerboats (or power-driven vessels) were to disappear visitor numbers to the reserve will be at least maintained, resulting in little to no economic loss.

- h) **Comment:** Kaipara District Council must retain the current Bylaw and then undertake an active role in enforcement of the water regulations by ensuring the use of motorised craft on Lake Waikare does not exceed five knots.

**Reply:** This is captured below.

The following is made on the assumption that trout will continue to be released until such time as we have firm evidence of their impacts on Lake Waikare. On balance so that the decision does not result in a perverse outcome on the native flora and fauna of Lake Waikare with trout fishing being restricted, it is suggested that power-driven vessels (powered boats) are allowed on Lake Waikare, with mitigations put in place around the type of motors used. Speed on the Lakes is already set under Maritime law to five knots. This can also be further limited by requiring the restriction of power-driven vessels for fishing to a season being 01 May to 30 September of each year.

The Bylaw does have a five year review timeframe, by which time it is hoped that research is able to establish a conclusion on the effects of trout in Lake Waikare. This approach is a precautionary approach in the absence of firm information being available.

If this approach is accepted wording with in parts 7 and 8 will need to be modified. Attachment C has potential changed wording in the recommended final Bylaw. This restricts motors to electric motors 12 volts. The risk of spills, and effects of noise and size of wake, will be minimised by limiting to an electric motor and size.

## **5. Discussion on Powers of council or any officer, Specific authorisations, and Offences and penalty**

This covers parts 10, 11 and 12 of the Bylaw. Comments made by the Northland Regional Council have included a connection to the Navigational Safety Bylaw for the Kai Iwi Lakes when seeking authorisations for use of power-driven vessels on Lake Waikare and Lake Kai Iwi. This is to make clear that they need two authorisations; one under the Taharoa Domain Bylaw and one under the Navigational Safety Bylaw. There are no foreseen issues with this.

## **6. Enforcement of proposed Bylaw**

A common theme was around enforcement. Enforcement can start once the Bylaw becomes operative. People are seeing a lack of presence and enforcement of the Navigational Safety Bylaw for the Kai Iwi Lakes. This has repercussions for this Bylaw, in that it is paramount that whatever is put in place is then enforced and holds people to account.

There have been suggestions on what the council could do to help with enforcement. This includes having honorary wardens who are warranted to enforce the Bylaw or ambassadors to promote the rules.

Recommendations on investigating enforcement options could form part of the overall recommendations to the council on the Bylaw.

## **7. Enforcement of Kai Iwi Lakes Navigational Bylaw 2017**

A number of submitters mentioned the lack of signage, knowledge and enforcement of the Northland Regional Council Navigational Safety Bylaw. These are outside of the Kaipara District Council control and is outside of the scope of this proposed Bylaw. The council staff have raised these issues with the Deputy Harbour Master, who will be presenting at the next Taharoa Domain Governance Committee meeting to address these with the Committee.

## 8. Reserve Improvements

These are outside of the scope of the proposed Bylaw and will be passed onto the council's Parks Team who are responsible for the day to day management of the Taharoa Domain. These can then be considered when planning future projects in conjunction with the Committee.

### Options

There are three options for the Panel to consider:

To recommend to the council:

- a) Adopt the Bylaw as consulted on without any changes, this would not allow for any amendments as a result of submissions; or
- b) Adopt changes to the draft Bylaw as a result of submissions. This will take into consideration the Northland Regional Council submission and proposed amendments to parts 7 and 8 around power-driven vessels (powerboats) for anglers. This is the preferred option and shows a precautionary approach in light of supporting information. **Attachment C** shows the amended Bylaw; or
- c) To withdraw the Bylaw. This would mean no Bylaw is in place.

### Policy and planning implications

Allowing for power-driven vessels boats in line with the preferred option is not completely consistent with this RMP in particular on Pages 14, 16 and 17. These pages are contained under Aim: 3 Environment and Aim: 4 Recreation.

The objectives and actions specify to have restrictions applied to power-driven vessels on Lake Waikare and Lake Kai Iwi, to those that are a safety vessel for events, or a vessel for scientific and research purposes, or a vessel for management operations.

It is consistent in that it considers the health of Lake Waikare and potential affects due to lack of information. The recommended Bylaw does not overlook the environmental importance of Lake Waikare and the health of this lake is at the forefront of the recommendation.

### Financial implications

There are no financial implications with making a recommendation to the council. When a decision is expected of the council, they will need to consider the cost of enforcement. This will be in light of comments made around enforcement of this Bylaw and with regards to the Northland Regional Council Navigational Safety Bylaw 2017.

### Risks and mitigations

The recommended option is using the precautionary approach when considering the health of Lake Waikare.

This we believe reflects the sentiments of Te Roroa and Te Kuihi and the direction within the Reserve Management Plan for Kai Iwi Lakes (Taharoa Domain) 2016 regarding maintaining the long term health of Lake Waikare.



## Significance and engagement/Hirahira me ngā whakapāpā

The report must consider [council's Significance and Engagement Policy](#). It includes significance criteria relating to the below factors and utilises a spectrum from inform to empower to demonstrate types of engagement:

- Impact negatively on council's capability or capacity to carry out its role;
- Reduce council's level of service in a major or irreparable way;
- Impact on council's approved financial performance as agreed in the Long Term Plan and subsequent Annual Plans; or
- Impact on a community or area within the district in a way that may be considered major for that identified community of interest;
- Impact on the cultural values of the district's Māori community and their relationship to land and water.

The Bylaw was considered to be of significance, so was consulted on between 04 December 2018 and 08 February 2019. Hearings were held on 25 March 2019. This report considers the submissions received during consultation and provides recommendations to the Panel to take to council.

## Next steps/E whaiake nei

The recommendations of the Panel are to go to the full council to adopt. If the Bylaw is adopted by the council it then requires signoff from the Department of Conservation before it can be made operative. To make the Bylaw operative a public notice needs to be placed in a local newspaper.

## Attachments/Ngā tapiritanga

Number	Title
A	Summary of submissions
B	Clause 17 of the Reserves Act 1977
C	Proposed final wording of the Taharoa Domain Bylaw

Paula Hansen, 27 March 2019



## **ATTACHMENT A:**

### **Summary of feedback received on the draft Taharoa Domain Bylaw**

#### **Boat ramp provisions**

- Generally the provisions were considered to be sufficient. This including support for, one boat ramp and biosecurity checks.
- There was a request for the Domain Manager or any Officer to consult with the Council (CE) before making any changes in rules and closing of both boat ramps. The reasons for this request was that changing the rules or closing the boat ramp should be a very unusual occurrence, and should require a higher level of authority and decision-making.
- Comments made that fall outside of the bylaw included asking for a concrete ramp, the right place is out to the drop off point similar to Lake Waikare; A mandatory charge for all boats to be checked for foreign organisms be put in place; Follow the Bay of Plenty lake controls, including having a mobile boat wash that is set up to wash boats before and after using the Lakes; and remove the boat ramps all together.

#### **Traffic Movements and Parking**

Generally where cars maybe driven and parked was supported. Submitters thought there was sufficient parking for day visitors.

- There were concerns around the amount of parking within the Pine Beach Camp Ground, with cars being parked two to three deep on busy days.
- There were some suggested changes seeking more parking around the boat ramp, use of speed limits and stopping vehicles being driven and parked near the playground.
- There were suggestions to restrict vehicles within the camp ground and provide for the overflow of cars and boat trailers and to provide a green strip to allow children to ride their bikes was requested.
- Comments outside the bylaw relating to traffic and parking include a request for; a marked roadway for non-powered area of camp ground beyond second toilet block as campers are parking over entry points blocking access for others; safety issues regarding dips either side of road into campsite; better markings would be preferable rather than pink markings; and more signage is needed for day visitors.

#### **Restricted Use of Power Vessels on the Lakes**

Not many comments were received on this topic. A submitter did comment that it was good to have some rules for the three lakes. Another submitter opposed the bylaw and provided comments that concluded that the bylaw:

- Is contrary to the intent and purposes of a recreation reserve and historical use of Lake Waikare by the angling public.
- The ban [of powered boats] will discriminate against anglers who are and have differing forms of disability.
- The bylaw if enact may put members of the public at risk in the vent of sudden and violent weather events.
- The water quality of Lake Waikare has not deteriorated with the use of power boats.
- The removal of power boats will have an adverse effect on the recreational use and enjoyment of the reserve by the people of Northland and from further afield.
- The removal of power boats will have an adverse effect on the economic well-being of the local economy.

- Kaipara District Council must retain the current bylaw and then undertake an active role in enforcement of the water regulations by ensuring the use of motorised craft on Lake Waikare does not exceed five knots.

### **Kai Iwi Lakes Navigational Safety Bylaw 2017 and Enforcement**

There were a number of submitters who commented on the Northland Regional Council Kai Iwi Lakes Navigational Safety Bylaw these included:

- Lack of signage at the boat ramp regarding the Northland Regional Council Kai Iwi Lakes Navigational Safety Bylaw 2017.
- Lack of initiative from the Council in Monitoring, education and enforcing the Kai Iwi Lakes Bylaw 2017 - Boating restrictions.
- Harbour Master not being visible to ensure Bylaw is adhered to, particularly over long weekends, such as anniversary weekend.
- Lack of public knowledge and enforcement.
- Majority of boaties not complying with the Bylaws appear to be day visitors as the camp ground site office provides boating and lake use information.
- Restrictions of motorised vehicles on water impractical and how to manage them. Rotational rules - follow directly behind each other - creating dangers [if a water skier comes off]. [Boats] need to be side by side.
- Potential solutions mentioned included:
  - Summer volunteers ambassadors enforcing the rules.
  - No removing wildlife from the water
  - no motorised watercraft between the buoys
  - no parking boats in the marked area on the water - five knots.
  - Signage - better Jet skis - towing from beach - don't know rules not completely obvious swimming area.
- Restrictions of motorised vehicles on water impractical and how to manage. Rotational rules - follow directly behind each other - creating dangers [if a water skier comes off]. [Boats] need to be side by side. Education needed - Harbourmaster at ramp asking questions about practices. Coast guard day skippers Course - NZ maritime Rules.
- Judged on operation on the day. Registration - Auckland Bylaw. Harbour aster - utilise volunteers to manage water (boat users and Jet skis). Boat permit system register at ramp by 10am.
- Visibility of harbour master needed.
- 100m [five knot] safer - 200m should be extended to 100m.
- Needs ski lanes - cannot teach a learner in deep water? Rope needs to come back [around swimming area]. Stop fuelling on water - parking areas for boats.
- Lake Waikare - signage to say no boats/jet skis.
- Jet skis - in past had to be all registered - if not, weren't allowed on waters roof. If towing skier biscuit must have a spotter on back - safety issues. Anti-clockwise rule re-established. Rules - displayed at ramp. 200m rule not working. When people learning to ski, they have to start from bank.
- Northland Regional Council has provided feedback on how the Northland Regional Council Navigational Bylaw for Kai Iwi Lakes and the proposed Bylaw for the Taharoa Domain can better align.

## Reserve improvements

There were a number of suggestions and requests for improvements to the Taharoa Domain. These are provided as a record to pass on to the operations of the reserve and for recognition of the time people took to provide feedback. These included:

- Lots of people being interested in getting information on trout research.
- More water taps on grounds at far end of camp.
- A dump station or sump for disposing of greywater.
- Lights in second toilet block (solar lights).
- More changing rooms.
- More amenities [toilets] – shelters facilities need to be upgraded.
- Toilets should be overhauled take a look at East coast DoC camps.
- Separate toilets for camp stayers [and day visitors] and an increase in camp fees to cover cleaning and better facilities.
- No designated recycling and waste stream - compost waste (look at Spirits Bay).
- Rubbish bins around lake beside old toilet block [need replacing and better management of].
- Litter control needs more attention.
- People "craping" around the lakes needs something done about it! Far too much toilet paper in and around the trees.
- No push bikes in the lake.
- Gas barbecues at some areas. Suggest gas BBQ's be installed near camp grounds, could be coin operated and cared for by Camp managers.
- Also perhaps for locals a discount on camping as we pay for rates etc locally.
- More picnic areas around Kai Iwi Lake [Northern area where currently no vehicle access] - more user friendly.
- Make it family friendly as possible.
- Conference venue maybe.
- Areas in Kaipara for freedom campers - promote this we need workers.
- Appreciate Leanne and Andrews hard work at the Camp. Have seen how the camp has developed over last 2-5 years we have been coming here.
- The number of people staying at Promenade Point seem just right! Does not seem over crowded like Pine Beach. Well done!
- Nice car parks, beautiful fresh water.
- Came across a leech for first time ever this summer.
- Kaipara needs people.
- Promote Dargaville as a good place for retirees.
- Beautiful area to visit - keep it this way.
- What is the reason behind locked gates?
- What happened to working bee communities?
- Lake Waikare Road - erosion.

- Water Management - need to bring back wardens but need to be paid. Dogs - being brought here by locals from Kaihu.

### **Enforcement**

#### **Outside of scope**

There were a number of comments made that fall outside of the scope of the bylaw. These included:

- seeking the banning of boats and jet skis as they were viewed as potential pollutants to the lake. They also were causing nuisances by entering the swimming areas, speed of boats, where boats were being moored, revving motors being loud, and entering starting up at 6am. Boats should either be retrieved from the lake or at a minimum moored in the boat ramp zone and not around the camp ground. Jet skis were a significant concern and people want these banned. Get rid of motors on the lakes. Canoe, sail etcetera fine - for safety reasons yes! A rescue vessel.
- Requests were made to rope off the swimming areas and boat lanes be marked clearer. No refuelling on the lake, should be done on grass or concrete pad.

## Reserves Act 1977

### 17 Recreation reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—
  - (a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by [sections 53 and 54](#), to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:
  - (b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the [Wildlife Act 1953](#) or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [Heritage New Zealand Pouhere Taonga Act 2014](#):
  - (c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:
  - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.





**Attachment C**

**Kaipara District Council**

**Taharoa Domain Bylaw 2018**

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**Relationship of this bylaw with other Council bylaws:**

This bylaw does not negate the need to comply with provisions of other relevant Council bylaws. This bylaw should be read in conjunction with other Council bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

## Taharoa Domain Bylaw 2018

Pursuant to the Local Government Act 2002 and the Reserves Act 1997, the Kaipara District Council makes the following Bylaw.

### 1 Title

This Bylaw shall be cited and referred to as the Taharoa Domain Bylaw 2018.

### 2 Application

The provisions of this Bylaw shall apply to the Taharoa Domain (the Domain) and activities on Lake Waikare and Lake Kai Iwi which are located within the Domain. Kaipara District Council does not govern water-based activities on Lake Taharoa as these are governed by the Northland Regional Council's Kai Iwi Lakes [Navigational Safety Bylaw](#) under jurisdiction of Maritime Transport Act Enforcement Officers. Kaipara District Council however does govern land-based activities situated around Lake Taharoa under this Bylaw.

Which Council Bylaw	Lake	Types of activities
Northland Regional Council Navigational Safety Bylaw (made under the Maritime Transport Act 1994)	<u>All lakes in the Taharoa Domain comprising of Lakes Taharoa, Waikare and Kai Iwi.</u>	Regulates, controls and manages all water based activities e.g. navigation matters, <u>speed, personal floatation devices</u> , water skiing, boat use, <u>special events</u> , etcetera.
Kaipara District Council Taharoa Domain Bylaw (made under the Reserves Act 1977 and the Local Government Act 2002)	Taharoa	Land based activities that surround the Lake, including parking, boat ramps and pre-launching biosecurity checks.
	Waikare and Kai Iwi	Control of water-based activities e.g. use of boats on the water and land-based activities that surround the Lake, including parking, boat ramps and pre-launching biosecurity checks.

Explanatory Note: The Kaipara District Council Bylaw is to complement rather than duplicate the Northland Regional Council Navigational Bylaw for the Kai Iwi Lakes which is made under the Maritime Transport Act 1994, as opposed to the Reserves Act 1977.

### 3 Objectives

The objectives of this Bylaw are:

- (a) To protect the cultural, environmental, and social values, of Lake Waikare, Lake Kai Iwi and their surrounds within the Domain as set out in the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (the RMP).
- (b) To protect the safety of the recreational users on the Lakes and within the Domain.
- (c) To enable Kaipara District Council to implement the policies of the RMP.
- (d) To enable Kaipara District Council, as the administering body of the Domain, to meet its requirements under the Reserves Act 1977.
- (e) To provide for the authorising of boats for safety and research purposes, as per the RMP.

#### Explanation

The RMP contains aims that have been grouped into Management areas. The objectives relate to:

AIM 1: COLLABORATION: Local Government and tangata whenua will co-govern Kai Iwi lakes and inspire others to share in its care.

AIM 2: CULTURAL: The relationships of tangata whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes are developed and cared for.

AIM 3: ENVIRONMENTAL: Completing our knowledge about Kai Iwi Lakes will enable effective protection and enhancement of its natural environment and pristine waters.

AIM 4: RECREATION: A diverse range of recreational activities which are compatible with the cultural and ecological values of Kai Iwi Lakes, will be available for all visitors.

AIM 5: ECONOMIC DEVELOPMENT: Kai Iwi Lakes will be promoted and developed as an educational, scientific and tourist destination.

AIM 6: RESOURCES: Kai Iwi Lakes and its promotion will be managed in a way that encourages a spectrum of resources that support its stewardship.

Each of these aims are supported by their own objectives and actions. The Bylaw should not be inconsistent with these objectives and actions in the RMP.

Explanatory Note: **Cultural values** are instruments by which Mana Whenua view, interpret and make sense of the world (Marsden 1988) and are derived from traditional Māori beliefs. The universal values and beliefs for the Lakes are connected to land, water and air and are essential ingredients of life that are to be respected, cherished, and sustained. Everything within the cultural perspective has a life force, called mauri, and any degradation of natural resources is seen to diminish the mauri or life force, and affect the well-being of all people utilising the Lakes and their surrounds. Traditional Māori values contain the common Māori belief that all biophysical things including plants, trees, animals and human beings are supported by values and practices expressed as tapu (sacredness), mana (status), and mauri. Ongoing governance over and connection to the Lakes and the cultural heritage they hold allows Mana

Whenua to uphold these cultural values. SEE Historical Overview (page 3) of the [Kai Iwi Lakes \(Taharoa Domain\) Reserve Management Plan 2016](#).

#### 4 Commencement

This Bylaw comes into force on << Date >> subject to the approval by the Minister of Conservation pursuant to s108 of the Reserves Act 1988 or on such later date as that approval may be obtained.

#### 5 Interpretation

(1) In this Bylaw, unless the context otherwise requires:

<i>the Act</i>	means the Reserves Act 1977.
<i>Council</i>	means the Kaipara District Council.
<i>the Domain</i>	means the Taharoa Domain.
<i>Ecological values</i>	means those values that contribute to the natural ecology of the Lakes and surrounding Domain and is noted within supporting documentation to the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP).
<i>Environmental Values</i>	means the environmental values highlighted within the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP) and supporting documentation to this RMP.
<i>Event</i>	means an organised temporary activity that takes place on one or more days including an organised competition, gathering, parade, protest, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this Bylaw, sports practice or training is not an event.
<i>the Lakes</i>	means Lake Taharoa, Lake Waikare and Lake Kai Iwi.
<i>the Reserve Management Plan OR the RMP</i>	means the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP).
<i>Management operation</i>	means an activity considered necessary for the management of the reserve as determined by Council.
<i>Maritime Enforcement Officer</i>	means a person appointed as an Enforcement Officer under s33G of the Maritime Transport Act 1994.
<i><u>Navigational Safety Bylaw</u></i>	<u>means the Northland Regional Council Kai Iwi Lakes Navigation Safety Bylaw 2017</u>
<i>Officer</i>	means a) any ranger or constable; and

	b) any officer or employee of the Council who is authorised to exercise the powers of an Officer under Part 5 of the Act.
<i>Power-driven vessel</i>	means any vessel propelled by machinery.
<i>the Reserve</i>	means Taharoa Domain (a recreation reserve subject to the Reserves Act 1977).
<i>Shore</i>	for the purpose of this Bylaw means the land between ordinary high- and low-water marks of the Lakes.
<i>Specifically authorised</i>	means permission is provided in writing by an Officer of the Council as the administering body of the Reserve. Including any conditions which they may set.
<i>Vessel</i>	means every description of a ship, boat or a craft used in navigation on the water, whether or not it has any means of propulsion and includes a: <ul style="list-style-type: none"> <li>(a) seaplane while on the surface of the water;</li> <li>(b) personal watercraft (jet ski);</li> <li>(c) raft;</li> <li>(d) paddle craft; or</li> <li>(e) any board used for board sports.</li> </ul>

(2) Explanatory notes are for information only and do not form part of this Bylaw.

## 6 Relationship to other Council Bylaws

This Bylaw does not negate the need to comply with provisions of other relevant Council Bylaws, including the Northland Regional Council Navigational Safety Bylaw. This Bylaw should be read in conjunction with other Council Bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

## 7 Use of power-driven vessels

No person may operate a power-driven vessel on Lake Waikare or Lake Kai Iwi unless the power-driven vessel has been specifically authorised under clause 11 as a:

- (a) safety vessel for an event; or
- (b) vessel for scientific and research purposes; or
- (c) vessel for management operations.
- (d) For Lake Waikare only; Between 01 May and 30 September of each year, an electric motor of less than 12 Volts can be used to trawl for trout. Outside of these dates clauses 7(a), 7(b) and 7(c) apply including the need for authorisation under clause 11.

Explanatory Note: Power-driven vessels must comply with the provisions of the Navigational Safety Bylaw and must not exceed five knots unless an exemption has been granted by the Regional Harbour Master.

Clause 7(d), this will be reassessed when the Bylaw is reviewed or sooner if evidence supports the removal of trout from Lake Waikare.

## 8 Use of boat ramps

- (1) All power-driven vessels and other vessels that require launching from a trailer must use the boat ramp designated on the Map in Schedule A to enter Lake Taharoa. Power-driven vessels may not enter Lake Taharoa at any other place.
- (2) ~~Use of power-driven vessels entering Lake Waikare is restricted.~~ Power-driven vessels that have been specifically authorised ~~as a safety vessel for events, or for scientific and research purposes or for management operations,~~ in accordance with clause ~~12-11~~ below, may only enter the Lake Waikare subject to the following conditions:
  - (a) Only the designated boat ramp at Lake Waikare is used (refer to Map A for boat ramp location); and
  - (b) that any directions given by an Officer are followed.~~No other power-driven vessels may enter Lake Waikare.~~
- (3) All other vessels may enter Lake Waikare at the designated boat ramp, or at any other place around the Lake, provided that the vessel does not pose a biosecurity risk and that no vehicle or trailer is driven on or across the shore (refer to Map A for boat ramp location).
- (4) No person shall move any vehicle on any boat ramp at a speed exceeding 5km.
- (5) No person shall leave any vessel trailer or motor vehicle on or near any boat ramp so as to obstruct the safe and reasonable use of the boat ramp by any other person.
- (6) No person shall launch and use any boat trailer other than in accordance with the requirements of this Bylaw.
- (7) The Taharoa Domain Manager or Council's Chief Executive may make rules for the use of the boat ramps at the Taharoa Domain for safety reasons and any exceptional circumstances.
- (8) An Officer may refuse a vessel or power-driven vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.

*Explanatory Note: Bio-security checks will be undertaken by the Northland Regional Council, the Bylaw helps facilitate this process and promote the continual health of the Lakes. All vessels or power-driven vessels may be required to undertake the 'check, clean and dry' process to their vessel or power-driven vessel. Vessels that do not require launching from a boat ramp may still be required to undertake the 'check, clean and dry' process.*

## 9 Vehicle movements and parking

- (1) No vehicle, other than an emergency vehicle, shall be driven on or along the shore except at the designated boat ramps.
- (2) Vehicles must not be driven anywhere in the Reserve other than on a formed road unless:
  - (a) It is within parking areas shown on the Map in Schedule A of this Bylaw; or
  - (b) Directed by an Officer.

- (3) Vehicles can park on any parking area shown on the Map in Schedule A or within dedicated parking areas in the confines of either of the two camp grounds within the Reserve.
- (4) Designated drop-off zones as shown on the Map in Schedule A must be used to drop off people and equipment or other items. No vehicle (or trailer) shall be parked for more than 10 minutes in any drop-off zone next to a designated boat ramp.
- (5) An Officer may set aside an area for parking, or close a parking area, or declare an area to be a drop-off zone for the purposes of this Bylaw.
- (6) An Officer may set aside an appropriate area to allow for biosecurity checks to be undertaken within the Reserve.

## 10 Powers of Council or any Officer

- (1) The Council or any Officer may close a boat ramp from time to time when considered necessary to protect the ecological values of the Lakes or for reasons of public safety and no person shall at this time use the boat ramp(s) without the consent of Council or an Officer.
- (2) The Council or any Officer may refuse vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.
- (3) Where any vessel or power-driven vessel (or vessel trailer or motor vehicle) is on the Reserve, or is being used on the Reserve, in a manner contrary to this Bylaw, and the owner or master of such vessel or vehicle does not comply when requested to do so or cannot be readily located, an Officer may authorise the removal of the vessel or vehicle to another place of reasonable safety, provided that he or she has first advised the person in possession (if any) of that vessel or vehicle.

**Explanatory Notes:** *Relevant enforcement powers in Part 5 of the Reserves Act 1977 apply to this Bylaw. In particular:*

*Section 93(1) of the Reserves Act states, "Any officer may summarily interfere to prevent any actual or attempted breach of this Act or of any regulation or Bylaw thereunder, and he or she may require any person found offending to desist from the offence. If any person when so required continues the offence, he or she commits a further offence against this Act."*

*Section 94(2)(b) of Reserves Act authorises an officer to request a person to remove an "illegal" vehicle or boat from the reserve, and it is an offence to fail or refuse to do so when requested.*

*In addition, the seizure and impounding provisions in sections 164 to 167 of the Local Government Act 2002 can be used in relation to breaches of this Bylaw.*

## 11 Specific authorisation under this Bylaw

- (1) Authorisation for special events must be obtained from both the Taharoa Domain Governance Committee and the Northland Regional Council Harbourmaster. (refer to section 4.6 of the Navigational Safety Bylaw). The Harbourmaster may set aside an area for an event in the interests of navigational safety.



- (2) Specific authorisation under this Bylaw is required for the use of a power-driven vessel on Lake Waikare and Lake Kai Iwi and shall be given only for a safety-vessel for an event, or a vessel for scientific and research purpose or a vessel for management operations.
- (2) Any request for authorisation under this section shall be made in writing to Council at least 20 working days prior to the event, or when any scientific or management activities are proposed to occur.
- (3) Any such authorisation may be subject to such terms and conditions as the Officer giving permission thinks fit.

## 12 Offence and penalty

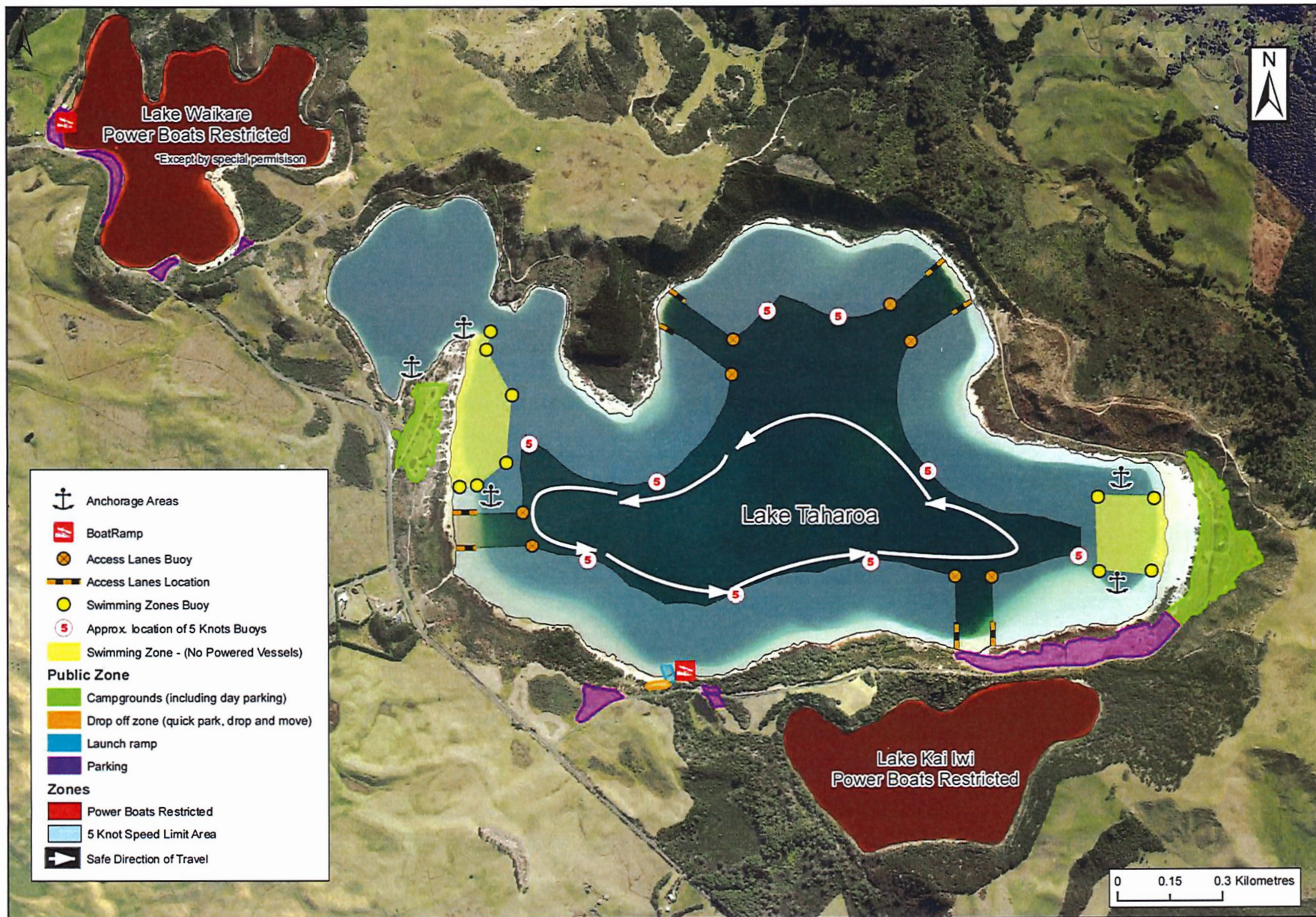
Every person who contravenes this Bylaw commits an offence and is liable to the penalty set out in s104 of the Reserves Act 1977.

***To be added once approved.***

*The Bylaw was made by the Kaipara District Council by Special Consultative Procedure and confirmed at a meeting of Council held on ....*

*This Bylaw was approved by the Minister of Conservation on ... pursuant to Section 108 of the Reserves Act 1977.*

Schedule A – Map



**Closure**

**Karakia Whakamutunga**

**Kaipara District Council**

**Dargaville**