

Kaipara District Council

Taharoa Domain Bylaws 2019

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Taharoa Domain Bylaws 2019

Pursuant to the Local Government Act 2002 and section 106 of the Reserves Act 1977, the Kaipara District Council makes the following Bylaws.

1 Title

These Bylaws are the Taharoa Domain Bylaws 2019.

2 Application

These Bylaws shall apply to the Taharoa Domain (“the Reserve”) and to activities on Lake Waikare and Lake Kai Iwi which are located within the Reserve. 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 the jurisdiction of Maritime Transport Act Enforcement Officers. Kaipara District Council, however, does govern land-based activities situated around Lake Taharoa under these Bylaws.

Which Council Bylaws	Lake	Types of activities
Northland Regional Council Navigational Safety Bylaw (made under the Maritime Transport Act 1994)	All lakes in the Taharoa Domain comprising of Lakes Taharoa, Waikare and Kai Iwi.	Regulates, controls and manages all water- based activities e.g. navigation matters, speed, personal flotation devices, water skiing, boat use, special events, etcetera.
Kaipara District Council Taharoa Domain Bylaws (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 Taharoa Domain Bylaws complement rather than duplicate the Northland Regional Council Navigational Bylaw for the Kai Iwi Lakes which is made under the Maritime Transport Act 1994, and not the Reserves Act 1977.

3 Objectives

The objectives of these Bylaws are:

- (a) To protect the cultural, environmental, and social values, of Lake Taharoa, Lake Waikare, Lake Kai Iwi and their surrounds within the Reserve so that they administered in a manner that is not inconsistent with the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016.
- (b) To protect the safety of the recreational users on the Lakes and within the Reserve.
- (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 Reserve, to meet its requirements under the Reserves Act 1977.
- (e) To provide for the authorising of boats for safety and research purposes, as provided by the RMP.

These Bylaws are to be interpreted in accordance with these objectives.

4 Commencement

These Bylaws come into force on 6 December 2019.

5 Interpretation

- (1) In these Bylaws, unless the context otherwise requires:

<i>Act</i>	means the Reserves Act 1977.
<i>Council</i>	means the Kaipara District Council.
<i>drop-off zone</i>	means a designated drop-off zone, as shown on the Map in Schedule A.
<i>ecological values</i>	means those values that contribute to the natural ecology of the Lakes and surrounding the Reserve as described in the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016.
<i>environmental values</i>	means the environmental values highlighted within the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 and its supporting documentation.
<i>equipment</i>	includes but is not limited to any gear, tackle, apparatus that has the potential to pose a biosecurity risk.
<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 these Bylaws, sports practice or training is not an event.

<i>Harbour Master</i>	Means the Northland Regional Council Harbour Master.
<i>Lakes</i>	means Lake Taharoa, Lake Waikare and Lake Kai Iwi.
<i>Reserve Management Plan</i>	means the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016.
<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 section 33G of the Maritime Transport Act 1994.
<i>Navigational Safety Bylaw</i>	means the Northland Regional Council Kai Iwi Lakes Navigation Safety Bylaw 2017.
<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 Reserves Act 1977.
<i>power-driven vessel</i>	has the same meaning as in section 91.2 of Part 91 of the Maritime Rules - Navigational Safety Rules to mean any vessel propelled by machinery.
<i>Reserve</i>	means Taharoa Domain (a recreation reserve subject to the Reserves Act 1977) and includes: (i) any part of the Reserve; and (ii) any other land that becomes part of the reserve under the Act.
<i>shore</i>	for the purpose of these Bylaws 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. It includes any conditions which an Officer may set.
<i>vessel</i>	has the same meaning as in the Navigational Safety Bylaw to mean 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: (a) seaplane while on the surface of the water; (b) personal watercraft (jet ski); (c) raft; (d) paddle craft; or (e) any board used for board sports.

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

6 Relationship to other Council Bylaws

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

7 Use of power-driven vessels

A person must not operate a power-driven vessel on Lake Waikare or Lake Kai Iwi unless the power-driven vessel has been specifically authorised under bylaw 11 as a:

- a. safety vessel for an event; or
- b. vessel for scientific and research purposes; or
- c. vessel for management operations.

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 Northland Regional Council Harbour Master.

8 Use of boat ramps

- (1) A person who wants to launch a power-driven vessel or any other vessel that requires launching from a trailer must use the boat ramp designated on the Map in Schedule A to enter Lake Taharoa. A person must not launch a power-driven vessel on to Lake Taharoa at any other place.
- (2) A power-driven vessel that has been specifically authorised, in accordance with bylaws 7 and 11, may only enter Lake Waikare subject to the following conditions:
 - (a) it must use only the designated boat ramp at Lake Waikare (refer to Map A for boat ramp location); and
 - (b) a person launching or using that vessel must comply with any directions that an Officer gives.
- (3) No other power-driven vessels may enter Lake Waikare.
- (4) Anon-power-driven vessel may enter Lake Waikare at the designated boat ramp, or at any other place around the Lake, if it does not pose a biosecurity risk and if any vehicle or trailer that accompanies it is not driven on or across the shore (refer to Map A for boat ramp location).
- (5) A person must not move any vehicle on any boat ramp at a speed exceeding five kilometres per hour.
- (6) A person must not 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.
- (7) A person must not launch or use any boat trailer other than in accordance with the requirements of these Bylaws.
- (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 promotes the continual health of the Lakes. All owners or users of 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) A person must not drive a vehicle, other than an emergency vehicle, on or along the shore except at a designated boat ramp.

- (2) A person must not drive a vehicle anywhere in the Reserve other than on a formed road unless:
 - (a) it is within a parking area shown on the Map in Schedule A of these Bylaws; or
 - (b) directed by an Officer.
- (3) A person may park a vehicle on any parking area shown on the Map in Schedule A or within a dedicated parking area in either of the two camp grounds within the Reserve.
- (4) A person must use a drop-off zone to drop off a person or equipment or any other item.
- (5) A person must not park a vehicle or trailer for more than 10 minutes in a drop-off zone next to a designated boat ramp.

10 Powers of any Officer

- (1) An Officer may close a parking area boat ramp from time to time if that Officer considers it is necessary to protect the ecological values of the Lakes or for public safety and no person may use that closed boat ramp without the consent of an Officer.
- (2) An Officer may refuse the owner or master of a vessel, motor vehicle, trailer or equipment permission to have access to any of the Lakes if the owner or master refuses, upon request of an Officer, to undertake a biosecurity check for that vessel, motor vehicle, trailer or equipment.

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

(1) 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."

(2) 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) A person must obtain authorisation for a special event from both the Taharoa Domain Governance Committee and the Harbour Master in accordance with section 4.6 of the Navigational Safety Bylaw. The Harbour Master may set aside an area for an event in the interests of navigational safety.
- (2) A person must obtain specific authorisation from an Officer to use a power-driven vessel on Lake Waikare and Lake Kai Iwi and the person who gives the authorisation may only do so if the vessel is to be used either as:
 - (a) a safety-vessel for an event; or
 - (b) a vessel for a scientific and research purpose; or
 - (c) a vessel for management operations.
- (3) Any request for authorisation under this bylaw must be made in writing to Council at least 20 working days prior to either the proposed event or the proposed start of any scientific or management activities.

- (4) Any such authorisation may be subject to such terms and conditions as the Officer thinks fit.

12 Offence and penalty

Every person who does not comply with any requirement in or under these Bylaws commits an offence and is liable to the penalty set out in section 104 of the Reserves Act 1977.

These Bylaws were made by the Kaipara District Council at a meeting of Council held on 27 November 2019.

These Bylaws were approved by the Minister of Conservation on 5 December 2019 pursuant to section 108 of the Reserves Act 1977.

Schedule A

