

# Council Briefing

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## Notice of Briefing

Briefing to be held in the Council Chamber, Forum North, Whangarei on:

**Tuesday  
23 August 2016  
9.00am**

Her Worship the Mayor (Chairperson)  
Cr S J Bell  
Cr S J Bretherton  
Cr C B Christie  
Cr P A Cutforth  
Cr S J Deeming  
Cr S M Glen  
Cr P R Halse  
Cr C M Hermon  
Cr G C Innes  
Cr G M Martin  
Cr B L McLachlan  
Cr S L Morgan  
Cr J D T Williamson

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# 1 Proposed amendments to Vehicles on Beaches Bylaw - submission issues raised

**Reporting officer:** Shireen Munday (Policy & Bylaws Analyst)

**Date of meeting:** 23 August 2016

## 1 Purpose

To present to Council the key issues raised throughout the submissions process and provide staff comments for discussion, questions and clarification.

## 2 Discussion

Council received 33 submissions to the proposed amendments to the Vehicles on Beaches Bylaw. 10 submitters attended the hearings to speak to their submission on 16 August 2016.

On the submission form, submitters were asked to select responses for the questions shown below. Not all submitters responded to the questions asked.

### Question 1

<b>The proposed prohibition at Ruakaka Beach (north)</b>	<b>Total responses</b>
Yes - I / We support the new proposed vehicle prohibited area at Ruakaka North	27
No - I / We support the new proposed vehicle prohibited area at Ruakaka North	2

### Question 2

<b>The current prohibition at Ruakaka Beach (south)</b>	<b>Total responses</b>
Yes - I / We support the current vehicle prohibited area at Ruakaka Beach South	26
No - I / We support the current vehicle prohibited area at Ruakaka Beach South	3

Submitters made a total of 55 submission points. These have been summarised and grouped into eight topics, together with staff comments where appropriate.

### Topic 1 – general support for vehicle prohibitions

Summary of submission issue raised	Staff comment
Extend vehicle prohibition further north to support dog walkers.	The current year round dog exercise area starts at the northern end of Marsden Village. The proposed vehicle prohibition provides for approximately 500 metres of dog walking area where vehicles are prohibited.
Fishers can walk to fishing spots, no vehicle access required.	
Submitter requests vehicle prohibition on all Bream Bay beaches.	Most submitters who expressed a preference for a complete vehicle ban on Bream Bay beaches indicated that the current proposal is a 'step in the right direction'.
Support for the proposal due to archaeological sites in vicinity.	Submission from Heritage New Zealand.
Support for the proposal due to safety concerns for beach users.	
Support for the proposal to protect people and the environment.	

### Topic 2 – opposition to restrictions for vehicles on beaches

Summary of submission issue raised	Staff comment
Opposed to further restricting vehicle access to beaches as well as existing restrictions.	One submitter stated their support for the current prohibited area while opposing the proposed new area.  The other submitters expressed their general opposition to vehicle bans in the Bream Bay area.

### Topic 3 – vehicle prohibition in vicinity of Waipu Wildlife Refuge & north of Mair Road

Summary of submission issue raised	Staff comment
Prohibition at Waipu Wildlife Refuge to support the protection of wildlife requested.	<p>The primary purpose of the Bylaw and the proposed amendments is to protect public health and safety.</p> <p>The analysis and stakeholder engagement undertaken in reviewing the bylaw and developing the Statement of Proposal was focussed on determining issues relating to public health and safety and which areas may be suitable for a vehicle prohibition for these purposes.</p>
A vehicle ban northwards of Mair Road would support environmental concerns regarding shellfish gathering at Mair and Marsden Banks.	<p>No analysis relating to environmental concerns was completed.</p> <p>The harvesting of pipis from both Marsden and Mair Banks has been prohibited under the Fisheries Act 1996 since 2014. Fisheries Officers have the ability to take considerable enforcement actions under the legislation.</p> <p>The implementation of the proposed amended Bylaw includes reviewing and updating signage at all access points. Staff will work with the Ministry for Primary Industries to support clear and appropriate signage at the Rama Road access point and elsewhere as required.</p>
Request for prohibition from Mair Road access point northwards.	<p>This request relates to public safety concerns.</p>
Request for vehicle access between Rama Road and Mair Road only	<p>It is unclear from the submission why this restriction has been requested, but is considered likely to be for environmental concerns.</p>
Request for prohibition 1.1 kms northwards of Mair Road.	<p>Submission from Refining New Zealand, issue relates to the jetty and negative impacts on the dunes at high tide as well as stranded vehicles potentially becoming a navigational hazard.</p> <p>The dune area of concern identified by Refining New Zealand is an esplanade reserve under the control of Whangarei District Council. Vehicles are already prohibited on reserves under the Public Places Bylaw 2014.</p> <p>Updated signage can include this prohibition and staff can work with Refining NZ to establish appropriate signage to support the existing rules.</p>
Support for the submission from Patuharakeke Te Iwi Trust Board.	<p>Refining New Zealand expressed their support for the submission from Patuharakeke Te Iwi Trust Board.</p>

#### Topic 4 – vehicle prohibition in vicinity of Uretiti Campground

Summary of submission issue raised	Staff comment
Vehicle prohibition in front of Uretiti campground area requested to protect people.	This issue was raised with the Department of Conservation and other stakeholders during the pre-consultation phase of the proposed amendments to the Bylaw. While the Department acknowledges generally that ideally vehicles should be banned from all busy beach areas, it did not raise any specific concerns relating to the Uretiti campground.

#### Topic 5 – gate access at Ruakaka Surf Lifesaving Patrol building

Summary of submission issue raised	Staff comment
Locked gate (adjacent to Ruakaka Surf Lifesaving Club Inc) access concerns. Poor visibility and speed required raises serious safety concerns. Keys are not being issued in accordance with agreed approach.	<p>This issue is not an actual part of the existing or proposed Bylaw, but is an operational policy under the exemption clause of the Bylaw.</p> <p>Research into the concerns raised indicates that over the last six years keys have not been issued in accordance with the policy, resulting in a relatively large number of keys being issued that did not meet the policy criteria.</p> <p>Staff are reviewing the policy and the associated procedures for issuing keys. The existing lock will be changed and all current key holders will be advised and asked to re-apply for a key, which will be re-issued if the applicant meets the required criteria.</p> <p>This work is expected to significantly reduce the number individuals with keys and therefore vehicles accessing the beach at this location which is expected to largely remedy the concerns raised.</p>

#### Topic 6 – bylaw process/definitions

Summary of submission issue raised	Staff comment
Bylaw process/definition issue raised. Including the inclusion of 'road' in the definition of beaches	<p>Staff have obtained legal advice in the development of the proposed amendments to the Bylaw as well as the process required to amend the Bylaw.</p> <p>However there would be no technical impact on the bylaw by removing the word 'road' from the definition of a beach as the LTA definition as included in the proposed amendments clarifies that a beach is a road for the relevant purposes.</p> <p>Alternatively, staff consider that further explanatory notes can be added to the bylaw to clarify the issues raised by submitters. Explanatory notes do not form part of the Bylaw and can be amended or deleted at any time.</p>
Include off road motorbikes in prohibition.	The definition of 'vehicle' as included in the bylaw includes motorbikes.

### Topic 7 – signage and enforcement

Summary of submission issue raised	Staff comment
All illegal access points to beach need to be blocked.	This is an operational matter and does not form part of the Bylaw. The majority of reserves in the Bream Bay area are under the control of the Department of Conservation.  Staff will raise the issue with the Department of Conservation as well as Northland Regional Council to develop solutions to the issue raised.
Better/more enforcement actions required.	This is an operational matter that will be addressed through implementation activities as a result of any amendments to the Bylaw coming into force.
Concerns regarding vehicles driving in current prohibited area.	These are operational matters for both signage and enforcement activities. Staff are working with Department of Conservation staff in particular as well as other key identified stakeholders to support signage and information that provides clarity on the relevant rules present at Bream Bay beaches.
Confusion between vehicle, dog and horse rules on Bream Bay beaches.	
Vehicle prohibition signage improvements required to support the bylaw, particularly at the southern boundary of the current prohibited area.	

### Topic 8 – general issues

Summary of submission issue raised	Staff comment
More carparks and walkways to the beach needed.	This is an operational matter and does not form part of the bylaw. The majority of reserves in the Bream Bay area are under the control of the Department of Conservation. The relevant Council department(s) will be advised of the submission issue raised, as will the Department of Conservation.
Racecourse access - dune reconstruction required.	This is an operational matter and does not form part of the bylaw. The issue is being addressed as part of the access closure project and the project manager will be advised of the submission issue raised.
Racecourse access - needs to be appropriately blocked.	