



Western Bay of Plenty
District Council



RESERVES AND FACILITIES BYLAW 2018 REVIEW

The Decisions





Introduction

Thank you for taking an interest in the review of the Reserves and Facilities Bylaw.

This booklet contains the decisions of the review and explains why we made each decision.

From 14 May to 9 July 2018, we asked for your feedback on a proposal to no longer permit horses at Tuapiro Point and to include current provisions for the use of RPAS (Remotely Piloted Aircraft Systems) in the bylaw. We held three community drop in days at Waihi Beach, Katikati and Paengaroa and had a range of ways for you to give us your feedback.

We received 597 submissions on the proposed bylaw. These came from individuals, groups and organisations within our community. The majority of feedback we received opposed the proposal to no longer permit horses at Tuapiro Point. Several submissions touched on the use of drones and were generally in support of the current provisions.

Our job in the review was to make sure our final bylaw struck the right balance between meeting the recreational needs of our community and protecting areas of importance to our community.

We consider that the decisions made achieve this balance as horse riders will continue to have the use of Tuapiro Point while ensuring that areas of cultural significance and ecological sensitivity are protected. We will ensure the right signage and information is in place so that there is no confusion about the regulations and also work with local hapū to help educate the community on the cultural values of Tuapiro Point. We will continue with the current provisions for the use of RPAS on our reserves and beaches.

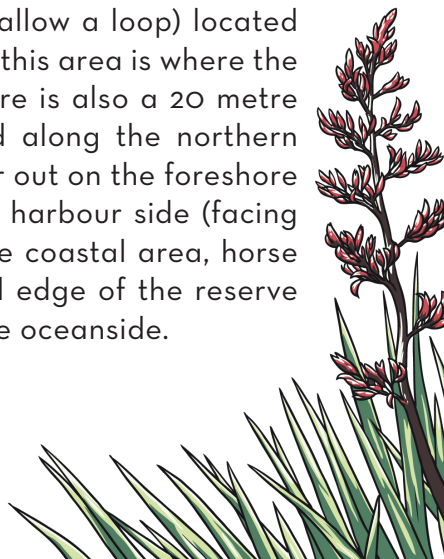
The new Reserves and Facilities Bylaw 2018 was adopted on 1 November 2018. The new rules come into effect on 9 November 2018. You can find information on this and a copy of the bylaw at www.westernbay.govt.nz.

Use of Horses at Tuapiro Point

We signalled our intent through the draft bylaw to no longer permit horses at Tuapiro Point due to the impact on kaimoana beds used as a customary food source for local hapū.

Of the 597 submissions received, 96% opposed the proposed change. Feedback included the value that horse riders place on Tuapiro Point, and concerns about the lack of evidence for this proposal and unclear signage. However, these views had to be balanced against the ecological and cultural significance of Tuapiro Point. During the submission period, the local hapū and the horse riding community made it clear they wanted to find a compromise that would acknowledge the cultural and environmental issues while retaining what is a popular horse riding area. Both parties worked together with us to look at options for how this could be achieved.

In response to your feedback, we agreed that horse riders will continue to have the use of Tuapiro Point but with some changes to where horses can be ridden, so that areas of cultural significance and ecological sensitivity are protected. Horse riders will be able to continue to use the majority of the area previously allowed but will no longer be permitted beyond the small island (except a 20 metre corridor to allow a loop) located on the estuary side of Tuapiro Point. Beyond this area is where the majority of kaimoana beds are located. There is also a 20 metre corridor around the edge of the point and along the northern foreshore, which restricts horse riding further out on the foreshore where there are also kaimoana beds on the harbour side (facing Bowentown). To help visualise this along the coastal area, horse riders are permitted between the vegetated edge of the reserve and the inner edge of sea/eel grass along the oceanside.



We will improve the information we provide to the community through:

- New signage to provide greater clarity on where horses are permitted to go, including identification of parking and access areas for horse floats/trucks.
- Development of a code of conduct to clearly outline expectations of use including removal of horse waste and keeping your horse under control.
- Working with the local hapū to provide information on the cultural values of Tuapiro Point so that the community understand why some areas are protected and where the kaimoana (shell fish) beds are located.

We will continue to monitor the use of Tuapiro Point and have committed to meeting with the local hapū, horse riding representatives and Bay of Plenty Regional Council staff to discuss the effectiveness of these improvements in six months time.





Broader review of horse riding areas

We received a number of submissions concerned with the decreasing number of safe horse riding areas available within the district due to increased traffic volume, urban growth, limitations of other permitted horse riding areas, and loss of access to privately owned farmland.

Submission comments referred to the significant investment in cycleways but little or no investment in the development of horse riding trails, and the more permissive approach that many other Councils take to allowing horses on their beaches.

In response to your feedback, we agreed that a separate piece of work needs to be done to identify additional opportunities for the provision of horse riding areas on Council owned land across the district. This review will include consideration of other Council approaches to horse riding areas and be undertaken in consultation with you and other interested parties. The horse riding area review will be referred to our work programme for 2019-2020. The review outcomes may result in further changes to the bylaw.

We also added a clause to the bylaw to make it clear that horses are permitted in a reserve or on a beach where there is dedicated signposted horse riding trails, for example TECT All Terrain Park.





Drones

We signalled our intent through the draft bylaw to include our current position on the use of RPAS on Council owned land. No changes were proposed to the current position which allows for this use to occur provided that it meets the requirements of the Civil Aviation Authority regulations and does not cause annoyance, hazard or inconvenience to other uses of the reserve.

Seven submissions on this issue primarily commented on the horses at Tuapiro Point with a small comment made on the use of drones. The majority of these submissions appeared to indicate support for the proposed change to include the RPAS provisions in the bylaw.

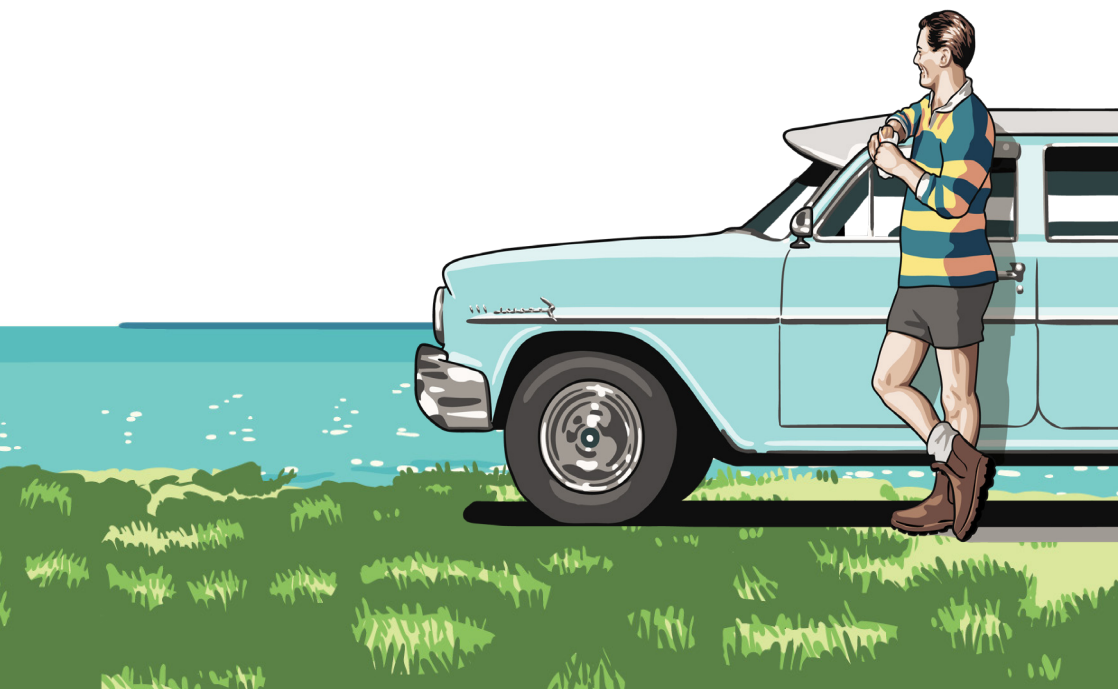
In response to your feedback, we agreed to continue to include the current direction on the use of RPAS in the bylaw, with no change to these provisions. This includes recognition that the Civil Aviation Authority is the enforcement agency for ensuring compliance with their regulations. Submissions supported this approach and it ensures compliance with the Civil Aviation Authority requirements and any potential changes to these. There is no knowledge of formal complaints regarding this use occurring on our reserves and beaches, therefore no need to change the current approach.



Vehicles on Beaches

There were no proposed changes to the current bylaw provisions regarding the use of vehicles on beaches.

A submission from the Bay of Plenty Regional Council (BOPRC) sought to clarify current provisions to ensure they support delivery of the Coast Care programme and to recognise Regional Coastal Environment Plan rules that also apply to the management of vehicles within the foreshore or seabed. We agreed that these areas of clarification are appropriate and have included them in the new Reserves and Facilities Bylaw 2018. Instead of only referring to the Coast Care programme, we have agreed that this should be broadened to 'approved environmental programmes' which captures the number of organised groups that undertake environmental improvement work on our beaches. Recognition of the Regional Coastal Environment Plan rules will be provided through an advice note in the bylaw.





Horse riding only permitted
in the yellow marked area

Permitted reserve parking area
for horse floats/trucks

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Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

Email: gis@westernbay.govt.nz Scale A4 - 1:10,000
Date: 18/10/2018
Operator: sxl
0 55 110 220 330 Meters



Tuapiro Point Permitted Horse Riding Area

