

Abel Tasman Foreshore Scenic Reserve Bylaws 2016

Pursuant to section 106(2) of the Reserves Act 1977, the Administration Committee for the Abel Tasman Foreshore Scenic Reserve makes the following bylaws.

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Bylaws

1 Title

These bylaws are the Abel Tasman Foreshore Scenic Reserve Bylaws 2016.

2 Commencement

These bylaws come into force on the day after the date on which they are approved by the Minister of Conservation.

3 Interpretation

(1) In these bylaws, unless the context otherwise requires,—

Act means the Reserves Act 1977

Administration Committee means a committee, comprising the Director Operations, Northern South Island, of the Department of Conservation, and the Chief Executive Officer of the Tasman District Council, appointed by the Minister of Conservation under section 9 of the Act to administer the reserve

authorised person means—

- (a) a person authorised by the Administration Committee to exercise duties in the reserve for the purposes of these bylaws; or
- (b) a ranger

Awaroa Vehicle Access Corridor means that area identified as the Vehicle Access Corridor on Map 2G in the Abel Tasman Foreshore Scenic Reserve Management Plan 2012

disability assist dog means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand;
- (b) Mobility Assistance Dogs Trust;
- (c) New Zealand Epilepsy Assist Dogs Trust;
- (d) Royal New Zealand Foundation of the Blind;
- (e) Top Dog Companion Trust;
- (f) an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996

Foreshore Adjacent to National Park means all those areas identified as Foreshore Adjacent to National Park on Map 7 in the Abel Tasman Foreshore Scenic Reserve Management Plan 2012

Foreshore Adjacent to Private Land means all those areas identified as Foreshore Adjacent to Private Land on Maps 7A, 7B and 7C in the Abel Tasman Foreshore Scenic Reserve Management Plan 2012, excluding the Awaroa Spit bird nesting/roosting area as identified on Map 8 in the Abel Tasman Foreshore Scenic Reserve Management Plan 2012

game bird means any bird listed in Schedule 1 of the Wildlife Act 1953

hovercraft means a machine designed to be supported in the atmosphere, wholly or partly by air expelled from the machine to form a cushion extending beneath the machine to the surface of any ground, water, or other portion of the earth's surface

litter has the same meaning as in the Litter Act 1979

park means to stop, stand or leave a vehicle in the reserve for a period exceeding 5 minutes

take, in relation to a vehicle, includes using, riding, pushing, or operating the vehicle

the reserve—

- (a) means the Abel Tasman Foreshore Scenic Reserve as classified and named in the *Gazette* (25 January 2007, page 167); and
- (b) includes any other land that becomes part of the reserve under the Reserves Act 1977; but
- (c) excludes any land that ceases to be part of the reserve under the Reserves Act 1977

under effective control means—

- (a) not causing a nuisance or danger to—
 - (i) people; or
 - (ii) any indigenous fauna; and
- (b) able to respond immediately and appropriately to controls including a leash, voice commands, hand signals or whistles.

vessel means a watercraft that is used in navigation; and includes a hovercraft, and a seaplane while it is on the surface of the water

Waimea Rural Fire Authority means the Fire Authority for the Waimea rural fire district in accordance with the Forest and Rural Fires Act 1977

- (2) In these bylaws, a term or expression defined in the Act and used, but not defined in these bylaws, has the same meaning as in the Act.

3A Reserve closure

- (1) The reserve on Tonga Island and Pinnacle Island is closed to the public.
- (2) A person must not enter the reserve on Tonga Island and Pinnacle Island.

4 Misbehaviour

- (1) A person must not—
 - (a) intentionally obstruct, disturb, or interfere with any other person's use or enjoyment of the reserve; or
 - (b) use foul, abusive, indecent, or obscene language; or
 - (c) be intoxicated, noisy, or riotous.
- (2) Any person who an authorised person believes is in breach of or has breached subclause (1) must leave the reserve if and when requested to do so by that authorised person.

5 Dangerous weapons

- (1) A person must not carry a dangerous weapon in the reserve.
- (1A) A person must not use a dangerous weapon in the reserve.
- (1B) Subclause (1) does not apply where the person carrying the dangerous weapon in the reserve is travelling to or from—
 - (a) private land adjacent to the reserve; or
 - (b) the Abel Tasman National Park and is authorised to hunt with that weapon pursuant to a hunting permit for the Park.
- (2) In this bylaw, "dangerous weapon" includes a bow and arrow, catapult, or shanghai.

6 Fires

- (1) In this bylaw, "fire" does not include—
 - (a) a flare used in an emergency involving danger to life or property; or
 - (b) a portable cooking appliance, with the exception of a charcoal barbecue or burner.
- (2) A person must not light a fire in the reserve.
- (3) Subclause (2) does not apply where—
 - (a) the fire is necessary for the management of the reserve or the Abel Tasman National Park; and
 - (b) the person has the written permission of the Administration Committee; and
 - (c) the person has the written permission of a Rural Fire Officer of the Waimea Rural Fire Authority; and
 - (d) the fire is not likely to present a fire hazard.
- (4) Once a fire is lit, the person who lit the fire must—
 - (a) be in possession of the written permission provided in accordance with subclauses (3)(b) and (c); and
 - (b) attend the fire until it is completely extinguished; or
 - (c) arrange for a responsible person to attend the fire until it is completely extinguished.
- (5) A person who attends a fire under subclause (4)(c) must—

- (a) be in possession of the written permission provided in accordance with subclauses (3)(b) and (c); and
- (b) attend the fire until—
 - (i) it is completely extinguished; or
 - (ii) replaced by another person who attends the fire under subclause (4)(c).
- (6) A person must not drop, throw, or otherwise place in any combustible material a match, lighted cigarette, or other lighted material, except for the purpose of lighting a fire as permitted by these bylaws.

7 Pollution

A person must not wilfully or carelessly spill or discharge, or cause to be spilled or discharged, any human waste, petrol, oil or similar substance in the reserve.

8 Litter

A person must not—

- (a) leave, in any part of the reserve—
 - (i) any litter introduced into the reserve by the person; or
 - (ii) any litter introduced into the reserve and in that person's possession; or
- (b) bury any litter in the reserve.

9 Dogs

- (1) A person must not bring a dog into the reserve.
- (1A) Subclause (1) does not apply where the dog is taken into the reserve for the official duties of—
 - (a) a Police employee; or
 - (b) an authorised person; or
 - (c) an officer or employee of the Department; or
 - (d) a Customs Officer; or
 - (e) a search and rescue person.
- (1B) Subclause (1) does not apply where the dog is taken into the reserve and is—
 - (a) a disability assist dog; and
 - (b) under effective control; and
 - (c) wearing a disability assist dog identification tag.
- (1C) Subclause (1) does not apply where the dog is—
 - (a) a hunting dog; and
 - (b) taken into the reserve pursuant to a hunting permit and a dog permit for the Abel Tasman National Park; and
 - (c) on a leash.
- (2) Subclause (1) does not apply where the dog is taken into the reserve—
 - (a) within the Awaroa Vehicle Access Corridor and the dog is on a leash;
 - (b) within the Foreshore Adjacent to Private Land and the dog is under effective control; or
 - (c) at Stilwell Bay, where an authorisation has been granted to the owner (as at 8 June 2011) of the bach on unformed legal road at Stilwell Bay to take a dog or dogs onto the reserve at Stilwell Bay, and the dog is under effective control.
- (3) An authorised person may seize and detain a dog that is—
 - (a) within the Foreshore Adjacent to National Park; or
 - (b) not on a leash within the Awaroa Vehicle Access Corridor; or
 - (c) not under effective control within the Foreshore Adjacent to Private Land or at Stilwell Bay.

- (4) A dog seized and detained under subclause (3) must be returned to its owner if—
 - (a) the authorised person knows or can reasonably ascertain who the owner is; and
 - (b) the owner agrees to remove the dog from the Foreshore Adjacent to National Park; or
 - (c) the owner agrees to keep the dog on a leash while the dog remains within the Awaroa Vehicle Access Corridor or the Foreshore Adjacent to Private Land, or at Stilwell Bay.
- (4A) Where the authorised person does not know or cannot reasonably ascertain who is the owner of a dog seized and detained under subclause (3), or the owner of a dog seized and detained under subclause (3) fails to—
 - (a) remove the dog from the Foreshore Adjacent to National Park; or
 - (b) keep the dog on a leash whilst within the Awaroa Vehicle Access Corridor or the Foreshore Adjacent to Private Land, or at Stilwell Bay,the dog must be committed to the local pound of the—
 - (c) Tasman District Council; or
 - (d) Royal New Zealand Society for the Prevention of Cruelty to Animals.
- (5) In this bylaw, “Royal New Zealand Society for the Prevention of Cruelty to Animals” includes a society that is a member of that Society.

10 Sports and games

- (1) A person, or a group of persons, must not play sports or games in the reserve if such sports or games are causing or are likely to cause a nuisance, disturbance, danger or damage to any—
 - (a) other person; or
 - (b) indigenous flora; or
 - (c) indigenous fauna; or
 - (d) natural landforms.
- (2) Any person who an authorised person believes is in breach of or has breached subclause (1) must stop playing sports or games if and when requested to do so by that authorised person.

11 Vehicles

- (1) A person must not take, ride, or drive a vehicle into or in the reserve.
- (2) Subclause (1) does not apply where the person takes, rides, or drives the vehicle—
 - (a) within the Awaroa Vehicle Access Corridor; or
 - (b) on the two boat ramps at Totaranui; or
 - (c) within the Foreshore Adjacent to Private Land.
- (3) A person taking, riding, or driving a vehicle in the reserve must do so in a manner that does not cause or is likely to cause a nuisance, disturbance, danger or damage to any—
 - (a) other person; or
 - (b) indigenous flora; or
 - (c) indigenous fauna; or
 - (d) natural landforms.
- (4) A person taking, riding, or driving a vehicle in the reserve must not obstruct others from using the boat ramps at Totaranui.
- (5) Any person who an authorised person believes is in breach of or has breached subclauses (3) or (4) must remove the vehicle from the reserve if and when requested to do so by that authorised person.

12 Parking

A person must not park a vehicle in the reserve so as to obstruct an entrance to—

- (a) a path or track in the Abel Tasman National Park; or
- (b) private property, without the owner or occupier's permission.

13 Noise

- (1) A person must not produce or cause any excessive noise.
- (2) Any person who an authorised person believes is in breach of subclause (1) must stop making the excessive noise if and when requested to do so by that authorised person.
- (3) In this bylaw, "excessive noise" means any noise that unreasonably disturbs or annoys, or is likely to unreasonably disturb or annoy, any other person or indigenous fauna in the reserve, and includes sound or noise produced or caused by any—
 - (a) portable generator; or
 - (b) instrument (whether musical or not); or
 - (c) public address system; or
 - (d) amplified sound system.

14 Camping

- (1) A person must not camp in the reserve except in a vessel.
- (2) A person must not camp in the reserve in a vessel that does not have a self-contained on-board toilet except where the vessel is no further than 500 metres from an on-shore public toilet.

15 Vessels

- (1) A person must not take a vessel into, or use a vessel in, the reserve in a manner that is likely to cause a nuisance, disturbance, danger or damage to any—
 - (a) other person; or
 - (b) indigenous flora; or
 - (c) indigenous fauna; or
 - (d) natural landforms.
- (2) A person must not leave a vessel in the reserve so as to obstruct an entrance to—
 - (a) a path or track in the Abel Tasman National Park; or
 - (b) private property, without the owner or occupier's permission; or
 - (c) a boat ramp at Totaranui.
- (3) Any person who an authorised person believes is in breach of or has breached subclause (1) or (2) must remove the vessel from the reserve if and when requested to do so by that authorised person.
- (4) The owner or operator of a vessel must not allow the vessel to remain anchored in the reserve for a total period of more than four weeks during the period commencing on the 1st day of November in any year and ending with the 31st day of March in the following year.

15A Hunting

A person must not hunt game birds in the reserve.

16 Exceptions

- (1) Clauses 11(1), 12, 15(1) and 15(2) do not apply in an emergency involving danger to life or property.
- (2) Clauses 3A(2), 5(1), 13(1), 15(1), 15(2) and 15(4) do not apply where a person has the prior written permission of the Administration Committee.

17 Offences

A person commits an offence against these bylaws if the person contravenes or fails to comply in any respect with any of the provisions of these bylaws, and is liable to the penalty specified in section 104 of the Act.