

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 23

PROHIBITION OF SET NETTING – ARKLES BAY

EXPLANATION

The Council is authorised under section 145 of the Local Government Act 2002, to make bylaws for all or parts of its District to protect the public from nuisance, protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places.

This chapter of the bylaw prohibits set netting activity at Arkles Bay on the Whangaparaoa Peninsula because the Council considers this activity to be a nuisance, a threat to public health and safety and creates the potential for offensive behaviour.

The bylaw applies to the whole of Arkles Bay beach from the top of the beach being the demarcation line between the end of the sand and beginning of the grass berm, down to the level of Mean Low Water Springs Tide (the outer limit of the Council's jurisdiction).

1.0 BYLAW ADMINISTRATION

1.1 See Chapter 1 - Bylaw Administration for general fee provisions, interpretations, licences, offences, and dispensations.

This bylaw shall come into force on 1 March 2007 and will be reviewed not later than 5 years from that date.

Nothing in this bylaw shall derogate from the requirements of the District Plan.

2.0 INTERPRETATION

SET NETTING	Means the placement, operation and removal of fishing nets at sea, fixed in position by anchors and suspended by floats for the purposes of catching fish.
DEFINED AREA	Means the area at Arkles Bay from the demarcation line between the sand and grass at mean high water mark, from the south western end of Arkles Bay to the north eastern end, as marked by sign posts, seaward to the line of Mean Low Water Springs Tide as described in the Local Government Boundary Alteration Notice 1997 dated 1 May 1997, NZ Gazette Notice No 45, page 1062.

3.0 PROHIBITED ACTIVITY

3.1 No person shall carry out “set netting” in the “defined area” at any time.

3.2 The prohibition in Clause 3.1 shall apply whether or not the activity at the time, presents a nuisance, a threat to public health and safety or is associated with offensive behaviour.

3.3 A person carrying out “set netting” in the “defined area” shall cease such activity immediately upon being instructed to do so by an authorised officer.

4.0 OFFENCES AND PENALTIES

4.1 Any person carrying out “set netting” in the “defined” area shall be committing an offence against this bylaw.

4.2 In the event of any breach of this bylaw, the Council or an authorised officer may act under Sections 162, 163, 164, 175, 176, 178, 239 and 242 and Subpart 3, Infringement offences, of the Local Government Act 2002, and may, with or without the assistance of the police, take such action as is deemed necessary to stop the activity.

4.3 In addition to the powers under Chapter 1 to act upon any breach of this bylaw, the Council may institute legal proceedings to recover loss or damage to public property as a consequence of any such breach.

4.4 Where it is suspected that any person has committed an offence against this bylaw, that person shall, on the direction of an authorised officer provide his/her full name, and address.

5.0 OTHER REQUIREMENTS

5.1 In addition to requirements of this Chapter of the Bylaw, activities in public places may be subject to further requirements as set out in:

- (a) Chapter 1 - Bylaw Administration
- (b) Chapter 5 - Trading in Public Places
- (c) Chapter 6 - Stock on Roads
- (d) Chapter 8 - Public Places
- (e) Chapter 9 - Road and Traffic Control and Numbering of Premises
- (f) Chapter 12 - Use of Public Wharves and Boat Ramps
- (g) Chapter 16 - Liquor Ban.
- (h) Chapter 18 - Road Speed Limits.
- (i) The Auckland Regional Council Navigation and Safety Bylaws 2001

SCHEDULE 1

DEFINED AREA – ARKLES BAY

The area at Arkles Bay from the demarcation line between the sand and grass at mean high water mark, from the south western end of the Bay to the north eastern end, as marked by sign posts, seaward to the line of Mean Low Water Springs Tide as described in the Local Government Boundary Alteration Notice 1997 dated 1 May 1997, NZ Gazette Notice No 45, page 1062



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Mean Low Water Springs Tide defined March 2007