

HOROWHENUA LAKE DOMAIN BOARD

DOMAIN BYLAW 2015

Pursuant to the Reserves Act 1977, the Horowhenua Lake Domain Board hereby makes the following bylaw for the control and administration of the said reserve.

Interpretation

1. In this Bylaw - "BOARD" means the Horowhenua Lake Domain Board appointed under the Reserves Act 1977 and the Reserves & Other Lands Disposal Act 1956.

"LAKE WATERS" means that area of water known as Lake Horowhenua and includes the surface waters of Lake Horowhenua;

"OFFICER OF THE BOARD" means any officer or servant of the Board, whether paid or unpaid, that has been authorised by the Board to exercise powers under the Reserves Act 1977; and

"RESERVE" means the Muaupoko Park Reserve area comprising:

- (a) The land described in the schedule hereto;
- (b) All other lands that may hereafter become a public reserve under the Reserves Act 1977 and under the control of the Board.

Reserve Open to the Public

2. Subject to the provisions of this Bylaw, the Reserve shall be open to the public at all times, except during such closure as the Board determines that the reserve shall be closed to the public.
3. No person shall enter the Reserve or remain there during the hours when the Reserve is closed to the public, except with the express permission of an Officer of the Board.
4. THE Board may, on the recommendation of MidCentral Health Board or Horizons Regional Council when it advises the Board of a health-risk recommendation on behalf of the MidCentral Health board, restrict or close public access and/or use of the lake waters while a danger to health exists."
In such circumstances, the Board will erect signage advising the public of any such closure or restriction(s).
5. No person shall use the Lake Waters or enter or remain there during any period that the Lake Waters are closed to the public or contrary to any restriction imposed.

Gates

6. No person, except with the express permission of an Officer of the Board shall leave any gate in a different position from that in which he or she finds it: gates found open shall be left open; gates found closed shall be left closed.

Misbehaviour

7. (1) Within the said Reserve no person shall wilfully obstruct, disturb or interfere with any other person in the use of, or enjoyment of the said Reserve or use foul, abusive, indecent or obscene language, or be intoxicated, noisy or riotous, or any way misbehaved.
- (2) Where any person commits an offence against the foregoing Bylaw he or she shall commit a further offence if he or she does not leave the said Reserve when so requested by an Officer of the Board; and
- (3) Licensed occupiers are not to be disturbed in the enjoyment of their licensed areas.

Dangerous Weapons

8. Except with the prior written permission of the Board, no person shall within the Reserve carry or use any weapon or instrument of a dangerous character (including, but without limiting the generality of the foregoing provisions, any bow and arrow, catapults or shanghais).
9. No firearm is to be brought into the Reserve area unless under special permit of the Board for which prior written approval has been granted.

Tents, Booths and Other Structures

10. No person shall put up or erect any stall, booth, tent, swing or structure of any kind within the Reserve, except with the prior written permission of the Board and then only at such place, for such time or term, of such dimensions, and subject to such conditions as specified in the permit.
11. In addition to approval from the Board under the Foregoing Bylaw, approval from the Horowhenua Lake Trustees may be necessary if the activity is to be carried out on land under the lawful ownership of the Horowhenua Lake Trustee.

Selling Food and Drink

12. No person shall within the Reserve sell or offer, or expose for sale, or have in their possession for the purposes of sale any article of food or merchandise or any drink (whether intoxicating or otherwise), or carry out any trade, precept or calling, except with the prior permission in writing of the Board and then only in compliance with every condition specified in the permit; provided that no such permit shall be deemed to authorise the sale or offering, or exposing for sale, or the having in possession for the purpose of sale of any intoxicating liquor in contravention of any provision of the Sale and Supply of Alcohol Act 2012.

Fires

13. (1) No person shall light any fire, except at any picnic places in fire places as provided by the Board, without the expressed permission of the Board or any Officer of the Board.
- (2) No person shall light a fire in any position where it is likely to present a fire hazard.

- (3) Once a fire is lit, the person lighting the fire, or such other person as detailed by him or her, shall remain in attendance of the fire until it is completely extinguished. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- (4) Nothing in this Bylaw shall exempt an offender from liability under any other Act, with respect to lighting of fires.

Litter

- 14. No person shall deposit or throw on any part of the said Reserve, any litter, rubbish or any substance or article of a dangerous or offensive nature or likely to be a dangerous or offensive nature except in a place or receptacle approved or provided by the Board or an Officer of the Board for the purpose.

Dogs

- 15. (1) No person shall bring any dog into the Reserve, or allow any dog in their custody or charge or under his or her control to be within the Reserve, unless authorised by the Board or an Officer of the Board.
- (2) Any person authorised by the Board, (either generally or in any particular case) may seize and detain any dog found within the Reserve not secured as the aforesaid. If the owner of the dog is not known to the Board and cannot reasonably be ascertained, it shall be committed to the local Pound or to the Society for the Prevention of Cruelty to Animals; and
- (3) For the avoidance of doubt, during such times as the Horowhenua Obedience Training Club Incorporated holds a valid lease and licence (or other authorisation) for the occupation and use of any part of the Reserve, the members of the Horowhenua Obedience Dog Training Club Incorporated and their lawful invitees are authorised to bring dogs onto the Reserve pursuant to the terms of that valid lease and licence (or other authorisation).
- (4) Working Dogs as defined in the Dog Control Act 1996, carrying out their statutory legislative functions, and certified Disability Assist Dogs are exempt from this Bylaw.

Water

- 16. (1) No person shall within the Reserve permit or cause wastage of water or permit any tap water to flow for a longer period than is reasonably required to obtain water for drinking or cooking or other lawfully purposes within the Reserve; and
- (2) No person shall in any manner pollute or otherwise render unfit for use for any purpose (whether for human consumption or not) any water supply within the Reserve.

Birds and Marine Life

17. (1) No person shall undertake any activity on or at the Reserve that would be detrimental to the flora and fauna of the area.
- (2) No person shall within the limits of the Reserve shoot, snare, trap, destroy or interfere with any bird, animal or fish, or destroy the nests or eggs of any birds, except with the written permission of the Board. In the case of any bird or animal covered by the Wildlife Act 1953, no such permission shall be granted unless and until the provisions of that Act have been fully complied with; and
- (3) As a means of controlling birdlife within the reserve the Board may authorise controlled culling to be carried out from time to time to reduce the number of domestic species currently present in the Reserve.

Assemblage of Persons

18. (1) No person shall attend or take part in any organised meeting or assemblage of persons or sport or games or any other purposes whatsoever or any organised picnic within the Reserve, unless the holding of the meeting or assemblage or picnic within the Reserve has been permitted in writing by the Board; and
- (2) For the purposes of this Bylaw, an organised meeting or assemblage or picnic is one that is attended by the employees or members of any government department, trade union, club, company, firm, incorporated body, religious organisation or any other body or person, or any group of several of such organisations.

Damage to Property

19. No person shall remove, disturb, destroy, break, paint or carve or write names or letters or words or figures or devices on, or deface any building, object of art, natural object, erection, tool, instrument, seat, gate, bridge, fence, or tree within the Reserve.

Wandering Stock

20. No person shall allow any bull, stallion, boar, horse, cow, sheep or any other animal or poultry in his charge to wander or graze within the limits of the Reserve and any animal or poultry so wandering or grazing, may be impounded and dealt with by any person authorised by the Board, or any Officer of the Board, either generally or in any particular case.

Musical Instruments

21. No person shall, if forbidden to do so by any person authorised by the Board, (either generally or in any particular case) use or play any instrument, (musical or otherwise) any type of a public address system or any type of amplified sound system within the Reserve, or cause in any way any noise or sound that disturbs or annoys, or is likely to disturb or annoy other occupants or users of the Reserve.

Parking

22. (1) No person shall park any vehicle (not being a bicycle) within the Reserve except in a place set aside by the Board for the parking of vehicles unless otherwise authorised by the Board.
- (2) No person shall stop or stand any vehicle in the Reserve in such a place or is likely to cause an obstruction to any entrance, thoroughfare (path or walkway) within the Reserve; and
- (3) In this Bylaw the term "PARK" in relation to any vehicle means to stand the vehicle in the Reserve for a period exceeding five minutes.

Vehicle and Other Traffic

23. (1) No person shall drive or ride any animal or any vehicle (whether propelled by mechanical power or not) within the Reserve in the manner in which and regard to the circumstances of the case, is or may be dangerous to the public or any person.
- (2) No person shall take, ride or drive any animal or any vehicle (whether propelled by mechanical power or not) onto or in the Reserve except upon such parts as are laid off vehicular traffic, unless otherwise authorised by the Board in writing.
- (3) No motorised craft shall be permitted on the Lake Waters unless authorised by the Board. Except for rescue purposes no consent shall be given by the Board in respect of a boat driven by a motor engine which the Board determines can reasonably be described as a speed boat unless the Board has first obtained on each occasion the prior written approval of the Horowhenua Lake Trustees; and
- (4) Every vehicle (whether propelled by mechanical power or not) shall not exceed 20kph on parts of the Reserve laid off for vehicular traffic.

Camping

24. (1) No person shall camp in the Reserve unless prior written approval has been granted by the Board, and
- (2) Camping shall only take place in an area as set aside by the Board for this purpose.

Use of Water Restrictions

25. (1) No person shall take any boat or other craft (whether propelled by mechanical power or not) into any areas closed by the Board to boating or similar.
- (2) Prior to any boat or other craft being taken onto the Lake Waters, the person responsible for taking that boat or other craft onto the Reserve shall ensure that it does not harbour any weed species, substance or material (other than fuel and oil) that if accidentally dropped into the lake waters could be harmful or detrimental to wildlife and/or fisheries on or within the Lake Waters.

- (3) All boats or other craft brought onto the Reserve must have been washed down prior to entering the Reserve and prior to entering the Lake waters, preferably at the wash down facility provided at Queen Street West. For the avoidance of doubt, boats and other craft permitted to be stored at the Reserve must have been washed down prior to entering the Reserve but do not require to be washed down again while they are stored at the Reserve; and
- (4) No person shall allow detergents, soaps, cleaners or other solutions to enter the Lake Waters.

General

- 26 Nothing in this Bylaw shall be deemed to limit or prevent the taking of proceedings under any Act in respect of an offence committed within the said Reserve.

Penalty

- 27. Every person who commits a breach of this Bylaw commits an offence and is liable according to the penalty described in Section 104 of the Reserves Act 1977.

Schedule

All the land comprised and described now as Section 37 Block I, Waiopēhu Survey District (was part Horowhenua 11B 39 and Horowhenua 11B 38), shown on CSD plan SO 444350. Area: 5,6580 hectares as contained in cancelled Certificate of Title Volume 165 Folio 241 Wellington Registry (SO Plan 15589).

Also the surface waters of Lake Horowhenua and the land between north western boundary of the said Subdivision 38, Horowhenua 11B and the surface waters of the said Lake subject to the certain rights as set out in Section 18 of the Reserves & Other Lands Disposal Act 1956.

Nothing in this Bylaw shall affect the Māori title to the bed of the Lake or adjoining Māori owned land. Further, nothing in this Bylaw shall derogate from the rights reserved to the Māori owners under Section 18 of the Reserves and Other Lands Disposal Act 1956.

The above lands were classified as a reserve for recreation purposes, subject to the provisions of the Reserves Act 1977, by New Zealand *Gazette* 9 July 1981, page 1920 (GN 442830.1)

Notes:

The former Domain Bylaw 1996 was passed and adopted by resolution of the Horowhenua Lake Domain Board at a meeting held at 22nd day of September 1997.

The 1996 Bylaw was amended following a public consultation process in 2002 and was adopted by the Horowhenua Domain Board by way of resolution made at a meeting on 21 October 2002.

A newly constituted Horowhenua Lake Domain Board in 2011 set up a working party in November 2011 to review the 2002 amendments; the working party subsequently recommended the Board approve the amendments without change. However public consultation was undertaken following the working party review, with 10 submissions received. These submissions were taken into account in the final draft of the Bylaw.

The Horowhenua Lake Domain Board by resolution on 03 August 2015 approved the above Domain Bylaw 2015.

Prior to adoption by the Board, a notice stating the object or purport of the proposed Bylaw was published in a newspaper circulating in the district of the reserve two (2) weeks preceding a Board meeting at which the Bylaw was made.

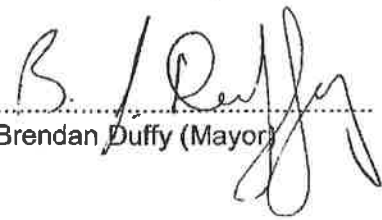
Following the resolution by the Board to adopt the Bylaw, it was submitted to the Minister for approval.

SIGNED for and on behalf of the Horowhenua Lake Domain Board this 27th day of August 2015



Chris Lester

Chairperson



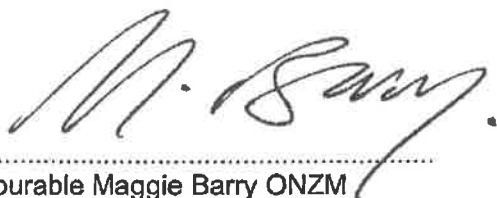
Brendan Duffy (Mayor)

Horowhenua Lake Domain Board Member

Approval of Bylaw by the Minister of Conservation

Pursuant to Section 108 of the Reserves Act 1977, this Bylaw for the Horowhenua Lake Domain Board Reserve, to be known as the Domain Bylaw ~~2014~~^{2015 MS}, is approved.

DATED at Wellington this 21 day of 10 2015



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Honourable Maggie Barry ONZM
Minister of Conservation