



Department of Conservation
Te Papa Atawhai

Our ref : LCO-01-99-01-01

20 January 2012

Mr David Kaye
128 Marsden Bay Drive
RUAKAKA

Dear Mr Kaye

OFFICIAL INFORMATION REQUEST

I refer to your official information requests[2], both via Email, of 10 December 2011 requesting

1. Copies of all email and written correspondence between the Northland DOC and the Northland Regional Council and staff that mention, include or preclude to the any of the following words or topics :

Kite
Kitesurfing
Kiteboarding
Kite boarding
Board riding
Ruakaka River Mouth
Ruakaka Estuary
Waipu River Mouth
Waipu Estuary

The date range is the last two years – 10 December 2009 to 10 December 2011.

2. Copies of all the submissions and raw data collected from the Ruakaka Wildlife Refuge consultation which closed on 30 September 2011.

Please find enclosed the information which you requested.

Yours sincerely

Sue Reed-Thomas
AREA MANAGER WHANGAREI



Ruakaka Wildlife Refuge Management Proposal

Background

The Ruakaka Wildlife Refuge was established over 50 years ago and today is still a significant bird roosting, foraging and nesting site. Unfortunately with the rapidly growing population and use of the Bream Bay area for a variety of recreational activities, there has been increasing levels of disturbance to the wildlife, highlighted by concerns raised about kiteboarding within the refuge.

Over the past two years the Department has made observations and collected data to determine the types and level of disturbance of all users and the results of this information is the basis of the proposed management approach.

What are our management objectives?

1. to minimise adverse pressures on the shorebirds using the wildlife refuge
2. enhance the native flora and fauna
3. gain support and engagement of the community and visitors
4. promote the features of the Ruakaka Wildlife Refuge as a local and tourism asset

How are we proposing to minimise disturbance and impacts to the birds in the Refuge?

The Whangarei Area will be taking a holistic management approach which will incorporate all of the following actions:

1. extend the Ruakaka Wildlife Refuge boundary to cover the northern extent to at least 100m north of the current fore dunes (to cover the whole of the estuary mouth)
2. introduce a proclamation restricting kiteboarding and similar sports within the wildlife refuge
3. develop a walking route from the campground to the ocean
4. install temporary fencing around roosting sites at key times
5. implement an education/public awareness campaign.

Involving the Community

The Department acknowledges that successful ongoing management of this refuge is reliant on the community understanding and appreciating its values. So rather than going ahead and imposing this proposal onto the community, has decided to find out what the community thinks and recommends.

The Department will be consulting with the community on the management proposal over the summer period.

Lynnie Gibson

From: Lynnie Gibson
Sent: Wednesday, 24 August 2011 5:56 p.m.
To: Andrew Riddell; Barry Ashbridge
Subject: FW: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

Andrew, Barry
are either of you able to assist Jacquie here?

Lynnie

From: Jacquie Reed [mailto:JacquieR@nrc.govt.nz]
Sent: Thursday, 18 August 2011 11:24 a.m.
To: Lynnie Gibson
Cc: Sue Hicks; Jim Lyle
Subject: RE: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

Lynnie
Is it possible for you to provide me with a definition of an estuary so that we can include it in NRC's review of the Maritime Safety Act 1992. The idea is that we exclude kite boarders from operating in estuaries e.g. Ruakaka estuary. The definition must have a good reference that can be used reliably in any challenge. Is there a definition of estuary in the current Wildlife Refuge Act?

Can you email me and Jim as soon as possible please.
Thanks
Jacquie

From: Lynnie Gibson [mailto:lgibson@doc.govt.nz]
Sent: Tuesday, 18 January 2011 11:16 a.m.
To: Jacquie Reed
Subject: RE: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

Jacquie

Sorry for the delay in getting back to you. Am snowed under with a few large projects.

Am following up with seeing whether we can put NRC rules on our DOC signs and will advise ASAP.

So, have requested the hurry up for map and GPS points for the Ruakaka Wildlife Refuge. Hopefully will be able to send them to you today.

Will keep in touch.

Regards

Lynnie Gibson
Community Relations Programme Manager
Whakahaere Hapori Hōnonga
Whangarei Area Office
Department of Conservation | Te Papa Atawhai

Kaka Street, Whangarei 0110 | PO Box 147, Whangarei 0140
Phone: 09 470 3304 | Fax: 09 470 3361 | DDI: 09 470-3367 | VPN: 7267
Website: www.doc.govt.nz

From: Jacquie Reed [mailto:JacquieR@nrc.govt.nz]

1/12/2011

Lynnie Gibson

From: Barry Ashbridge
Sent: Friday, 4 November 2011 4:15 p.m.
To: JacquieR@nrc.govt.nz; Lynnie Gibson
Cc: Terry Conaghan
Subject: Kite Surfers - Maritime Safety Bylaws - Ruakaka Estuary

Hi Jacquie / Lynnie

You were wanting a definition of "Estuary"; to define such areas as the Ruakaka estuary.

In the absence of a generic definition; Terry Conaghan has provided the following graphic description to define the Ruakaka estuary:

All of those portions of Ruakaka River and estuary below mean high water mark extending from the bridge on Marsden Point Road and the causeway on Ruakaka Beach Road to mean low water mark on Bream Bay. More particularly bounded by a line commencing at the intersection of the true left bank of the Ruakaka river and the easternmost side of the bridge on Marsden Point Road; then following mean high water mark generally southerly along the mean high water mark of the Ruakaka River and estuary until it first meets the high water mark at Bream Bay; then by a right line to the mean low water mark on Bream Bay; then generally southerly along the low water mark until it meets a point adjacent to the meeting point of high water mark on Bream Bay and high water mark on the south side of the Ruakaka estuary; then by a right line to that point; then generally westerly along mean high water mark on the southern side of the Ruakaka estuary to and along the northern side of the causeway of Ruakaka Beach road then generally northerly along the westernmost side of Ruakaka estuary and river to the intersection of the true right bank of the Ruakaka river and the easternmost side of the bridge on Marsden Point Road; then along a right line to the point of commencement."

Regards
Barry

Barry Ashbridge
Statutory Land Management
Department of Conservation, Whangarei
Conservancy Office (09) 470-3300
DL (09) 470-3318 [VPN 7218]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Lynnie Gibson

From: Jim Lyle [jiml@nrc.govt.nz]
Sent: Tuesday, 8 March 2011 9:01 a.m.
To: Lynnie Gibson
Subject: RE: Navigation Safety Bylaw 2007

Hi Lynnie,
for various reasons this has now been put off until next year. There were concerns it would get lost amongst the long term plan consultation so it will now be done separately. This may be beneficial in that it would have been quite pressured if we did it now.

Thanks
Jim

Jim Lyle
Regional Harbourmaster
Tel 09 402 7516

From: Lynnie Gibson [mailto:lgibson@doc.govt.nz]
Sent: Friday, 4 March 2011 18:04
To: Jim Lyle
Subject: Navigation Safety Bylaw 2007

Hi Jim

Just wondering when the Navigation Safety Bylaw was coming up for review?

Regards

Lynnie Gibson
Programme Manager Community Relations
Teiwhakahaere Hapori Hononga
Whangarei Area Office
PO Box 147 / 8A Kaka Street
Whangarei
Phone: 09 470-3304
09 470-3367 (direct)

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Lynnie Gibson

From: Jacquie Reed [JacquieR@nrc.govt.nz]
Sent: Friday, 18 February 2011 11:42 a.m.
To: Lynnie Gibson
Subject: RE: Ruakaka Estuary

i Lynnie
Thanks for that. Katrina Hansen is going to be NRC's observer to confirm any disturbance to the birds when DOC are not scheduled to be at Ruakaka. If Katrina confirms any incidents then she will pass on the name and address of the person(s) to me and I will undertake follow up.
I hope that helps us keep the birds from being disturbed.

I hope the lawyer can make it work for you.
Regards
Jacquie

From: Lynnie Gibson [mailto:lgibson@doc.govt.nz]
Sent: Thursday, 17 February 2011 3:46 p.m.
To: Jacquie Reed
Subject: FW: Ruakaka Estuary

i Jacquie

Here's an update.

DOC staff on site at Ruakaka Estuary

Attached is the schedule of the dates we will be at the estuary.

Unfortunately these are the only times we can commit to, due to limited staff availability. These times are the most important because they are the peak high tide times when other roosting sites in the harbour are flooded, making it crucial that the Ruakaka estuary is available for them to roost. We will be onsite on Friday and this weekend.

All staff have been made aware that if they are working in the area and there is a good NE blowing and full tide, to please go down.

<DOCDM-663237 AJL - Summer 2010 - 2011 Kiteboarder Schedule(1).doc>>

Progressing proclamation

I am waiting to hear back from our Lawyer as to whether we could have a proclamation banning 'high impact activities' - rather than being specific in banning 'kiteboarding' and running into the problem of 'kiteboarding not being a boat or vessel'.

Consultation

We have completed our draft factsheet and questionnaire, but are now waiting on the Lawyer's response as per above to finalise the wording about the proposing a proclamation to ban 'high impact activities'.

I will keep in touch.

Lynnie Gibson

Community Relations
Whangarei Area Office

Department of Conservation | Te Papa Atawhai

1 Kaka Street, Whangarei | PO Box 147, Whangarei 0110
Tel: 09 470 3304 | Fax: 09 470 3361 | DDI: 09 470-3367 | VPN: 7267
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4/12/2011

Please keep a file record of all disturbance activities - put in DOCDM numbers in feedback column.
 Take a camera and get a photo of disturbance.

Date	Day	Start Time	End Time	Person	Feedback
Dec 6	Monday	7.30	11.30	Anna	
Dec 7	Tuesday	8.30	12.30	Anna	
Dec 8	Wednesday	8.45	12.45	Bryce	
Dec 9	Thursday	9.30	13.30	Bryce	
Dec 23	Thursday	8.45	12.45	Lynnie	Lynnie - Winds not suitable for kiteboarding these days.
Dec 24	Friday	9.30	13.30	Lynnie	
Dec 25	Saturday	10.15	14.15	Lynnie	
Dec 26	Sunday	11.15	15.15	Lynnie	
Dec 27	Monday	12.00	16.00	Lynnie	
Dec 28	Tuesday	12.45	16.45	Lynnie	
Jan 20	Thursday	7.30	11.30	Bryce	Light winds, no surfing activity in morning.
Jan 21	Friday	8.30	12.30	Bryce	2 x Kiteboarders - No disturbance. Large King tide (2.9m) with choppy swell to 1m strong S to SE winds. I started observation at 10.15 30min after high tide. All normal roost sights were under water with birds forced to roost along the shoreline and further into the estuary near motor camp. This led tended to make the birds more prone to disturbance by the public rather than the kite surfers. I spoke with Dave from the Kite boarders association whose members were parked at the surf lifesaving club. Dave assured me that they were going to keep well away from the mouth of the estuary when the tide dropped. I then parked at the refuge entrance and introduced myself to the BBCCT. The BBCCT had been observing all activity happening during the high tide and noticed that the kite surfers were not causing any disturbance but rather disturbance was being caused by members of the public. Waited until 12.30 and only observed the kite boarders operating out from the surf beach up from the surf lifesaving club. At no stage did I observe any attempt to move into the estuary. During my time at the beach 3 locals did approach me with some concerns. In summary they were worried that the BBCCT were influencing what happens over the estuary without proper public consultation. They thought that the signage was unfairly singling out

Jan 24	Monday	10.45	14.45	Bryse	No kiteboarders. Winds not suitable – too strong.
Jan 25	Tuesday	11.45	15.45	Anna	No kiteboarders – Easterly winds too light. Lots of people observed swimming and recreating in the Estuary and along the estuary shore line.
Jan 26	Wednesday	12.30	16.30	Anna	No kiteboarders – Easterly winds too light. Lots of swimmers, kayakers etc in and around the estuary. Some young people were causing disturbance to birds roosting on the southern point – seemed to be oblivious to the birds being there. They were obliging when told and moved away. Some kayakers had carried their kayaks straight through the point – likely disturbing the birds, and nearly did it again in front of me, but chose a different route after I told them to be careful for the birds.
Feb 18	Friday	7.15	11.15		
Feb 19	Saturday	8.00	12.00		
Feb 20	Sunday	8.45	12.45		
Feb 21	Monday	9.45	13.45		
Feb 22	Tuesday	10.30	14.30	Matiu	No Kiteboarders – wind not suitable
Feb 23	Wednesday	11.15	15.15		
Feb 24	Thursday	12.15	16.15	Matiu	No Kiteboarders – wind not suitable
Mar 19	Saturday	6.45	10.45		
Mar 20	Sunday	7.30	11.30		
Mar 21	Monday	8.30	12.30		
Mar 22	Tuesday	9.15	13.15		
Mar 23	Wednesday	10.15	14.15		
Mar 24	Thursday	11.00	15.00		
Mar 25	Friday	11.45	15.45		

OFFICIAL INFORMATION ACT

Lynnie Gibson

From: Lynnie Gibson
Sent: Friday, 21 January 2011 9:42 a.m.
To: 'Jacquie Reed'
Cc: Keith Hawkins; Cathy Orevich
Subject: RE: GIS shapefile and this weekend hotline information ICE421411

Hi Jacquie

I requested Terry our GPS mapping person and asked to please send this info to you ASAP.

We have organised for a DOC ranger to be out there today, this weekend and Monday. This will be Bryce Lummis, our Biodiversity Ranger - cellphone number 027 292 8432. He has a camera and will be taking note of any recreational activity that causes disturbance.

Thanks for all your support Jacquie.

Yours
Lynnie


From: Jacquie Reed [mailto:JacquieR@nrc.govt.nz]
Sent: Friday, 21 January 2011 9:06 a.m.
To: Lynnie Gibson
Cc: Keith Hawkins; Cathy Orevich
Subject: GIS shapefile and this weekend hotline information ICE421411
Importance: High

Hi Lynnie,
I had a call from your GIS person yesterday and he said he would email me the shape file of the wildlife refuge at Ruakaka but I haven't received it yet.
Can you ask him to send it again? I need this for a meeting with the NRC Chairman and CEO on Monday.

Also, will any DOC ranger be around this weekend in case the kite boarders are there and/or anyone else? I'm keen to record any recreational activity that causes "disturbance" so we can add this to our investigation. NRC's hotline person is based in Opuha this weekend so she is unlikely to be available to attend a call to the site (cc to Cathy for info). Any photos and vehicle regos are very useful. Clear identification of person(s) causing a disturbance is necessary for our investigation.

Kia ora
Jacquie

Mr Jacquie Reed | Monitoring Programme Manager - Coastal
Northland Regional Council | Te Kaunihera A Rohe O Te Taitokerau
Whangarei Mail Centre | WHANGAREI 0148 | Freephone: 0800 002 004 | DDI: 09 470 1108 | Cell: 027 470 1182 | Fax: 09 438 0012

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15/12/2011

Lynnie Gibson

From: Don Robertson
Sent: Tuesday, 18 January 2011 12:03 p.m.
To: Lynnie Gibson
Subject: RE: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

i Lynnie,
After reading the DOC outdoor sign SOP
I am sure they will need to have a separate sign for their rules.
However The NRC rules appear to be very clear , why haven't DOC or the NRC just banned all kite boarding, would save us all a
load of a lot of agro.
Regards Don

From: Lynnie Gibson
Sent: Tuesday, 18 January 2011 11:16 a.m.
To: Don Robertson
Subject: FW: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

Don
Re: Jacquie's request to have NRC rules on DOC signs. Not sure on DOC protocol and whether this is a possibility.
Lynnie

From: Jacquie Reed [mailto:JacquieR@nrc.govt.nz]
Sent: Monday, 17 January 2011 4:10 p.m.
To: Lynnie Gibson
Subject: Kite surfers at Ruakaka: NRC letter sent to the kite surfers ICE421411

i Lynnie
Here is a copy of the letter we sent to the kite surfers. This is for your information only.

I am keen to help with this matter and would really like to see the NRC rules on your DOC signs so that it is clear what activities can and cannot
be undertaken. I know the NRC Chairman has been involved in this matter.
Thanks
Jacquie

Mr Jacquie Reed | Monitoring Programme Manager - Coastal
Northland Regional Council | Te Kaunihera A Rohe O Te Taitokerau
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15/12/2011

Please Quote File: ICE421411
JRE:SHI

14 January 2011

Mr David Rupert Kay
3B Kapa Road
Ruakaka

Dear Mr Kay

ICE421411: DISTURBANCE OF ROOSTING, FEEDING OR BREEDING OF INDIGENOUS OR MIGRATORY BIRD SPECIES BY ANY RECREATIONAL ACTIVITY INCLUDING KITEBOARDING

The Northland Regional Council (NRC) has in the Regional Coastal Plan for Northland, a rule that prohibits any recreational activity if that activity causes disturbance to roosting, feeding or breeding of indigenous or migratory bird species. This rule is 31.3.2(c) and states that:

Any **recreational activity on foreshore areas**, including the use of recreational vehicles and the launching and retrieval of boats and other craft, which is not otherwise a permitted activity under Rule 31.3.2(a) nor otherwise a discretionary activity under Rule 31.3.2(b) by virtue of the fact that the activity.....

(iii) disturbs the roosting, feeding or breeding of indigenous or migratory bird species

..... is classified as prohibited. This means that you are not allowed to disturb breeding, roosting or feeding birds in this area. This applies to all recreational activity.

The NRC rule is consistent with the Wildlife Act 1953 Section 14(3) which states that it is an offence "to do anything likely to cause any wildlife to leave the wildlife refuge".

The entire Ruakaka coastal marine area identified within the Ruakaka River and including an area extending outside the river entrance is designated as a Marine 1 (Protection) Management Area. This area is highly valued for birds, ecosystems and habitats. The inter-tidal areas provide significant habitat for international migratory and NZ endemic birds, including some threatened species.

On Sunday 9 January 2011, at 2pm, I visited the Ruakaka Estuary in response to a phone call to our Environmental Hotline reporting disturbance of endangered bird species in the Wildlife Refuge area from kite surfers in the nearby foreshore area. During my site visit, I observed three kite surfers surfing in the Wildlife Refuge area. I also observed two kite surfers flying their kites directly over the nesting areas of the birds causing disturbance to the birds.

DOC staff considered this activity to cause disturbance to the breeding, roosting and feeding birds in that area. Breaches of any rule in our plan may result in follow up actions by NRC staff. This may include formal enforcement such as an abatement notice, an infringement notice and/or prosecution.

Lynnie Gibson

From: Craig Gardner [craigg@nrc.govt.nz]
Sent: Thursday, 7 October 2010 8:32 a.m.
To: Jim Lyle
Cc: Lynnie Gibson
Subject: RE: Kite boarding in the Ruakaka Wildlife Refuge

Jim

the issue is in particular the Ruakaka estuary, the kite boarders should not be in there anyhow as it is a narrow river and there will always be conflict with other users/ both walkers and water users. My understanding when Ian & I had discussions with Dave Kay before the bylaw approval was that the kiteboarders were only going to be operating in the surf at the entrance/river mouth to the estuary and not in the estuary. This is suppose to keep them a safe distance away from the birds that nest inside the river mouth. Our understanding was the birds nesting in the sand dunes are not affected by the kiteboarders using the surf beach. It is also for Bev Woods mentioning swimmers, it is not safe for them to swim in the surf in or around the river mouth, another reason why kiteboarders were given the go ahead to operate within 200 mtrs of the surf shoreline. With the callouts I have had to attend there I have never seen anybody swimming in that area.

Regards

Craig Gardner

Marine Officer
Northland Regional Council
Kaunihera a Rohe o Te Tai Tokerau
Phone: (09) 438 4639
Telephone: 0800 002 004
Email: craigg@nrc.govt.nz

From: Jim Lyle
Sent: Wednesday, 6 October 2010 4:29 p.m.
To: 'lgibson@doc.govt.nz'
Cc: Jason Dawson; Joce Yeoman; Matt Johnson; Susan Halliwell; Rachel Ropiha; Laura Shaft; Ian Crayton-Brown; Chris Powell; Lesley Harvey; Craig Gardner; Tony Phipps
Subject: RE: Kite boarding in the Ruakaka Wildlife Refuge

Hi Lynnie,

Thanks for the information and the chance to comment. I have had ongoing dealings with both parties over the last few years, and recent lengthy conversations with both Bev Woods and Dave Kay on the subject.

My explanation to both is that the Regional Council Navigational Safety Bylaw 2007 is just that, a navigation safety device. It's directly relevant to boating safety on the water, and applies to the whole of Northland. The particular section of concern, 3.2.5 (f) exempts those carrying out board sports from the requirements to keep under 5 Knots within 200 metres of the shore. The reason for this exemption is practical, without the exemption no board sports could be carried out in Northland. The decision to add this clause to the bylaws was made after consultation and a final judgement made by a panel of councillors considering the different views.

In the case of Ruakaka estuary, there is obviously some friction between the kite-boarders and the wildlife protection groups, and the bylaw is continuously raised as a reason to stop the kite boarders. We have sent out an officer on a number of occasions after hotline calls regarding safety, and had lengthy dealings with Dave Kay over safety procedures. We can find no fault with their on water safety procedures.

The result of these observations and discussions, is that we do not consider that the issue is a navigational safety issue. Much as I sympathise with Bev Woods' views, I have explained to her that I do not think this is a bylaw issue. It is up to DOC to decide if there is a wildlife issue, and take appropriate steps within the estuary. I do not think it would be possible to revoke the exemption to the 5 knot rule for just the Ruakaka estuary and for Kite boarders.

Please let me know if you need anything clarifying, or give me a call to discuss.

Best regards

Jim

Jim Lyle
Labourmaster
09 402 7516

5/12/2011