

## 7. FISHING FROM THE NEW BRIGHTON PIER

<b>General Manager responsible:</b>	General Manager City Environment, DDI 921-8656
<b>Officer responsible:</b>	Greenspace Manager
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### PURPOSE OF REPORT

1. The purpose of the report is to discuss the options for managing the negative impacts of fishing from the New Brighton Pier.

### EXECUTIVE SUMMARY

2. Since the rebuilt New Brighton pier opened in 1997 some aspects of fisher behaviour have been in conflict with the expectations of other pier users and supporters. A growing number of complaints from members of the community and pier visitors have focussed on the mess that irresponsible fishers leave behind them, the disregard for the 'no fishing' area at the end of the pier and unsafe fishing practises, such as overhead casting. Staff have limited ability to control unacceptable fishing behaviour because the seaward end of the pier is outside of the Christchurch City Council district, the boundary of which is low water springs. Staff have tried to educate fishers on appropriate behaviour through signage, media releases and face to face discussions.
3. Officers now believe it is timely to consult with the community and key stakeholders, especially those involved with fundraising for the construction of the pier, to question if the continuation of fishing off the pier is an appropriate activity or not to permit on the pier. The consultation undertaken should ask if fishing should continue to be allowed all year round as at present, or be permitted only at certain times of the day or of the year, or banned all together.
4. As owner of the pier, the Council may impose conditions on activities on the pier. If it wishes to prohibit, or restrict the times when fishing is allowed to occur, the Council needs to go through a formal process, so as to provide an opportunity to gauge the views of the people who are likely to be affected, or have an interest in the matter, in accordance with the requirements of Section 78 of the Local Government Act 2002 (LGA), so that these views can be taken into consideration when the Council makes a decision on the matter.

### FINANCIAL AND LEGAL CONSIDERATIONS

5. If fishing is banned from the pier, there may be some cost savings made with respect to cleaning the pier; however this will need to be offset against the increased enforcement costs required to police any fishing restriction or ban that is finally decided. A more in-depth analysis of these issues will be set out in the report prepared for Council consideration, following the completion of the consultation process.
6. When raising money for the building of the pier, one of the stated reasons was to enable people to recreationally fish from the pier. It is reasonable to expect therefore that some of the donations that were made to the building of the pier were made on that basis. Therefore if Council now wishes to consider prohibiting fishing from the pier there is a need to provide an opportunity to hear those affected. Public consultation therefore needs to be undertaken in accordance with the requirements of Section 82 of the LGA, to satisfy the decision making requirements as set out in Section 76 of the LGA. The results of this consultation will be included in the report prepared for Council consideration on the subject, so that the views of the public are able to be taken into account when the Council considers whether or not to restrict fishing or ban fishing from the pier.
7. The Council's ability to make and enforce bylaws in relation to the pier is problematic because part of the pier is constructed outside the territorial jurisdiction of Council. The legal boundary of the city in this location is at the point of mean low water springs and most of the pier is, of course, constructed below that point.
8. However, as Council owned property the pier is under the management and control of Council. The pier is not a reserve subject to the provisions of the Reserves Act. The Council generally permits the public to have free use of its non reserve lands but it does, as the owner of the pier, have the ability to establish conditions of use. The public are at law invitees of the Council to the pier and accordingly the Council may impose conditions on the public as a condition of entry.

9. If the Council should establish conditions of entry to the pier these may be enforced using the provisions of the Trespass Act 1980. Under that Act the Council may issue a Trespass Notice to any individual who breaches the conditions of entry prescribed by the Council.
10. Officers, while acknowledging that the entrance to the pier is in the Board's area, believe that the pier, because it is frequented by the general public from throughout Christchurch, is of metropolitan significance, and therefore actions concerning the pier are the responsibility of the Council, (delegations of Council 16 December 2004). Also depending upon the resolution of Council, the eventual outcome of this report is a possible change to the levels of service available to users of the pier. Therefore whilst the Board does not have delegated authority from Council to make the decision on behalf of Council whether to proceed with the recommended course of action or not contained in this report, it is being placed before the Board to enable it to make a recommendation to the Council.

#### **STAFF RECOMMENDATION**

That the Board recommend to the Council, that it proceed with city wide consultation on the options of allowing the continuation, restricting, or banning fishing from the New Brighton Pier.

## BACKGROUND ON FISHING FROM THE NEW BRIGHTON PIER

11. One of the many beneficial outcomes to be promoted during the fundraising for, and construction of the new pier at New Brighton in 1997 was the opportunity for easy access to safe fishing on the Christchurch coast from the pier. This objective has been successfully achieved with many fishers, including family groups, now using and enjoying the pier for this purpose.
12. Design features included in the construction of the pier included many facilities specifically for fishers, such as fish cleaning tables with wash down hoses. A high pressure hose was also installed on the pier to enable fishers to clean down the concrete deck after use. Numerous rubbish bins and seats were also installed. Later several safety and interpretive signs were erected on the pier to aid visitors and meet safety information requirements following several deaths and the reoccurrence of dangerous behaviours by pier users. Regular daily cleaning of the pier was also implemented.
13. Within the first few months of opening additional bait-cutting benches were added around the end of the pier because the widespread cutting of bait and fish on the hardwood hand rail, which was seriously damaging the handrails surface. This addition to facilities available to the public became necessary because fishers refused to leave their fishing spots to walk the short distance to use the formal fish cutting/cleaning tables provided. This was the first of many symptoms of intransigent and irresponsible fisher and general public visitor behaviour.
14. The early practice of crab potting on the pier, with large pots and heavy ropes, resulted in slots and channels being cut or worn into the hand rails. Consequently crab potting was 'outlawed', although a recent innovation using lightweight crabbing gear, which does not appear to be damaging the pier has been accepted.
15. The high pressure hose installed to be used for casual cleaning of the pier has been regularly cut off and stolen. Consequently there is now no hose on the pier to enable the deck to be washed down during the day.
16. The lifebuoy and recovery rope in the emergency container at the end of the pier has been regularly thrown over the side or stolen, consequently now only a lifebuoy is placed in the unlocked container, one of over a dozen purchased since the opening of the pier. The responsibility for the vandalism of the life saving equipment cannot be directed only at the fishers however the lid of the lifebuoy container is regularly used to cut bait on, and consequently looks generally damaged, bloodied and untidy.
17. The 'no fishing' zone, which encompasses about 90 degrees of the 360 degree circumference of the handrail at the end of the pier, and probably less than 10% of the fishable handrail length, is regularly ignored, despite a wide range of signage, fishers continually invade the area with multiple rods, cutting up fish on the seating provided and on occasion abusing the public who have suggested that they need to move out of the area. This unwillingness by the fishers to recognise the desire of the non-fishing general public to gain handrail space to enjoy the view coupled with the fishers untidiness and crowding degrades the experience for a number of visitors, many of which have been upset, and resulted in a large number of complaints been made to the Council on the issue.
18. Greenspace ranger staff have regularly patrolled the pier several times each day on weekends, which is the period during which most complaints have been received. It soon became clear that the ability of council staff to enforce acceptable behaviours on the pier was severely limited because the end of the pier is outside of the Christchurch City Councils district (low water springs), and therefore not covered by the Council's bylaws. The general fishing regulations are administered and controlled by the Ministry of Fisheries, and therefore unable to be used by Council staff to assist them to police the situation. The only enforcement tool available to Council staff to deal with persistent recidivists is the Trespass Act. This Act has been used on a number of occasions to remove a problem user. The practicality of enforcing this Act has many difficulties and usually requires a police officer to assist. The recent delegation of responsibility for taking trespass action under this Act from Council to the Chief Executive Officer, with the ability to further delegate this responsibility will assist staff in using the powers granted under the Act, however further delegations may be necessary.

19. Up until now what amounts to only a 'behaviour code' has existed for the use of the pier, reinforced by signage, but with no legal enforceability. Fishers found to be contravening the 'behaviour code' are spoken to and most comply, however it has been observed that as soon as a ranger leaves after having spoken to fishers in the no-fishing' zone that a reinvasion often occurs.
20. A team of community voluntary wardens initially worked to help council staff manage the pier, but they have all given up because of the abuse and lack of success in dealing with the on-going usage problems occurring on the pier.

**OPTIONS**

22. A - To consult with the community to get feedback to gauge the potential impact on banning fishing from the pier  
B - Status Quo - Continue with allowing fishing from the pier.

**PREFERRED OPTION**

23. A

**ASSESSMENT OF OPTIONS**

**The Preferred Option**

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Council will be able to make an informed decision.	None.
<b>Cultural</b>	-	-
<b>Environmental</b>	-	-
<b>Economic</b>	-	There will be costs associated with consultation.
<p><b>Extent to which community outcomes are achieved:</b>                      Primary alignment with community outcome a well governed city.</p> <p><b>Impact on Council's capacity and responsibilities:</b>                      Council are required to consult.</p> <p><b>Effects on Maori:</b>                      Nil.</p> <p><b>Consistency with existing Council policies:</b>                      Yes.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>                      There are likely to be strong viewpoints from both sides - those wanting to ban fishing and those wanting it to continue.</p>		

**Maintain The Status Quo (If Not Preferred Option)**

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Fishing will continue.	Complaints will still be made.
<b>Cultural</b>	-	-
<b>Environmental</b>	-	-
<b>Economic</b>	No consultation costs.	High cost of clean up and staff costs patrolling continue.

**Extent to which community outcomes are achieved:**

Primary alignment with community outcome a  
Also contributes to and

**Impact on Council's capacity and responsibilities:**

**Effects on Maori:**

**Consistency with existing Council policies:**

**Views and preferences of persons affected or likely to have an interest:**

**Other relevant matters:**