

7 March 2022

Michael Brown  
[fyi-request-18449-d906604c@requests.fyi.org.nz](mailto:fyi-request-18449-d906604c@requests.fyi.org.nz)

Tēnā koe Michael

**Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987**

We refer to your official information request dated 4 February 2022, in which you have asked for information about whitebaiting in Waiwhetū Stream.

Under New Zealand law, whitebaiting is able to occur in all rivers and streams in the North Island (including the Waiwhetū Stream), subject to the [Whitebait Fishing Regulations 2021](#). These regulations set out requirements related to fishing areas, fishing gear, the fishing season and spacing streams. The 2022 fishing season is 1 September to 30 October inclusive.

The Department of Conservation (DoC) is responsible for managing the whitebait fishery in accordance with the Whitebait Fishing Regulations 2021. From time to time, the police and Ministry of Primary Industries' fisheries officers support DoC with its enforcement activities. DoC has good information about whitebaiting on its website, and I particularly refer you to the following two documents:

[Summary of whitebait fishing regulations: Fishing \(doc.govt.nz\)](#)

[The whitebaiter's guide to whitebaiting \(doc.govt.nz\)](#)

You have enquired about the Hutt City Council's Parks and Reserves Bylaw 2017 in relation to whitebaiting in Waiwhetū Stream. This bylaw is unable to be used to prevent whitebaiting in the stream because council bylaws are generally subservient to national legislation, so our Parks and Reserves Bylaw would be over-ridden by the Whitebait Fishing Regulations 2021. Secondly, the Waiwhetū Stream bed and channel is maintained and administered by the Greater Wellington Regional Council (GRWC), not the Hutt City Council, and the definition of 'reserve' provided in the bylaw (copied below) specifically excludes land that is administered by GWRC.

**"Reserve"** means any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment that is under the management or control of the Council and includes all land administered by the Council under the Reserves Act 1977, but does not include any land administered by the **Greater Wellington Regional Council**.

Hutt City Council's Parks and Reserves Bylaw 2017 could, however, be used to protect the Waiwhetū Stream edge. If a person was trampling on plantings along the stream edge while fishing, and Hutt City Council officers were able to identify that person, we could use the bylaw to stop them from further damaging plants.

If you would like to know more about the way whitebait fishing is managed, you are very welcome to contact David Moss at the Department of Conservation. David's number is 027 449 9816 and his e-mail is [dmoss@doc.govt.nz](mailto:dmoss@doc.govt.nz).

Please note that this letter may be published on the Council's website.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Sales', written in a cursive style.

Susan Sales

**Senior Advisor, Official Information and Privacy**