



FAR NORTH DISTRICT COUNCIL

POU HERENGA TAI - TWIN COAST CYCLE TRAIL BYLAW 2016

This bylaw is made pursuant Pursuant to Section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011. every other enabling power and authority.

To come into force: 01 October 2016

For the purpose of: The purpose of this Bylaw is to regulate the use of the Pou Herenga Tai - Twin Coast Cycle Trail, to protect, promote and maintain the health and safety of cycle trail users, to protect from nuisance those using the Trail and to minimise damage to the Trail.

Reviewed on: 12 August 2021

To be reviewed by: ~~01 October 2021~~ 12 August 2031

INDEX

Clause	
01	Title
02	Meaning of Trail
03	Commencement and Application
04	Purpose
05	Interpretation
06	Use of the Trail
07	Access To and Over the Trail
08	Offences
Schedule	Maps 1, 1A, 1B, 1C

TITLE

1.1 The Bylaw shall be known as the Far North District Council Pou Herenga Tai - Twin Coast Cycle Trail.

2. MEANING OF TRAIL

~~2.1~~ For the purposes of this Bylaw, the Trail means the path formed by or on behalf of the Far North District Council ~~along the route delineated on the maps in Schedule 1 of this Bylaw, whether on private land, Crown land, Road, or land vested in or under the control of the Council, that is intended for the use of cyclists but which may also be used by Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Vehicles and includes: for the intention of providing a largely off-road route from Opuā to Horeke for cyclists, pedestrians, riders of mobility devices or the riders of wheeled recreational devices to use. The Trail is formed over private land, Crown land, and Council controlled land and roads. The Trail is identified in Schedule 1 and includes:~~

~~2.2 (a) All~~ the land within 2.5 metres on either side of the centre-line of the formed path ~~or such appropriate lesser distance where the path is less than 5 metres wide; and~~

~~2.3 (b)~~ Every bridge, culvert and ford within the Trail;

~~2.4 (c) But subject to existing laws where the path is within a Roadway. Each segment of a road identified in the trail maps (Schedule 1).~~

3. COMMENCEMENT ~~and APPLICATION~~

This Bylaw shall come into force on 01 October 2016 ~~and applies to all parts of the Trail.~~

3x APPLICATION

~~This bylaw applies to the Trail located within the district of the Far North District Council~~

4. PURPOSE

4.1 The purpose of this Bylaw is to ~~protect the public and users of the Trail from nuisance, promote public safety, minimise offensive behaviour and protect public infrastructure from misuse or damage.~~÷

~~(a) Protect, promote and maintain the safety of people using the Trail or use working and living in proximity to the Trail; and~~

- ~~(b) Protect from nuisance those using the Trail or working and living in proximity to the Trail; and~~
- ~~(c) Minimise damage to the Trail; and~~
- ~~(d) Protect and maintain the natural and wildlife values and habitats in the vicinity of the Trail.—~~

5. INTERPRETATION

(1) Related information below is for information purposes, does not form part of this bylaw, and may be inserted, amended, or removed without any formality.

(2) The Interpretation Act 1999 applies to this bylaw.

(3) In this bylaw, unless the context otherwise requires:

~~In this Bylaw, unless inconsistent with the context:~~

Approval means written approval granted by Council and includes any conditions which the written approval is subject to.

“Authorised officer” means an officer appointed by Council to consider and make decisions on applications made under this Bylaw.

“Council” means the Far North District Council, or any person delegated or authorised to act on its behalf and any warranted officer delegated to carry out the duties of administration and enforcement of the General Bylaws of the Council.

“Cycle” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

~~(a) means a Vehicle that has at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider; and~~

~~(b) includes a power-assisted cycle; and~~

~~(c) includes a unicycle.~~

“Cyclist” is a person who rides a Cycle.

~~**“Driveway”** includes, but is not limited to, a place used as a vehicle entrance to or exit from land fronting a Road.~~

Freedom camp has the same means as section 5 of the Freedom Camping Act.

“Mobility Device” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004. means a Vehicle that:

~~(a) Is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and~~

~~(b) Is powered solely by a motor that has a maximum power output not exceeding 1,500 W.~~

“Moped” has the same meaning as in Section 2(1) of the Land

Transport Act 1998

“Motorcycle” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“Motor Vehicle” has the same meaning as in Section 2(1) of the Land Transport Act 1998, but does not include a Mobility Device or a Wheeled Recreational Device.

Related information

As at 19.11.2021 the definition is:

(a) means a vehicle drawn or propelled by mechanical power; and

(b) includes a trailer; but

(c) does not include—

(i) a vehicle running on rails; or

(ii) [Repealed]

(iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or

(iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

(v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or

(vi) a pedestrian-controlled machine; or

(vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle;
or

(viii) a mobility device

“Offence” means an offence against this Bylaw and includes any failure to comply with any part of this bylaw.

“Pedestrian” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

~~means a person on foot and includes a person in a wheelchair not propelled by mechanical power and a person in or on a contrivance equipped with wheels or revolving runners that is not a Vehicle.~~

“Road” has the same meaning as in section 315(1) of the Local Government Act 1974.

~~**“Roadway”** means that portion of the Road used for the time being for vehicular traffic in general.~~

“Stock” includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

~~“Trail” means the Pou Herenga Tai – Twin Coast Cycle Trail and has the same meaning given in clause 2.1 of this Bylaw.~~

“User” means a person that uses the Trail and includes a **Pedestrian**, a **Cyclist**, the rider of a Mobility Device or the rider of a Wheeled Recreational Device.

“Vehicle” has the same meaning as in section 2(1) of the Land Transport Act 1988.

Related information

As at 19.11.2021 the definition is:

(a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and

(b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but

(c) does not include—

(i) a perambulator or pushchair:

(ii) a shopping or sporting trundler not propelled by mechanical power:

(iii) a wheelbarrow or hand-trolley:

(iv) [Repealed]

(v) a pedestrian-controlled lawnmower:

(vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:

(vii) an article of furniture:

(viii) a wheelchair not propelled by mechanical power:

(ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:

(x) any rail vehicle

Vehicle crossing means the area of driveway, whether temporary or permanent, between a road and a private property boundary, intended for use by motor vehicles accessing the property.

“Wheeled recreational device” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

~~(a) means a Vehicle that is a wheeled conveyance (other than a Cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and~~

~~(b) includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.~~

Related information

As at 19.11.2021 the definition is:

(a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and

(b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

5.1 ~~In this Bylaw words in the singular include the plural and words in the plural include the singular.~~

6. USE OF THE TRAIL

User

6.1 The Trail may be only used ~~at the same time~~ by Cyclists, Pedestrians, riders of Mobility Devices and ~~riders of~~ Wheeled Recreational Devices (includes scooters, hoverboards, e-scooters).

Vehicle

6.2 ~~Subject to clause 6.3, no~~ No person shall drive a Motor Vehicle, a motorcycle or moped on ~~or along~~ the Trail except:

- (a) to cross over the Trail when entering, or exiting a vehicle crossing; or
- (b) when the Trail is formed on or over a road; or
- (c) when they have approval from the Council.
- ~~(a) to cross the Trail at an angle to the edge of the formed path on the Trail when on, entering, or exiting a Driveway; or~~
- ~~(b) to carry out construction, maintenance, repair or replacement work on or in the vicinity of the Trail, which has been authorised by the Council; or~~
- ~~(c) if that person is authorised by the Council to drive a Motor Vehicle on the Trail.~~

~~6.3 No person shall stop, stand or park a Motor Vehicle within 500mm of the edge of the formed path on the Trail without the prior written approval of the Council.~~

Events

6.4 No person shall use the Trail for an organised event, ~~including a race or time trial,~~ without the ~~prior~~ written consent approval of the Council. ~~This consent is required for any event, and an application shall be accompanied by health and safety plans, traffic management plans, details of marshals and any other appropriate information if requested by Council to support the application.~~

6.5 A User must at all times keep to the left side of the formed path on the Trail so that oncoming or following Users can pass on their right.

6.6 ~~No~~ User person shall obstruct the entrances or exits to the Trail or unduly impede the passage of a User along the Trail.

6.7 At any time when there is not sufficient daylight to render clearly visible a cyclist ~~or vehicle~~ at a distance of 100 metres, a cyclist must use a steady or flashing forward-facing white or yellow light and a steady or flashing rear-facing red light which are sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres.

6.8 All Cyclists and riders of Mobility Devices ~~must~~ when within any unlit Tunnels on the Trail use the lights described in clause ~~6.7~~ 7.6 at any time of the day or night.

Horses

6.9 No person shall ride, lead or take any horse or horse and cart on the Trail unless:

~~(a) to cross over the Trail when entering, or exiting a vehicle crossing; or~~

~~(b) when the Trail is formed on or over a road; or~~

~~(c) when approved by the Council;~~

~~(a) it is for the purpose of crossing the Trail at right angles to the edge of the formed path on the Trail; or~~

~~(b) it is an organised and advertised horse trek; such horse treks to occur no more than four (4) times in each calendar year with the consent of Council;~~

~~(c) with the consent of Council.~~

Related information

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.

Stock

~~6.10~~ ~~Where the Trail is used as a Stock race, Stock shall~~ If Stock are on the Trail they have right of way. Stock are only permitted on the Trail under the following conditions:

~~(a) to cross over the Trail when entering, or exiting a vehicle crossing; or~~

~~(b) when the Trail is formed on or over a road; or~~

~~(c) when Approval has been given by the Council; or~~

~~(d) as set out in an access agreement, or agreement of licence, lease or easement between adjacent private landowners and Council.~~

~~6.11~~ ~~Subject to clause 6.11~~ Stock are only permitted on the Trail under the following conditions:

~~(a) to cross the Trail at right angles to the edge of the formed path or farm lane on the Trail for the purposes of entering or exiting private property via a Driveway; or~~

~~(b) if the Trail is within Road, in accordance with the Council's *Control of the Use of Public Places Bylaw* or any Bylaw made in substitution thereof; or~~

~~(c) with the prior written agreement of Council; or~~

~~(d) as set out in the access or agreement of licence, lease or easement between landowners and Council as duly notified.~~

6.13 No User shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any Stock to stray or wander on to the Trail or otherwise wilfully cause any Stock to stray or wander onto the Trail.

Dogs

~~6.12 No owner of a dog, or person in possession of a dog, shall allow that dog to enter onto or remain on any part of the Trail, unless that dog is on leash and under control at all times.~~

~~No person shall bring any dog on to Trail, or allow any dog in their custody or under their control to remain on the Trail, unless the dog is on a leash or is within an area specified by the Council's Dog Management Policy as an area where dogs are permitted off the leash, or as a dog exercise area.~~

Related information

See Council Dog Management Bylaw

<https://www.fndc.govt.nz/Your-Council/Plans-Policies-Bylaws->

~~6.14 No User shall leave any litter or rubbish on the Trail.~~

~~6.15 No User shall be permitted to leave the Trail and enter private land adjoining the Trail, other than the owner(s) of such private land or any person(s) having the agreement of the landowner(s) to do so.~~

6.16 No User shall place or leave on the Trail any object, materials or thing that may obstruct or in any way interfere with the passage of Users along the trail, unless ~~authorised~~ Approval has been given by the Council and then only in accordance with such conditions imposed under that approval.

6.17.1 No User shall do or cause or permit to be done any act whatsoever by which any damage is caused to the Trail. Such damage includes:

- (a) interfering with, harming or killing any wildlife natural features, plants, trees or shrubs or removing any soils, sand or naturally occurring materials on or near the Trail; or
- (b) interfering with any ornament, statue, building, structure, fence, gate or facilities on the Trail; or
- (c) polluting, defacing, disfiguring, or applying graffiti, posters or advertising signs or sign of any description on or to any part of the Trail.

6.18 No User shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to Users, to escape onto any part of the Trail including any part having a sealed or paved surface.

6.19 No User shall Freedom camp on the Trail. No user may:

~~(a) light any fire on the Trail; or~~

(b) erect a tent, gazebo or similar device on the Trail; or

(c) camp overnight in a motor vehicle on ~~or beside~~ the Trail.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

(a) A parking infringement fine of \$60 for inconsiderate parking under Schedule 2 Part

1 2(e) of the Land Transport Act 1962; or
(b) An infringement fine under the Reserves Act 1977; or
(c) An injunction under section 162 of the Local Government Act; or
(d) An infringement fine under the Conservation Act 1987; or
(e) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002;
Or
(f) An infringement fine under the Freedom Camping Act 2011.

No fires

xxx No User may light a fire on the Trail or on land adjacent to the Trail.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

(a) An infringement fine under the Reserves Act 1977; or
(b) An infringement fine under the Conservation Act 1987; or
(c) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002.

xxx The Council may under section 163 of the Local Government Act 2002, remove or alter a work or thing that is or has been constructed in breach of this bylaw, and may recover the costs of the removal or alteration from the person who committed the breach.

7. ACCESS TO AND OVER THE TRAIL

7.1 Except with the ~~consent~~ Approval of the Council no person shall establish a new ~~Driveway~~ Vehicle Crossing or path that:

- (a) Crosses the Trail, or provides access to and from the Trail; and
- (b) Is used or available for use by Cyclists, Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Devices or drivers of Motor Vehicles.

7.2 In granting ~~consent~~ Approval under clause 7.17 of this Bylaw, the Council may impose such conditions as it thinks fit for the protection and safety of Users.

~~8~~— CONSENTS

~~8.1 This clause relates to the provisions set out in clauses 6 and 7 which provide for consent to be obtained for particular use of the Trail.~~

~~8.2 Every person requesting consent shall complete an application form and submit it to an authorised officer of the Council for consideration.~~

~~8.3 Council will decide whether any further supporting information or any~~

~~landowner's consent is required and inform the applicant accordingly.~~

~~8.4 Subject to clause 8.5, if landowner's consent is required Council will take steps to advise such landowner of the nature of the application and endeavour to procure a decision from such landowner.~~

~~8.5 Council may in its discretion decline the application without reference to any landowner but where it has decided that landowner's consent is required and such consent is declined, it must decline the application.~~

9 OFFENCES

~~9.1 Every person who breaches this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000.00 under section 242(2) of the Local Government Act 2002.~~

~~9.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.~~

8.1 Every person who fails to comply with the requirements of this Bylaw commits an offence under the Local Government Act 2002 and is liable to the penalties set out in that Act.

8.2 Every person who fails to comply with the Freedom camping restrictions of this Bylaw commits an offence under the Freedom Camping Act 2011 and is liable to the penalties set out in that Act.

8.3 This bylaw does not limit the Council's powers under other legislation such as the Land Transport Act 1998, the Local Government Act 2002, the Reserves Act 1977, the Dog Control Act 1996, the Conservation Act 1987 and the Litter Act 1977 to take actions to enforce the provisions of this bylaw.