



## **Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016**

Governing body of the Far North District Council

Resolution in Council 08 September 2016

Bylaw made under Section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011.

The bylaw was reviewed on 12 August 2021.

The bylaw is due for review by 12 August 2027.

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## 1 Title

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

## 2 Meaning of Trail

- (1) For the purposes of this Bylaw, the **Trail** means the path formed by or on behalf of the Far North District Council for the intention of providing a largely off-road route from Opua 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 the land identified in Schedule 1 and includes:

- (a) Every bridge, culvert, and ford within the trail;
- (b) Each segment of a **road** identified in the trail maps (Schedule 1).

- (2) The council may, by resolution, add or remove or amend the land identified in the Schedule.

## 3 Commencement

This bylaw shall come into force on 1 October 2016.

## 4 Application

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

## 5 Purpose

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.

## 6 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: -
- 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 or organisation delegated or authorised to act on its behalf.
  - cycle** has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.
  - cyclist** is a person who rides a Cycle.
  - 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.
  - 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.

**road** has the same meaning as in **section 315(1) of the Local Government Act 1974**.

**stock** includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

**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 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 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.

**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.

## 7 Use of the Trail

**User**

- (1) The trail may be only used by **cyclists**, **pedestrians**, riders of **mobility devices** and **wheeled recreational devices** (includes scooters, hoverboards, e – scooters).

**Vehicle**

- (2) No person shall drive a **motor vehicle**, a **motorcycle** or **moped** on 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**.

**Events**

- (3) No person may use the **Trail** for an organised event without the written **Approval** of the **Council**.

**Related information**

Applications for events can be found at [FNDC Event Applications](#)

- (4) 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.
- (5) No person shall obstruct the entrances or exits to the Trail or unduly impede the passage of a User along the Trail.
- (6) At any time when there is not sufficient daylight to render clearly visible a cyclist 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.
- (7) All Cyclists and riders of Mobility Devices when within any unlit Tunnels on the Trail must use the lights described in clause 7.6 at any time of the day or night.

**Horses**

- (8) No person shall ride, lead or take any horse or horse and cart on 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 approved by the 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**

(9) 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
- (e) easement between adjacent private landowners and **Council**.

(10) 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**

(11) No person shall bring any dog on parts of the Trail or allow any dog in their custody or under their control to remain on parts of the Trail, that are specified in the Council's Dog Management Policy as areas where dogs are not permitted. In all other areas of the Trail dogs are permitted provided they are on a leash and under control at all times.

**Related information**

See Council Dog Management Bylaw

[Bylaws Far North District Council \(fndc.govt.nz\)](http://fndc.govt.nz)

(12) 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 Approval has been given by the Council and then only in accordance with such conditions imposed under that Approval.

(13) 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 signs of any description on or to any part of the Trail.

(14) 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.

(15) No User shall Freedom camp on the Trail. No user may:

- (a) erect a tent, gazebo or similar device on the **Trail**; or
- (b) camp overnight in a **motor vehicle** on 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**

(16) 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.

(17) 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.

#### **Closure of the Trail**

(18) No person shall enter or access the Trail when the Trail has been closed by Council.

(19) No person shall enter or access a part of the Trail when that part of the Trail has been closed by Council.

### **8 Access to and over the Trail**

(1) Except with the Approval of the Council no person shall establish a new 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
- (c) Devices, riders of Wheeled Recreational Devices or drivers of Motor Vehicles.

(2) In granting Approval under clause 8 (1) of this Bylaw, the Council may impose such conditions as it thinks fit for the protection and safety of Users.

### **9 Offences**

(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.

(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.

(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.

### **10 Schedule – Maps**