

East Coast Beach Vehicle Bylaw



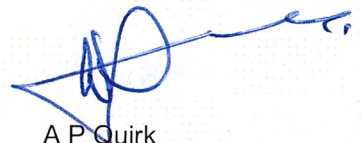
East Coast Beach Vehicle Bylaw 2023

It is hereby certified that this is a correct copy of the East Coast Beach Vehicle Bylaw 2023 prepared under the Land Transport Act 1998 and the Local Government Act 2002 as approved by resolution of the Marlborough District Council on 2 March 2023.

The Common Seal of the Marlborough District was hereunto affixed in the presence of:



N P Taylor
MAYOR



A P Quirk
DISTRICT SECRETARY

Date Operative: 1 July 2023

Review: 2 March 2028

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Marlborough District Council

Seymour Square

PO Box 443

Blenheim 7240

Website: www.marlborough.govt.nz

Contents

1.	Title	2
2.	Commencement	2
3.	Application	2
4.	Purpose	2
	Part 1 Interpretation	2
5.	Definitions	2
	Part 2 Access to the East Coast	4
6.	Access to the East Coast by Motor Vehicle	4
7.	Exemptions	4
8.	Further Conditions of Access	5
9.	Application	5
	Part 3 Enforcement and Penalties	6
10.	Breaches of Bylaw	6
	Schedule 1: Bylaw Maps	7
Map 1 :	Overview	7
Map 2 :	East Coast Beach Vehicle Bylaw 2023	8
Map 3 :	East Coast Beach Vehicle Bylaw 2023	9
Map 4 :	East Coast Beach Vehicle Bylaw 2023	10
Map 5 :	East Coast Beach Vehicle Bylaw 2023	11
Map 6 :	East Coast Beach Vehicle Bylaw 2023	12
Map 7 :	East Coast Beach Vehicle Bylaw 2023	13
Map 8 :	East Coast Beach Vehicle Bylaw 2023	14
Map 9 :	East Coast Beach Vehicle Bylaw 2023	15
Map 10 :	East Coast Beach Vehicle Bylaw 2023	16
Map 11 :	East Coast Beach Vehicle Bylaw 2023	17
Map 12 :	East Coast Beach Vehicle Bylaw 2023	18
Map 13 :	East Coast Beach Vehicle Bylaw 2023	19
Map 14 :	East Coast Beach Vehicle Bylaw 2023	20
Map 15 :	East Coast Beach Vehicle Bylaw 2023	21
Map 16 :	East Coast Beach Vehicle Bylaw 2023	22

This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998 (LTA). The Local Government Act 2002 (LGA) applies to this Bylaw.

1. Title

This Bylaw is the Marlborough District Council East Coast Beach Vehicle Bylaw 2023.

2. Commencement

This Bylaw comes into force on 1 July 2023.

3. Application

This Bylaw applies within the Marlborough District.

4. Purpose

The purpose of this Bylaw is to -

- (a) protect the environment;
- (b) allow the environment to recover from the effects of the Kaikōura earthquake in 2016;
- (c) protect and preserve sites of significance to tangata whenua;
- (d) protect and preserve historic heritage;
- (e) protect, promote and maintain public health and safety;
- (f) protect the public from nuisance; and
- (g) enable limited day time access at or below mean high water mark within the Yellow Zone in Schedule 1 (but excluding reef structures) for All Terrain Vehicles (ATV's) and Utility Task Vehicles (UTV's) to enable fishing, harvesting, customary practices and equitable access for Marlborough communities.

By regulating the use of motor vehicles on beaches in the Marlborough District.

Part 1 Interpretation

5. Definitions

In this Bylaw, unless the context requires otherwise -

ATV means All Terrain Vehicles (Quad Bike)

ATV/UTV means a vehicle with or without motorcycle controls and equipment that -

- (a) is principally designed for off-road use;
- (b) has three or more wheels running low pressure tyres; and
- (c) has a gross weight of less than 1000 kg.

Does not include utes or light vehicles even if modified for off road travel, these are originally constructed for road use and are too heavy to meet the definition. For clarity, dune buggies are also excluded from the definition of ATV/UTV.

Authorised Agency means Marlborough District Council, New Zealand Police, Fire and Emergency New Zealand, any Emergency Ambulance Service, Department of Conservation, any Central Government Department or Ministry, the National Institute of Water and Atmospheric Research and any surf lifesaving club registered with Surf Life Saving NZ.

Beach means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation or the confluence of any river but does not include any private property or land administered by the Department of Conservation.

Council means the Marlborough District Council, or any officer authorised to exercise the authority of Council.

Daylight Hours means the period of time between one-half hour before official sunrise through one-half hour after official sunset.

Dune means any natural hill, mound or ridge of sediment, or any series of such, landward of a coastal beach or on the border of a large lake or river valley that is deposited by wind action or storm over wash, and sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control and includes three metres of the beach immediately adjacent to the toe of the dune, but does not include any private property or any land administered by the Department of Conservation.

Motor Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998. At the time of commencement of this Bylaw, motor vehicle -

- (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; or
 - 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.

UTV means Utility Task Vehicle (Side by Side).

Part 2 Access to the East Coast

6. Access to the East Coast by Motor Vehicle

1. Subject to (2) and (3) below, no person may cause any motor vehicle to enter any beach as defined at Part 1 of this Bylaw at any time. The extent of the beach area is identified with red hatching in Schedule 1 for the purposes of guidance only. This part of the Bylaw is authorised by s22AB(1)(f) LTA.
2. Subject to (3) below, persons may drive a ATV/UTV at a maximum speed of 30 kilometres per hour (km/hr) in the area identified in the Yellow Zone during daylight hours and at or below mean high water mark. No ATV/UTV use is permitted on reef structures. In case of emergency, persons may drive an ATV/UTV above the mean high water mark, but not on or in any dunes. For clarity, only ATV/UTV may be driven in the Yellow Zone. No other motor vehicles are allowed under any circumstances. This part of the Bylaw is authorised by s22AB(1)(d)(f) LTA.
3. No person may cause any motor vehicle to enter any dune on Council controlled land at any time. This part of the Bylaw is authorised by s22AB(1)(f) LTA.
4. No person may cause any motor vehicle to enter the unformed legal road identified in Schedule 1 at any time. This part of the Bylaw is authorised under s22AB(1)(g) LTA.
5. No person may drive a motor vehicle at a speed of more than 30 km/hr on the Beach as defined in Part 1 of this Bylaw, between the southern edge of the Waima (Ure) River and the southern edge of the Marlborough District Boundary. The extent of the beach area where vehicle use is permitted is identified with green hatching in Schedule 1 for the purposes of guidance only. This part of the Bylaw is authorised by s22AB(1)(d) LTA.

7. Exemptions

1. Notwithstanding Bylaw 6, any person may cause a motor vehicle to enter an area where motor vehicle access is otherwise prohibited:
 - (a) To launch or retrieve a vessel provided that the person causes the motor vehicle to only:
 - (i) Enter a boat launching area at Marfells Beach or Ward Beach. The extent of the launching area is identified as solid blue areas on Map 6 and 12 in Schedule 1 for the purposes of guidance only; and
 - (ii) Take the most direct route between the entry point and the sea; and
 - (b) To access any part of the beach set aside for motor vehicles, such as a driveway, a carpark, or a shared path.
2. Nothing in this Bylaw applies to an employee, contractor or nominee of an authorised agency who is carrying out the lawful functions or activities of that agency.

Business Exempt Areas

3. Nothing in this Bylaw applies to Dominion Salt Limited, and its successors, assignees, employees, contractors or nominees, in the area identified in the Business Exempt Area on Map 5 in Schedule 1 for the purposes of guidance only, being –
 - (a) That area of the beach zoned as the Lake Grassmere Salt Works Zone in Volume 4 of the Marlborough Environment Plan; and

- (b) A vehicle corridor 69.5 metres north and 140 metres south of the north western handrail of the Intake Jetty.
- 4. Nothing in this Bylaw applies to Burkhart Fisheries Limited and Lanfar Holdings (No 4) Limited, and its successors, assignees, employees, contractors, or nominees, in the area identified in the Business Exempt Area on Map 5 in Schedule 1 for the purposes of guidance only, being –
 - (a) The spatial area at Te Paruparu that is identified in resource consent U990121 and U220164, including any relevant successor resource consent; and
 - (b) A vehicle corridor 50 metres each side of the Dominion Salt Limited Intake Jetty, with a 10 metre allowance for the jetty itself within the Lake Grassmere Salt Works Zone.
- 5. Nothing in this Bylaw applies to Burkhart Fisheries Ltd, and its successors, assignees, employees, contractors, or nominees, in the area identified in the Business Exempt Area on Map 12 in Schedule 1 for the purposes of guidance only, being –
 - (a) The spatial area at Ward Beach that is identified in resource consent U191050, including any relevant successor resource consent.

8. Further Conditions of Access

- 1. Any person operating any vehicle, on any part of the beach must show due consideration for other users of the beach.
- 2. Any person operating any vehicle on the beach, shall operate that vehicle in a courteous, appropriate, safe and responsible manner, giving due consideration to other vehicle operators and to other users of the beach at all times.
- 3. Any person operating any vehicle on the beach shall not operate that vehicle in such a manner as to present a real or implied danger or threat to the wellbeing and safety of any other user of the beach at all times.
- 4. For the purposes of clauses (1) to (3), “other users of the beach” includes people, marine mammals, avifauna and protected, rare or threatened indigenous flora and fauna.

9. Application

- 1. For the avoidance of doubt, nothing in this Bylaw affects -
 - (a) any persons access to the dunes and to the rest of the beach as defined in Part 1 other than by motor vehicle; and
 - (b) any persons access to the east coast for commercial fishing to the extent that that right to access was permitted before the commencement of this Bylaw.

[Note: Walking, cycling, horse riding, and access by vehicles that are not motor vehicles as defined in the LTA, continue to be unrestricted on the whole of the east coast.]

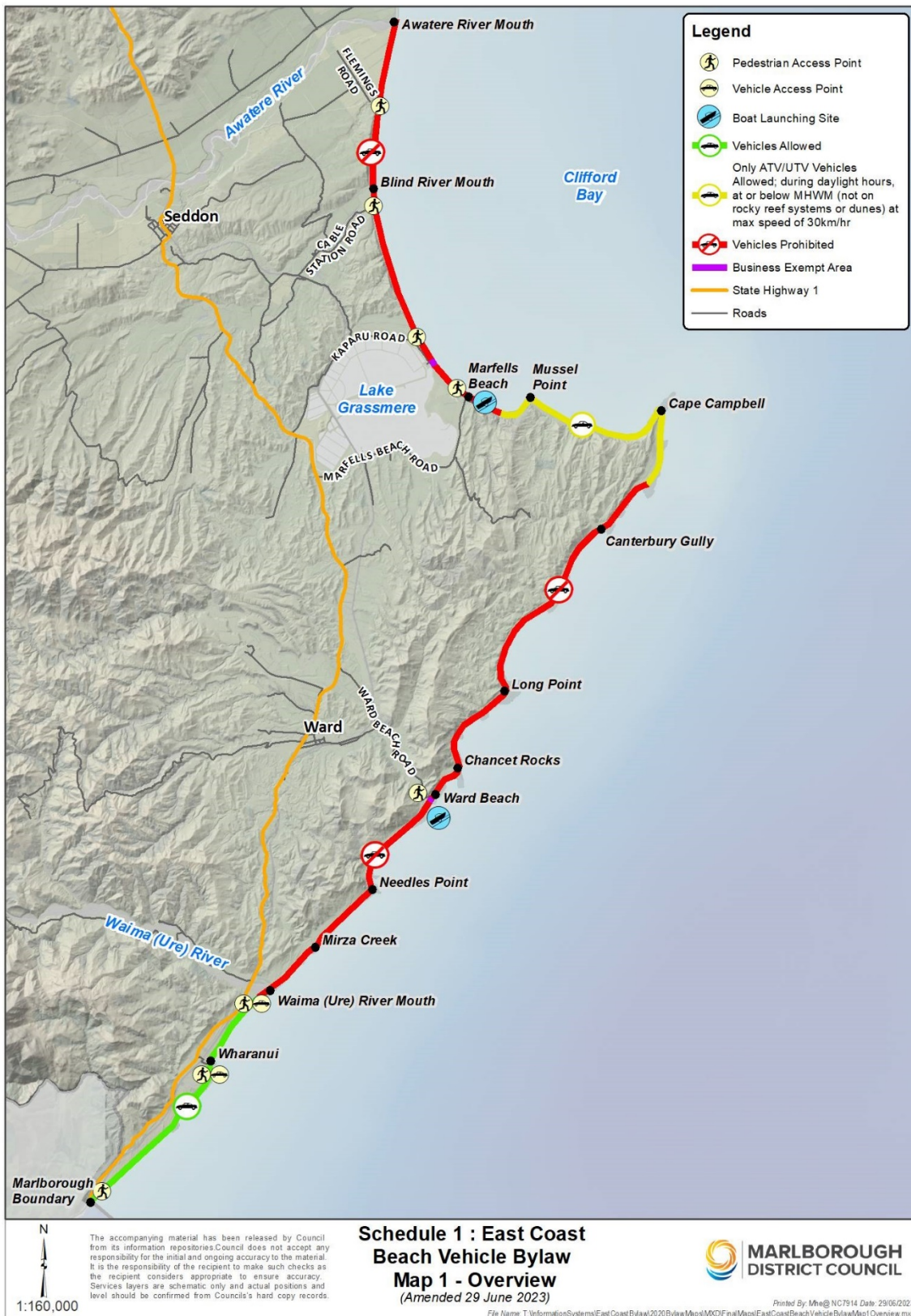
Part 3 Enforcement and Penalties

10. Breaches of Bylaw

1. Any person who fails to comply with this Bylaw commits an offence under the Land Transport Act 1998. The following penalties apply;
 - (a) Breach of Bylaw made under LTA (infringement offence): \$150.00.
 - (b) Breach of Bylaw made under LTA (ordinary offence): Fine not exceeding \$1000.00.

Schedule 1: Bylaw Maps

Map 1 : Overview



Map 2 : East Coast Beach Vehicle Bylaw 2023



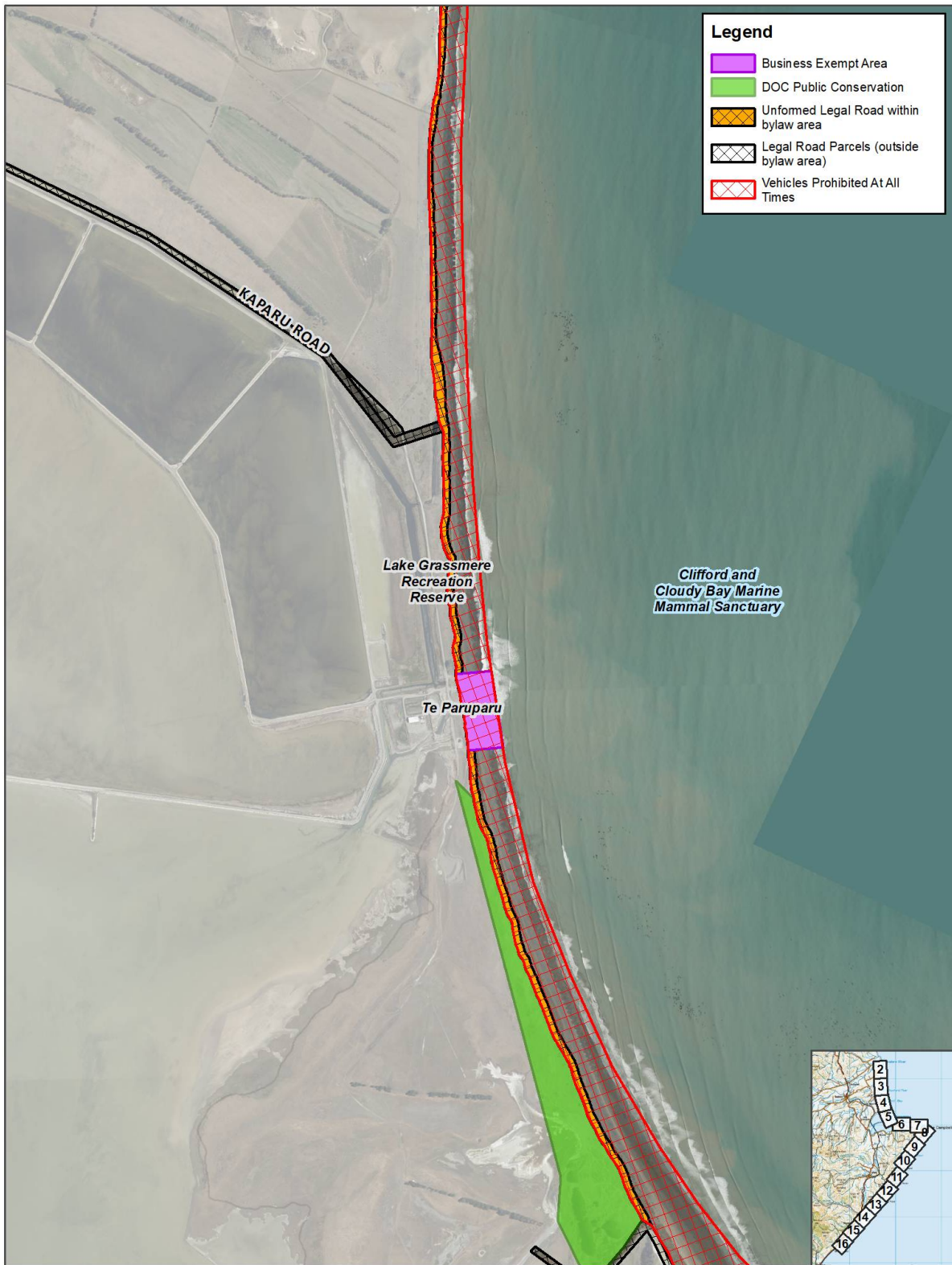
Map 3 : East Coast Beach Vehicle Bylaw 2023



Map 4 : East Coast Beach Vehicle Bylaw 2023



Map 5 : East Coast Beach Vehicle Bylaw 2023



Legend

- Business Exempt Area
- DOC Public Conservation
- Unformed Legal Road within bylaw area
- Legal Road Parcels (outside bylaw area)
- Vehicles Prohibited At All Times

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Schedule 1 : East Coast Beach Vehicle Bylaw Map 5



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Map 6 : East Coast Beach Vehicle Bylaw 2023



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Schedule 1 : East Coast Beach Vehicle Bylaw Map 6

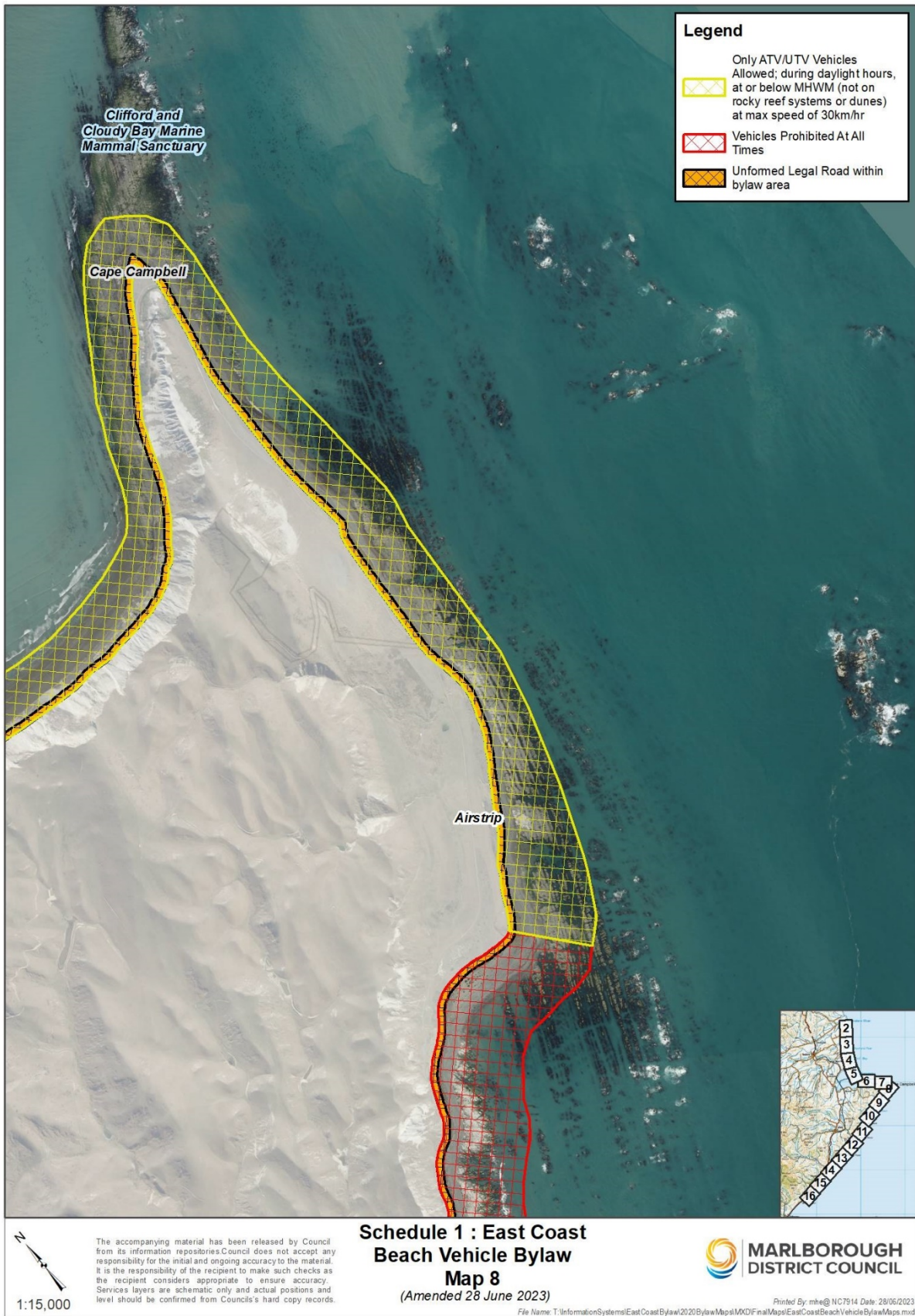


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Map 7 : East Coast Beach Vehicle Bylaw 2023



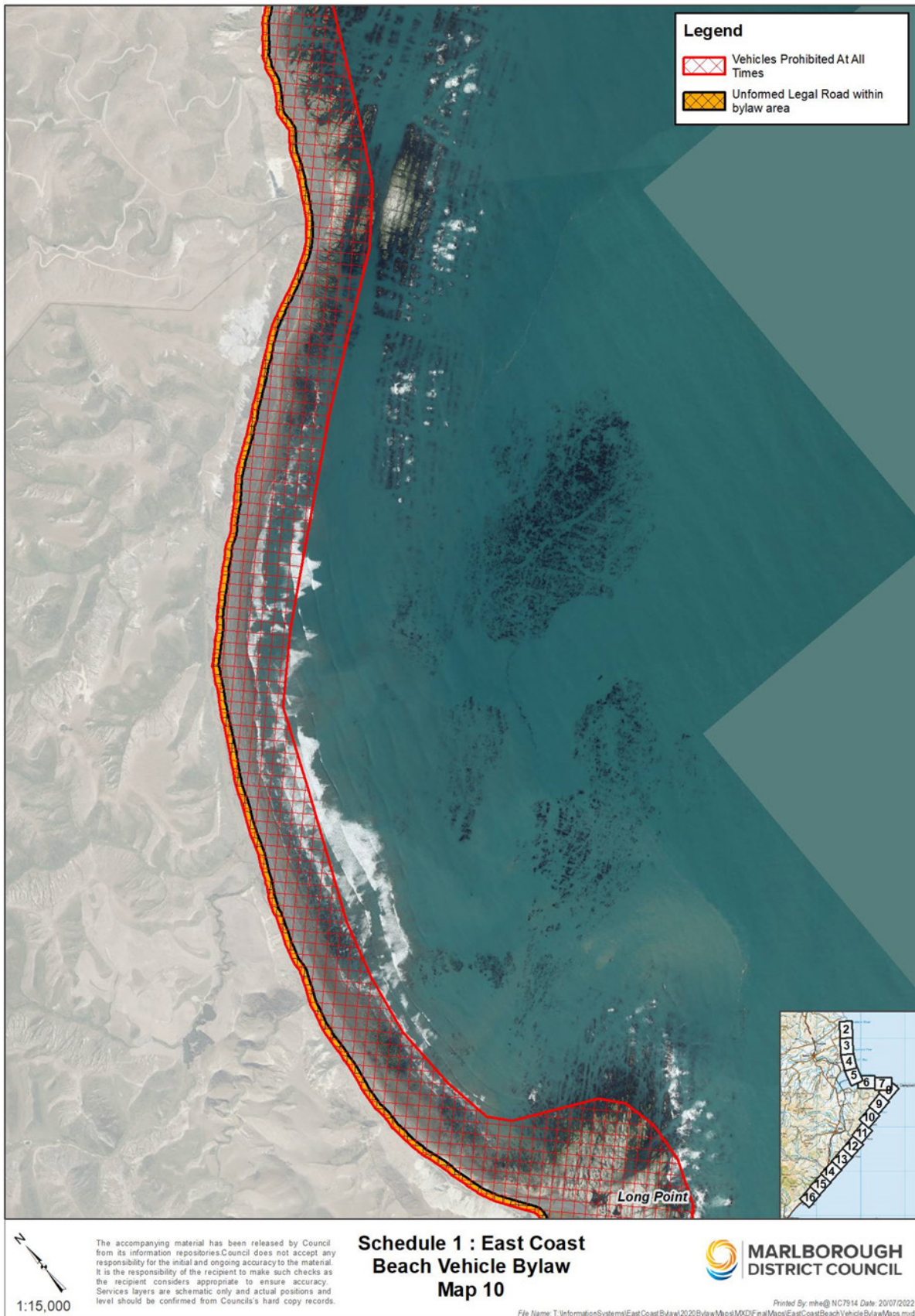
Map 8 : East Coast Beach Vehicle Bylaw 2023



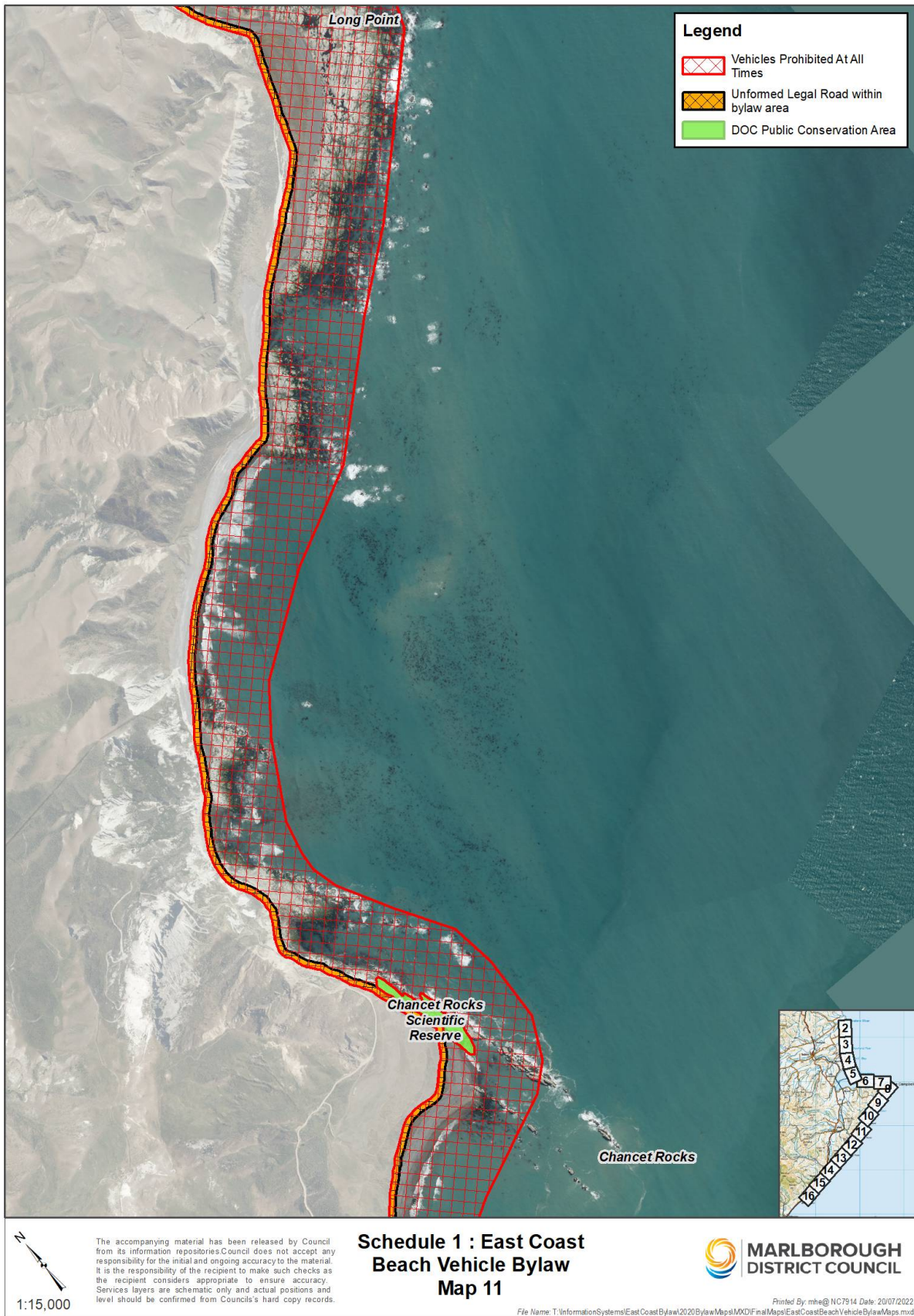
Map 9 : East Coast Beach Vehicle Bylaw 2023



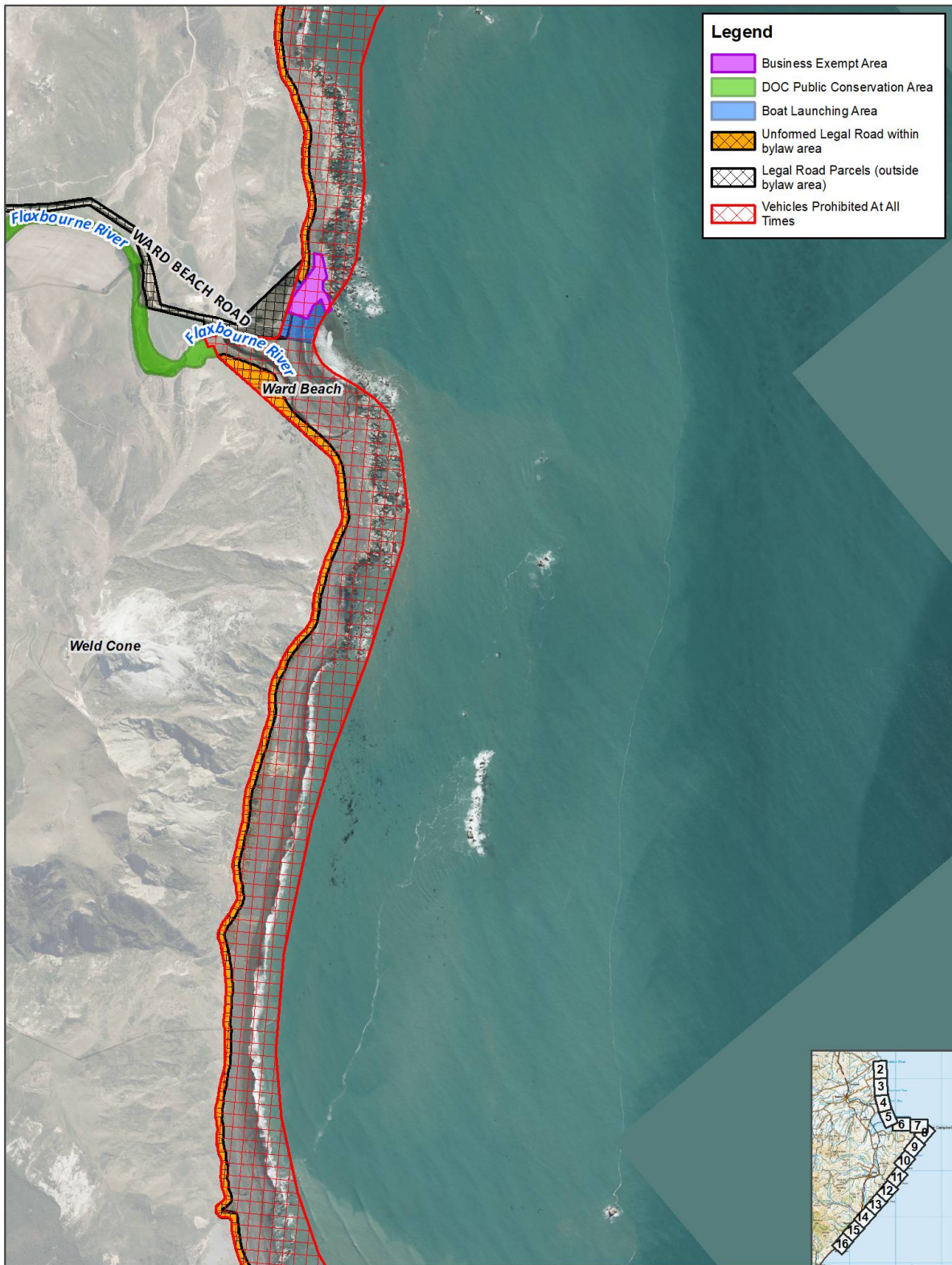
Map 10 : East Coast Beach Vehicle Bylaw 2023



Map 11 : East Coast Beach Vehicle Bylaw 2023



Map 12 : East Coast Beach Vehicle Bylaw 2023



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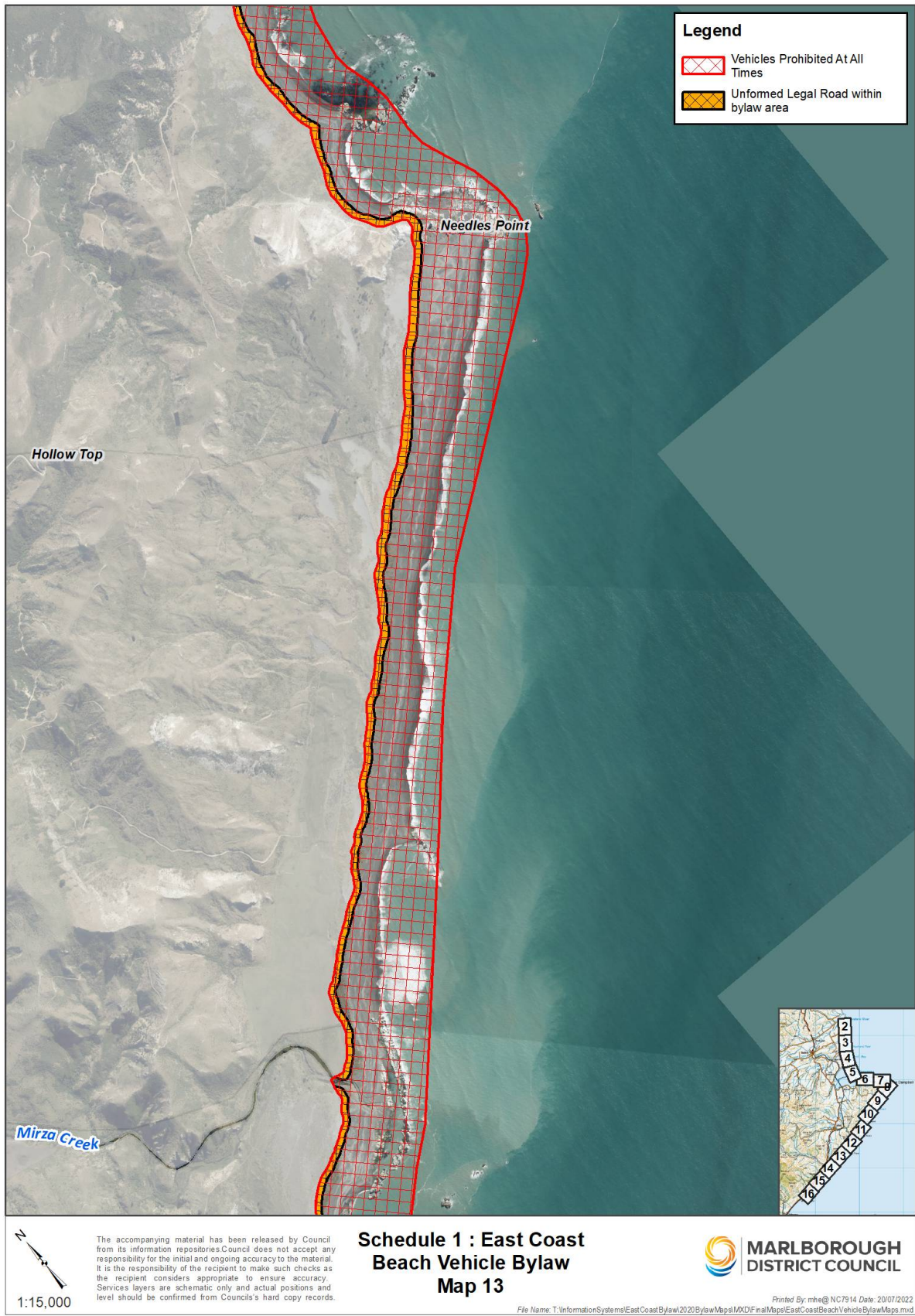
Schedule 1 : East Coast Beach Vehicle Bylaw Map 12



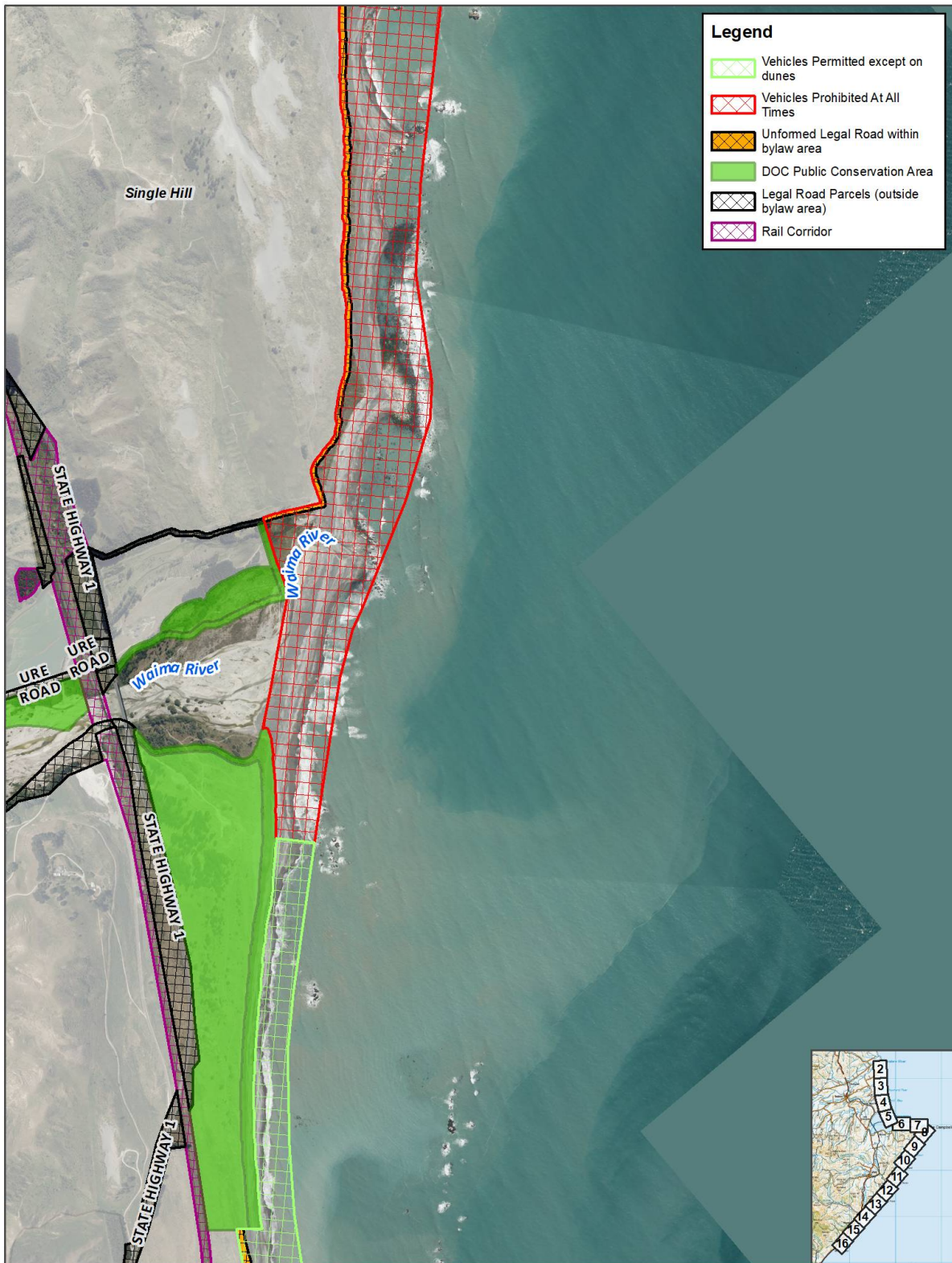
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Map 13 : East Coast Beach Vehicle Bylaw 2023



Map 14 : East Coast Beach Vehicle Bylaw 2023



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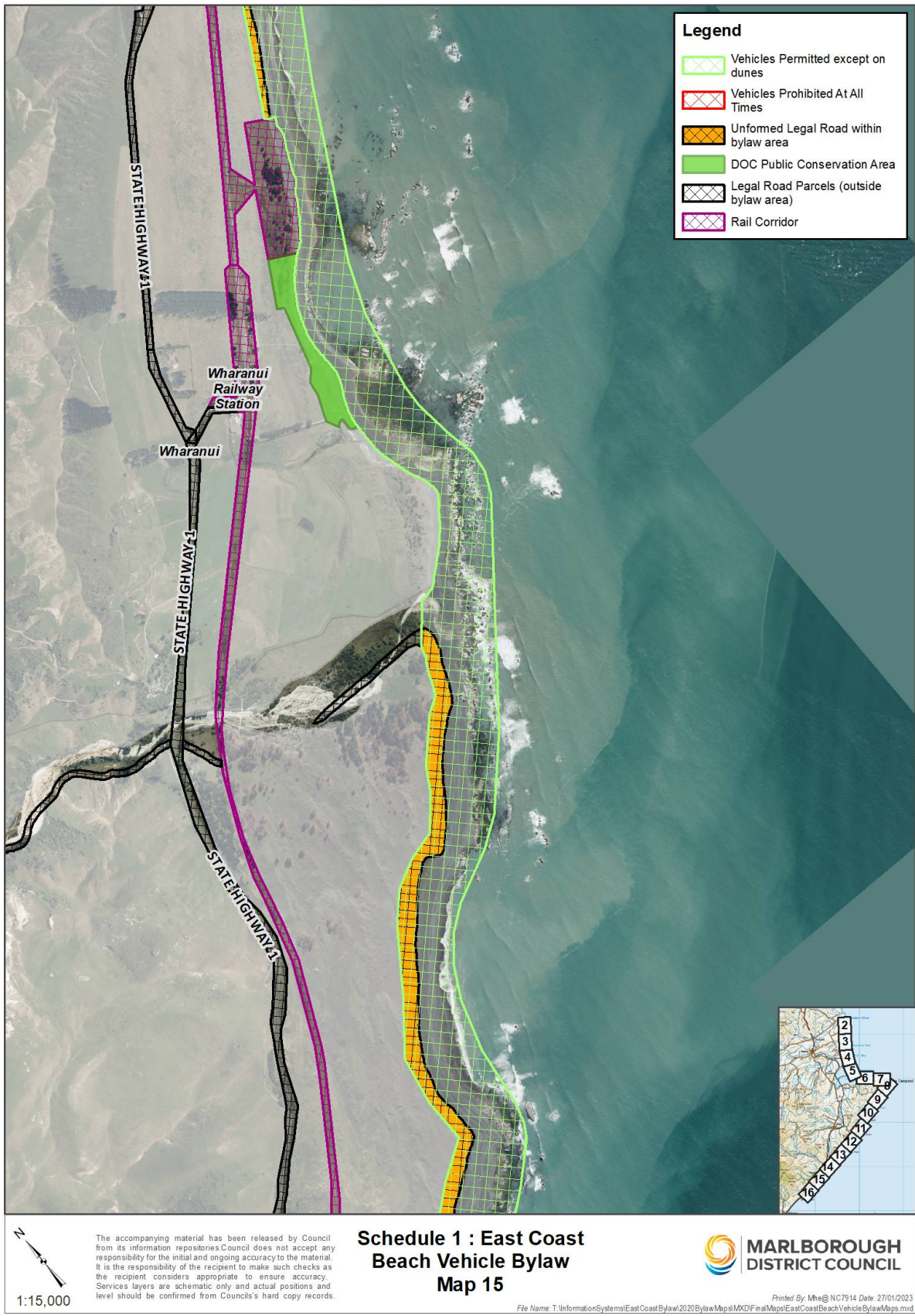
Schedule 1 : East Coast Beach Vehicle Bylaw Map 14

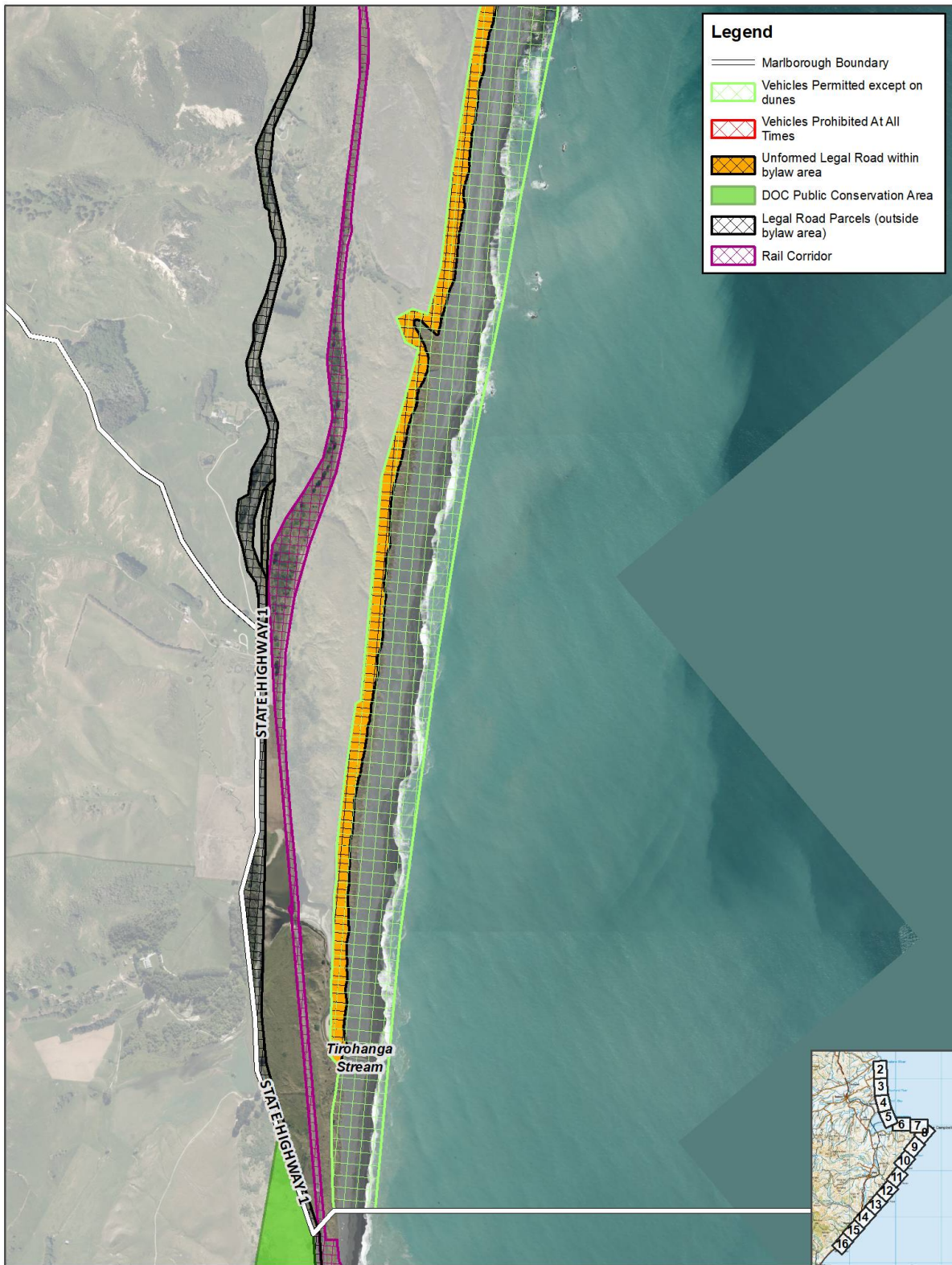


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Map 15 : East Coast Beach Vehicle Bylaw 2023





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**Schedule 1 : East Coast Beach Vehicle Bylaw
Map 16**



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