



Vehicles on Beaches Bylaw

Adopted 5 May 2022

Our people, our Islands, our future



chatham islands council

Chatham Islands Council Vehicles on Beaches Bylaw 2022

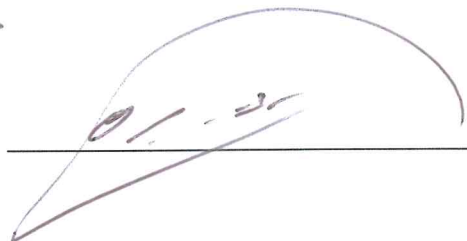
I hereby certify that this is a true and correct copy of the Chatham Islands Council Vehicles on Beaches Bylaw 2022.

Council approved this Bylaw following the special consultative procedure set out in the Local Government Act 2002.

This Bylaw was made by the Chatham Islands Council by resolution passed at a meeting of the Council held on 5 May 2022, to become operative on 5 May 2022.

The common seal of the Chatham Islands Council was affixed on 5 May 2022 in the presence of:


_____ Mayor


_____ Chief Executive



1. Preamble

- 1.1. This Bylaw is made under sections 22AB(1)(d) and 22AB(1)(f) of the Land Transport
- 1.2. This Bylaw applies to an area of beach along Waitangi Beach.
- 1.3. Nothing in this Bylaw shall derogate from any provision of, or the necessity for
 - a. The Land Transport Act 1998 (or any replacement / substitute legislation);
 - b. Any regulations or rules made under the Land Transport (Road User) Rules 2004 or the Land Transport Act 1998 (or any regulations or rules made in replacement or substitution);
 - c. Any regulatory requirements imposed by the Chatham Islands Council in respect of its functions under other legislation.
- 1.4. This Bylaw does not limit or affect any bylaw or regulation under any enactment administered by the Department of Conservation.

2. Title and Commencement Date

- 2.1. This Bylaw shall be known and referred to as the Chatham Islands Council Vehicles on Beaches Bylaw 2022.
- 2.2. This Bylaw shall come into force on 5 May 2022.

3. Purpose

- 3.1. The purpose of this Bylaw is to regulate the use of motor vehicles on Waitangi Beach in the Chatham Islands to:
 - a. protect the environment;
 - b. protect, promote and maintain public health and safety;
 - c. protect the community from nuisance; and
 - d. ensure that activities the beach is valued for (including harvesting food, swimming, exercising, picnicking and horse riding / training) can continue unencumbered.

4. Interpretation

4.1. In this Bylaw, unless the context requires otherwise, the following definitions of terms shall apply:

- a. Authorised agency includes the New Zealand Police, Fire and Emergency New Zealand, any Ambulance service, Chatham Islands Council, Department of Conservation, the National Institute of Water and Atmospheric Research and any surf life saving club.
- b. Authorised officer means any person warranted to enforce bylaws by Council in accordance with section 177 of the Local Government Act 2002.
- c. 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.
- d. Chief Executive Officer means the Chief Executive Officer of Chatham Islands Council or a person acting under a delegated authority of the Chief Executive Officer.
- e. Council means Chatham Islands Council.
- f. Dunes includes 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, but does not include any private property or any land administered by the Department of Conservation.
- g. Motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

5. General provisions

5.1. Any person operating any vehicle, on any part of Waitangi Beach must:

- a. show due consideration for other users of the beach; and
- b. operate that vehicle in a courteous, appropriate, safe and responsible manner.

5.2. Any person operating any vehicle on Waitangi Beach must 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.

- 5.3. No person shall place any fence, barrier, notice or other temporary or permanent structure on any part of Waitangi Beach with the intention of causing the impediment of vehicular movement without the written permission of the Chief Executive Officer.
- 5.4. No person shall displace, or otherwise interfere with any fence, barrier, notice or other temporary or permanent structure or warning device provided by Council or by any Authorised Agency without the express written permission of the Chief Executive Officer.

6. Restriction on use of motor vehicles

- 6.1. No person may operate a motor vehicle at a speed of more than 10 kilometres an hour on the area of Waitangi Beach south of the bridge on Waitangi Wharf Owenga Road.
- 6.2. No person may operate a motor vehicle at a speed of more than 20 kilometres an hour on Waitangi Beach between the area north of the bridge on Waitangi Wharf Owenga Road and along Waitangi Beach to the Norman Kirk Cutting (also known as Terry's Cutting).

This part of the Bylaw is authorised by section 22AB(1)(d) LTA. The relevant area is identified in the map attached as Appendix 1 for the purposes of guidance only.

7. Exemptions

- 7.1. Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions or activities of that authorised agency may:
 - a. Use any vehicle on any part of the beach including in any safe zone; and
 - b. Erect and, as may from time to time be necessary, remove from any place any warning, restriction or danger notices, related to the authorised agency's lawful functions or activities.
- 7.2. The Chief Executive Officer may issue an exemption from clauses 5 to 6 of this Bylaw to any person who shall be subject to any conditions as deemed necessary or advisable.
- 7.3. In granting any permission under this Bylaw, the Chief Executive Officer may impose such conditions as is deemed necessary or advisable on matters including, but not limited to, times, speeds, locations, erection of warnings or any other matter whatsoever.

8. Application

- 8.1. For the avoidance of doubt, nothing in this Bylaw affects any persons' access to the dunes and to the rest of Waitangi Beach other than by motor vehicle, or to any other beach on the Chatham Islands.

(Note: Walking, cycling, horse riding, and access by vehicles that are not motor vehicles as defined in the LTA, continue to be unrestricted on all beaches in the Chatham Islands).

9. Offences

- 9.1. Any person who fails to comply with any condition, restriction or prohibition made under this Bylaw commits an offence against this Bylaw.
- 9.2. Any person who, in the opinion of an authorised officer, commits a breach of any provisions of this Bylaw shall, if directed by that officer, immediately leave the beach, and may be further prohibited by that officer from re-entering the beach for a period of 24 hours. That person shall nevertheless be liable to be prosecuted for breaching this Bylaw, and the failure to leave or remain away from the beach as directed by an authorised officer shall constitute a further offence against this Bylaw.
- 9.3. Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this part of this Bylaw shall, if requested by the officer, supply his/her full name and address. The failure to provide such information or give incorrect information shall constitute a further offence against this Bylaw.

10. Penalties

- 10.1. Any person who fails to comply with this Bylaw commits an offence under the Land Transport Act 1998. The following penalties may apply:
- a. An infringement fee of \$150; or
 - b. A maximum penalty upon conviction of a fine of \$1,000.

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