

## Draft Statement of Proposal

Pursuant to section 83 of the Local Government Act 2002

Appendix 3

# Tasman's Great Taste Trail – Bylaw 2012

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## 1. Background

- 1.1 On 20 August 2010 Tasman District Council signed a Memorandum of Understanding with the Ministry of Economic Development (now the Ministry of Business Innovation and Employment (MBIE)) for the construction of Stage 1 of a cycle trail from Richmond to Mapua and Richmond to Wakefield. That agreement allocated \$2.14 million towards the construction of Stage 1 of the trail with one of its objectives being *“To provide a high quality asset that offers a world-class cycling experience and enhances New Zealand’s competitiveness as a visitor destination”*. The ultimate trail will be a 175 kilometre loop around Tapawera and the Motueka Valley.
- 1.2 The trail will form part of a series of “Great Rides of New Zealand” and will be associated with Nga Haerenga, (the New Zealand Cycle Trail) brand. The trail will also be audited by the Ministry of Business Innovation & Employment to ensure it meets the standards expected by overseas users as well as New Zealanders.
- 1.3 To maintain the brand of Nga Haerenga, New Zealand Cycle Trail “Great Ride” status, the Council needs to confirm with the MBIE that the trail will be “managed and maintained in a manner that is consistent with the objectives of Nga Haerenga, New Zealand Cycle Trail”.
- 1.4 The Ministry of Economic Development has responded to the proposed bylaw saying “This is a very useful bylaw and is needed for the other trails”.
- 1.5 In order to comply with the above funding agreement, Tasman District Council is obliged to ensure that the trail is set up and used in such a way that it is safe for users and does not cause undue nuisance to users and those affected by its presence.
- 1.6 In creating the draft bylaw the Tasman District Council has analysed existing bylaws such as the Selwyn District Christchurch to Little River Trail: Prebbleton to Lincoln Bylaw 2009” and has also applied the principles required under s155 of the Local Government Act 2002.

## 2. Is the proposed bylaw the most appropriate form of addressing perceived problems?

2.1 Does the draft bylaw meet the following test:

- a) Is it the most appropriate way of addressing the perceived problem?
- b) Does it give clear direction?
- c) Is it reasonable?
- d) Are there implications in terms of the New Zealand Bill of Rights Act 1990?

2.2 As for d) above Section 18 of the Bill of Rights Act 1990 allows “Everyone lawfully in New Zealand has the right to freedom of movement” and this bylaw is consistent with the above and provides for access to the trail that isn’t compromised by other users.

2.3. The Council considers that the draft bylaw meets the above requirements.

### **3. Key Issues**

3.1 Three areas of the bylaw are designed to ensure safe use of the trail and to prevent nuisance so that a high standard can be maintained. There are some restrictions on use of the trail by dogs and horses and a requirement for the safe use of the trail within the Spooners Tunnel.

3.2 The proposed bylaw intends to curtail nuisance occurring on or around the trail (2.1 metres either side of the centreline). Three main areas that needed to be addressed were identified as:

#### **Horses (Cloven/Hoofed Animals)**

Horses ridden on the formed trail may:

- Damage the surface with their hooves
- Leave deposits on the trail
- Disturb bird habitat
- Create danger for the rider and cyclists when passing each other
- Damage the flood stopbanks.

For the above reasons, it is intended that horses will be banned from areas of the trail that have been constructed purely for cycling/walking use.

However, allowance has been made for horses in the following circumstances:

- Crossing the trail;
- Use of the trail when co-located on a gravel/sealed section of a formed road; and when
- A separate cycle path has been constructed adjacent or in close proximity to the trail

Existing areas available for horse riding. The majority of the trail is new and therefore has been unavailable previously.

In past years the Council has acknowledge horse riding recreation and has set aside in the Waimea area the following locations:

a) Rough Island Equestrian Park (25 hectares). This area caters for riding groups and individuals. It has dressage and western riding arenas, cross country and show jumping as well as riding trails through the forest. Horses are also permitted on the southern side of Rabbit Island beach.

b) Waimea River Park – established 2010 – 392 hectares. This park which extends from Lower Queen Street extension to Brightwater and between the stopbanks incorporates extensive areas for horse riding recreation.

## **Dogs**

Dogs have the potential to:

- Disturb bird habitat on the trail; and
- Create challenges for cyclists/walkers if they are uncontrolled.

Dogs will not be allowed where the trail crosses private property as these owners have specified that dogs will not be permitted on their land.

The proposed allowance of dogs on other parts of the trail varies. This is dictated by:

- The Tasman District Council Dog Control Bylaw 2009 – this does allow for some areas in Tasman where dogs can be exercised and these areas are marked on the maps attached to that Bylaw. The new bylaw will not contradict the Dog Control Bylaw.
- It is acknowledged that shared paths that are close to urban areas are generally frequented by members of the public with dogs. There is an expectation that some of these paths need to be available for dog exercise subject to the animals being controlled.
- Allowance has also been made for dogs on the trail where it is anticipated that they pose no specific risk to cyclists and wildlife. Suitable signage will be provided to advise cyclists and walkers of the areas where dogs can share the trail.

Areas allocated for dog exercise in locations around the Waimea Estuary area and close to the trail are:

- Rough Island;
- Along the estuary at Headingly Lane;
- Along the estuary at the Old Mill Walkway;
- Railway Reserve behind Jubilee Park; and
- Riwaka River mouth around Tapu Bay.

## **Spooners Tunnel**

Spooners Tunnel is the longest (1.35 km) disused railway tunnel in New Zealand. It rises at each side and the portal openings at each end are not visible on entering the tunnel, ie, dark environment. The tunnel has a typical gravel formation that steeply slopes to the side drains. The Spooners Tunnel will be available to both cyclists and pedestrians and is not proposed to be lit.

Due to the speed of some cyclists and limited lighting for the safe use of other users, it is a requirement that this tunnel be traversed at a slow pace and that cyclists carry lighting to find their way and or alert others to their presence. It is imperative that:

- Lights are used within the tunnel;
- Cyclists dismount and walk through the tunnel; and
- Cyclists/walkers generally keep to the trail centre alignment.

## **Maps**

A set of six maps denoting the proposed restricted areas for horses and dogs is provided with this Bylaw. Note – appropriate signage will be placed along the route advising users of these restrictions. The proposed situation regarding such restrictions are shown in the maps attached to the Bylaw:

### Map 1 – Motueka & Environs

Horses not permitted on the defined trail. Dogs are not permitted through the Riwaka Reserve, along the coast or on private property north of the Motueka Golf Club.

### Map 2 – Mapua/Rabbit Island

Horses not permitted on the defined trail. Dogs not permitted along Chaytor Track, Dominion Flat, Higgs Reserve, Aranui Park (between Higgs and Aranui Roads) and private property. Dogs not permitted on Rabbit Island and the defined path of Redwood Road and Rough Island.

This is because dogs in the above area would disturb bird habitat/nesting or because of private property restrictions. An adequate dog exercise area is already available on Rough Island without the need to use the defined cycle trail.

### Map 3 – Richmond - The defined path along the coast

Areas close to the urban area, i.e. Richmond Deviation to Sandeman Reserve are accepted as dog walking areas and have limited bird habitat in the immediate vicinity. The path west of Sandeman Drive is located on private property and owners have specifically requested that no dogs be allowed. Council respects this request. Similarly, areas along the former Railway Reserve where dogs are currently exercised will be extended as the trail is close to the urban area.

Horses are not permitted on the trail except where a horse track has been separately constructed and this is the case at the southern end of Pugh Road. This area will be signposted.

### Map 4 – Spooners Range & Environs

This area covers the Spooners Tunnel and the surrounding rural environment. For safety reasons and with limited light in the tunnel, animals/stock are not permitted into the tunnel.

### Map 5 – Tapawera

The path traverses private properties and through working farms. Issues of safety in respect to a working farm and the spread of sheep measles require that there be a “no dog” restriction.

### Map 6 – Motueka Valley

As the majority of this section of the trails uses the existing gravel road, there are no restrictions on horse or dogs as the trail uses the existing road formation.

## **4. Submissions**

Any interested person or body can make submissions on the draft bylaw or any aspect of or omission from it. The bylaw is open for consultation and any matters submitters wish to raise as part of the consultation process. The Council in making its decision will be taking account of all submissions.

Copies of this proposal and the Draft Bylaw can be obtained from all Tasman District Council offices and libraries and via Council's website – [www.tasman.govt.nz](http://www.tasman.govt.nz)

Submissions to the Draft Bylaw should be sent to the Engineering Secretary, Tasman District Council, Private Bag 4, Richmond 7050 or via email to [robyn.scherer@tasman.govt.nz](mailto:robyn.scherer@tasman.govt.nz) or delivered to 189 Queen Street Richmond no later than 5 pm on 23 October 2012.

Submissions will be heard on 1 November 2012.

Public information – submissions to the Council are public information. Your submission will be available to the public and the media.

To make your submission online go to [www.tasman.govt.nz/bylaws](http://www.tasman.govt.nz/bylaws)