

About these Guidelines

These Guidelines cover the informal, recreational use of trail bikes on private land, particularly in rural/residential areas. They should be used by property owners, trail bike riders and council officers to ensure that trail bike riding does not create an unreasonable noise for neighbours, or cause an 'environmental nuisance' as defined under Section 53 of the *Environmental Management and Pollution Control Act 1994* (EMPCA).

The Guidelines do not apply to:

- trail bike usage within 500 metres of residential premises, as this activity is covered under the *Environmental Management and Pollution Control (Noise) Regulations 2016*; or
- formal, organized events that have already been approved by Local Government.

Responsibilities of land owners and trail bike riders

- It is the general responsibility of all land owners to show respect for the recreational values and activities of their neighbours. This means recognizing that some people appreciate rural areas for their peace and quiet, while others value these areas for the active recreational pursuits they offer, such as trail bike riding. Both of these views are valid; however, common sense, negotiation and planning are often required to achieve the appropriate balance between the two.
- Land owners who use, or allow the use of trail bikes on their property must ensure that their activities do not cause an environmental nuisance. They should also be aware that trail bike noise at any time of the day or night can potentially be determined as unreasonable under Section 53 of EMPCA and may result in a penalty.
- Any property owner intending to allow the recreational use of more than one trail bike on their land, especially on a regular basis, should speak to their local Council to discuss their plans. They should advise council officers how often they intend to ride, how many bikes will be used, how long they intend to use them on any particular day, as well as any other relevant details.
- Trail bike riders should, as far as is practicable, minimize the noise produced by their bikes by riding them in a reasonable manner and ensuring exhaust systems are properly maintained so that they comply with the Noise Limit Guidelines 2016. Riders should also be aware that noise can travel long distances, particularly when a trail bike is within sight of a neighbour's residence, and should moderate their riding under these conditions.
- Under no circumstances should any land owner or trail bike rider attempt to coerce, threaten or intimidate their neighbours into supporting or agreeing to the recreational use of trail bikes.

Responsibilities of Local Government

- Council officers should assess whether any neighbouring properties and residences are within earshot of any intended or reported trail bike riding activity, especially where multiple properties may be affected by trail bike noise. Assessments should be made with reference to the Guidelines for Assessing Noise Nuisance 2016.
- These Guidelines are not directly enforceable. However, if a council officer determines that an environmental nuisance is occurring, or is likely to occur, that officer may take action by issuing an Environment Protection Notice under section 44(2) of EMPCA, with appropriate conditions that set limits on the time, place and any other relevant aspects of the activity.