

Appendix – Policy hierarchy

	Statute/Instrument	Relevant provisions
1	Resource Management Act 1991	<p>Section 6 – Matters of national importance – “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:</p> <p>(a) the preservation of the natural character of the coastal environment (including the coastal marine area) [...]</p> <p>(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”</p> <p>Section 7 – Other matters – “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –</p> <p>(aa) the ethic of stewardship,</p> <p>(d) intrinsic value of ecosystems,</p> <p>(f) maintenance and enhancement of the quality of the environment</p> <p>Section 8 – Treaty of Waitangi – “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p> <p>Section 31 – Functions of territorial authorities under this Act – “(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:</p> <p>(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district: [...]</p> <p>(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of [...]</p> <p>(iii) the maintenance of indigenous biological diversity:</p> <p>Section 32 – Requirements for preparing and publishing evaluation reports – “An evaluation report required under this Act must –</p> <p>(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</p> <p>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –</p>

		<p>(i) identifying other reasonably practicable options for achieving the objectives; and</p> <p>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</p> <p>(iii) summarising the reasons for deciding on the provisions; and</p> <p>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</p> <p>(2) An assessment under subsection (1)(b)(ii) must –</p> <p>(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced; and</p> <p>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and</p> <p>(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. [...]</p> <p>Section 72 – Purpose of district plans – “The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.</p> <p>Section 75 – Contents of district plans – “[...] (3) A district plan must give effect to –</p> <p>(a) any national policy statement; and</p> <p>(b) any New Zealand coastal policy statement; and</p> <p>(ba) a national planning standard; and</p> <p>(c) any regional policy statement</p> <p>(4) A district plan must not be inconsistent with –</p> <p>(a) a water conservation order; or</p> <p>(b) a regional plan for any matter specified in section 30(1).</p>
2	Land Transport Act 1998	Section 22AB – Road controlling authority may make certain bylaws – “(1) A road controlling authority may make any bylaw that it thinks fit for 1 or more of the following purposes: [...] (f) prohibiting or restricting the use of vehicles on beaches:
3	Marine and Coastal Area (Takutai Moana) Act 2011	Section 11 – Special status of common marine and coastal area “(1) The common marine and coastal area is accorded a special status by this section. (2) Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act.

		<p>(3) On the commencement of this Act, the Crown and every local authority are divested of every title as owner, whether under any enactment or otherwise, of any part of the common marine and coastal area. [...]"</p> <p>Section 14 – Roads located in marine and coastal area “(1) Any road, whether formed or unformed, that is in the marine and coastal area on the commencement of this Act is not part of the common marine and coastal area. [...]"</p> <p>Section 121 – Bylaws –“(1) The Minister of Conservation may make bylaws for any specified part of the common marine and coastal area for all or any of the following purposes: (a) prohibiting or regulating the use or parking of vehicles in a specified part of the common marine and coastal area: [...]"</p>
4	<p>Te Aupouri Claims Settlement Act 2015</p>	<p>74 Preparation and approval of beach management plan “(1) The Board must prepare and approve a beach management plan as provided for by section 68(3)(a) in accordance with the requirements set out in Part 2 of Schedule 2. (2) However, a subcommittee of the Board must prepare and approve the part of the beach management plan that relates to Beach sites A, B, C and D. (3) The members of the Board appointed by the iwi appointers and referred to in section 66(1)(a) to (d) are the members of the subcommittee.”</p> <p>75 Purpose and contents of beach management plan “(1) The purpose of the beach management plan is to – (a) Identify the vision, objectives, and desired outcomes for the Te Oneroa-a-Tohe management area; and (b) Provide direction to persons authorised to make decisions in relation to the Te Oneroa-a-Tohe management area; and (c) Express the Board’s aspirations for the care and management of the Te Oneroa-a-Tohe management area, in particular, in relation to the following matters (priority matters): (i) Protecting and preserving the Te Oneroa-a-Tohe management area from inappropriate use and development and ensuring that the resources of the Te Oneroa-a-Tohe management area are preserved and enhanced for present and future generations; and (ii) Recognising the importance of the resources of the Te Oneroa-a-Tohe management area for Te Hiku o Te Ika iwi and ensuring the continuing access to Te Hiku o Te Ika iwi to their mahinga kai; and (iii) Recognising and providing for the spiritual, cultural, and historical relationship of Te Hiku of Te Ika iwi with the Te Oneroa-a-Tohe management area. [...]"</p>

		<p>78 Effect of beach management plan on local government decision making</p> <p>The Councils must take the beach management plan into account when making decisions under the Local Government Act 2002, to the extent that the beach management plan is relevant to the local government issues in the Te Oneroa-a-Tohe management area.</p>
5	<p>New Zealand Coastal Policy Statement 2010</p>	<p>Policy 5: Land or waters managed or held under other Acts</p> <ol style="list-style-type: none"> 1. Consider effects on land or waters in the coastal environment held or managed under: <ol style="list-style-type: none"> a. the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or b. other Acts for conservation or protection purposes; and, having regard to the purposes for which the land or waters are held or managed: c. avoid adverse effects of activities that are significant in relation to those purposes; and d. otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes. 2. Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection. <p>Policy 6: Activities in the coastal environment</p> <ol style="list-style-type: none"> 1. In relation to the coastal environment: <ol style="list-style-type: none"> a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities; b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment; c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth; d. recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them; e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area; f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable; g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations; h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects; i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and

- j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.**
2. Additionally, in relation to the coastal marine area:
- a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and**
 - e. promote the efficient use of occupied space, including by:
 - i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 11: Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - v. habitats, including areas and routes, important to migratory species; and
 - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 13: Preservation of natural character

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - a. natural elements, processes and patterns;
 - b. biophysical, ecological, geological and geomorphological aspects;
 - c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - d. the natural movement of water and sediment;
 - e. the natural darkness of the night sky;
 - f. places or areas that are wild or scenic;
 - g. a range of natural character from pristine to modified; and
 - h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 14: Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- a. identifying areas and opportunities for restoration or rehabilitation;
- b. providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;
- c. where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:
 - i. restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
 - ii. encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
 - iii. creating or enhancing habitat for indigenous species; or
 - iv. rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
 - v. restoring and protecting riparian and intertidal margins; or
 - vi. reducing or eliminating discharges of contaminants; or

- vii. removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
- viii. restoring cultural landscape features; or
- ix. redesign of structures that interfere with ecosystem processes; or
- x. decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

Policy 15: Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
- c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - i. natural science factors, including geological, topographical, ecological and dynamic components;
 - ii. the presence of water including in seas, lakes, rivers and streams;
 - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - iv. aesthetic values including memorability and naturalness;
 - v. vegetation (native and exotic);
 - vi. transient values, including presence of wildlife or other values at certain times of the day or year;
 - vii. whether the values are shared and recognised;
 - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - ix. historical and heritage associations; and
 - x. wild or scenic values;
- d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- e. including the objectives, policies and rules required by (d) in plans.

Policy 17: Historic heritage identification and protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- a. identification, assessment and recording of historic heritage, including archaeological sites;
- b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- c. initiating assessment and management of historic heritage in the context of historic landscapes;

- d. recognising that heritage to be protected may need conservation;
- e. facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- f. including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- g. imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- h. requiring, where practicable, conservation conditions; and
- i. considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 19: Walking access

1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
 - a. identifying how information on where the public have walking access will be made publicly available;
 - b. avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
 - c. identifying opportunities to enhance or restore public walking access, for example where:
 - i. connections between existing public areas can be provided; or
 - ii. improving access would promote outdoor recreation; or
 - iii. physical access for people with disabilities is desirable; or
 - iv. the long-term availability of public access is threatened by erosion or sea level rise; or
 - v. access to areas or sites of historic or cultural significance is important; or
 - vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
 - a. to protect threatened indigenous species; or
 - b. to protect dunes, estuaries and other sensitive natural areas or habitats; or
 - c. to protect sites and activities of cultural value to Māori; or
 - d. to protect historic heritage; or
 - e. to protect public health or safety; or
 - f. to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
 - g. for temporary activities or special events; or
 - h. for defence purposes in accordance with the Defence Act 1990; or
 - i. to ensure a level of security consistent with the purpose of a resource consent; or
 - j. in other exceptional circumstances sufficient to justify the restriction.
4. Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

Policy 20: Vehicle access

(1) **Control use of vehicles**, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:

- (a) **damage to dune or other geological systems and processes**; or
- (b) **harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds**; or
- (c) danger to other beach users; or
- (d) disturbance of the peaceful enjoyment of the beach environment; or
- (e) **damage to historic heritage**; or
- (f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
- (g) damage to sites of significance to tangata whenua; might result.

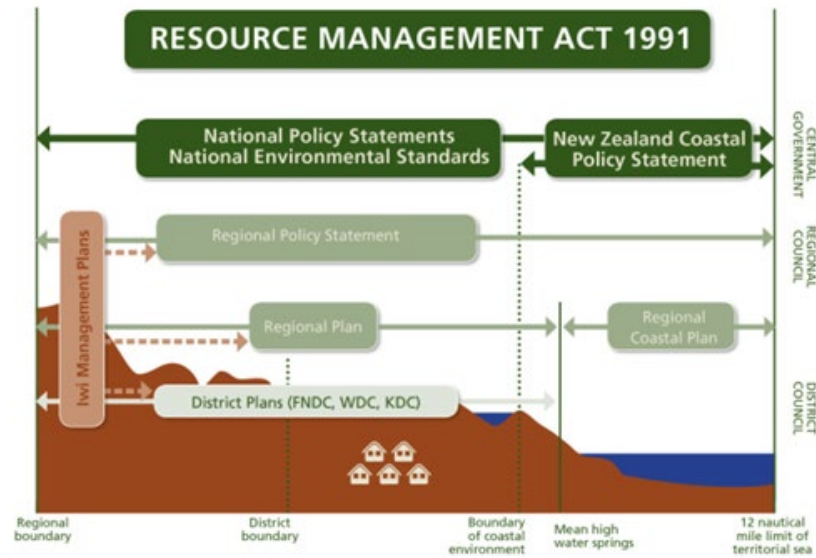
(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.

(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.

6

Regional Policy Statement

At pg 13



At pg 22: "The key pressures on Northland's indigenous terrestrial, freshwater, and coastal marine ecosystems and species are: [...] (d) Fragmentation, loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance."

At pg 42: "3.4 Indigenous ecosystems and biodiversity. Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species"

At pg 54: "3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage. Identify and protect from inappropriate subdivision, use and development;

- (a) the qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;
- (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;
- (c) the integrity of historic heritage.

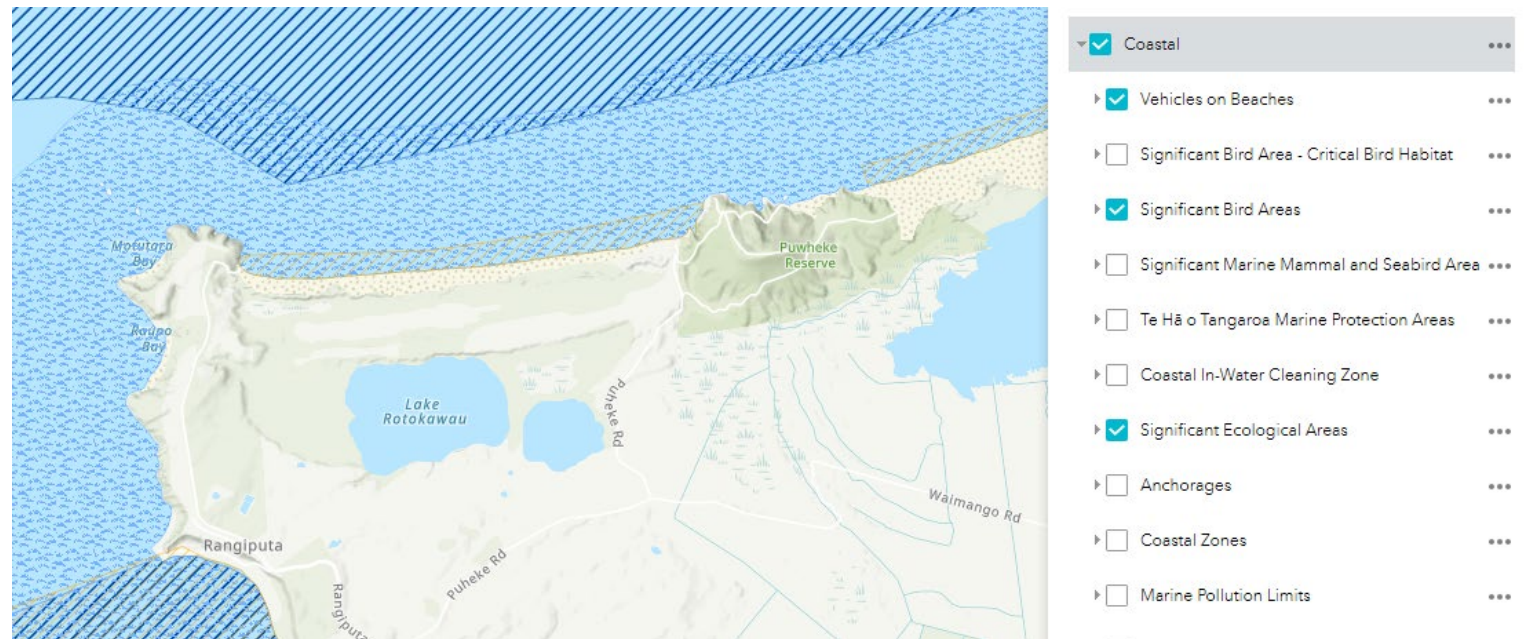
7	<p>Northland Regional Council – Proposed Regional Plan (Appeals Version)</p>	<p>C.1.5.1 Conditional use of vehicles on the foreshore and seabed – permitted activity</p> <p>“The use of vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed is a permitted activity, provided that apart from emergency services vehicles providing an emergency response.</p> <ol style="list-style-type: none"> 1) Vehicle access to the foreshore is only via authorised or existing lawful vehicle access point; and 2) There is no disturbance of, or damage to, indigenous or migratory bird nesting or roosting sites; and 3) There is no disturbance of, or damage to, a mapped Historic Heritage Area (refer Maps Ngā mahere matawhenua); and 4) There is no disturbance of, or damage to, a mapped Site or Area of Significance to Tāngata Whenua (refer Maps Ngā mahere matawhenua); and 5) Vehicles do not drive over pipi or cockle beds except where necessary for the use, maintenance, repair or removal of infrastructure, and do not damage or destroy other shellfish beds; and 6) Vehicles do not drive over saltmarsh, saltmeadow, saltmeadow turfs, seagrass meadows, mangroves or mangrove aerial roots (pneumatophores) and do not damage or destroy other indigenous vegetation; and 7) vehicles do not drive on the foreshore or seabed within a mapped Vehicle Exclusion Zone (refer Maps Ngā mahere matawhenua) unless the activity is for one or more of the following listed activities: <ol style="list-style-type: none"> a) access to property where the only access is via the coastal marine area, or b) the launching or retrieval of vessels at the closest practicable point¹² along the foreshore from the vehicle access, or c) the use, maintenance, repair or removal of an authorised structure (including hard protection structures, aids to navigation structures and infrastructure structures), or d) conservation and reserve management activities undertaken by, or formally on behalf of, the Department of Conservation or local authority in accordance with its statutory functions, or e) environmental monitoring or data collection undertaken by consent holders, the Regional Council, district councils, universities and research institutes (such as NIWA), or their authorised agents, or f) kaitiakitanga monitoring in accordance with Mātauranga Māori, or g) access to customary marine title group where the only access is via the coastal marine area, or h) attending to a rescue of stranded marine mammals, or i) burial of dead animals or marine mammals (including the customary processing of carcasses before burial) by the Department of Conservation, tangata whenua, local authority or their delegated agents, or j) clearance of pipe outlets, artificial water courses and tidal stream mouths, or k) removal or recovery of wrecked vessels, or l) dune and coastal restoration, enhancement and maintenance projects undertaken by a registered coast care group or group authorised by the territorial authority, or





- m) access for people with mobility disabilities (while displaying a mobility card) to the closest practicable point along the foreshore from the vehicle access, or
- n) surf lifesaving operations and law enforcement operations, and
- o) the activity complies with C.1.8 Coastal works general conditions, with the exception of C.1.8(5).

Note: District councils may also have bylaws that control (including prohibiting) the use of vehicles on beaches as well as dunes. The taking and using of vehicles within reserves is also regulated (including prohibited) under the Northland Reserves Bylaws 2007. Compliance with C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity does not remove the need to comply with all relevant bylaw provisions.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed by a vehicle or an activity not the subject of any other rule in this Plan (s12(1)).
- The use of vehicles on the foreshore or seabed (s12(3)).



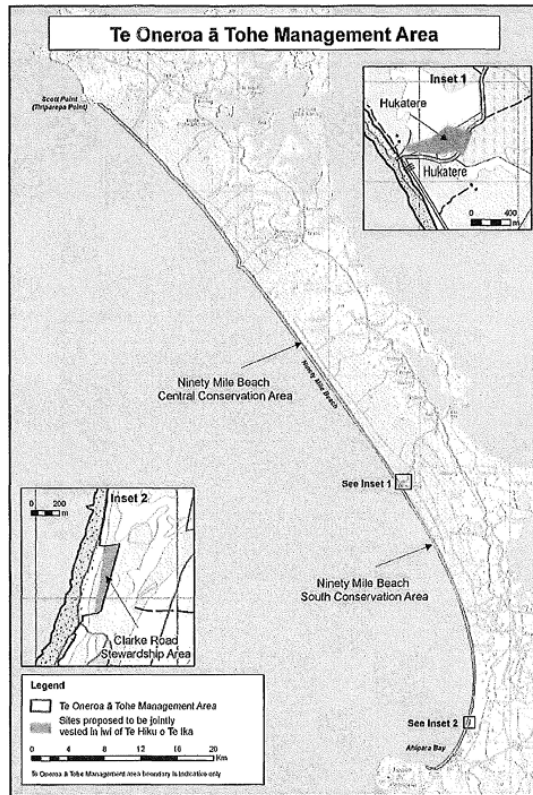
		<p>Legend</p> <p>Coastal</p> <p>Vehicles on Beaches </p> <p>Significant Bird Areas </p> <p>Significant Ecological Areas</p> <p> Within CMA  Landward Extension</p>
8	<p>Northland Regional Council - Regional coastal plan dated 27 May 2016</p>	<p>10 Public Access</p> <p>"10.2 Issues [...] 5. Vehicular access to and along the coastal marine area can cause adverse environmental effects.</p> <p>6. Adverse environmental effects can arise from vehicular use on beaches across administrative boundaries such as the line of mean high water springs.</p> <p>10.4 Policies [...]</p> <p>4. Consent authorities shall recognise that vehicular use to and along the coastal marine area may cause adverse environmental effects including:</p> <ul style="list-style-type: none"> • Coastal erosion • Ecosystem degradation • Depletion, and in some cases destruction, of shellfish beds • Disturbance of wildlife, especially nesting birds • Damage to archaeological site and waahi tapu • Public health and safety • Noise <p>Explanation. Vehicles such as 4WD and motorcycles can cause considerable damage by crushing juvenile shellfish, disturbing and/or damaging flora and fauna, accelerating erosion and placing other recreational users at risk.</p>

		<p>5. The Council shall recognise that vehicle usage and associated environmental effects are not confined to the CMA and an integrated management approach between a number of different organisations and communities is required to address these effects.</p> <p>Explanation. The arbitrary boundary of the line of MHWS does not take into account the fact that beaches form part of a dynamic and integrated ecosystem. Adverse effects arising from vehicle use anywhere on a beach can affect the whole beach system. A number of different organisations and communities have responsibilities and interests in managing adverse environmental effects arising from vehicle use on beaches.”</p>
9	Local Government Boundary Alteration Notice 2011	<p>“Pursuant to clause 5(1)(b) of Schedule 2 of the Local Government Act 2002, the Associate Minister of Local Government gives the following notice. [...]</p> <p>3. Seaward boundaries extended-The seaward boundaries of the districts listed in Schedule 1 are extended to mean low water springs. [...]</p> <p>Schedule 1 Districts With Extended Seaward Boundaries Far North District”</p> <p>https://gazette.govt.nz/notice/id/2011-go3371</p>
10	Far North District Council Road Use Bylaw 2022	<p>Part 8: Vehicles on Beaches</p> <p>“27 Vehicles prohibited. All vehicles are prohibited on any beach or any part of a beach which is identified in schedule 6 at all times unless an exemption has been provided under clause 29 of this Bylaw.</p> <p>28 Restriction on the use of vehicles on beaches.</p> <p>(1) Vehicles are prohibited on any beach or any part of a beach which is identified in schedule 7 during the times and or dates listed in the schedule unless an exemption has been provided under clause 29 of this bylaw.</p> <p>(2) Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description.</p> <p>29 Exemptions.</p> <p>(1) Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions of that agency is exempt from the restrictions imposed under clause 30 and 31 of this bylaw.</p> <p>(2) Council may issue an exemption to clause 27 and 28 of this bylaw to any person and may impose any conditions to that exemption. Council may revoke an exemption in its sole discretion at any time.</p>

		<p>30 Person to provide details. Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw relating to vehicles on beaches the person shall, on demand by an enforcement officer, give his or her full name and full address. The failure to provide such information or give correct information shall constitute a further offence against this Bylaw.</p> <p>31 Offenders to leave beach. Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.</p> <p>Schedule 6 – Beaches or parts of beaches upon which vehicles are prohibited</p> <p>1. Coopers Beach – Vehicles are prohibited on the entirety of Coopers Beach at all times.</p> <p>Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted</p> <p>[No beaches or parts of beaches are included in Schedule 7 at this time.]</p>
11	<p>Agreement in principle for the settlement of the historical claims of Ngati Kahu dated 17 September 2008</p>	<p>“7. This Agreement in Principle is entered into on a without prejudice basis. It: a. is non-binding and does not create legal relations; and b. may not be used as evidence in any proceedings before, or be presented to, the Courts, the Waitangi Tribunal or any other judicial body or tribunal.”</p> <p>Cultural Redress Properties</p> <p>“The Deed of Settlement and Settlement Legislation will provide for the properties listed in Table 1 (below) to be vested in the Governance Entity on the Settlement Date. [...] Site: Part Puwheke Recreation Reserve, Description: 66.4 hectares, approximately, being Part Sections 16 and 18 Block IV Karikari Survey District. Subject to survey [...]”</p> <p>Conditions for Cultural Redress Properties</p> <p>“27. The vesting of the Cultural Redress Properties is subject to (where relevant): [...] the creation of marginal strips where Part IVA of the Conservation Act 1987 so requires;”</p> <p>https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati_Kahu/DOS_SUPPORT/Ngati-Kahu-Agreement-in-Principle-for-the-Settlement-of-Historical-Claims-17-Sep-2008.pdf</p>
12	<p>Agreement in principle relating to</p>	<p>2 Outline of this agreement in principle</p>

<p>the settlement of the historical claims of Te Hiku iwi Being Ngati Kuri, Te Aupouri, Ngai Takoto, Ngati Kahu, Te Rarawa dated 16 January 2010</p>	<p>“2.1 This agreement in principle contains the nature and scope, in principle, of the following redress for Te Hiku iwi for the settlement of their historical claims –</p> <p>2.1.1 shared cultural redress in relation to Te Oneroa a Tohe, Te Rerenga Waiua and Te Ara Wairua;</p> <p>2.1.2 comprehensive financial and commercial redress for Te Hiku iwi comprising –</p> <p>(a) \$120 million which is to be split amongst Te Hiku iwi by a mixture of cash and properties as determined by Te Hiku iwi themselves as set out in 6.2; and</p> <p>(b) rights of first refusal exercisable by Te Hiku iwi over –</p> <p>(i) public conservation land in the Te Hiku o Te Ika region administered by the Department of Conservation on behalf of the Crown on settlement date; and</p> <p>(ii) other land in the Te Hiku o Te Ika region held by government departments on behalf of the Crown on settlement date;</p> <p>(iii) any properties in schedule 5 or 6 that are not transferred on settlement date to a Te Hiku iwi; and</p> <p>2.1.3 a social accord entered into by the Crown and Te Hiku iwi. [...]”</p> <p>Co-governance arrangement</p> <p>“[...] 4.12 The board will – 4.12.1 develop a management plan for the areas within Te Oneroa a Tohe identified in the map 2 in schedule 3 (the “beach management areas”) being –</p> <p>(a) the foreshore and seabed; and</p> <p>(b) the marginal strips adjacent to the beach management areas; [...]</p> <p>4.12.2 ensure the beach management areas are managed in accordance with the management plan;”</p> <p>Regeneration of the beach</p> <p>“4.21 The Crown will also explore with Te Hiku iwi redress to assist the regeneration of toheroa and other fauna and flora in the beach management areas such as prohibiting vehicle traffic.”</p> <p>Schedule 3</p>
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Map 2



https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngati_Kahu/DOS_SUPPORT/Te-Hiku-Agreement-in-Principle-16-Jan-2010.pdf