Before the Independent Hearings Panel
Far North District Council

Under:	the Resource Management Act 1991
In the matter of:	Submissions and further submissions in relation to the proposed Far North District Plan
And:	Lucklaw Farm Limited (s551, 585), Trustees of the Taranaki Trust (s582), and Grace Anne Sturgess (s583)

Submissions of counsel for Lucklaw Farm Ltd (s551, 585) for Hearing 17: Sweep Up

Dated: 3 November 2025

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May it please the Panel

1. Lucklaw Farm Limited ("**Lucklaw**", submitter 551, 585) was a submitter at the coastal environment hearing (in relation to vehicles on beaches and mapping issues) and heard on 6 August 2024.[1]

2. Lucklaw has been granted leave to be heard at the 'Sweep-up' hearing, Hearing 17, in relation to two matters:

    a. To reply (briefly) to matters raised by Mr Wyeth (reporting officer for the Coastal Environment hearing), who filed supplementary evidence for after hearing 4. refer officers written right of reply, dated 23 August 2024, and supplementary report to the Panel, dated 26 May 2025)

    b. To address (briefly) mapping discrepancies which appear to be unresolved between district and regional coastal mapping for areas of coastal landscape significance.[2]

3. In addition to these submissions are filed/relied on:

    a. Statement of supplementary rebuttal evidence of M Langman - Lucklaw Farm Ltd dated 21 October 2025.

    b. Short outline statement from Mr Sturgess (who will attend in person) and speak to two circulated slides for his evidence

    c. Schedules 1 to these submissions (with revised proposed drafting on the vehicles on beaches issue).

Vehicles on beaches issue

4. In response to Mr Wyeth:

    a. Mr Wyeth responds to submission number s550. The submitter filed an amended submission (i.e. which amended submission 550) on 1 November 2024, which was given number s585. Leave was granted to the amended submission as recorded in *Minute 2 - Late Submissions* dated 9 February 2024. The amendments notably

[1] Lucklaw has also appeared before the panel on other topics, including the designation topic, and re-zoning.
[2] submission points s 551.002; 551. 003, 551. 004; 551. 005

included relief sought to the entirety of the beach profile including that area above the mean high-water springs and including the sand dunes.

b. Mr Wyeth's advice to the Panel omits to mention or consider the mandatory imperative in s75 (3) RMA, namely to "*give effect to*" a New Zealand Coastal Policy Statement. In this respect:

   i. The *Supreme Court in Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* clarified that "give effect to" is a strong directive, meaning to implement, and imposes a firm obligation on decision-makers.[3]

   ii. This approach has been oft cited and applied in subsequent High Court decisions. For example, in *Equus Trust v Christchurch City Council*, the High Court accepted that "give effect to" means implement, as found by the Supreme Court in *King Salmon*, and confirmed that this wording creates a firm obligation intended to constrain decision-makers. [4]

c. Mr Wyeth cites the Department of Conservation guidance note on implementing Policy 20 (Vehicle access) in the New Zealand Coastal Policy Statement 2010 (NZCPS) on the need to consider other methods, including bylaws. In response:

   i. It is accepted that consideration of other methods is required, including as part of any section 32 evaluation, although the Guidance Note is not the NZCPS.

   ii. Any proposed bylaw has no certainty of outcome. The submitter has given evidence of bylaw relief previously 'being dangled'. Mr Sturgess has given evidence in chief that he (and others) previously submitted in relation to the proposed Road Use Bylaw 2022 only to be informed by Council staff that adding to the schedule of vehicle excluded

[3] *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd*, April 17, 2014] NZSC 38, [2014]. 1 NZLR 593, (2014) 17 ELRNZ 442
[4] *Equus Trust v Christchurch City Council*, High Court,[2017] NZHC 224[2017] ELHNZ 27

beaches was outside of the scope of the FNDC bylaw review.[5]

iii. Policy 20 NZCPS expressly extends to Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land.

iv. The Road Use Bylaw 2022 excludes land administered by the Department of Conservation. For Puwheke, the coastal dune system extends inland to public land administered by the Department of Conservation as a marginal strip.

v. The Government has recently consulted on amendments to the New Zealand Coastal Policy Statement 2010 as part of the National direction consultation – Package 2: Primary sector. There were no proposed changes to Policy 20 NZCPS. [6]

5. Mr Wyeth states there is no evidence of effects on archaeological sites. In response:

a. The evidence in chief of John Sturgess refers to the widespread location of archaeological sites on the dunes at Puheke Beach.

b. The Lucklaw submission is expressly supported by NZHPT (FS577.004) – who state: *HNZPT supports the submission point as restricting vehicles would by default also protect areas of known and unknown archaeology within these beach areas*.

6. Mr Wyeth states there is no or insufficient evidence of a problem elsewhere to justify a districtwide rule:

a. It is acknowledged the evidence for the submitter is focused on matters in its knowledge at Puwheke Beach.

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[5];https://www.fndc.govt.nz/__data/assets/pdf_file/0016/31318/Hearing-4-Submitter-material-Lucklaw-Farm-Ltd-S551,-S585-J-Sturgess-evidence.pdf

[6] See: https://environment.govt.nz/publications/attachment-2-3-proposed-provisions-amendments-to-the-new-zealand-coastal-policy-statement-2010/

b. However, according to evidence to the panel by Dr Taylor (Ecologist) "*Vehicles have been shown to negatively impact on beaches in published academic literature around the world*": evidence of Dr Taylor (Ecology), paragraph 8).[7]

c. The effect of the operation of NRC VEZ rule has the effect of forcing vehicles above the MHWS in order to comply with the regional rule (reply evidence, J Sturgess).

d. It is respectfully submitted that it is not a stretch, but is a reasonable inference to be made on the available evidence from Puwheke that such effect is likely to be occurring elsewhere at both a regional and districtwide level as a (perverse) outcome from the NRC VEZ rule.

e. It is a district (and not a regional) function to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31(1)(a)).

f. It is a local authority function to monitor the effectiveness of rules and to monitor the state of the whole or any part of the environment of its region or district in order to give effect to its functions (s31(2)).

g. If there was a district wide rule, then it could be effectively transferred under section 33 RMA, because it is unlikely to be efficient from an enforcement perspective for one local authority (i.e. either district or region) to administer vehicle rules below MHWS, but not above MHSW.

Relief on Vehicles on Beaches Issue

7. The submitter seeks a district wide rule which has the effect of being a 'mirror' to the NRC's VEZ rule(s) but applying within district boundaries above MHWS and extending to beaches with adjoining public lands that are coastal dune system.

[7] https://www.fndc.govt.nz/__data/assets/pdf_file/0017/31319/Hearing-4-Submitter-material-Lucklaw-Farm-Ltd-S551,-S585-G-Taylor-synopsis-of-evidence.pdf

8. If a districtwide rule was applied, Mr Langman has revised the proposed drafting outcome to fit within the format of the proposed district plan (refer **schedule 1** to this submission).

9. The evidence from Mr Langman attaches a rule in relation to just Puwheke Beach in the event the Panel considers that the evidence produced by the submitter was sufficient only to justify a localised rule (and without limiting the relief sought by the submitter).

Mapping Issue

10. Lucklaw also requested to be heard further in relation to the mapping issue as raised in submission s551 on the following grounds:

    a. The submission by Lucklaw[8] identified discrepancies in the coastal mapping of overlays between the PDP (e.g. outstanding natural landscape, outstanding natural character, etc.) and equivalent overlay mapping for outstanding features in the regional policy statement and regional plan.

    b. While the s42A report by Mr Wyatt recommended rejection of Lucklaw's submission on mapping issues, the s 42A report by Ms Absalom stated (at page 3) that the author could not explain the discrepancies:

> I agree that there is a difference between the maps in that ONC44 does not extend seaward in the PDP as far as it does in the RPS. I note that the CE in the PDP maps extends as far as the HNC in the RPS map, so the difference would not appear to be a matter of the extent of FNDC jurisdiction. **I therefore cannot explain the difference.**
>
> (Emphasis supplied)

11. On reviewing the You-Tube record of the coastal hearing, the Chair noted that the Panel would be seeing Lucklaw in future hearings going forward, and that *"there may be an opportunity for some conferencing or future engagement…"*.[9]

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[8] Legal submissions for Lucklaw Farm Ltd coastal environment (submissions 551, 585) dated 2 August 2024, at [48] – [68],

[9] Hearing recording, 6 August 2024 - Midday Session, https://www.youtube.com/watch?v=ou9juf7kg1A, at 1 hour 45 minutes.

12. It is not self-evident to the submitter how the identified discrepancies are to be addressed. After Hearing 4, the Far North District Council notified variation 1 which addresses some GIS mapping issues, but not the coastal mapping issues raised by the submitter.

13. Of note, the seaward extent of the Far North District extends to mean low water springs: *Local Government Boundary Alteration Notice 2011-go3371 - New Zealand Gazette*.

14. The sweep up hearing provides the last opportunity to address any other matters arissing, including any other Puwheke Beach related point that may arise, such as following the Panel's recent inspection.

Dated: 3 November 2025

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Stuart Ryan
Counsel for submitter