



Far North Proposed District Plan

Hearing 4 – Coastal Environment

Supplementary Evidence, Response to Vehicles on Beaches

1 Introduction

1. The supplementary evidence provides a response to a submission point (S550.001) from Lucklaw Farm Limited (LFL) that requests a comprehensive rule in the Proposed District Plan (PDP) to control vehicle access on beaches¹. This evidence has been prepared by Jerome Wyeth, reporting officer for the Coastal Environment Chapter in the PDP.
2. By way of background, the above submission point from LFL was allocated to the Coastal Environment topic which was considered at Hearing 4. My recommendation to this submission point in the Coastal Environment Section 42A Report was that it is not appropriate to introduce such rules in to the PDP on the basis that the Road Use Bylaw² is the preferred mechanism by Far North District Council (Council) for managing vehicles access on beaches above Mean High Water Springs (MHWS), with the regional rules in the Northland Regional Plan managing vehicle beaches below MHWS.
3. LFL subsequently provided evidence at Hearing 4 highlighting ecological values of Puwheke Beach that can be adversely affected by vehicles in support of LFL's request for the PDP to restrict vehicles on Puwheke Beach. LFL also provided planning evidence which argued that the bylaw process does not provide for consideration of a broad range of matters (e.g. ecological and cultural) which the PDP can control.
4. In the Coastal Environment Right of Reply Report³, I advised that introducing district-wide vehicle restrictions in the PDP was not supported but that there appears to be a resource management issue associated with vehicle access at Puwheke Beach that requires further consideration. I also advised that it was not practicable to provide the Hearing Panel with a recommended approach to managing vehicles on Puwheke beach within the Right of Reply timeframes, because it required consideration of a range of issues. This supplementary evidence now provides my recommendation to this submission point from LFL.

¹ Specifically, submission point S550.001 requests the following relief "*insert a comprehensive rule in the FNDC district plan which sets out standards for vehicle access on beaches and restricts use of the foreshore and seabed by vehicles except for specific purposes*".

² Refer: [Strategy and Policy Committee meeting held on 3/05/2022 - Item 5.4 Road Use Bylaw - Recommendations for making new bylaw - Attachment Final Road Use Bylaw](#)

³ Refer, paragraph 260 to 262: https://www.fndc.govt.nz/_data/assets/pdf_file/0020/32474/S42A-Report-Writers-Right-of-Reply-Natural-Character,-Natural-Features-and-Landscapes-and-Coastal-Environment-V2.pdf



2 Overview of submission and evidence

5. LFL's submission (S550.001) raises concerns with the current level of vehicle usage in and around the foreshore and coastal marine area and requests better protection of these areas through more restrictive rules on vehicle use. LFL noted that the current Road Use Bylaw only restricts vehicles on beaches at Coopers Beach and requested a comprehensive rule in the PDP setting out standards for vehicle access on beaches and restricts use of the foreshore and seabed by vehicles across the Far North District, except for specific purposes.
6. Evidence in support of this submission point was provided and presented at Hearing 4 from Mr Taylor (ecology), Mr Sanson (planning) and Mr Sturgess (director of LFL). Legal submissions were also provided by Mr Ryan.
7. In summary, LFL's position is:
 - a. Puwheke Beach has high ecological value and supports a wide range of threatened species above MHWS including nesting birds, vegetation and dune systems
 - b. Vehicles are causing damage to Puwheke beach, including on ecological values, dune systems, archaeological sites and sites of significance to tangata whenua
 - c. Managing vehicle use on Puwheke Beach is necessary to reduce impacts on native flora and fauna
 - d. The Northland Regional Plan vehicle rules only apply below MHWS
 - e. The Road Use Bylaw only prohibits vehicles on Coopers Beach
 - f. The Department of Conservation (DOC) can, but has not implemented, controls on vehicles at Puwheke Beach on DOC land
 - g. FNDC has a statutory function to manage the effects of vehicles on the coastal environment above MHWS, including effects on indigenous flora and fauna, archaeological sites and amenity
 - h. The PDP is the most effective and efficient mechanism for managing vehicles above MHWS.

3 Analysis and recommendation

8. In my opinion, the key questions for determining whether the PDP should include rules for vehicle on beaches in response to this submission are:
 - a. Is there a resource management issue that warrants managing?
 - b. Is it within statutory scope to include rules in the PDP to address vehicles on beaches?



- c. Are new rules in the PDP the most appropriate way to manage the resource management issue and respond to the submission point from LFL?

Is there a resource management issue that warrants managing?

9. LFL have provided a range of evidence demonstrating actual and potential adverse effects of vehicles on a range of values above MHWS. This evidence is limited to Puwheke Beach. While undoubtedly vehicles on beaches will be having adverse effects to an extent elsewhere in the Far North District, no specific evidence has been provided on this by LFL beyond Puwheke Beach.
10. As noted at Hearing 4 and in the Right of Reply, restricting vehicles on beaches throughout the Far North District would have significant impacts on communities throughout the District and would likely generate significant public interest. In my opinion, there is clearly not the evidential basis in the evidence of LFL that vehicles on beaches is resource management issue that warrants managing beyond Puwheke Beach nor is there any clear analysis of the benefits, costs and risks from such a blanket approach. Accordingly, I do not support this request from LFL and the remainder of my analysis is limited to the use of vehicles on Puwheke Beach
11. The following is a summary of the evidence provided by LFL for Puwheke Beach and my assessment of the extent to which it demonstrates there is a resource management issue that requires further consideration.

Effects	Assessment of evidence	Is there evidence of issue?
Effects on ecological values	Mr Taylor (ecologist) provides evidence demonstrating that there are high ecological values at risk of damage by vehicles.	Yes
Effects on archaeological sites	Mr Sturgess notes in his evidence (at paragraph 28) the presence of numerous archaeological sites of significance at Puwheke beach. However, there is no assessment of the risk of vehicle damage to the sites. Mr Sturgess is also not an archaeological expert (according to his evidence). In my opinion, there is not enough evidence to demonstrate that potential vehicle effects on archaeological sites warrants managing.	No
Effects on sites of significance	In his legal submissions, Mr Ryan refers to effects on sites of significance to tangata whenua (paragraph 38) as outlined in Mr Sturgess' evidence. However, Mr Sturgess'	No



to tangata whenua	evidence does not refer to sites of significance to tangata whenua.	
Effects on people's enjoyment of the beach	Mr Sturgess (at paragraph 28) raises concerns about the <i>"disturbance of the peaceful enjoyment, for example disturbance to walking."</i> While I accept that this is a concern for Mr Sturgess, he provides no evidence of this being an issue for the wider public. In my opinion, this is not sufficient evidence of a resource management issue that warrants controls on vehicles.	No
Effects on dune systems	Mr Sturgess (as paragraphs 14 -16) comments on the impacts on vehicles on the dunes – <i>"The lack of vegetation cover results in sand being blown onto the farms smothering our pasture and the wetlands that are located behind the dunes"</i> . Documents included as part of the bundle of documents for the LFL evidence, including the photos (pages 10 – 46), clearly show vehicle damage to the dunes and vegetation. However, there does not appear to be any specific evidence supporting the claim about vehicle damage causing sand to be blown into the wetlands and pasture behind the dunes. In my opinion, there is sufficient evidence showing that vehicles are damaging dune systems, but not to the extent it is causing sand to be blown landward smothering pasture and wetlands.	Yes

12. In summary, it is my opinion that:

- a. There is insufficient evidence from LFL demonstrating that vehicle on beaches across the Far North District is a resource management issue that warrants a blanket rule in the PDP (as proposed by LFL), and this would have significant impacts on certain communities that requires much more detailed consideration in my view.
- b. There evidence from LFL demonstrating that vehicles are having, or have the potential to have, adverse effects on ecological values and dune systems at Puwheke Beach that requires further consideration.

Is it within statutory scope to include rules in the PDP to manage vehicles on beaches?

13. Put simply, yes.



14. Section 31 of the RMA sets out the functions of territorial authorities and section 75 of the RMA sets out the scope of the content of district plans. These provisions make it clear that the PDP can include provisions controlling the adverse effects of the use of land (which includes the driving of vehicles) within the jurisdiction of territorial authorities (i.e. above MHWS). Therefore, there is statutory scope for the PDP to include rules to manage the adverse effects on ecological values and dune systems that may arise from vehicles on beaches.

Are rules in the PDP the most appropriate way to manage the identified resource management?

15. While the evidence of LFL has identified a resource management issue at Puwheke Beach, this does not mean that rules in the PDP are an appropriate solution to address that issue. This is because there are a range of ways in which vehicles on beaches can be managed, including through by-laws and non-regulatory actions, which may be more effective and efficient to address the issue.
16. This is emphasised in the Department of Conservation guidance note on implementing Policy 20 (Vehicle access) in the New Zealand Coastal Policy Statement 2010 (NZCPS)⁴ which directs local authorities to consider the range of tools available to manage vehicle access:

Assessment of the available tools:

Assess the types of tools that are available to achieve effective management, such as regional policy statement direction, plan provisions, bylaws and enforcement, as well as non-regulatory measures such as education and collaboration with other agencies and user groups.

Non-RMA tools may also form an important part of the management response. There are several practical steps that can be taken to restrict vehicle access, such as providing car parks, fencing and erecting physical barriers such as moats or bollards.

17. The primary options for managing vehicles on Puwheke Beach are summarised in the table below.

Option	Scope
PDP rules	Broad scope to manage adverse effects of vehicles on beaches above MHWS, including impacts on ecological values and dune systems.

⁴<https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-20.pdf>

Local Government Act 2002 (LGA) bylaw making powers (sections 145 and 146)	The general bylaw making power under section 145 of the LGA enables territorial authorities to create bylaws for the protection of the public from nuisance, protection, promotion and maintenance of public health and safety, and to minimise the potential for offensive behaviour in public places. However, the LGA does not specifically allow bylaws to be made for the purpose of protecting ecological values.
Land Transport Act 1998 (LTA)	<p>The LTA definition road includes "<i>a beach and "a place to which the public have access, whether as of right or not". All relevant traffic rules and regulations therefore apply on beaches and other publicly accessible places.</i></p> <p>Section 22AB(1) enables territorial authorities to make a bylaw (emphasis added):</p> <p>(f) <i>prohibiting or restricting the use of vehicles on beaches:</i></p> <p>(g) <i>restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users:</i></p> <p>(zk) <i>regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.</i></p> <p>The scope of these clauses is broad – it allows for control of vehicles on beaches and other public places to provide for the protection for the environment, including impacts on ecological values and dune systems.</p>
DOC powers to manage marginal strips, Conservation Act 1987	As the administrators of the marginal strip running along Puwheke Beach, DOC has various powers to manage activities on the marginal strip, including limiting vehicles.
Non-regulatory actions	This includes education, community engagement, and installing physical barriers.

18. As noted above, Council has an existing Road Use Bylaw made under sections 145 and 146 of the LGA and section 22AB of the LTA. As outlined



in the table above, the Road Use Bylaw has the scope to manage the effects of vehicles on the environment, including effects on ecological values and dune systems.

19. Part 8 of the Road Use Bylaw includes provisions restricting and prohibiting vehicles on beaches. Currently Schedule 6 of the Bylaw (where vehicles on beaches are prohibited) currently only applies to Coopers Beach. Schedule 7 of the Bylaw (where vehicles on beaches are restricted) is currently empty,
20. While the current restrictions for vehicles on beaches in the Bylaw are limited, it is the tool chosen by Council for managing vehicles on beaches. Through discussions with Council staff, I understand that Council is undertaking a process of engaging with communities at identified priority beaches, which includes beaches on the Karikari Peninsula (including Puwheke Beach),⁵ to identify issues and appropriate responses. The outcomes from this process will then inform an amendment to the Bylaw. At the time of writing this response, Council has advised that that this process had temporarily paused due to other Council priorities before the 2025 election.
21. My other concern is that the evidence of LFL has not adequately evaluated the full range of options for addressing the effects of vehicles on Puwheke Beach nor has there been clear engagement with the wider community around Puwheke Beach to determine the most appropriate way to address the issue. This means that non-regulatory actions (e.g. seasonal vehicle restrictions to protect nesting birds) have not been adequately assessed.
22. Overall, I retain the view set out in the Coastal Environment Section 42A Report that the Road Use Bylaw is the most appropriate way to manage vehicles on beaches, as:
 - a. The Road Use Bylaw is the tool chosen tool by Council for regulating vehicles on beaches, informed by consultation with communities in priority locations
 - b. The regulatory situation for vehicles on beaches is complex and risks considerable public confusion. Adding a third set of regulation in the PDP (in addition to the Road Use Bylaw and the Northland Regional Plan rules below MHWS) would further exacerbate this complexity and risk
 - c. Alternative options, including non-regulatory options, do not appear to have been adequately considered or tested with the wider community

⁵ For example, refer: Far North District Council Briefing Paper: Vehicles on Beaches under Road Use Bylaw 2022. February 2024. [Vehicles-on-Beaches-Brief-February-2024.pdf](#)



- d. Should a regulatory response be determined as necessary, the existing Road Use Bylaw is a more efficient method of addressing the issues.
23. I therefore recommend that the PDP does not include rules regulating vehicles on Puwheke Beach in response to submission point S550.001 from LFL.

Recommended by: Jerome Wyeth, Technical Director – Planning, SLR Consulting

Date: 26 May 2025