

**BEFORE INDEPENDENT HEARING COMMISSIONERS
FOR FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Submissions and further submissions in relation to the
proposed Far North District Plan (Hearing Stream 4,
presented at Hearing Stream 17)

**STATEMENT OF SUPPLEMENTARY REBUTTAL EVIDENCE OF MARCUS
HAYDEN LANGMAN ON BEHALF OF LUCKLAW FARM LIMITED (#551, #585)**

Dated: 21 October 2025

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INTRODUCTION

1. My full name is Marcus Hayden Langman. I hold the degree of Bachelor of Resource Studies from Lincoln University (1998). I am an independent planning consultant engaged by Lucklaw Farm Limited¹ and Trustees of the Taranaki Trust² to provide a response to the supplementary evidence of Mr Jerome Wyeth on the Lucklaw submission regarding the use of vehicles on Puwheke Beach.
2. I have 24 years' experience in planning, of which 23 have been in New Zealand. For the last eleven years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in the Canterbury, Otago, Nelson and Auckland regions. I am currently the lead author for a number of proposed chapters for the district plan review process for Waitaki District Council, and led the development of the Residential and Subdivision chapters for Waimakariri District Council through to notification. I have also recently been awarded the contract for the review of the first stage of the Kaikōura District Plan as part of a joint bid process. I was Otago Regional Council's section 42A reporting officer for the Energy Infrastructure and Transport on the proposed Otago Regional Policy Statement.
3. I have appeared as an expert planning witness on a range of plan changes to the operative Selwyn District Plan. I have assisted Queenstown Lakes District Council (**QLDC**) with rezoning requests in the Wakatipu Basin as part of the district plan review. I was the section 42A reporting officer on those matters, and further assisted QLDC as an expert in the Environment Court on a number of the related rezoning request appeals.
4. I assisted the Hearing Panel as part of the Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).
5. I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, drafting and review. I have been engaged by a number of district councils on subdivision

¹ Submission #551

² Submission #552

and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for the Kaikōura District Council.

6. Prior to becoming a consultant, I was a contracted Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan (**LURP**), having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes. I was also the project manager for, and provided planning input into, the Canterbury Regional Landscape Study Review 2010 (prepared by Boffa Miskell).
7. I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
8. I have appeared in the Environment Court as an expert planning witness, including appeals on the proposed Queenstown Lakes District Plan as an expert witness for QLDC, the Partially Operative Otago Regional Policy Statement 2019 on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities, Mackenzie District Plan Indigenous Vegetation Clearance provisions in the Mackenzie Basin for Environment Canterbury, and the Rodney District Plan for the former Auckland Regional Council.

Code of conduct

9. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
10. Of particular relevance in relation to the preparation of this evidence regarding the submission of Council, I am aware of my role to assist the

Panel as an independent planning expert. As such, the recommendations made in this evidence are my own, based on my expertise.

11. In preparing this evidence I am familiar with and have reviewed the following documents:

- (a) the Resource Management Act 1991 (**RMA, the Act**);
- (b) the New Zealand Coastal Policy Statement 2010 (**NZCPS**);
- (c) the National Policy Statement on Indigenous Biodiversity 2023 (**NPSIB**);
- (d) the Regional Policy Statement for Northland (**NRPS**);
- (e) the operative Far North District Plan (**oFNDP**);
- (f) the proposed Far North District Plan (**pFNDP**)
- (g) the s32 material for the pFNDP;
- (h) the submissions of Lucklaw Farm Limited (#585);
- (i) s42A report on the Coastal Environment by Mr Jerome Wyeth dated 8 July 2024;
- (j) the evidence of Mr Steven Sanson dated 22 July 2024 for Lucklaw Farm Limited;
- (k) the evidence of Dr Gareth Taylor dated 22 July 2024;
- (l) submitter evidence of Mr John Sturgess dated 2 August 2024; and
- (m) the further supplementary evidence of Mr Jerome Wyeth dated 26 May 2025.

12. I confirm that I have visited the site and Puwheke Beach in March 2025, undertaking a site visit with the owners, Mr John Sturgess and Mrs Andrea Sturgess.

SCOPE OF EVIDENCE

13. The scope of my evidence is to respond to the supplementary evidence of Mr Jerome Wyeth dated 26 May 2025.

STATUTORY TESTS

14. The statutory tests to be applied for determining the most appropriate provisions in a district plan are:³
- (a) whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);
 - (b) whether the provisions accord with Part 2 of the Act (section 74(1)(b));
 - (c) whether the provisions give effect to the regional policy statement (section 75(3)(c));
 - (d) whether the provisions give effect to a national policy statement (section 75(3)(a));
 - (e) whether the territorial authority has had regard to the actual or potential effects on the environment of activities, including, in particular, any adverse effect (section 76(3));
 - (f) the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (section 32(1)(a));
 - (g) whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (section 32(1)(b)) and taking into account (under section 32(2)):
 - (i) the benefits and costs of the proposed policies and methods; and
 - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.
15. I have incorporated the evaluation set out at (a)-(g) above into my discussion on this issue, in particular noting additional matters for consideration under section 32AA.

³ Adapted from *R Adams and Ors v Auckland Council* [2018] NZEnvC 008.

SUMMARY OF SUBMISSION

16. A number of submissions were filed in relation to the land that is the subject of the submissions. I confirm I am authorised to provide evidence on behalf of the following submitters:

(a) Lucklaw Farm Limited (Submission #581 and #585)

17. The submissions, in relation to vehicles on beaches, seek:

(a) The addition of a comprehensive rule in the FNDC district plan which sets out standards for vehicle access on beaches and restricts use of beaches (including the foreshore and seabed area) by vehicles except for specific purposes, in order to preserve the natural character and biodiversity of beaches in the far north (similar to effect as the rule attached in Schedule 1 of the submission) but in addition the rule for Far North would apply to the entirety of the beach area including that area of beach above the mean high-water springs including the sand dunes; and

(b) Suggested amendments to the rule from the Bay of Plenty Regional Coastal Environment Plan to ensure that any rule in the Far North Plan include all areas of the beach are noted in tracked Changes in Schedule 1 (of the submission).

THE SITE AND ENVIRONS

18. Puwheke Beach is located at the western end of the Karikari Peninsula, extending from Puwheke Maunga to the headland at the mouth of Rangaunui Bay. The ecological values are described in the evidence of Dr Gareth Taylor⁴ and are not disputed. Dr Taylor describes the species observed as present, and also outlines the Vehicle Exclusion Zone (VEZ) under the Northland Regional Plan.

SUPPLEMENTARY EVIDENCE OF JEROME WYETH

19. Mr Wyeth has provided a response in supplementary evidence outlining addressing the following questions:

(a) Is there a resource management issue that warrants managing?

⁴ Evidence-in-Chief of Dr Gareth Taylor, paras 9-18

- (b) Is it within the statutory scope to include rules in the PDP to manage vehicles on beaches?
 - (c) Are rules in the PDP the most appropriate way to manage the identified resource management issue?
20. He concludes that while Lucklaw Farms Limited have demonstrated the actual and potential adverse effects of vehicles on a range of values above MHWS, that the evidence is limited to Puwheke Beach. He does not consider that there is sufficient evidence to demonstrate that a blanket rule apply to beaches in the Far North District should apply, but acknowledges that there is evidence that vehicles are having adverse effects on dune systems and ecological values at Puwheke Beach that requires further consideration. He concludes that there is statutory scope to include rules in the PDP to manage vehicles on beaches. Mr Wyeth considers the options for management of vehicles on beaches, under separate powers prescribed under the Resource Management Act, Local Government Act 2002 bylaws (s145 and 146), the Land Transport Act 1998 (s22AB(1)), DOC powers to manage marginal strips under the Conservation Act 1987, and non-regulatory methods. In his conclusion on options, Mr Wyeth considers the use of the Road Use Bylaw is the most appropriate option to manage vehicles on beaches, given the risk for public confusion, and that alternative non-regulatory options have not been adequately considered or tested with the wider community.

THE RELEVANT OPTIONS AND ANALYSIS

21. Mr Wyeth has considered options for management of vehicles on beaches as set out above. However, he has not considered the wider option of using a combination of consistent and complementary bylaws, district plan rules, and regional plan rules to manage the vehicles on beaches. In addition, he concludes that there is potential for confusion. I disagree and consider that this can simply be managed through appropriate signage, and information provided on the Council's website as to where vehicle use on beaches is controlled or restricted.
22. The difficulty with relying on bylaws, is that there is no certainty that the initiation of a bylaw to control vehicles on beaches (in particular Puwheke Beach) will eventuate. Until a bylaw is proposed and approved by the Far North District Council, the demonstrated high ecological values that exist at Puwheke Beach will not be protected. While Mr Wyeth has noted that initial

work has been undertaken to develop and consult on a bylaw, there remains a lack of certainty that this will be implemented, and so there is significant cost (as a result of adverse effects on significant biodiversity values) of relying on this option.

23. This means that the option put forward by Mr Wyeth is:
- (a) Uncertain;
 - (b) Does not demonstrate that it *will* give effect to Policy 20 of the New Zealand Coastal Policy Statement 2010; and
 - (c) Provides no comfort to the submitter that the resource management issues identified at Puwheke Beach in terms of adverse effects on the identified values of the area, will be managed in a way that serves their protection.
24. The impact of this is that the Panel is faced with a significant risk from not acting to implement the rule, as it is uncertain whether the promulgation of a by-law restricting vehicle use on Puwheke Beach will ever eventuate. This increases the risk that the Council will not give effect to the NZCPS, and will not discharge its functions to control the actual and potential effects of the use of land for the purpose of the maintenance of indigenous biodiversity.⁵
25. Until such time as the Council releases a by-law restricting access of vehicles to Puwheke Beach, the most appropriate means of giving effect to Policy 20 of the NZCPS, is through the implementation of a vehicle restriction through a district plan rule. This can be crafted in a manner that ensures that if/when a by-law is implemented, the rule ceases to have legal effect. In addition, I note that the submitter would be satisfied if this applied to Puwheke Beach only, notwithstanding the wider relief to apply to all Far North beaches. This rule applying to a single beach is not considered an issue, given that the existing by-law only relates to restriction of vehicle use at Cooper's Beach. In addition, this will be consistent with the Vehicle Exclusion Zone identified in the Northland Regional Plan for Puwheke Beach.

26. I note that the option put forward in legal submissions by Counsel in submissions at the hearing⁶ requires provision for a consent status where an activity does not meet the permitted standards, and refinement if it is to apply to Puwheke Beach only. It is my recommendation that for the rule to be effective, a default prohibited status is appropriate. A copy of the re-drafted rule will be provided at the hearing.
27. This option has the following benefits:
- (a) It gives effect to Policy 20 of the New Zealand Coastal Policy Statement (as required by s75(3));
 - (b) The identified values of Puwheke Beach are more likely to be protected where a prohibition of vehicle use under the RMA exists;
 - (c) A rule provides an interim stop-gap method until such time as a by-law is implemented (if at all);
 - (d) A rule being included in the district plan is certain, while reliance on a future by-law is not;
 - (e) The rule will be consistent with the Vehicle Exclusion Zone identified in the Northland Regional Plan; and
 - (f) Until such time as a by-law is implemented, a rule controlling vehicle use under the district plan is considered the most efficient and most effective means of achieving the purpose of the Act, in the absence of alternative options.
28. This option has the following costs:
- (a) The implementation of a rule may result in the need for enforcement action;
 - (b) Minor costs may be incurred to install signage at appropriate locations where vehicles access the beach; and
 - (c) Users will not be able to access the beach by vehicle unless they can otherwise demonstrate that they are lawfully allowed to do so.

⁶ https://www.fndc.govt.nz/_data/assets/pdf_file/0022/31387/Hearing-4-Submitter-material-Lucklaw-Farm-Ltd-S551,-S585-Schedule-to-legal-submissions.pdf

29. I consider the benefits of the rule to outweigh the costs, given the identified ecological values associated with Puwheke Beach.

CONCLUSION

30. I consider that:
- (a) the request for a rule restricting vehicle uses on beaches (in particular Puwheke Beach) will accord with Part 2;
 - (b) the rule will give effect to the higher order documents that are relevant to the submissions, in particular the NZCPS;
 - (c) regard has been had to the actual or potential effects of the activities in particular any adverse effects;
 - (d) a rule restricting vehicle access is the most appropriate for achieving the objectives of the pFNDP, taking into account the costs and benefits associated with the changes; and
 - (e) The option for a rule restricting vehicle access in the district plan is the most appropriate means of managing adverse effects on the environment, given the uncertainty of the future implementation of a by-law, and is consistent with the Vehicle Exclusion Zone identified in the Northland Regional Plan.

Marcus Hayden Langman

Date: 21 October 2025