

SCHEDULE – suggested drafting for vehicles in coastal environment - beaches objective, policy and rule

Objective - Coastal Environment Overlay

CE-04 – vehicle use in the coastal environment on beaches and coastal dune systems in adjoining public land (including marginal strips and reserves) is controlled to avoid adverse effects and ensure the preservation of the natural character of the coastal environment and to maintain the indigenous biological diversity in the district, in order to give effect to Policy 20 of the NZCPS.

Policy - Coastal Environment Overlay

CE-P11 – avoid adverse effects on the natural character of the coastal environment including beaches and coastal dune systems in adjoining public land (including marginal strips and reserves) and maintain the indigenous biological diversity in the district by controlling, limiting and restricting the use of vehicles in the coastal environment.

Rule in Coastal Environment Overlay and NOSZ (adopted from Proposed Regional Plan-Appeals Version C .1 .5.1, *subject to further refinement to apply to the circumstances of the FNDC*) -

~~C.1.5.1A~~ Conditional use of vehicles in the coastal environment ~~the foreshore or seabed~~ – permitted activity

The use of a vehicle on beaches ~~the foreshore or seabed~~ and any associated and adjoining public land within the coastal environment overlay ~~disturbance of the foreshore and seabed~~ is a permitted activity, **provided** that apart from emergency services vehicles providing an emergency response:³²

- 1) vehicle access ~~to the foreshore~~ is only via authorised or existing lawful vehicle access points, and
- 2) there is no disturbance of or damage to indigenous or migratory bird nesting or roosting sites, and

³² including but not limited to surf lifesaving operations, law enforcement operations and works undertaken by a local authority or network utility operator (in relation to any project or work that it is approved as a requiring authority) for the purpose of emergency works as defined by sections 330 or 330B of the Resource Management Act 1991.

- 3) there is no disturbance of, or damage to, a mapped Historic Heritage area (refer I Maps ~~Ngā mahere matawhenua~~), and
- 4) there is no disturbance of, or damage to, a mapped Site or Area of Significance to tangata whenua (refer I 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,³³ and
- 6) vehicles do not drive over saltmarsh, saltmeadow, saltmeadow turfs, seagrass meadows³⁴, mangroves or mangrove aerial roots (pneumatophores) and do not damage or destroy other indigenous vegetation, and
- 7) vehicles do not drive on beaches and adjoining coastal dune systems ~~the foreshore or seabed~~ within a mapped Vehicle Exclusion Zone (refer I Maps ~~Ngā mahere matawhenua~~) unless the activity is for one of more of the following listed activities:
 - 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 point³⁵ along the beach 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 the 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

³³ This rule does not apply to the use of vehicles in the harvesting of Te Oneroa-a-Tōhē (GLM9) mussel spat off Te Oneroa-a-Tōhē (90 Mile Beach).

³⁴ For the purpose of condition 6, a “seagrass meadow” is a contiguous area of seagrass of 10m² or more.

³⁵ What is the “closest practicable point” will require an assessment of each vehicle access point and the nearest area of reasonable access to the beach foreshore or coastal water. It is not anticipated to involve using vehicles to travel hundreds of metres to the “best” or preferred area.

- 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, a 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 coast 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 point³⁶ along the beach foreshore from the vehicle access, or
 - n) surf life-saving operations, and law enforcement operations, and
- 8) the activity complies with C.1.8 Coastal works general conditions, with the exception of C.1.8(5).

Notes:

~~District councils may also have bylaws that control (including prohibiting) the use of vehicles in the coastal environment 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 this rule Rule C.1.5.1A 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 beach and adjoining coastal dune system 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 in the coastal environment the foreshore or seabed (s12(3)).~~

Other/consequential changes

Natural Open Space Zone

³⁶ What is the “closest practicable point” will require an assessment of each vehicle access point and the nearest area of reasonable access to the beach foreshore or coastal water. It is not anticipated to involve using vehicles to travel hundreds of metres to the “best” or preferred area.

- consequential changes to Natural Open Space Zone (NOSZ)-provisions to recognise objectives, policies and rules in Coastal Environment Overlay
- Standard or Default Rule default rule in NOSZ- which provides that leisure or other activities contravening vehicles in coastal environment rule are discretionary.
- Mapping VEZ beaches and adjacent public land within coastal environment overlay