



## **SECTION 42A REPORT**

Officer's written right of reply – 15 December 2025

### **Hearing 17 – Wiroa Station Precinct and Vehicles on Beaches**

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#### **Appendix 1: Officer's Right of Reply Recommended Provisions for Wiroa Station Precinct**



## 1 Introduction

1. My name is Jerome Wyeth and I am the author of the Wiroa Station Precinct Section 42A Report for the Proposed Far North District Plan (**PDP**), which was considered at Hearing 17 held on 5-6 November 2025. I am also the reporting officer for the Coastal Environment Chapter in the PDP, which considered submissions from Lucklaw Farm Limited (S551, S558) requesting restrictions on vehicles on beaches through the PDP at Hearing 4, with supplementary evidence on this issue considered at Hearing 17.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Wiroa Station Precinct and Coastal Environment Section 42A Reports and request that the Hearings Panel take this as read.

## 2 Purpose of report

3. The purpose of this right of reply report is to address:
  - a. The rebuttal evidence provided by Paradise Found Development Limited (S346) requesting a Wiroa Station Precinct (**WSP**) be included in the PDP that was presented at Hearing 17
  - b. The supplementary evidence provided by Lucklaw Farm Limited requesting restrictions on vehicles on beaches through the PDP that was presented at Hearing 17.

## 3 Consideration of evidence received

### Paradise Found Development Limited

4. Mr Hook provided rebuttal evidence (planning) on behalf of Paradise Found Development Limited, which responded to my recommendations in the Wiroa Station Precinct Section 42A Report and included a revised set of proposed provisions for the WSP.
5. Following Hearing 17, Paradise Found Development Limited provided a response to questions from the Hearing Panel relating to how the Wiroa Station Architecture Code and Design Approval Process is incorporated into the proposed provisions for the WSP.
6. This right of reply addressed outstanding issues with the WSP provisions requested by Paradise Found Development Limited, with the main point of disagreement relating to the activity status for new residential dwellings<sup>1</sup> on identified building platforms along with some outstanding issues with the WSP provisions. For all other matters relating to the WSP not addressed in this right of reply, I maintain my position set out in the Wiroa Station Precinct Section 42A Report

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<sup>1</sup> The proposed rule (PRECX-R1) relates to buildings and structures more generally, but its primary purpose is to enable new residential dwellings on identified building platforms.



### Lucklaw Farm Limited

7. Lucklaw Farm Limited provided supplementary evidence at Hearing 17 to respond to my supplementary evidence following Hearing 4 relating to its request for restrictions on vehicles on beaches through the PDP, both throughout the Far North District and at Puwheke Beach specifically<sup>2</sup>. The evidence and hearing statements provided by Lucklaw Farm Limited at Hearing 17 includes:
  - a. Supplementary planning evidence from Mr Langman dated 21 October 2025.
  - b. A hearing statement from Mr Sturgess dated 4 November 2025 with four attachments covering ecological issues, Northland Regional Council Vehicle Exclusion Zone, Puwheke Beach profiles, and correspondence between the submitter and Far North District Council (FNDC) on issues associated with vehicles on beaches.
  - c. Further information on the requested "Puwheke Beach Vehicle Exclusion Zone" boundary ("VEZ Gap 1" and "VEZ Gap 2) provided by Mr Sturgess after Hearing 17.
8. This right of reply addresses additional evidence and information provided in relation to the requested vehicle exclusion zone at Puwheke Beach. For all other matters relating to restrictions on vehicles on beaches across the wider Far North District, I maintain the position set out in the Coastal Environment Section 42A Report and my supplementary evidence to reject the relief sought.

## **3.1 Issue 1: Wiroa Station Precinct**

### **Overview**

Relevant Document	Relevant section
Wiroa Station Precinct Section 42A Report	Section 3
Evidence	Mr Hook, rebuttal evidence (planning)

### **Matters raised in evidence**

9. This section summarises the main outstanding issues in the rebuttal evidence of Mr Hook as follows:
  - a. Activity status for buildings and structures (PRECX-R1) with the primary purpose of the rule being to enable new residential dwellings on identified building platforms.
  - b. Requested permitted activity rule for a helicopter landing area (PRECX-R4).

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<sup>2</sup> Refer: [Supplementary-Evidence-Coastal-Environment,-Vehicle-on-Beaches-Response.pdf](#)



- c. Requested exemptions to the earthworks and indigenous vegetation clearance rule and standard in the Coastal Environment Chapter (CE-R3 and CE-S3).
  - d. Activity status for residential activity (PRECX-R2) and minor residential units (PRECX-R3) when compliance with the permitted activity standards is not achieved.
  - e. The controls on impermeable surface coverage and whether this should be managed through a rule or standard (PRECX-S1).
  - f. Other drafting and technical matters.
10. It also provides a summary of the response from Paradise Found Development Limited to the questions from the Hearing Panel relating to the Wiroa Station Architecture Code and Design Approval Process.

PRECX-R1 – Rule for new buildings on identified building platforms

11. Mr Hook reiterates the request from Paradise Found Development Limited for a permitted (rather than controlled) activity pathway in PRECX-R1 for buildings and structures located on identified building platforms. Mr Hook considers that this approach to be the most appropriate way to achieve the objectives of the WSP given the comprehensive consent framework already in place, including landscape-led assessments, architectural controls, and enduring conditions via the consent notices.
12. The reasons that Mr Hook considers that that a permitted (rather than controlled) activity rule is more appropriate for new residential dwellings include:
- a. Requiring a controlled activity consent for buildings and structures that comply with the existing consent framework is an unnecessary duplication of process and assessment.
  - b. The requested permitted activity standards in PRECX-R1 (PER-1 to PER-3) are aligned with the consent notice and provide sufficient environmental safeguards.
  - c. The effects from future residential development on the values of the coastal environment have already been considered through the existing consents.
13. Mr Hook is also of the view that no deficiencies have been identified with the proposed permitted activity standards in PRECX-R1 and the concerns raised in the Wiroa Station Precinct Section 42A Report (assessing compliance etc.) "*seem to relate to FNDC's processes, rather than S.32 of the Act*"<sup>3</sup>. More specifically, Mr Hook:

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<sup>3</sup> Paragraph 17 of rebuttal evidence.



- a. Does not agree that there is a need for a controlled activity resource consent process to provide FNDC oversight.
  - b. Considers that the Building Act 2004 adequately enables compliance to be assessed at the building consent stage and for costs to be recovered.
14. On this basis, Mr Hook concludes that the requested permitted activity status under PRECX-R1 is justified and provides appropriate oversight without unnecessary regulatory burden.
15. I note that Mr Hook also states that "*I do not agree with the Officer's recommendation that CE-R1 must prevail over the WSP rules when the lens of S.32AA is applied to determine what are the "most appropriate" provisions for inclusion in the WSP*". However, for clarification, I did not make this recommendation in the Wiroa Station Precinct Section 42A Report, and this potentially indicates a misunderstanding of the intended interplay between the proposed WSP and the rules in the Coastal Environment Chapter.

Helicopter landing area (PRECX-R4)

16. Mr Hook proposes a bespoke rule (PRECX-R4) to provide for a helicopter landing area at Wiroa Station as a permitted activity. In response to questions raised in the Wiroa Station Precinct Section 42A Report about the need and appropriateness of this rule, the response from Mr Hook is that:
  - a. Helicopter landings are currently permitted in both the General Coastal Zone and Rural Production Zone under the Operative District Plan, subject to compliance with setback and noise standards.
  - b. There is a gap in the PDP provisions for helicopter landing areas. This is because NOISE-R7 and NOISE-S4 address the noise effects from helicopters taking off and landing but there are no land use rules for the "activity" of the helicopter landing area. Mr Hook considers that this means the land use "activity" of a helicopter landing area would become a discretionary activity under RPROZ-R31 ("*Activities not otherwise listed in this chapter*").
17. To address this perceived gap, Mr Hook has drafted PRECX-R4 to align with equivalent rules in the Carrington Estate and Kauri Cliffs Special Purpose Zones, incorporating a 200m separation distance, specified operating hours, and a requirement to comply with NOISE-S4. Mr Hook notes that there is only one location on the property that can comply with the separation distance requirement, which is adjacent to the central ridgeline. On this basis, Mr Hook considers that PRECX-R4 is the most appropriate method for managing helicopter landing areas at Wiroa Station.

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<sup>4</sup> Paragraph 10 of rebuttal evidence.



Exemption to the earthworks and indigenous vegetation rule and standard in the Coastal Environment Chapter (CE-R3 and CE-S3)

18. Mr Hook reiterates the request for an exemption to CE-R3 (and CE-S3) for earthworks associated with the construction of buildings and accessways on the 17 vacant lots at Wiroa Station. Mr Hook considers that, without this exemption, almost all new residential dwellings would require a resource consent as a discretionary activity due to the restrictive permitted thresholds in CE-S3 (e.g. maximum of 400m<sup>2</sup> earthworks and 1m cut/fill depth).
19. Mr Hook provides an example for Lot 10, where a relatively modest residential development (240m<sup>2</sup> dwelling and 36m<sup>2</sup> garage) would require 581m<sup>2</sup> of earthworks, which exceeds the permitted threshold in CE-S3. On this basis, Mr Hook considers CE-S3 to be "nonsensically restrictive" in this context and an exemption to these rules and standards as being essential.
20. Mr Hook proposes that the exemption only applies to earthworks within the identified building platforms and accessways, with CE-S3 continuing to apply to the balance of the WSP. Mr Hook also notes that no indigenous vegetation clearance is required within the identified building platforms and accessways and therefore no exemption for indigenous vegetation clearance is required.

Activity status for residential activity and minor residential units when compliance not achieved with the permitted activity conditions

21. Mr Hook reiterates the request for a restricted discretionary activity status when compliance is not achieved with the permitted activity conditions under PRECX-R2 (residential activity) and PRECX-R3 (minor residential unit), rather than a discretionary activity status under the equivalent RPROZ rules. Mr Hook considers that a restricted discretionary activity status is more appropriate in situations where the potential adverse effects are well understood.
22. Mr Hook provides an example of a residential dwelling with two wings or pavilions, one for the owners and one for guests, which may not meet the definition of a minor residential unit and instead triggers a resource consent for two residential dwellings. Mr Hook considers that, in this scenario, a restricted discretionary activity status allows for a focused assessment of effects, while retaining the discretion of FNDC to grant or decline consent and impose consent conditions.
23. In terms of PRECX-R3, Mr Hook considers that minor residential units are a reasonably anticipated activity in high-end rural lifestyle developments and are often integrated into the design of the main residential dwelling. Therefore, Mr Hook also requests a restricted discretionary activity status for non-compliance with PRECX-R3.

Impermeable surface coverage – standard v rule

24. Mr Hook addresses two issues raised in the Wiroa Station Precinct Section 42A Report with respect to impermeable surfaces:



- a. The use of the term “impervious surface” vs “impermeable surface”.
  - b. The use of a land use rule (i.e. RPROZ-R2) vs a standard (i.e. PRECX-S1) to manage impermeable surfaces.
25. With respect to the first point, Mr Hook accepts that “impermeable surface” is a defined term in the PDP and the terminology used consistently throughout the PDP. Mr Hook therefore accepts my recommendation to refer to “impermeable surface coverage” in the WSP provisions for consistency.
26. With respect to the second point, Mr Hook is neutral on whether impermeable surfaces are controlled via a land use rule or a standard. However, Mr Hook notes that it is typical for district plans to treat impermeable surface coverage as a standard rather than a rule as impermeable surfaces are a consequence of land use (e.g. driveways, parking areas) rather than a land use activity in their own right.

#### Other drafting, formatting and technical matters

27. The rebuttal evidence from Mr Hook also responds to the following drafting, formatting and technical issues raised in the Wiroa Station Precinct Section 42A Report:
- a. **Overview - list of consent notice conditions:** Mr Hook’s preference is to retain the list of consent notice conditions in the overview section for the WSP to explain the origins of the WSP provisions and to provide consenting history context for future plan users.
  - b. **Overview - reference to RPROZ-R10 to RPROZ-R37:** Mr Hook agrees that the overview statement referring to these rules can be deleted without impacting the application of the WSP provisions.
  - c. **PRECX-P2:** Mr Hook agrees with my recommended deletion of this policy as it is not essential to the application of the WSP provisions.
  - d. **Advice Note 1:** Mr Hook considers that this advice note should be retained to clarify that the WSP provisions prevail over equivalent zone and district-wide rules.
  - e. **Definitions applicable to the WSP:** Mr Hook considers that the list of WSP specific definitions should be retained to assist in the interpretation and application of the WSP provisions.
  - f. **Format of standards:** Mr Hook states that he has reworded the standards to ensure that they no longer read as rules and are more aligned with the PDP drafting approach for standards.



### Response to questions from the Hearing Panel

28. On 11 November 2025, Mr Dawson provided a response on behalf of Paradise Found Development Limited to questions from Hearing Panel relating to how the Wiroa Station Architecture Code and Design Approval Process (the Architectural Code) works in practice and how it is incorporated into the WSP provisions. This response states that the Architectural Code has a number of operational elements/requirements, including:
- a. Establishing a Design Committee who must approve building design before it is submitted for resource consent or building consent.
  - b. A requirement for construction to be in accordance with the approved design after which the Design Committee completes an inspection.
29. The response from Mr Dawson also confirms that compliance with the Architectural Code is without FNDC oversight but the content notice requires compliance with the code. In summary, Mr Dawson states *"Drawing the strands together then, the status quo is that assessment and compliance with the Architectural Code is a largely internal process, left to qualified experts, rather than to Council. The Council is assured of compliance by receiving a certification report from a suitably qualified expert; a Producer Statement if you will. However, Council has no greater input than that"*<sup>5</sup>.
30. In terms of incorporating the Architectural Code into the WSP provisions, Mr Dawson is of the view that that it is preferable to leave the final certification role to a suitable qualified expert rather than an additional assessment/compliance role for Council which would be *"unduly burdensome"*<sup>6</sup> in his opinion.

### **Analysis**

31. As discussed at Hearing 17, there are some broader options to firstly consider for the overall rule framework for new residential dwellings on identified building platforms before considering the specifics of certain provisions. In my view, there are three main options to consider:
- a. **Option 1:** Relying on the recommended **controlled activity** rule framework for buildings and structures for residential dwellings on identified building platforms, i.e. CON-1 in CE-R1 that I recommended for inclusion in the PDP in the Coastal Environment Section 42A Report. This option would not involve a new WSP in the PDP on the basis this rule adequately and appropriately addresses the relief sought.

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<sup>5</sup> Paragraph 6.

<sup>6</sup> Paragraph 7.





- b. **Option 2:** A new WSP be included in the PDP based on a **permitted activity** rule framework for buildings and structures for residential dwellings on identified building platforms as requested by Mr Hook.
- c. **Option 3:** A new WSP be included in the PDP based on a **controlled activity** rule framework for buildings and structures new residential dwellings on identified building platforms. This option would be similar to the controlled activity rules that have been requested by submitters and recommended for inclusion other similar precincts (i.e. Mataka Station Precinct and The Landing Precinct located on the same Purerua Peninsular) in Hearing 15B.

32. The table below provides a high-level assessment of the pros and cons of these three options, drawing on my earlier analysis of this issue in the Coastal Environment, Hearing 15B (New Special Purpose Zones) and the Wiroa Station Precinct Section 42A Reports.

Option	Pros	Cons
1 – no WSP and rely on CON-1 in CE-R1	<ul style="list-style-type: none"> <li>Residential development still enabled through controlled activity rule</li> <li>Allows for compliance with relevant conditions to be assessed through a consent process</li> <li>Plan integrity – reduces the number of bespoke spatial layers in the PDP</li> <li>Less complex for Council processing planners</li> </ul>	<ul style="list-style-type: none"> <li>Less certainty for future development at Wiroa Station</li> <li>Inconsistent with approach taken at Matakā Station and The Landing (despite the issues being very similar)</li> <li>The integrated nature of Wiroa Station and the development and environment outcomes anticipated through the existing consents not recognised in the PDP</li> </ul>
2 – WSP with permitted activity rule framework	<ul style="list-style-type: none"> <li>More efficient for future residential development</li> <li>Recognises the integrated nature of Wiroa Station and the development and environment outcomes anticipated through the existing consents</li> <li>Most of the underlying RPROZ and Coastal Environment provisions still apply (including all objectives and policies) with the exception of specified rules and standards</li> </ul>	<ul style="list-style-type: none"> <li>Another bespoke spatial layer in the PDP adds complexity</li> <li>A complex permitted activity rule framework with wide range of conditions not all directly related to buildings and structures (i.e. the purpose and scope of PRECX-R1)</li> <li>Assessing compliance with technical permitted activity conditions may be problematic and at a late stage of the process (at building consent stage)</li> <li>Inconsistent (more permissive) with approach taken at Matakā Station and The Landing (despite the issues being similar)</li> <li>More permissive than the ODP rule framework for new dwellings on identified building platforms with no</li> </ul>

Option	Pros	Cons
		evidence that the existing controlled activity consent process is causing issues in practice
3 – WSP with controlled activity rule framework	<ul style="list-style-type: none"> <li>• More certainty of development and environmental outcomes – enables compliance and the effects of new residential dwellings to be assessed through a consent process (not about imposing additional consent conditions)</li> <li>• Recognises the integrated nature of Wiroa Station and the development and environment outcomes anticipated through the existing consents</li> <li>• Provides a simplified rule framework for new residential dwellings (no need to replicate the conditions in the consent notice in the controlled activity standards)</li> <li>• More consistent with approach taken at Matakā Station and The Landing – will assist with future implementation</li> <li>• Most of the underlying RPROZ and Coastal Environment provisions still apply (including all objectives and policies) with the exception of specified rules</li> </ul>	<ul style="list-style-type: none"> <li>• Another bespoke spatial layer in the PDP adds complexity</li> <li>• Less efficient for future residential development</li> <li>• Potential debates about what consent conditions can/should be imposed in addition to the consent notices</li> </ul>

33. Overall, based on this assessment and my earlier analysis in the Coastal Environment, Hearing 15B (New Special Purpose Zones) and Wiroa Station Precinct Section 42A Reports (refer paragraphs 47 to 60), I retain the view that a controlled activity rule framework is the most appropriate option for new residential dwellings on identified building platforms within the Coastal Environment overlay (i.e. either Option 1 or 3). While finely balanced, I consider Option 3 is preferable as it provides a more specific set of provisions for the anticipated development at Wiroa Station and is consistent with my recommended approach for the nearby Mataka Station Precinct and The Landing Precinct.



34. On the basis of Option 3 being the preferred option, I recommend a number of amendments to PRECX-R1 (rule for new buildings and structures) requested by Paradise Found Development Limited as follows:
- a. Amending the activity status to be a controlled activity when conditions are complied with rather than permitted while retaining the restricted discretionary activity status when the controlled activity conditions are not complied with.
  - b. Removing permitted activity conditions that simply duplicate conditions in the consent notices and instead including an advice note before the rules that makes it clear to plan users there are also conditions in the consent notices that must be complied with, which is consistent with my recommendations for the Mataka Station Precinct (which are supported by the submitter). My recommended wording is as follows: *"The lots identified on the Wiroa Station Precinct Plan are subject to consent notices, including Consent Notice 10526054.25 which sets the development framework for the Wiroa Station Precinct. The consent notices impose ongoing obligations in relation to building location, design and mitigation that must be complied with"*. In my view, the practical effect of this change is the same, but it significantly simplifies the rule framework in PRECX-R1 (i.e. replacing PER-2 and deleting PER-3).
  - c. Deleting conditions relating to earthworks and vegetation clearance within PRECX-R1 as this is managed as a separate activity to the rules for buildings and structures (i.e. the approach taken across the PDP). My recommendation on the substance of this request (i.e. exempting earthworks associated with the building platforms and access from the relevant Coastal Environment Chapter rule and standard) is addressed below.
  - d. Amending PER-2 to focus on compliance with amended PRECX-S1 (maximum building height) and amended PRECX-S2 (maximum gross floor area) to be more consistent with other similar precincts and the Coastal Environment Chapter.
35. In my view, this provides a more appropriate and effective rule framework for future residential dwellings on identified building platforms to be assessed to ensure these are consistent with the anticipated development and environmental outcomes at Wiroa Station without imposing undue compliance costs.

#### Helicopter landing area

36. I note that the wider issue of helicopter movements and landing areas in the PDP is considered by Ms McKay in the right of reply for Hearing 17 (Interpretation, mapping, plan variation and other matters). Ms McKay notes that, due to helicopter landing areas being permitted in some zones/precincts but not others, the land use component of the activity (being the construction and formation of a helicopter landing area) could be interpreted as defaulting to



a discretionary activity under the catch all rule for the relevant zone chapter, despite the noise associated with the helicopter movements and landings being permitted in the Noise Chapter of the PDP. However, Ms McKay concludes that there is no scope within submissions to permit helicopter landing areas in the RPROZ zone (the same approach as the ODP) to address this issue and avoid unnecessary consent requirements.

37. In my view, there should be no need to regulate helicopter landing area as a land use activity as the main effect of helicopter movements (noise) is already addressed through the Noise Chapter in the PDP and the actual helicopter landing area itself has limited/no adverse effects as a land use "activity". However, the current drafting of temporary activity rule TA-R5 (Aircraft and helicopter movements (landings and take-off)) and bespoke rules in the Carrington Estate and Kauri Cliffs Special Purpose Zone for helicopter landing areas mean that a discretionary activity resource consent will be required if this activity is not specifically provided for.
38. I therefore reluctantly recommend a land use rule for a helicopter landing area be included in the WSP, while noting this is wider issue that may need to be considered and addressed through a future plan change to the PDP.

Exemption to the earthworks and indigenous vegetation rules and standard in the Coastal Environment Chapter

39. I agree in principle that is overly restrictive to require a discretionary activity resource consent for earthworks associated with residential dwellings on identified building platforms and associated accessways. In the Wiroa Station Precinct Section 42A Report, I outlined three concerns with this requested exemption from Mr Hook:
  - a. There was no specific rationale for this exemption in the evidence in chief of Mr Hook.
  - b. The requested provisions for the WSP addressed CE-R3 and CE-S3 separately in the advice notes and within PRECX-R1 whereas these are intended to be read together (i.e. CE-S3 applies when the earthworks and indigenous vegetation clearance is not associated with one of the permitted purposes in CE-R3).
  - c. The exemption is inconsistent with the scheme of the relevant District-Wide chapters in Part 2 of the PDP which is to have earthworks and indigenous vegetation clearance rules separate to the general "R1" rule for buildings and structures.
40. I consider that Mr Hook has addressed the first point in his rebuttal evidence by providing more justification and supporting example. Mr Hook has also helpfully confirmed that no indigenous vegetation clearance is required within the building platforms and therefore this exemption only relates to earthworks.



41. However, the second two drafting issues have not been addressed by Mr Hook. I therefore recommend that the exemption is provided for an amended Advice Note 3 before the rules which states that, in the WSP "*CE-R3 and CE-S3 (Earthworks or indigenous vegetation clearance) do not apply to earthworks associated with the construction of a new building or structure on an identified building platform within the Wiroa Precinct Plan, including the formation of access to the building platform*".

Activity status for residential activity and minor residential unit

42. Firstly, for clarification, I did not say that I am opposed to a restricted discretionary activity when compliance with the permitted activity standards in in PRECX-R2 and PRECX-R3 is not achieved in the Wiroa Station Precinct Section 42A Report. Rather I stated that "*rationale and appropriateness for this more lenient activity status when the conditions are not complied with is not clear and requires further justification in my view*" which Mr Hook has now responded to.
43. At a broader level, I agree with Mr Hood that a restricted discretionary activity is appropriate when the adverse effects of non-compliance with permitted activity standards are well understood and can be managed through consent conditions. I also consider that this generally applies to residential activities and minor residential units where the effects of any non-compliance are generally well understood. However, this may also signal that multiple residential activities are anticipated and appropriate within a single identified building location within the WSP which I do support.
44. Additionally, I note that:
- a. The matters of discretion requested by Mr Hook are relatively broad, including referring to the three objectives requested for the WSP which is not a common approach adopted in the PDP, and therefore no too dissimilar to a discretionary activity consent process.
  - b. The drafting of PRECX-R2 and PRECX-R3 together would mean a restricted discretionary activity would be required for any minor residential unit (as the number of residential units would exceed 1). My understanding is that this is not the intent as Mr Hook has overlooked the important note in the equivalent RPROZ-R3 that the rule does not apply to "*a minor residential unit constructed in accordance with rule RPROZ-R19*".
45. On this basis, I recommend amendments to PRECX-R2 and PRECX-R3 that would have the effect of permitting one principal residential unit and one minor residential unit on a site with discretionary activity consent required for any additional residential unit or non-compliance with the other permitted activity conditions in PRECX-R3. In my view, this is appropriate and more aligned with

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<sup>7</sup> Paragraph 64(a) and (b).



the equivalent RPROZ rules and there is not clear rationale to adopt a different approach to the RPROZ and similar precincts in the context of the WSP.

46. Secondly, for clarification, I stated in the Wiroa Station Precinct Section 42A Report that "...the requested residential activity rule (PRECX-R3) is similar to the equivalent RPROZ rule (RPROZ-R19) without the RPROZ condition requiring the site area to be at least 1ha **which is appropriate in the context of the WSP in my view**". I can therefore confirm that there are no outstanding issues/matters in dispute in terms of the removal of the 1ha minimum site area condition in the equivalent RPROZ rule as was indicated in the rebuttal evidence from Mr Hook.

#### Impermeable surface coverage

47. Mr Hook seems to accept the desire for consistency across the PDP on this issue, while noting that impermeable surface coverage is typically managed as standard rather than rule. For context, my understanding is that the impermeable surface controls were deliberately drafted as a rule throughout the PDP to capture instances where large areas of impermeable surfaces were applied for without being associated with a specific land use activity or a building/structure.
48. This is because the general drafting approach in the PDP is for standards to apply by listing these in the "R1" rule of each zone or precinct (i.e. the general rule controlling buildings and structures). There was a concern from FNDC that a proposal to construct a large area of impermeable surfaces, such as a large car park or extending an area of paving (i.e. increase a manoeuvring area) not associated with a proposal for a building or structure would not be captured by the "R1" rule and therefore the impermeable surface coverage standards would not apply. The use of a specific rule controlling impermeable surfaces was seen as a way to ensure that any new impermeable area would be captured by a rule, even when a building or structure was not being proposed.
49. On this basis, I recommend that PRECX-S1 be redrafted like a rule to ensure consistency with other PDP provisions and avoid potential interpretation issues.

#### Other technical and drafting matters

50. In terms of the other technical and drafting matters:
- a. **Overview - list of consent notice conditions:** I accept the desire to include reference to specific consent notice conditions in the overview, despite this not being necessary. I therefore have retained these in my recommended provisions for the WSP.
  - b. **Overview - reference to RPROZ-R10 to RPROZ-R37:** No further comment required, this reference is not included in my recommended provisions for the WSP.
  - c. **PRECX-P2:** No further comment required, this policy not included in my recommended provisions for the WSP.



- d. **Advice Note 1:** I have recommended amendments to all the advice notes (and overview section) to better align with how precincts have been drafted in the PDP (as discussed in detail in Hearing 15B) to clarify how these modify specific underlying zone or overlay provisions.
- e. **Definitions applicable to the WSP:** I recommend retaining clause a (identified building platform) and b (each house) but redrafting these as advice notes. I recommend that clause c and d in the provisions requested by Mr Hook are deleted as these terms are no longer used in the provisions.
- f. **Format of standards:** Mr Hook has not addressed the formatting and drafting of the standards as indicated in his evidence. Therefore, my recommended provisions for the WSP include amended standards PRECX-S1 to PRECX-S3 to be more consistent with the general PDP drafting approach for standards.
- g. **Other amendments:** I also a range of other minor amendments to the requested WSP to improve interpretation and consistency.

#### Architectural Code

- 51. I consider that the response from Mr Dawson has clarified the role of the Architectural Code that the consent notice requires compliance with and that the Design Committee approval process is not subject to FNDC oversight. In my opinion, my recommended provisions for the WSP provide adequate references to the requirements in the consent notices that must be complied with, and there is no need to specifically reference the Architectural Code in the WSP provisions.

#### **Recommendation**

- 52. For the above reasons, I recommend that a WSP be included in the PDP under the RPORZ section and/or alongside other precincts. I recommended that the WSP include the provisions attached as **Appendix 1** with the key amendments I recommend to the provisions requested by Paradise Found Development Limited outlined above.

#### **Section 32AA evaluation**

- 53. I note that Mr Hook provides a section 32AA evaluation for the WSP in his evidence in chief (paragraph 74 to 78), which I refer to in paragraph 67 of the Wiroa Station Precinct Section 42A Report stating *"I consider that the proposed WSP could deliver a number of benefits compared to alternative options, including better recognising 20 current and anticipated activities within the WSP and providing a targeted set of provisions to recognise and protect the particular characteristics and values at Wiroa Station."*
- 54. I have also provided an evaluation of the three main options for providing for the relief sought at paragraph 31 to 33 above, where I conclude that including a new WSP in the PDP with a controlled activity rule framework for new





residential dwellings on identified building locations is the most appropriate option. The further amendments I am recommending to the WSP provisions are primarily to improve workability, clarify intent and improve consistency with the PDP (including other precinct provisions). Accordingly, I consider that my recommended amendments to the WSP provisions are an appropriate, efficient and effective way to achieve the relevant objectives in accordance with section 32AA of the RMA.

### **3.2 Issue 2: Vehicle on Beaches**

#### **Matters raised in evidence**

55. Lucklaw Farm Limited provided supplementary planning evidence from Mr Langman, a hearing statement from Mr Sturgess with a range of supporting information, and legal submissions from Mr Ryan to support its requests to restrict vehicles on beaches through the PDP.
56. The supplementary planning evidence of Mr Langman raises the following points in response to my supplementary evidence:
  - a. Any potential confusion about the combination of regulatory instruments for vehicles on beaches can be addressed through signage and information on the FNDC website.
  - b. Relying on an amendment to the current FNDC Road Use Bylaw 2022 to address the adverse effects of vehicles on beaches is uncertain and does not adequately demonstrate that the PDP will give effect to Policy 20 in the New Zealand Coastal Policy Statement 2010 (NZCPS). It also means the PDP does not adequately address the adverse effects of vehicles on beaches (particularly on indigenous biodiversity), which is a statutory function of FNDC under the RMA.
  - c. A rule in the PDP to manage vehicle access on beaches is the most appropriate means of giving effect to Policy 20 of the NZCPS until such time as a bylaw is in place to restrict vehicles on Puwheke Beach.
  - d. Lucklaw Farm Limited would be satisfied if the proposed rule for the "vehicle exclusion zone" only applied to Puwheke Beach.
57. The legal submissions from Mr Ryan raised the following points in response to my supplementary evidence:
  - a. Section 75(3) of the RMA provides a mandatory imperative to "give effect" to the NZCPS which imposes an obligation for FNDC to implement the NZCPS through the PDP.
  - b. It is accepted that consideration of other methods for managing vehicles on beaches is required. However, there is no certainty that the current FNDC Road Use Bylaw 2022 will be amended or





expanded to restrict vehicles on other beaches, including Puwheke Beach.

- c. There is evidence of numerous archaeological sites on the dunes at Puwheke Beach and their damage from vehicles.
  - d. It is reasonable to infer from the evidence at Puwheke Beach that similar adverse effects are likely to be occurring across the Far North District as a result of vehicles on beaches. Lucklaw Farm Limited therefore continues to request a district wide rule to restrict vehicles on beaches.
58. The hearing statement from Mr Sturgess included four attachments, including Attachment 3 with photos showing vehicles on Puwheke Beach and indicative lines showing Mean High Water Springs (MHWS) and the Mean High Water Mark (MHWM). In response to questions from the Hearing Panel, Mr Sturgess subsequently provided two maps of the "Proposed Puwheke Beach Vehicle Exclusion Zone" between the area below MHWS managed by Northland Regional Council and the Department of Conservation (DOC) owned marginal strip/public conservation land.

### **Analysis**

59. To respond to the issues, statements and evidence from Lucklaw Farm Limited outlined above, I first provide a brief recap of my position on this matter in the Coastal Environment Section 42A Report<sup>8</sup> and my supplementary evidence on this issue following Hearing 4<sup>9</sup>. I then respond to the key matters raised in the evidence and statements from Lucklaw Farm Limited under the following headings:
- a. Evidence of archaeological effects
  - b. Giving effect to Policy 20 in the NZCPS
  - c. Whether any proposed rule for a vehicle exclusion zone should apply across the Far North District or be limited to Puwheke Beach
  - d. Implementation issues associated the proposed vehicle exclusion zone at Puwheke Beach if included in the PDP
  - e. The requested policy and rule for the vehicle exclusion zone if it was included in the PDP.

### Key points from Coastal Environment Section 42A Report and supplementary evidence

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<sup>8</sup> [S42A Report Coastal Environment](#), Hearing 4.

<sup>9</sup> [Far North Proposed District Plan Hearing 4 – Coastal Environment Supplementary Evidence, Response to Vehicles on Beaches.](#)



60. My supplementary evidence focused on three key questions for determining whether the PDP should include rules restricting vehicles on beaches:
- a. Is there a resource management issue that warrants managing?
  - b. Is there statutory scope to include rules in the PDP to address the effects of vehicles on beaches?
  - c. Is a new rule in the PDP the most appropriate way to manage the identified resource management issue and respond to the relief sought by Lucklaw Farm Limited?
61. In response to the first question, I concluded that there was insufficient evidence of district wide issue that warrants managing, but there is evidence demonstrating that vehicles are having, or have the potential to have, adverse effects on ecological values and dune systems at Puwheke Beach.
62. In response to the second question, I concluded that sections 31 and 75 of the RMA provide statutory scope for the PDP to include provisions controlling vehicles above MHWS to manage the adverse effects on ecological values and dune systems (noting Northland Regional Council has jurisdiction below MHWS and the Northland Regional Plan includes controls on vehicles below MHWS).
63. In response to the third question, I concluded that FNDC Road Use Bylaw 2022 is the most appropriate approach to manage vehicles on beaches because:
- a. It is the regulatory tool chosen tool by FNDC for regulating vehicles on beaches, that is being informed by consultation with communities in priority locations.
  - b. The regulatory framework 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 2022 and the Northland Regional Plan rules below MHWS) would likely further exacerbate this complexity and risk<sup>10</sup>.
  - c. Alternative options for managing vehicles on beaches, including non-regulatory options, do not appear to have been adequately considered or tested with the wider community.
  - d. Should a regulatory response be determined as necessary at Puwheke Beach, an amendment to the existing Road Use Bylaw 2022 is a more efficient method of addressing vehicles on beaches.
64. For these reasons, I recommended that the PDP does not include rules regulating vehicles on beaches across the Far North District or at Puwheke beach.

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<sup>10</sup> There is also the Northland Reserves Bylaws 2007 administered by the Department of Conservation which apply to reserves including the Puwheke Beach marginal strip with controls on vehicle use.



#### Evidence of archaeological effects

65. Mr Ryan challenged the conclusion that there was inadequate evidence of effects of vehicles on archaeological sites and Puwheke Beach<sup>11</sup>, and referred to the statement of Mr Sturgess and the further submission from New Zealand Historic Places Trust.
66. I have reviewed the statement from Mr Sturgess and accept that the evidence provided, namely the letter from ASL Archaeology Solutions Ltd<sup>12</sup> dated 30 March 2020, provides some evidence of vehicles having adverse effects on archaeological sites at Puwheke Beach. I therefore accept that, in addition to adverse effects on ecological values and dune systems, vehicles can also have adverse effects on archaeological sites at Puwheke Beach.

#### Giving effect to Policy 20 of the NZCPS

67. Section 75(3)(b) is clear that district plans must give effect to any New Zealand Coastal Policy Statement. Policy 20 in the current NZCPS 2010 (vehicle access) states (**emphasis added**):
- 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*

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<sup>11</sup> [Hearing 4 – Coastal Environment Supplementary Evidence, Response to Vehicles on Beaches](#), Paragraph 11.

<sup>12</sup> Page 51 of [Hearing-4-Submitter-material-Lucklaw-Farm-Ltd-S551,-S585-Supporting-documentation-Compressed.pdf](#).



*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.*

68. It is not in dispute that the PDP must give effect to Policy 20 of the NZCPS. I also consider that the “might result” test in Policy 20(1) is a relatively low bar – there simply needs to be some evidence that any one of the listed adverse may occur. In my view, this test is met at Puwheke Beach in relation to potential adverse effects of vehicles on dune systems, ecological systems, and historic heritage.
69. However, as accepted by Mr Ryan, there is a requirement to consider other methods of implementing Policy 20 of the NZCPS and, if other methods adequately give effect (implement) Policy 20, then the PDP need not include any additional controls. I consider that the main (non-exclusive) methods to give effect to Policy 20 in the NZCPS in relation to Puwheke Beach are:
- a. Non-regulatory methods (e.g. education, such as signage and communication)
  - b. Expand/amend the FNDC Road Use Bylaw 2022 to restrict vehicle access at Puwheke Beach
  - c. The vehicle exclusion zone and associated policy and rule requested by Lucklaw Farm Limited (which is based off the corresponding Northland Regional Plan vehicle exclusion zone approach and provisions).
70. My understanding is that FNDC (and other agencies) have been aware of issues associated with vehicles on Puwheke Beach for some time. I am not aware of any substantive education initiatives to manage the issue, and regardless any such initiatives do not appear to have effectively addressed the issue. The controls in the Northland Regional Plan to manage vehicles on the beach below MHWS also indicate that Northland Regional Council concluded that a non-regulatory approach by itself was inadequate to restrict vehicles on beaches to give effect to Policy 20 of the NZCPS. Therefore, non-regulatory controls above MHWS are, by themselves, also unlikely to adequately give effect to Policy 20 of the NZCPS.
71. I still of the view that expanding the Road Use Bylaw 2022 to cover Puwheke Beach is the most appropriate regulatory tool to address this issue given this is FNDC’s chosen approach to manage this issue and there is already work and engagement underway to determine if and how this needs to be amended to



restrict vehicles on other beaches<sup>13</sup>. However, the key assertion from Mr Langman and Mr Ryan is that there is no certainty at this point of time that FNDC will expand/amend the Road Use Bylaw 2022 to include Puwheke Beach. Mr Ryan therefore concludes that the **potential** application of the Road Use Bylaw to Puwheke Beach does not satisfy the requirement for the PDP to give effect to Policy 20 in the NZCPS.

72. In my supplementary evidence prepared in May 2025, I stated (**emphasis added**) that “*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), 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*”. Subsequent correspondence from FNDC to Mr Sturgess in August 2025 has confirmed this position<sup>14</sup>.
73. However, I am not aware of any more recent commitment from FNDC for commencing the process to consider expanding the Road Use Bylaw 2022 to include Puwheke Beach. In the absence of a firm commitment from FNDC on this matter, I agree that there is a need to consider whether the PDP needs to be amended to restrict vehicles on Puwheke Beach to give effect to Policy 20 of the NZCPS and the effectiveness, efficiency and risks associated with any such provisions in accordance with section 32AA of RMA.

#### District wide rule vs vehicle exclusion zone specific to Puwheke Beach

74. Firstly, I maintain my opinion that including a district-wide rule in the PDP restricting vehicles on beaches throughout the Far North District is not warranted, would present significant natural justice issues, and will likely undermine/conflict with FNDC’s efforts to manage this issue in a more targeted way. It could also have significant risks and costs, including the social and cultural wellbeing of communities and tangata whenua throughout the Far North District, which have not been adequately assessed by Lucklaw Farm Limited. Further, neither Mr Ryan or Mr Langman have provided any new evidence or information to support this relief beyond what was provided in the original

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<sup>13</sup> Coopers Beach is currently the only beach listed in Schedule 6 (Beaches or parts of beaches upon which vehicles are prohibited) and none are listed in Schedule 7 (Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted). 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](#)

<sup>14</sup> For example, an email from Mr Ackers dated 8 August 2025 stated “*Council is looking to undertake a process of engaging with communities at identified priority beaches in the next 6 months, which includes beaches on the Karikari Peninsula (including Puwheke Beach), to identify issues and appropriate responses. The outcomes from this process would then inform an amendment to the Bylaw. Note that the timing on the above will be dependent on priorities as set by Council. Further must of Puwheke Beach is Crown land and it is therefore the Department of Conservation responsibility to regulate.*” Refer pg.14: [Lucklaw-J-Sturgess-Attachment-4-Hearing-17-Correspondence-with-FNDC-copy.pdf](#)



submission from Lucklaw Farm Limited and the evidence presented at Hearing 4.

Implementation issues with vehicle exclusion zone above MHWS at Puwheke Beach

75. There are a range of potential implementation issues to consider if a vehicle exclusion zone and associated provisions to manage vehicles Puwheke Beach above MHWS were included in the PDP. Firstly, it would result in three different sets of regulation applying to Puwheke Beach with three different regulatory agencies as follows:
- a. The rules in the Northland Regional Plan for the vehicle exclusion zone at Puwheke Beach which apply below MHWS (administered by Northland Regional Council).
  - b. The Northland Reserves Bylaws 2007 for the marginal strip/public conservation land (administered by the Department of Conservation).
  - c. PDP provisions that would apply above MHWS up to the Department of Conservation marginal strip (administered by Far North District Council).
76. I accept that there are options to manage these overlapping functions. For example, the PDP rule could extend to the DOC marginal strip (although the Northland Reserves Bylaws 2007 would still apply unless amended) and compliance functions could be transferred under section 33 RMA from FNDC to Northland Regional Council or vice versa for the vehicle exclusion zone rules. However, such mechanisms would require further work and engagement with the relevant agencies and are beyond the scope of my evidence and the PDP to fully address.
77. Mr Langman suggests that some of this complexity *"...can be simply managed through appropriate signage, and information provided on Council's website as to where vehicle use on beaches is controlled or restricted"*<sup>15</sup>. I do not share Mr Langman's confidence that this would address issues – particularly when it came to undertaking formal compliance monitoring and enforcement of the relevant rules or bylaw.
78. The second key implementation issue relates to the actual location and extent of the proposed "vehicle exclusion zone" requested by Lucklaw Farm Limited that FNDC would be responsible for administering between MHWS and the DOC marginal strip/public conservation land. The maps of the proposed "Puwheke Beach Vehicle Exclusion Zone" provided by Mr Sturgess usefully clarify the intended application of this zone and associated rules. However, accurately administering and enforcing this requested vehicle exclusion zone is likely to be much more difficult in practice given that the location of MHWS (and the DOC marginal strip) varies across Puwheke Beach spatially and overtime (in response

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<sup>15</sup> Paragraph 21 of evidence.



to erosion, accretion, weather events etc.) meaning that there is a high risk of unclear and overlapping responsibilities. This is clearly evident in the photos provided by Mr Sturgess in Attachment 3 of his statement. Therefore, while the maps of the requested vehicle exclusion zone are helpful, I consider that the actual boundaries of the requested vehicle exclusion zone are likely to be much more uncertain and variable on the ground.

79. In summary, there are potential ways to mitigate complex regulatory framework for managing vehicles on Puwheke Beach if the PDP was also amended to address this issue. However, only some of these are within the scope of the PDP and significant implementation challenges are likely to remain in my view. This reinforces why I consider the Far North Road Use Bylaw 2022 is the most appropriate method to restrict vehicles on beaches.

Proposed policy and rule for the vehicle exclusion zone at Puwheke Beach

80. Notwithstanding the implementation challenges above, this section considers the proposed policy and rule for the vehicle exclusion zone provided Mr Langman for by Lucklaw Farm Limited<sup>16</sup> should the Hearing Panel want to consider its inclusion in the PDP. Mr Ryan states in his submission (**emphasis added**):

*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*

81. I agree with the principle that any PDP rule for a vehicle exclusion zone at Puwheke Beach should mirror (to the extent possible) the corresponding Northland Regional Plan rule.
82. A key feature of the proposed rule from Mr Langman is a prohibited activity status for any vehicle use that does not comply with the permitted activity standards. Mr Langman states in his supplementary evidence that "*It is my recommendation that for the rule to be effective, a default prohibited status is appropriate*". However, no further reasoning for this recommendation is provided by Mr Langman.
83. I do not agree. A prohibited activity should only be adopted if there is clear evidence that all variations of the activity would be inappropriate in all cases, or there is a broader strategic reason (e.g. to manage a 'gold rush' effect). In my opinion, neither of these scenarios apply in this context. There may be types of vehicle use that are not anticipated by the permitted activity conditions but may be appropriate or can be appropriately managed through a resource consent process.
84. In my opinion, it would be more appropriate to adopt the approach used in the Northland Regional Plan, where non-compliance with the permitted activity conditions is a discretionary activity or a non-complying activity if the vehicle

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<sup>16</sup> Schedule 1 to Mr Ryan's legal submissions: [Lucklaw Farm Limited, S551, S585 - Schedule 1](#)





exclusion zone is in a mapped overlay area, such as Outstanding Natural Landscape. I note that Puwheke Beach is an identified Outstanding Natural Landscape in the PDP so a non-complying rule would be all that is required for Puwheke Beach. However, if adopted at Puwheke Beach, the rule could be future proofed with a discretionary activity or non-complying (when located in mapped overlay area) activity status applying.

85. If included in the PDP, I recommend the following amendment to the policy requested by Mr Langman:

*~~Prohibit~~ Restrict the use of vehicles on beaches and adjacent public land within ~~mapped~~ vehicle exclusions zones where significant values are at risk from harm by vehicle use, except where access is necessary for a range of specified uses.*

86. If included in the PDP, I consider that the structure of the rule proposed by Mr Langman could be improved by providing a single permitted activity rule (rather than each use being a separate permitted activity condition). This would:
- a. Better match the structure adopted in other rules in the PDP, including within the Coastal Environment Chapter.
  - b. More closely mirror the structure of the corresponding Northland Regional Plan rule.
87. Mr Langman has also suggested the option of the proposed rule “turning off” should an amendment to the FNDC Road Use Bylaw come into effect to restrict vehicles on Puwheke Beach. In my view, any change to the legal effect of a rule in the PDP would require a change to that rule under the RMA and cannot be triggered by a process under another Act (i.e. the Local Government Act 2002 and Land Transport Act 1998).

### **Recommendation**

88. In my opinion, the decision on whether to include a “vehicle exclusion zone” above MHWS at Puwheke Beach and an associated policy and rule framework in the PDP is finely balanced. On one hand, I agree with Mr Langman and Mr Ryan that a **potential** amendment and expansion of the Road Use Bylaw 2022 to restrict vehicles on Puwheke Beach is not adequate to demonstrate that Policy 20 of the NZCPS is being given effect to, which requires controls on the use of vehicles on beaches where certain adverse effects “might result”. This includes damage to dune systems, harm to ecological systems, and damage to historic heritage which are all relevant adverse effects from vehicles in the context of Puwheke Beach.
89. On the other hand, I have concerns introducing a new vehicle exclusion zone and associated policy and rule framework into the PDP at this point of the process that:





- a. Does not align, and potentially undermines, the chosen approach by FNDC to address this issue through the Road Use Bylaw 2022, which I understand has identified Puwheke Beach as a priority beach to consider.
  - b. Is likely to be uncertain and difficult to enforce in practice given that the location of MHWS (and the DOC marginal strip) varies across Puwheke Beach spatially and overtime (in response to erosion, accretion, weather events etc.
  - c. Creates a more complex regulatory framework to manage vehicles on beaches (acknowledging there are mechanisms outside the PDP process to help mitigate this, such as transfers of powers under section 33 of the RMA).
  - d. Has not been tested with the community and tangata whenua (whereas FNDC is undertaking a process of targeted community engagement through the process to update the Road Use Bylaw 2022 process).
  - e. Is likely to be ineffective and inefficient in practice due to the implementation issues I have identified above and because it is likely to be superseded by the Road Use Bylaw 2022 process.
90. Therefore, on balance, I **do not** recommend a new “vehicle exclusion zone” above MHWS at Puwheke Beach and an associated policy and rule framework be included in the PDP at this point of the process. However, in my view, the evidence from Lucklaw Farm Limited has highlighted a need to better manage vehicles on Puwheke Beach and the associated adverse effects. I would hope that this results in some clear commitment by FNDC to prioritise identifying the best option to manage vehicles at Puwheke Beach as part of the process to updated and expand the Road Use Bylaw 2022, including through further engagement with the community.

### **Section 32AA evaluation**

91. I am not recommending any amendments to the PDP in response to the submissions from Lucklaw Farm Limited requesting restrictions on vehicles on beaches therefore no further evaluation is required under section 32AA of the RMA.

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

**Date:** 15 December 2025