

**Remember
submissions
close at 5pm,
Friday 21
October 2022**

Proposed District Plan submission form

Submission# 585

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

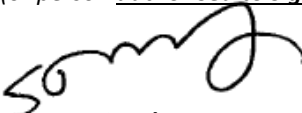
Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	John Gilbert Sturgess for Lucklaw Farm Ltd		
Company / Organisation Name: (if applicable)	Lucklaw Farm Ltd		
Contact person (if different):			
Full Postal Address:	690 Rangiputa Road, Karikari Peninsula 0483		
Phone contact:	Mobile: 021 656 920	Home:	Work:
Email (please print):	john@lucklaw.co.nz		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission <input type="checkbox"/> I could gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> I am directly affected by an effect of the subject matter of the submission that: (A) Adversely affects the environment; and (B) Does not relate to trade competition or the effect of trade competition <input type="checkbox"/> I am not directly affected by an effect of the subject matter of the submission that: (A) Adversely affects the environment; and (B) Does not relate to trade competition or the effect of trade competition			
<i>Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991</i>			
The specific provisions of the Plan that my submission relates to are:			
1. Rules, objectives and policies on vehicle access on beaches in the Far North District			
Confirm your position: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Support In-part <input type="checkbox"/> Oppose (please tick relevant box)			
My submission is: (Refer Schedule attached)			

<p>I seek the following decision from the Council:</p> <p>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 the beaches (including in the foreshore and seabed) by vehicles except for specific purposes, in order to preserve the natural character and biodiversity of beaches in the Far North.</p> <p>b. Subject to lawful access, rules are sought to same or similar effect as Schedule 1 (Refer Schedule attached).</p> <p>c. Further or consequential relief amending the objectives, policies and other provisions of the plan in order to give effect to this submission.</p>
<p><input checked="" type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission (Please tick relevant box)</p>
<p>If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Do you wish to present your submission via Microsoft Teams? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Signature of submitter: (or person authorised to sign on behalf of submitter)</p>  <p>Date: 21 October 2022 (A signature is not required if you are making your submission by electronic means)</p>

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

Schedule to Submission on the Proposed Far North District Plan – Lucklaw Farm Ltd – Vehicles on Beaches – Karikari

Submission on the Proposed Far North District Plan – Lucklaw Farm Ltd

S585.001

Introduction

1. This submission relates specifically to the management and rules of vehicle usage on the foreshore and beaches of the Far North.
2. The submitter, Lucklaw Farm Ltd, is concerned with the current level of vehicle usage at beach and dune areas in the Far North (including in and around the foreshore and coastal marine area) and seeks better protection of these areas through more restrictive rules on vehicle use in these areas.
- 2.3. The New Zealand Coastal Policy Statement 2010 ('NZCPS') is to be applied as required by persons exercising functions and powers under the Resource Management Act 1991. District Plans must give effect to the NZCPS (s75(3)(b), RMA). Policy 20 of the NZCPS relates specifically to the use of vehicles on beaches and provides that those exercising powers under the RMA "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; (b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding area and shellfish beds..."

Rules related to Vehicles on Beaches in the Far North

- 3.4. Under Rule C.1.5.1. (vehicles on beaches) of the proposed Northland Regional Plan as notified, it is stated that "*District Councils may also have bylaws that control (including prohibiting) the use of vehicles on beaches as well as dunes... compliance with Rules C.1.5.1. and C.1.5.1A does not remove the need to comply with all relevant bylaw provisions*".
- 4.5. Lucklaw Farm acknowledges that the previous Far North District Council (**FNDC**) bylaw on vehicles on beaches (Vehicles on Beaches Bylaw 2015) was automatically revoked in 2022 by operation of s160A of the Local Government Act 2002. Part 8 of the Road Use Bylaw 2022 now contains those rules related to vehicle use on beaches in the Far North.
- 5.6. Under the Part 8 of the Road Use Bylaw, vehicles are only prohibited at Coopers Beach (see Schedule 6, Road Use Bylaw), and there are no beaches or parts of beaches where vehicle use is restricted (see Schedule 7, Road Use Bylaw). The Road Use Bylaw does not contain any other rules related to vehicle usage on beaches.
- 6.7. Lucklaw Farm submits that the more detailed rules and standards regarding vehicle usage on beaches should be contained within the FNDC District Plan. **Schedule 1** is an extract from the Bay of Plenty Regional Coastal Environment Plan, Rule DD7 which is the rule related to vehicle access on beaches.
- 7.8. Rule DD7 operates in conjunction with Rule DD8 (also in Schedule 1) which permits vehicle use on the foreshore and seabed for emergency or law enforcement purposes.

Relief

~~8.9.~~ Lucklaw Farm supports:

a. The addition of a comprehensive rule in the FNDC district plan based on rules DD& and DD8 of the Bay of Plenty Regional Coastal Environment Plan and which sets out standards for vehicle access on beaches and restricts use ~~of the beaches (including in 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. Rules are sought to similar effect as **Schedule 1**, 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 and including the sand dunes.

a.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 includes all areas of the beach are noted in tracked changes in Schedule 1.

~~b.c.~~ Any relief necessary or consequential to give effect to the relief sought above.

Conclusion

~~9.10.~~ Lucklaw Farm **does wish** to be heard in support of this submission.

~~10.11.~~ If others make a similar submission, Lucklaw Farm will consider presenting a joint case with them at a hearing.

Schedule 1

Rule DD 7 Permitted – Vehicle access and use [or to same or similar effect]

Disturbance of any area of the beach (including the foreshore or seabed area, and the surrounding sand dune areas) by the use of vehicles, where the activity:

- 1 *Is associated with the use of a legally authorised structure in, or partly in, the coastal marine area, which provides for or requires vehicle access; or*
- 2 *Is associated with vehicle access to offshore islands in areas where access points are identified in Schedule 15; or*
- 3 *Is associated with conservation management activities undertaken in accordance with:*
 - (a) *A Coastal Wetland Management Agreement or Biodiversity Management Plan with the Regional Council; or*
 - (b) *A reserve management plan prepared by a district or city council or the Regional Council; or a Conservation Management Strategy or Conservation Management Plan prepared by the Department of Conservation; or*
- 4 *Is associated with environmental monitoring undertaken by city, district or regional councils or consent holders where the vehicle used has a gross weight of less than 3,000 kilograms; or*
- 5 *Is associated with the use of navigational safety equipment by the Port of Tauranga Limited or Regional Council where the vehicle used has a gross weight of less than 3,000 kilograms; or*
- 6 *Is permitted under Rule BS 1; or*
- 7 *The vehicle use is not in an Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1) and is for one or more of the following purposes:*
 - (a) *Burial of dead animals by the Department of Conservation, a local authority, or their delegated agent;*
 - (b) *The removal of litter, nuisance matter (including the accumulation of algae), and debris by a local authority or their agent;*
 - (c) *Beach-grooming by a local authority or their agent when provided for in a current Reserve Management Plan for the area;*
 - (d) *Removal of driftwood by a local authority or their agent, where the driftwood may affect navigation and safety of vessels, or is causing an obstruction to the flow of water;*
 - (e) *The launching or retrieval of vessels at the closest practical point along the seashore from the vehicle access;*
 - (f) *The transportation of recreational equipment to the water's edge at the closest practical point along the seashore from the vehicle access;*

- (g) *Coast Care and Estuary Care projects unless associated with mangrove management activities, which are controlled by Rules DD 19 to DD 25;*
- (h) *Use of land yachts;*
- (i) *Setting up and running of temporary recreational events that are permitted by Rule SO 1;*
- (j) *Access for people with disabilities at the closest practical point along the seashore from the vehicle access;*
- (k) *Maintenance of infrastructure;*
- (l) *New Zealand Defence Force temporary military training activities, provided that Regional Council, the Department of Conservation and adjacent territorial authorities have been advised before the training takes place, and the activity is otherwise permitted by Rule DD 3 (Temporary military training activities of the New Zealand Defence Forces);*
- (m) *Local authority, Government, and educational institutions carrying out data collection, monitoring and maintenance activities, including the investigation of storm damage, where the vehicles do not exceed 1.8 tonnes kerb weight,*
- (n) *The Department of Conservation's statutory functions,*

is a permitted activity, subject to the following conditions:

- (a) *No contaminants shall be discharged to water or land from the vehicle;*
- (b) *There shall be no use of vehicles on shellfish beds, vegetated areas, or bird nesting areas during nesting season;*
- (c) *No vehicles shall be operated at a speed greater than 15 km/hr;*
- (d) *The vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the beach (including the foreshore and seabed ~~are and the sand dunes~~);*
- (e) *Where vehicle use is to launch or retrieve a vessel, or transport recreational equipment to the water's edge, the vehicle shall not be parked on the beach;*
- (f) *Designated vehicle access points shall be used.*

Advisory notes:

- 1 *District and city councils may also have regulations and bylaws that control the use of vehicles on beaches. Compliance with those provisions is also required.*
- 2 *In relation to condition (e), vehicles should be parked in designated areas near the vehicle access point used to get to the beach. Where designated parking areas are not available, vehicles should park near the vehicle access point in a location that avoids congestion of the access way.*

Rule DD 8 Permitted – Vehicle access/use for emergency or law enforcement

The disturbance of any area of the beach (including the foreshore or seabed ~~area, and the surrounding sand dune areas~~) in any area by the use of vehicles for the following purposes:

- 1 *Surf lifesaving operations;*

- 2 *Emergency situations, including (but not restricted to) firefighting, oil spills, rescue operations, salvage of vessels and sea mammal strandings; and*
- 3 *Law enforcement activities, provided the vehicles do not exceed 1.8 tonnes kerb weight, is a permitted activity, subject to the following conditions:*
 - (a) *No contaminants shall be discharged to water or land from the vehicle.*
 - (b) *The use of vehicles on shellfish beds, vegetated areas, or bird nesting areas during nesting season, shall be avoided whenever reasonable.*
 - (c) *The vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the beach including the foreshore and seabed area and the sand dunes.*

From: [Stuart Ryan](#)
To: [Proposed District Plan](#)
Cc: [John Sturgess](#)
Subject: RE: Submissions to Proposed District Plan - Lucklaw Farm Ltd, and Others
Date: Wednesday, 25 October 2023 12:00:08 PM
Attachments: [RE Submissions to Proposed District Plan - Lucklaw Farm Ltd and Others.msg](#)
[proposed-district-plan-submission-550-lucklaw-farm-ltd.pdf](#)

CAUTION: This email originated from outside Far North District Council.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Mdm

I act for submitter, Lucklaw Farm Ltd (Lucklaw). I write in relation to submission #550.

Lucklaw made several submissions to the proposed District plan on the last day for making submissions, Friday, 21 October 2022, including submission subsequently allocated # number 550, in relation to the issue of vehicles on beaches. A copy of the submission # 550 is attached.

On Tuesday, 1 November 2022, I filed an amended and amended or revised submission for Lucklaw, as attached, and sought (by email) a waiver or extension of time to the revised submission in relation to issue a vehicles on beaches.

A copy of the *revised* submission, and my email dated Tuesday, 1 December 2022, is attached and below.

In reviewing the online database, the summary of submissions to the proposed District plan only references the original submission by Lucklaw # 550, but omits mention of the revised submission made on behalf of Lucklaw, dated Tuesday, 1 November 2022, as it relates to the vehicles on beaches issue.

Could you please advise:

1. whether the revised submission has been (or can be) accepted in terms of waiver/extension of time, as requested by email dated Tuesday, 1 November 2022.
2. If yes, then it is requested that the revised submission be noted on the online database as a revised submission for submission # 550.

The revised submission does not substantially alter the original 'thrust' of the original submission. It is noted that there are no further submissions made in relation to the submission # 550 (no noticeable service of any further submissions has been received). It follows that there is no apparent issue of prejudice to any party from the short waiver or extension of time (i.e. seven (7) working days, from Friday, 21 October 2022, to Tuesday, 1 November 2022).

Please advise if you require something more formal in terms of notice of application for waiver, etc.

Regards, Stuart

Stuart Ryan | Barrister
Level 11, 59 High Street, Auckland, New Zealand
Phone: +64 9 357 0599
Mobile: +64 21 2860 230
<http://stuartryan.co.nz/>

From: Stuart Ryan

Sent: Tuesday, November 1, 2022 2:40 PM

To: pdp@fndc.govt.nz

Cc: John Sturgess <john@lucklaw.co.nz>; sian@akaranachambers.co.nz; Stuart Ryan <stuart@stuartryan.co.nz>

Subject: RE: Submissions to Proposed District Plan - Lucklaw Farm Ltd, and Others

Dear Sir/Madam

A submission was filed (within time on 21 October 2022) by Lucklaw Farm Ltd in relation to beach access in the Far North District.

That submission is now sought to be amended, so that it applies not only to foreshore, but also to the area of 'the beach' above mean high water springs including the sand dunes.

Attached is the amended/revised submission, identifying changes in tracking.

A waiver or extension of time is sought in order to file the amended submission.

Because the amendment is made at an early stage, it is respectfully submitted that no person ought to be prejudiced by the amendment, such that it is appropriate that the waiver or extension be granted.

Could you kindly acknowledge receipt in due course and advise whether the waiver or extension sought is granted.

The revision sought does not affect any other submission made by Lucklaw.

Regards

Stuart Ryan | [Barrister](#)

Level 11, 59 High Street, Auckland, New Zealand

Phone: +64 9 357 0599

Mobile: +64 21 2860 230

<http://stuartryan.co.nz/>

From: Stuart Ryan

Sent: Friday, 21 October 2022 4:07 p.m.

To: pdp@fndc.govt.nz

Cc: John Sturgess <john@lucklaw.co.nz>; sian@akaranachambers.co.nz

Subject: Submissions to Proposed District Plan - Lucklaw Farm Ltd, and Others

Good afternoon,

Please find **attached** submissions to the proposed district plan for:

1. Lucklaw Farm Ltd -vehicles on beaches
2. Lucklaw Farm Ltd- zoning & overlays
3. Trustees of the Taranaki Trust
4. Grace Sturgess

Kindly acknowledge receipt in due course.

Regards, Stuart

Stuart Ryan | Barrister

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