

Submission: Far North Bylaw Review - Vehicles on Beaches

Date: 10 August 2021

To: Far North District Council, Private Bag 752, Kaikohe 0440,
e-mail submissions@fndc.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird),
PO Box 108 055, Auckland 1150 **Attention:** Lissy Fehnker-Heather, Regional Manager

E-mail: l.fehnker-heather@forestandbird.org.nz, Telephone: 022 460 8478

1. Introduction

- 1.1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) is New Zealand's largest, and oldest, independent nature conservation organisation with many members and supporters. Our mission is to be a voice for nature on land, in fresh water, and at sea. We have 47 branches throughout the country who are involved in a wide range of conservation and advocacy activities.

2. Submission

Consultation process

- 2.1. Forest & Bird is concerned that the process being run by the Far North District Council (FNDC) to review its Vehicles on Beaches Bylaw (the bylaw) will result in the bylaw providing for vehicle use on beaches in a manner that is inconsistent with the New Zealand Coastal Policy Statement (NZCPS) and fails to protect indigenous biodiversity.
- 2.2. Policy 20 of the NZCPS requires that district and regional councils control the use of vehicles on beaches, including the requirements that district councils:
- control use of vehicles on beaches and foreshore where there may be damage to dune or other geological systems, or, harm to ecological systems or indigenous flora and fauna;
 - identify the locations where vehicular access is required (e.g. for boat launching or as an only practical means to accessing private property or public facilities); and
 - 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 damage to dune or other geological systems, or, harm to ecological systems, or indigenous flora and fauna.
- 2.3. While the NZCPS is an RMA instrument and the bylaws are promulgated under the Local Government Act (LGA), FNDC has a responsibility to ensure bylaws are consistent with its RMA responsibilities.
- 2.4. The currently operative Vehicles on Beaches Bylaw and the operative District Plan for the Far North District fail to be consistent with or give effect to the NZCPS requirements to control use of vehicles on beaches. This inconsistency must be addressed as part of the current review of the Far North District Council Vehicles on Beaches Bylaw. Any delay to give effect to the NZCPS through the draft District Plan should not in our view be used as reason to promulgate bylaws that would be contrary to such clear and directive requirements set out in the NZCPS Policy 20.
- 2.5. Forest & Bird is concerned that the request by FNDC seeking feedback on both the draft District Plan and the bylaw review makes no mention of controlling vehicle use to meet the requirements of the NZCPS. As a result, Forest & Bird is concerned that FNDC has not undertaken the assessment work required by Policy 20 of the NCPS to identify areas and times where vehicle use on beaches could be allowed.

- 2.6. Ensuring that the NZCPS is given effect to through the District Plan review is a matter which Forest & Bird will pursue as part of the plan review process. However, the matter of consistency with the NZCPS requirements to control vehicle access is relevant to this bylaw review process.
- 2.7. Therefore, despite the recent call for feedback to develop a new Vehicles on Beaches bylaw not recognising any relationship with the NZCPS, Forest & Bird strongly urges FNDC to now undertake the assessments necessary to ensure consistency with Policy 20 of the NZCPS. This should include the production of maps and explanations as to areas within which vehicle use is required or could be provided for, that can be provided to inform public consultation as part of the formal bylaw review consultation process.
- 2.8. Bringing in the same controls required under the NZCPS will be a substantial but necessary change from the status quo of effectively unfettered access to beaches throughout the Far North District. This will require an informed and engaged consultation process if FNDC is to avoid protests like those seen in relation to mapping of SNAs. To be effective, once gazetted, the bylaw signage will need to be clear and informative as to the values being protected and the controlled access that is be allowed.

Further considerations for preparing a bylaw for vehicles on beaches

- 2.9. Forest & Bird recognises that Policy 20 of the NCPS provides for limited vehicle access to beaches where required for emergency services, boat launching, accessing private property, and where there is no likelihood of the types of damage or harm specified in points (1)(a) to (g) of that Policy. These areas should be clearly mapped and limited to the extent strictly necessary or required.
- 2.10. In our view, restricting access for recreational use of public vehicles on beaches is necessary to protect and enhance the significant ecosystem and biodiversity values recognised on Far North beaches. The vast majority of which have been identified as outstanding or high natural character in the Northland Regional Policy Statement, or as significant ecological areas and significant bird areas (at least up to mean high-water springs) in the proposed Northland Regional Plan.
- 2.11. We note that vehicle access to beaches below mean high water springs is an appeal topic yet to be heard by the Environment Court on the Northland Regional Plan, however, this does not affect the Council's responsibilities to the NZCPS and should not be used as a justification for delay. In any event, FNDC has a key role to play in restricting vehicle access to ensure vehicle use on beaches is compliant with restrictions imposed under the NZCPS
- 2.12. Permanent closure to vehicle use is necessary to protect the number of critically threatened and endangered fauna (e.g., NZ dotterel, branded dotterel, eastern bar-tailed godwit) who inhabit beaches in the Far North and to protect fragile dune ecosystems containing critically threatened and endangered flora (e.g., Pingao).
- 2.13. Driving on beaches risks damage and destruction of shore bird nests and shellfish beds, disturbs roots, compresses soil, and can kill nesting birds.
- 2.14. Vehicles on beaches allow people and their dogs to access remote areas that would otherwise be rarely visited. The increased human and dog presence disturbs shore birds and prevents them nesting, feeding and resting. Increased human activity on beaches also increases pollution and littering.

For any further questions relating to the contents of this submission, please do not hesitate to contact me using the details set out below.

Nāku noa iti, nā,



Lissy Fehnker-Heather

Regional Manager
Forest & Bird
l.fehnker-heather@forestandbird.org.nz
ph: 022 460 8478