

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To the Registrar  
Environment Court  
PO Box 5027  
Wellington 6145**

I, Christopher Bruce Garland, on behalf of the Castlepoint Residents and Ratepayers Association appeal against a decision (*or part of a decision*) of *the Wellington Regional Council* on the following policy plan:

**Proposed Natural Resources Plan for the Wellington Region**

I made a submission on the policy plan.

\*I am not† directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I received notice of the decision on 31<sup>st</sup> July 2019

The decision was made by the **Wellington Regional Council**.

The decision (*or part of the decision*) that I am appealing is:

**Policy 147** relates to restrictions by territorial authorities on the use of motor vehicles on the foreshore within the CMA.

Policy P148, motor vehicle use is to be avoided on the foreshore in sites identified in Schedule C, E4, F2c, F4 and F5 except where required for surf lifesaving, emergency, law enforcement and RSI purposes.

Rule 196 – Motor vehicles for certain purposes – permitted activity.

Rule 198 The decision excludes from the policy plan the provision for private vehicles to drive on designated areas – non-complying activity

Schedule F2c – Significant habitats for indigenous birds in the coastal marine area

The reasons for the appeal are as follows:

The Castlepoint Ratepayers and Residents Association believes that there is not sufficient risk to mana whenua, archaeological sites, coastal bird life, coastal sites or coastal habitats to justify the banning of private vehicles from driving on the Castlepoint Lagoon foreshore below MHWS.

Residents and visitors have used these beaches for transport to areas on the map to gather sea food and in the case of Castlepoint beach in the Scenic Reserve for all manner of recreational activities. We seek relief amenity for the value this provides for the General Public.

We note that there is a significant amount of commercial boat launching carried out from the Castlepoint lagoon foreshore, an activity that has occurred for many years. The recreational use of vehicles in the same area is minor and inconsequential and represents no further disturbance than what is already occurring and allowed for.

Additionally, schedule F2c - Significant habitats for indigenous birds in the coastal marine area – is too broad and should be amended to clarify that the area below MHWS is not included in the area for protection at Castlepoint reef.

We seek the following relief:

We seek an exemption to allow recreational access onto the beach for vehicles, namely, at the Basin/the Lagoon car park area only and Castlepoint Beaches not covered by the Masterton District Council By-law. To enable visitors to participate in recreational activity, we feel the traditional passive activity of public use of the sand and foreshore in the Basin area and onwards to the Gap, has shown to have minimal effect on the schedules identified as Sites of Significance.

Specifically, the Castlepoint Ratepayers Association seeks to;

- amend Policy 148 to allow for the recreational use of vehicles on the beaches identified above.
- Amend Rule 196 to permit the disturbance of the foreshore by recreational vehicles on the beaches identified above.
- Amend Schedule F2c (birds coastal) to clarify that the Castlepoint Reef and adjacent foreshore does not include the Castlepoint Lagoon foreshore below MHWS.

I attach the following documents\* to this notice:

(a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):

(b) a copy of the relevant decision (*or* part of the decision):

Policy 147  
Policy 148  
Rule 196  
Rule 198  
Schedule F2c

(c) any other documents necessary for an adequate understanding of the appeal:

The Philip Ross Report, commissioned by Greater Wellington Regional Council with the cooperation of the CRRA is unavailable for our submission at the time of completing our application.

Robin Potangaroa's report, representing iwi and the mana whenua values of the area has also not been requested by GWC, as requested by the Castlepoint Ratepayers Association.

(d) a list of names and addresses of persons to be served with a copy of this notice. (This is not required as the Court waived the necessity for servicing notices of appeals on others).



**Signature of appellant**  
(or person authorised to sign  
on behalf of appellant)

**Date** :14<sup>th</sup> September 2019

**Address for service of appellant:**

Telephone: 063771604                      Mobile: 0274379834  
Fax/email: cigar@bakerag.co.nz  
Chris Garland. Chairman – Castlepoint Residents and ratepayers Association

A:

**Rule R198: Motor vehicles inside sites of significance – non-complying activity**

The disturbance of the foreshore or seabed from **motor vehicles** inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, that is not permitted by Rule R190, Rule R196 or Rule R197 or prohibited under Rule R199, is a non-complying activity.

10.3 Under **Policy P148**, motor vehicle use is to be avoided on the foreshore in sites identified in Schedule C, E4, F2c, F4 and F5 except where required for surf lifesaving, emergency, law enforcement and RSI purposes.

10.12 Turning to **Policy 148**, we have made two amendments in response to the submission from the Minister of Conservation for the reasons expressed in the evidence of Mr Mace and Ms Cooper.<sup>88</sup> We agree the policy should apply to the seabed as well as the foreshore and that an exemption should be made under the policy to enable vehicle access for conservation purposes. We understand that having such access is inherent in a range of functions exercised by the Department of Conservation, and the proposed Plan should enable this as it does other activities with national, regional or local significance.

10.13 We have made no further amendments to the policy as requested by submitters for the reasons given by Mr Blackman.<sup>89</sup> We share his view that the objectives in the proposed Plan are best implemented by an “avoid” policy direction, including (for example) Objective O14, and no additional exceptions to the avoid direction are justified by the evidence presented on the policy at the hearing.

10.15 Rule R190 has been amended to make clear in the rule that the disturbance to be managed is from motor vehicles. We adopt the reasons expressed by Mr Blackman<sup>91</sup> and, in doing so, accept in part the submissions by MDC, SWDC, Hiwi Trust and Castlepoint Residents and others seeking continued ability to disturb the foreshore and seabed associated with vehicular access to existing boat launches.