



Complex Conservation Act Recommendation and Decision Report

Applicant: Horowhenua District Council
Permission number: 125600-OTH
Application Type: Non-notified Concession (Licence)
To: Christine Butler, Permissions Regulatory Delivery Manager
Ōtautahi / Christchurch Office
From: Kelvin Brown, Permissions Advisor
Peer Reviewed by: Emma Jackson, Permissions Advisor
Date sent: 8 July 2026

Executive Summary - Whakarāpopoto ā kaiwhakahaere

1. Horowhenua District Council (the Applicant) is requesting an easement for right of way (access) across DOC owned land at Waikawa Beach to allow for vehicle access to the beach.
2. This is a retrospective application to formalise a right of way that has already been formed (unlawfully by persons unknown) within a dune system and estuary environment on public conservation land, known as Waikawa Conservation Area.
3. The Applicant is seeking a short term easement of no more than 5 years, as the Applicant continues to explore longer-term alternative access options.
4. There are other optional locations where this activity can reasonably be undertaken, as described in the Boffa Miskell report commissioned by the Applicant that has been discussed in section 17U(4) in this Report.
5. Both DOC Technical Advisors (Flora and Fauna) commented that it is not just the impact of the significant damage that has occurred to public conservation land, but the negative impact on the critical part of the estuary environment. This has been discussed in this Report under Contributions and section 17U(1) and (2).
6. The Applicant was sent an abridged copy of the first version of the decline recommendation report to comment on. The Applicant's comments have been included as [Appendix 3].
7. A check-in meeting was held on 2 July 2026 with the decision-maker, to present the draft decline recommendation report and Applicant's comments.

8. It is considered that the proposed activity is contrary to the purpose for which the land is held (section 17U3), and is not consistent with the Wellington Conservation Management Strategy 2019 (“Wellington CMS”) (section 17W(1)).
9. The decision maker should be satisfied that provisions of the Conservation Act 1987 will be breached by this application, and it is unlawful and inappropriate in accordance with section 17Q of the Conservation Act 1987 to grant a concession.
10. Accordingly, this application has been recommended to be declined pursuant to Sections 17U(1), 17U(2), 17U(3), 17U(4) and 17W(1) of the Conservation Act 1987.
11. As an aside, the Applicant, in any decline letter, should be encouraged to install a gate within its administered land at 47–49 Manga Pirau Street, to provide for foot and pedestrian access only to Waikawa Beach, whilst pursuing other potential longer-term options for beach access without further compromising the conservation values over Waikawa Conservation Area.

I recommend that you..... (Ngā tohutohu)

	Concession under Part 3B of the Conservation Act 1987	Decision
a)	Decline the Application in accordance with the discussions in this Report under Sections 17U(1), 17U(2), 17U(3), 17U(4) and 17W(1) of the Conservation Act 1987:	Yes

Decision Maker Rationale:

After having read and considered the details in this report, the Application area, the Conservation Act 1987, and the relevant Conservation Management Strategy provisions that apply to this application and whether the proposed operation is in accordance with those provisions, I agree with the decline recommendation in this report. It is clear this application is inconsistent with those relevant documents, and it is inappropriate to grant a concession.

I understand there is a risk that the decline of this application may lead to further illegal tracks being formed, I therefore encourage the Horowhenua District Council to give priority to finding and establishing a more suitable vehicle access way.

Time spent reading this report to make a decision. All other time e.g. attending meetings etc should already be captured in the Cost Recovery Tool.	2 hours
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CVB

Date: 9th July 2026

Christine Butler, Permissions Regulatory Delivery Manager, Ōtautahi / Christchurch Office
Pursuant to a written delegation from the Director-General of Conservation

Purpose - Te aronga

12. The purpose of this report is to bring together the relevant information and recommendations to support you to make a statutory decision.

Context - Te horopaki

13. Horowhenua District Council (the Applicant) is requesting an easement for right of way (access) across DOC owned land at Waikawa Beach that impacts a dune system, to allow for vehicle access to the beach.
14. The Applicant is seeking a short-term easement of no more than 5 years as the Applicant continues to explore longer-term alternative access solutions.
15. The easement would formalise vehicle access to the beach via an already established informal track, created without the necessary DOC authority (concession), leading from the Applicant's administered land situated at 47-49 Manga Pirau Street. Refer to site visit maps in [Appendix 1].
16. This unlawful access that the Applicant is seeking retrospective approval for was created by "persons unknown" as a result of historical access to the Waikawa Beach, over private land, no longer being made available.
17. The Applicant has provided a detailed list of events leading up to this application in Easement application form (E. Description of activity), and this has been reproduced in full in [Appendix 2] for the decision-maker to consider.
18. The proposed location is listed below.

Activity	Conservation Area	Land category/status	Description of location (if applicable)
Easement for right of way (access)	Waikawa Conservation Area (2795282) S25002	Held as Stewardship Area under section 25 of the Conservation Act 1987	Lot 52 DP 42669 Record of Title: WN15A/1255 GPS NZTM 2000 co-ordinates E1781154, N5493378

19. The has no outstanding or existing compliance issues that the Department has any knowledge of.

20. The Applicant was sent an abridged version of the draft decline recommendation report [draft decline report](#) on 17 June 2026. The Applicant's comments received on 17 June 2026, and Permissions Advisor's comments, have been included in [Appendix 3].
21. A check-in meeting was held on 2 July 2026 with the decision-maker to consider the information contained in the draft decline recommendation report, and the Applicant's comments on this recommendation to decline [Appendix 3].
22. The decision-maker did pick up on a comment made by the Applicant, that not granting this temporary vehicle access-way, until a longer-term arrangement is decided upon, may result in further unauthorised modification of the dune system and estuary. This point has been discussed in the analysis of effects below in this Report.
23. The decision-maker should be satisfied, after reading the contents of this Report, and the additional analysis of statutory documents such as the Conservation General Policy (CGP) and the Wellington Conservation Management Strategy 2019 ("Wellington CMS"), that this application must be declined.

Treaty Partner Relationships

24. The table below summarises our engagement with Treaty partners on this application:

Treaty partner	Summary of Treaty partner engagement	Mitigations proposed by Treaty partner
Te Tūmatakahuki (member of the Ngāti Raukawa ki te Tonga confederation)	2 emails sent 09/03/2026 and 23/03/2026. No response received, however the local hapū Ngāti Wehiwehi has been involved in this process at the community level.	None
Muaūpoko Tribal Authority	2 emails sent 09/03/2026 and 23/03/2026. No response received.	None

25. Neither of these groups are settled and both have tremendous capacity issues. Ngāti Wehiwehi, as mana whenua in this location, are very interested in any activities across their whenua that may have an impact on their ability to express their kaitiakitanga and rangatiratanga, especially in the way of protecting native and taonga species, and natural habitats.

26. Neither of these groups is settled, but in the interests of equity when honouring our relationships, we would expect that the standard protocols considered when engaging with settled iwi are also considered when engaging with non-settled iwi.
27. We have sought Treaty partner views on this concession application and given them a reasonable amount of time to form an opinion. If we had received feedback, we would have addressed any concerns raised applying whatever controls we have at hand.
28. Full Treaty partner engagement can be viewed in District Office Contribution [Appendix 1].

Section 4: Giving effect to the Principles of The Treaty of Waitangi - Ngā mātapono Tiriti

29. Four principles have been identified as most relevant to the work of Te Papa Atawhai: Partnership, Informed Decision-Making, Active Protection, and Redress and Reconciliation.

Partnership

30. Even though there are no agreed triggers, it was considered appropriate to engage with our Treaty partner as the views of our Treaty partners are considered particularly relevant to the application.
31. No response was received from Ngāti Wehiwehi on this application.

Informed Decision Making

32. The Applicant stated in Easement application (J. Consultation undertaken) the following:

“Ngāti Wehiwehi have expressed support for enabling access to the beach – whether controlled or unrestricted, while emphasising education, environmental protection, and community harmony as key foundations of any future arrangement. They have signalled a willingness to partner with Council and the community to help shape messaging, support kaitiakitanga-focused education, and contribute to monitoring and evaluation.”

33. This aside, engagement was carried out in the agreed manner by the Department, and a copy and summary of the application was provided to iwi with a timeframe given for responses. Comments were sought on the Application itself and whether Ngāti Wehiwehi as mana whenua in this location supported it's granting or had any concerns with the proposed activity.

Active Protection

34. The Department sought input from our Treaty partner in this instance, to ensure their interests would not be affected by the proposal.

Redress and Reconciliation

35. It is considered that even though iwi have not settled, consultation took place to ensure interests of equity when honouring our relationships, and effect has been given to the principles of the Treaty throughout this application process.

Contributions

Technical Advice

36. DOC Technical Advisor Fauna advice [DOC-10898018](#). Link to full advice can be found 'Contributions document register' in [Appendix 1]. See summary below under Permission Advisor contributions.
37. DOC Technical Advisor Flora advice [DOC-10919300](#). Link to full advice can be found 'Contributions document register' in [Appendix 1]. See summary below under Permission Advisor contributions.

Advice from Te Papaioea / Palmerston North Office

38. Link to full advice can be found 'Contributions document register' in [Appendix 1], includes initial contact and site visit¹.

Permissions Advisor

39. Te Papaioea / Palmerston North Office made the statement that "The current track being used was formed illegally – is there a compliance issue here that needs to be addressed.". The person or persons, that carried out the damage, have not been identified by the Applicant, and remain unknown without an investigation.
40. Te Papaioea / Palmerston North Office requested that a DOC ecologist be resourced to assess the damage that has occurred and what ecological remediation/restoration would be useful.
41. Te Papaioea / Palmerston North Office requested that "Apparently, there are nesting birds in the area – can we check please."
42. DOC fauna and flora Technical Advisors provided comments. Full comments can be viewed in the links above. Excerpts from these re and key comments have been summarised below:

Fauna [DOC-10898018](#)

"I also note that there is an existing vehicle track through the Conservation area from the house at 55 and 57 Maunga-Pirau Street. Is this legal?

As the track is already established and regularly used, wildlife has adapted to the existing level of activity. No expansion into undisturbed habitat is proposed.

Confining vehicles to a defined route reduces potential random disturbance. Effects are considered minor.

"However, this is a temporary fix. What it does not address is that this is a Conservation area for a specific reason. The estuary is a well-known stopping off point and feeding ground for a number of waders such as godwits, NZ dotterels, Banded dotterels, oystercatchers, spoonbills and shorebirds such as terns and black billed gulls. Vehicle access along with people and dogs will have significant disturbance at this critical part of the estuary and more likely to cause disturbance to feeding and roosting more so than nesting. My advice would be to grant a temporary right of way but to work to replace the beach access point for vehicles well away from the actual river mouth."

Flora [DOC-10919300](#)

"The DOC land affected by vehicle access appears to include the foredune component, which maintains modified but still indigenous biodiversity. As a result, there have likely been significant impacts on at least two national priorities for protection:..."

If the track were to be relocated, restoration of the current site would be required. In the absence of restoration as it is likely that aggressive grasses such as tall fescue would be first to recruit in the area, leaving little room for establishment of indigenous vegetation. If feasible, installing minor structures to define and contain the existing track would help prevent further widening and reduce off-track vehicle use.

The recommendation to leave the track as is, excludes the additional considerations that need to be made regarding direct disturbance to the river, the proximity to the estuary, and the wider suite of biodiversity values these environments support which would be negatively impacted by vehicle disturbance and access."

43. The last paragraphs in both Technical Advisors comments support the need to decline this application as it is not just the impact of the significant damage that has occurred

to public conservation land, but the negative impact on the critical part of the estuary environment. Refer to the discussions under Statutory Analysis below.

Statutory Analysis

Section 17S: Contents of Application

Does the Application include all required information as per s17S?	Yes / No
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44. The decision-maker should be satisfied, that the Applicant has included all the required information pursuant to section 17S, and it will be up to the decision-maker to decide, during deliberations, after considering the contents of this Report (in particular as they relate to section 17U), if there is sufficient information in the application for the decision-maker to decide if it is both lawful and appropriate to grant a lease, licence or easement pursuant to section 17S(g)(ii).

Section 17SC: Public Notification

Is public notification required?	Yes / No
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45. The Applicant is seeking a 5-year term easement which under normal circumstances does not require public notification pursuant to section 17SC(3).
46. The decision-maker may determine, if granted, that any authorisation should be in the form of a licence (non-exclusive interest in the land) pursuant to section 17SC(1). A term of 5 years does not require public notification under both options, however the decision-maker may determine, if granting a concession, that public notification is required after having regard to the effects of the proposed activity, it is appropriate to publicly notify.
47. It is recommended, that after considering the contents of this Report, in particular the effects discussion below, if the decision-maker determines that the application should be granted (rather than be declined in accordance with the recommendation), that it is appropriate not to publicly notify this application.

Section 17U(1) and (2): Analysis of effects

Is the activity consistent with s17U(1) and (2)	Yes / No
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48. Section 17U(1) requires the Minister to have regard to the effects² of the activity as well as the measures that can be imposed to avoid, remedy or mitigate adverse effects.
49. Section 17U(2) with particular reference to section 17U(2)(b) states that the Minister may decline any application if there are no adequate methods or no reasonable

methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

50. The Applicant discussed the effects and potential mitigation on conservation values in Easement Application (L. Effects assessment) and stated under the subheading 'existing environment' that:

"The proposed easement area consists of an already established informal vehicle access track across modified coastal reserve land and dune margin environments at Waikawa Beach. The track is currently used by members of the public and is largely devoid of vegetation within the wheel ruts and compacted footprint. Surrounding areas contain low coastal vegetation and dune systems typical of the local environment."

51. Point 16 of [Appendix 2] included in the application stated that:

"16. A track was created to the beach on Council and Department of Conservation land, between 47-49 Manga Pirau Street. This was done without consent or permission of Council or DoC. The Community Group alongside Council issued joint communications outlining there is no formal vehicle access to the beach. Signage was also installed."

52. Point 24 of [Appendix 2] included in the application:

"Should an easement not be granted by DoC there remains a risk that the access will continue to be used informally without authorisation or appropriate management. In that circumstance, Horowhenua District Council may need to consider alternative options, including seeking consent to formalise a track across Council land. This could result in additional environmental disturbance, whereas granting an easement over the existing track represents the lowest-impact and most practical solution at this time, as the route is already established."

53. Te Papaioea / Palmerston North Office did state in its Contributions that "is this not a compliance issue" This would require the Department to take enforcement action and attempt to track down the individuals who carried out the damage to the dune system to seek the reasonable cost of ecological remediation/restoration/rehabilitation on public conservation lands and waters at this location.

54. Te Papaioea / Palmerston North Office also provided images during the site visit [Appendix 1], that shows the disturbance to the dune system.

55. The cumulative effects of allowing this unlawful activity to be formalised would expose the dune ecosystem to further disturbance, and giving vehicles unencumbered access to a critical part of the estuary would be inappropriate.

56. The Applicant should be encouraged to install a gate within its administered land at 47–49 Manga Pirau Street, that provides for foot and pedestrian access only to Waikawa Beach, whilst pursuing other potential longer-term options for beach access at other locations.
57. In conclusion, the nature and effects of the proposed activity are not consistent with sections 17U(1) and 17U(2), and there are no conditions that will mitigate the impact of vehicle use on a coastal dune system and estuary environment.

Section 17U(3): Purpose for which the land is held

Is the activity consistent with s17U(3) of the Conservation Act? (that is, not contrary to the purpose for which the land is held).	Yes / No
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The following types of conservation areas are included in the application.

Title	Section	Considerations
Waikawa Conservation Area (2795282) S25002	Held as Stewardship Area under section 25 of the Conservation Act 1987	Every stewardship area shall so be managed that its natural and historic resources are protected. ³

58. A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held
59. For this application to be contrary it would have to be “opposite in nature, direction, or meaning”⁴ to the Act, and for the purpose that this Stewardship Area is held, pursuant to section 25.
60. The unlawful nature of this activity did not allow the Department to carry out the required considerations under sections 17U(1) and 17U(2), therefore it is contrary to the purpose for which the land is held under the Conservation Act 1987, and in breach of the Conservation Act 1987.

Section 17U(4): Can a structure or facility be reasonably undertaken elsewhere?

Is the activity consistent with s17U(4) of the Conservation Act? (that is, the activity cannot reasonably be undertaken at another location or in an existing structure?)	Yes / No / NA
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61. Section 17U(4) is a mandatory “shall not” provision in that an application is not to be granted if it could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.
62. There is no other conservation area in the vicinity where this proposed activity can be undertaken.
63. There are, however, other optional locations where this activity can be undertaken, as described in the Boffa Miskell report commissioned by the Applicant [DOC-10801218](#).
64. Even though the Applicant stated in the application that this is a temporary measure until a more permanent vehicle access to the beach is investigated, the timeline of actions as detailed in [Appendix 2] suggests that there has been plenty of time to investigate the options outlined in the Boffa Miskell report.
65. In conclusion, section 17U(4) has not been satisfied, hence the decline recommendation.

Section 17U(6) and (7): is exclusive possession necessary

Is the activity consistent with s17U(6) and (7) of the Conservation Act? (That is, exclusive possession is necessary)?	Yes / No / NA
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66. The decision-maker should be satisfied that exclusive possession was not necessary for this application.

Section 17W: Relationship between concessions and conservation management strategies and plans

Is the activity consistent with all relevant statutory planning documents?	Yes / No
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67. In this case the relevant management strategy is the Wellington Conservation Management Strategy 2019 (“Wellington CMS”), which is subservient to the Conservation General Policy 2005 (“the CGP”), in so far as it must implement the general policies set out in the 2005 document and it must not derogate from the general policies. Where a Conservation Management Strategy is silent on an issue, reference can be made to the Conservation General Policy for direction.
68. There is no relevant conservation management plan for the area.

Conservation General Policy 2005 (“CGP”)

69. It is recognised in the CGP that there are a variety of activities undertaken by people and organisations on public conservation lands and waters that require authorisation, such as *Part 9. People’s Benefit and Enjoyment and Part 11 Activities requiring Specific Authorisation (not covered elsewhere)*. In this case the policies relevant to this application are policies 9.5(a)-(c) under ‘*Part 9.5 The use of vehicles and other forms of transport*’ as listed below:

9.5 (a) *The use of vehicles and any other forms of transport should be compatible with the statutory purposes for which the place is held, or be necessary to enable the Department to perform its functions.* |

9.5 (b) *Conservation management strategies and plans will identify where the use of specified types of vehicles and other forms of transport may be allowed and will establish any conditions for use.* |

9.5 (c) *The Department should work with roading and aviation controlling authorities to avoid or otherwise minimise the adverse effects of specified types of vehicles and aircraft on public conservation lands and waters and the public enjoyment of those places.* |

70. Policies 9.5 (a) and (b) have been discussed below in conjunction with relevant parts of the Wellington Conservation Management Strategy 2019.

Wellington Conservation Management Strategy 2019 (“Wellington CMS”)

71. The Applicant included the following statement in Easement Application (K. Consistency with DOC statutory plans):

“The proposed short-term right of way easement is considered consistent with these documents as it formalises use of an existing track, avoids additional land disturbance, provides for managed public access, incorporates mitigation measures to protect coastal and dune environments, and has been developed in consultation with Ngāti Wehi Wehi and the local community. The easement represents the lowest-impact and most practical interim solution while longer-term alternatives are explored.”

72. Excerpt from **Part 8.1 Description:**

“Coastal Dunes Place extends from the Turakina River mouth south to Waikawa Beach, and comprises a variety of ecosystem and habitat types, including estuaries, coastal dune lakes, extensive sand dunes, semi-swamp and dune forest, remnants of sand-country forest and coastal dune forest.”

73. Excerpt from **Part 8.2 Outcome:**

“The dune habitats and remnant forest reserves are valued by the community and visitors as somewhere they can immerse themselves in nature, with an abundance of bird and plant species and mixed indigenous forest types (kahikatea, tōtara and mātai).”

74. **Part 4.12 Structures, utilities and facilities.** The Permissions Advisor recommends that this proposed activity, for a vehicle accessway, does not promote or enhance the retention of a historic structure, utility or facility, therefore consideration of this Part 4.12 is not relevant to this proposal.

75. **Part 11. Coastal and Marine Place** and the policies relating to vehicle use under **Part 4.13 Vehicles and other means of transport** are the relevant Parts of the Wellington CMS to consider in relation to this proposal. These Parts of the Wellington CMS have been discussed and summarised below.

76. **Part 4.13 Vehicles and other means of transport.** The following policies are referenced under Part 11.3 policies below:

4.13.6 *Should allow motor vehicles on public conservation lands and waters only:*

- a) *on the roads identified in Table 4.16.2, or;*
- b) *for authorised farming operations, restoration activities and the construction, operation, and/or maintenance of authorised utilities.*

4.13.10 *Should allow independent mountain biking, and may grant concessions for guided mountain biking or mountain bike events, only on the tracks and roads or other areas identified in Table 4.16.2.*

77. Excerpt from **Part 11. Coastal and Marine Place:**

“Coastal and Marine Place extends from south of Waikawa Beach on the west coast southwards down the Kāpiti coast, around the Wellington coast to Cape Palliser, and north along the east coast to Cape Turnagain.”

78. **Part 11.3 Policies:**

Part 11.3.4.5 *“Should allow vehicles⁴² within Coastal and Marine Place in accordance with Policies 4.13.6 and 4.13.10 (Section 4.13 Vehicles).”*⁴²

Footnote: See Section 4 and Glossary. Glossary definition – “Vehicle (Land Transport Act 1998: section 2)”.

79. Permissions Advisor comment: The excerpts from the Description (Part 8.1) and Outcome (Part 8.2) describe the ecological significance of the dune ecosystem and estuary at this Place as described in **Part 11. Coastal and Marine Place**. There is also the directive statement in **Part 11.3 Policies** - “Should allow vehicles” in

accordance with Policies 4.13.6 and 4.13.10. It is clear when considering the use of vehicles in accordance with relevant policy 4.13.6(a), that this is not a road identified in Table 4.16.2, and the proposal does not conform with any of the operations and activities allowed for under policy 4.13.6(b). Therefore, this proposal is not consistent with the Wellington CMS.

Recommended Operating Conditions

80. **Term:** The Applicant sought a term of 5 years. No consideration of the appropriateness of section 17Z of the Conservation Act 1987, as application is recommended to be declined.
81. **Standard and Special Conditions:** Not considered, as application is recommended to be declined.
82. **Concession:** No draft concession document generated as application is recommended to be declined.
83. **Concession Activity:** No concession activity description, as application is recommended to be declined.
84. **Area:** Not assessed, as application is recommended to be declined.
85. **Fees:**
- Processing Fee:** \$2,065.00 plus GST ([Cost Recovery Tool](#))
- Management Fee:** No management fee calculated, as application is recommended to be declined.
- Activity Fee:** No activity fee calculated, as application is recommended to be declined.

Appendices

Appendix 1 - Contributions document register

Appendix 2 - Excerpt from application (E. Description of Activity)

Appendix 3 - Applicant's comments on the draft recommendation to decline

Appendix 1 – Contributions document register

- Initial Contact [DOC-10699531](#)
- Te Papaioea / Palmerston North Office Contribution [DOC-10802076](#)
- Site Visit [DOC-10801216](#)
- Technical Advisor Fauna advice [DOC-10898018](#)
- Technical Advisor Flora advice [DOC-10919300](#)

Released under the Official Information Act

Site visit photo's

The first two photos are from DOCgis, showing the Waikawa Conservation Area – the pedestrian access track barely visible but highlighted to indicate where it is, with the entrance at 47-49 Manga Pirau Street:



In comparison, the photo below clearly shows the new track – this was submitted with the application. The assessment should only consider the area of PCL that is affected (highlighted in green):



Observations

Beach access entrance – originally pedestrian only, now clearly marked as being an accessway available for vehicles.



AED unit at access point.





(Left)

The accessway sports a number of other signs:

- Two large HDC signs advising users to take care whilst using the track, and to remain on the track.
- The Waikawa Estuary is with DOC Manawātū for whitebait compliance, so there is a DOC sign advising of whitebait fishing regulations.

(Right)

Although within Horizons boundary GWRC are controlling Phragmites on site.



(Left)

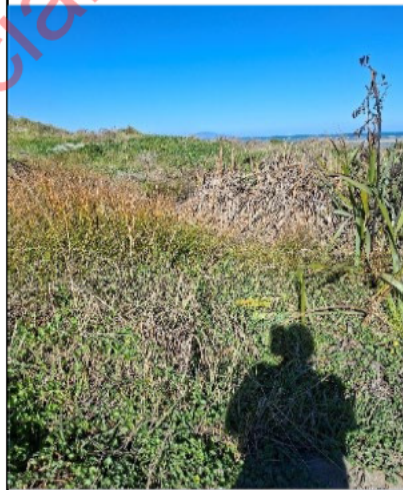
The vehicle track cut into sand is approximately 200m long on 90% on HDC land with approx. 20m on PCL.

50m through grassed flat section between private property.

(Below): 70m through dune slack with a dominance of exotic weed species some controlled pampas, lupin, pasture grasses.



(Below): 40m through pine dominated leeward dune with some cuttings over 1m depth with dominance of pine, lupin, ice plant, marram, over limited amount of native rushes (wiwi), native grasses, muehlenbeckia.



(Below): 45m through dune front, estuary flat to beach with native species competing against exotic including grasses, rushes and sedges, flax, sand convolvulus. Some revegetation/restoration work.



(Below): Horizons have carried out stream control works including a rock revetment adjacent to the vehicle access alignment.



Appendix 2: Excerpt from application (E. Description of Activity)

1. Horowhenua District Council is requesting an easement for a right of way across DoC owned land at Waikawa Beach to allow for vehicle access to the beach. This is expected to be a short term easement of no more than 5 years as Officers continue to explore long-term alternative solutions.
2. Access to Waikawa Beach has historically been provided by way of a single access point crossing privately owned land from the mouth of the Waikawa River, located at the end of Manga Pirau Street. This access had been graciously provided to the community by the landowner as a gesture of goodwill.
3. Maintaining that vehicle access point was challenging due to bank erosion from the adjacent Waikawa Stream and more frequent weather-related events. As a result, over the years there had been instances where local residents were unable to access the beach with their vehicles. Management of this issue was previously undertaken by Horizons Regional Council, primarily through stream "cuts" to redirect the channel towards the sea. The consent for those remedial actions expired in 2020.
4. In November 2021, a petition with 158 signatures was submitted to Council urging the establishment of a sustainable vehicle and equestrian access to Waikawa Beach, using Council-owned land at Reay MacKay Drive. The petition was presented to the Council on 1 December 2021.
5. During the 2021-41 Long Term Plan process, Council decided to provide budget for Officers to identify and evaluate potential options for alternative long-term vehicle access (suitable for 4WD vehicles, ATV's and tractors) to Waikawa Beach and undertake a community engagement process to seek feedback on the identified options.
6. Council Officers, in collaboration with external planning and environmental consultants (Boffa Miskell), identified and assessed various options for potential vehicle access to Waikawa Beach and presented five access options to Council at its meeting on 11 October 2023 (along with an option that would see no further action taken).
7. The 11 October 2023 report received by the Council outlined several complex considerations, including financial, geomorphological, environmental, and consenting challenges, as well as the high levels of community interest in several of the options. At that time, the Council decided that it would consult the community on three options, two of which involved the existing access at Manga Pirau Street (but with different maintenance arrangements), with the third being no vehicle access.
8. A total of 446 submissions were received and reported to the Council at its 20 March 2024 meeting, with approximately 70% of those indicating support for the options that allowed for vehicle access. Many of those submissions raised other options and raised related general concerns with the matter of vehicle access.
9. At the 20 March 2024 meeting, the Council was advised that continuing to use the existing access over private land was no longer available. This led to the Council deciding to leave the matter on the table, with a request made for Officers to continue to explore potential alternative options for vehicle access, alongside the option of providing no vehicle access.
10. Following that meeting, Officers updated submitters and asked those who owned land that could potentially be utilised for access, to get in touch. Officers and community members also spoke with some private landowners who may have been able to provide access options on their land. No potential options were presented to Officers in response.
11. It should be noted that during this period the community environment at Waikawa Beach became challenging, with instances of verbal and physical confrontation arising as community members held differing views on vehicle access to the beach.
12. Council Officers also discussed the matter with Horizon's Regional Council consenting team to obtain advice on what a consent process for access to Waikawa Beach may

involve, including mitigation options to provide for a vehicle access way on Council-owned land between 47-49 Manga Pirau Street. The response from Horizons Regional Council requested a “technical report” on the option.

13. At the end of 2024, Boffa Miskell developed in draft, a schematic design for each of the three Council-owned land locations above, to understand if and how vehicle access could be practically constructed given the site constraints at each.
14. After updating the Council on progress at a workshop on 11 September 2024, Councillors requested a technical report to clearly outline the options, processes and costs associated. A report was brought back to Council in December 2024 where advice was prepared and framed based on legal counsel. At that meeting Councillors challenged the community to work together to find a solution and restore community harmony.
15. A Community Group was formed with representatives from Walk on Waikawa, Waikawa Beach Rate Payer Association, Waikawa Beach Environment Group and Vehicles on Waikawa Group. More recently Ngāti Wehi Wehi have also joined the group, having previously engaged in the topic separately. This group has been meeting with Officers and a couple of Councillors to discuss and work toward a way forward. Since the establishment of the community group there has been a reported improvement in interpersonal behaviour.
16. A track was created to the beach on Council and Department of Conservation land, between 47-49 Manga Pirau Street. This was done without consent or permission of Council or DoC. The Community Group alongside Council issued joint communications outlining there is no formal vehicle access to the beach. Signage was also installed.
17. While perspectives remain diverse, the Community Groups focused on collaboration, and all parties made some level of concession and were at a point where they were interested in pursuing a controlled access trial through the Council-owned Manga Pirau Street location.
18. Officers brought back an overview report to the 25 June 2025 Council meeting, where Councillors acknowledged the Community Groups collaborative progress toward a controlled access trial, and directed Officers to continue working with the community and Ngāti Wehi Wehi to further explore access options, both controlled and no access, and report back on progress.
19. In October 2025 Officers engaged with DoC given that the lower portion of the informal track currently traverses DoC-administered land. At that time DoC staff signalled an openness to considering an easement that would allow managed public vehicle access across their land, subject to the standard Conservation Act concession process.
20. After further meetings with the Community Group, Officers presented a range of options at the 10 December 2025 Council meeting, with Council adopting the following resolutions:
 - *That Council requests Officers seek an easement with DoC and provides vehicle access to the beach across reserve land between 47-49 Manga Pirau Street Waikawa Beach.*
 - *That Council requests Officers implement the following measures to support safe and considerate vehicle access via the existing track: Installation of appropriate signage, similar to signage at other beach access location across the district, with signage also providing guidance on the suitability of the track for certain vehicle types only and other information relevant to the safe and appropriate use of the track.*
 - *That Council requests Officers to work directly with neighbouring residents to identify and implement suitable privacy measures, such as screening, planting, fencing, and parking controls, and that a portion of the existing budget be allocated to support agreed mitigation actions.*
 - *That Council requests Officers to:*

continue exploring alternative long-term access options, principally those that may be enabled by private land acquisition or alternative track alignments.

remain open to, and invite, any options that may be enabled by land acquisition, long-term land leases, licences to occupy, community-led access initiatives, and alternative alignments on other Council or privately owned sites that may become viable or suitable over time.

- *That Council notes that the decision to proceed with an easement across DoC land is considered an interim / short-term arrangement only, and that this location is not intended or preferred to be the long-term solution for vehicle access to Waikawa Beach, given its current limitations and constraints.*
 - *That Council notes that the existing track, even once formalised with an easement on DoC land, will either:*
 - be replaced by an alternative long-term access option in another location once confirmed by Council; or*
 - be subject of further work, including survey work, consenting and physical improvements, should Council determine it appropriate to retain the existing track as the only viable permanent long-term option for beach vehicle access.*
 - *That Council confirms that the existing 2024-2044 Long Term Plan capital budget allocation for investigation and delivery of a long-term vehicle access solution for Waikawa Beach be maintained as a placeholder until such time that the direction is reconsidered as part of the 2027 Long Term Plan process, with options for carry over of an appropriate budget being presented at that time.*
 - *That Council requests that if maintenance or safety issues arise on the existing track prior to a long-term solution being identified or implemented, Officers are authorised to take only the minimum necessary actions, consistent with maintaining safe passage of users, noting that any actions likely to trigger the requirement for a resource consent under the One Plan must be brought back to Council for direction.*
 - *That Council requests Officers report back to Council by 30 October 2026 with the proposed scope and purpose of a Beach Bylaw development process, including estimated costs and a potential work programme for consideration as part of the 2027 Long Term Plan process.*
 - *That Council notes that planned capital works relating to the pedestrian footbridge are unaffected by the vehicle access resolutions, but also notes that any final approval or permission from the adjoining private property owner - who currently permits pedestrian access beyond the bridge - may be contingent on certainty around future vehicle access arrangements at Waikawa Beach.*
21. Horowhenua District Council is applying for an easement to enable the community to continue accessing Waikawa Beach via DoC land in a formalised and managed manner.
22. The access track is already established. While it was created without prior approval, Council is now working proactively with the community to manage its use and reduce environmental and safety impacts.
23. Previous experience indicates that community members will continue to seek beach access regardless of formal permission. This application therefore aims to provide a controlled, safe, and lower-impact solution that allows access to occur responsibly and with appropriate oversight.
24. Should an easement not be granted by DoC there remains a risk that the access will continue to be used informally without authorisation or appropriate management. In that circumstance, Horowhenua District Council may need to consider alternative options, including seeking consent to formalise a track across Council land. This could result in additional environmental disturbance, whereas granting an easement over the existing track represents the lowest-impact and most practical solution at this time, as the route is already established.

Appendix 3 - Applicant's comments on the draft recommendation to decline

Background: The Applicant was sent an abridged version of the RDR [draft decline report](#) on 17 June 2026. The Applicant's comments from Lacey Winiata, Parks and Property Manager, have been inserted below in *italics*, with comments added by DOC's Permissions Advisor.

Thank you for providing the Recommendation and Decision Report regarding Council's easement application for vehicle access at Waikawa Beach.

Having reviewed the report, I would appreciate the opportunity to discuss a number of matters before any final decision is made.

Applicant comment

Firstly, I am keen to understand how the recommendation reached in this report differs from the advice Council received from Department staff during discussions last year. During those conversations, officers were advised that pursuing an easement over the existing track represented the most practical and lowest-impact option available, particularly when compared with establishing alternative access routes through other parts of the dune system.

Permissions Advisor comment

The pre-application meeting was referenced on the easement application form (Section C. Pre-application meeting) "Wednesday 15th October 2025 – Brent Harvey and Lacey Winiata from Horowhenua District Council met with Kelly Hancock, Sara Bell and Moana Smith-Dunlop from Department of Conservation."

No decision can be made at a pre-application meeting. An application must be received for assessment and a decision to be made in accordance with the provisions contained in Part 3B of the Conservation Act 1987.

Applicant comment

In relation to paragraph 10 of the report, I note the reference to Council requesting an easement over land that impacts a dune system. While I do not disagree that the original creation of the track occurred without the necessary approvals, it is important to acknowledge that the track already exists and that the dune system has already been modified. The key issue now is determining how access can be managed in a way that minimises future environmental effects. Council remains concerned that declining the application may result in users establishing alternative informal routes, potentially causing further degradation across a wider area of the dune system than is currently affected.

Permissions Advisor comment

Section 17U in the Report accepts that the unauthorised destruction and modification of the dune system (by persons unknown) has already occurred. This is clearly shown in the site visit photographs. As already stated above, the cumulative effects of allowing this unlawful activity to be formalised would expose the dune ecosystem to further damage, and giving vehicles unencumbered access to a critical part of the estuary would be inappropriate.

Applicant comments

I also note that sections 18–22 appear to be absent from the report. Could you please confirm whether these sections have been intentionally redacted or omitted, and if so, whether they can be made available to assist our understanding of the assessment?

Permissions Advisor comments

We would need to go to the relevant iwi to clear the release of these details. The discussion of section 4 in this Report summarised the outcome of DOC engagement with iwi. See also the comments below.

Applicant comments

The report states at paragraph 25 that no response was received from Ngāti Wehi Wehi. Council has actively engaged with Ngāti Wehi Wehi throughout this process and our understanding is that they are supportive of the application. We would be happy to provide correspondence, a letter of support, or other evidence of engagement should that be helpful to the decision-maker. Given the importance placed on Treaty partner engagement within the report, it is important that the decision-maker has the benefit of all relevant information in this regard.

Permissions Advisor comments

The Applicant's iwi consultation has been discussed in this Report that commenced with the following statement that "Ngāti Wehiwehi have expressed support for enabling access to the beach - ...". In addition, the following item from the application has been included in Appendix 2, and excerpted below:

- 18. Officers brought back an overview report to the 25 June 2025 Council meeting, where Councillors acknowledged the Community Groups collaborative progress toward a controlled access trial, and directed Officers to continue working with the community and Ngāti Wehi Wehi to further explore access options, both controlled and no access, and report back on progress.*

There was no specific mention of the Waikawa Conservation Area leading to the estuary in this engagement carried out by the Applicant.

Furthermore, the recommendation in this Report is for a decline decision pursuant to sections 17U(1), 17U(2), 17U(3), 17U(4) and after the check-in meeting with the decision-maker was held 17W(1) of the Conservation Act 1987, not section 4.

Applicant comments

I am also seeking clarification regarding paragraph 37. While the report concludes that technical advice supports declining the application, my reading of the first technical assessment is that it acknowledges the existing track and supports retaining vehicle access within the already-disturbed corridor rather than expanding into previously undisturbed habitat. The assessment notes that no expansion into undisturbed habitat is proposed and that confining vehicles to a defined route reduces the potential for random disturbance. Similarly, the second technical assessment discusses measures to define and contain use of the existing track and minimise further widening and erosion. While both reports identify environmental concerns that require careful management, they do not appear to unequivocally support closure of the existing route.

Permissions Advisor comments

The Statutory Analysis discussions in this Report considered input from the two DOC ecologists and Te Papaioea / Palmerston North Office. As previously stated above, the cumulative effects of allowing this unlawful activity to be formalised would expose the dune ecosystem to further damage, and giving vehicles unencumbered access to a critical part of the estuary would be inappropriate.

Applicant comments

As outlined in the application, alternative access options have been investigated and that a number of those options present environmental, legal, landowner, community, or financial

constraints. Given this context, it would be helpful to understand what new information or assessment has resulted in a different conclusion being reached.

Permissions Advisor comments

Based on the Applicant's own timeline in Appendix 2, sufficient time has elapsed to determine a more appropriate location for access as highlighted in the Boffa Miskell assessment. In the interim, as described in this Report, the Applicant should be encouraged to install a gate at its land at 47–49 Manga Pirau Street, to provide for foot and pedestrian access only, whilst pursuing other potential longer-term options for beach access, so that any further compromising of conservation values within Waikawa Conservation Area are mitigated.

The following comments from the Applicant have been included to further inform the decision maker, and have not been commented on by the Permissions Advisor, as they have either been referenced already in this Appendix and/or covered in this Report.

As acknowledged in Council's application, we do not dispute that the creation of the track was unlawful and should have been formally authorised. However, the reality is that the track exists and has become the community's established access route. The question now is how we collectively manage the current situation in a way that achieves the best outcome for both the environment and the Waikawa community.

The report also appears to focus primarily on the impacts associated with granting the easement, but places less weight on the potential consequences of declining it.

Council's concern remains that a refusal does not remove the community's need for access. Rather, it may result in continued unmanaged use, the creation of new informal tracks, and a broader disturbance footprint across the dune environment. In our view, the relevant comparison is not between the easement and no access at all, but between a managed and controlled access route within an existing disturbed corridor, and the likely environmental outcomes should access continue to occur without a formalised solution.

I would also note that while the Boffa Miskell report commissioned by Council in November 2024 identified a range of possible long-term access options, Council officers subsequently worked through those options with Horizons Regional Council, affected landowners, iwi representatives, and other stakeholders. Through that process, the alternatives were found to present significant practical, environmental, legal, landowner, or cost barriers. The Manga Pirau alignment remains the only existing route that can currently provide managed access without creating a new disturbance footprint elsewhere.

From Council's perspective, there is a significant risk that declining the application without a practical alternative will result in unmanaged access and further impacts across the wider dune environment, which is precisely the situation Council has been attempting to address through this application.

Council acknowledges and accepts the ecological values present within the Waikawa Conservation Area and remains committed to avoiding, remedying, and mitigating adverse effects wherever possible. However, given the existing disturbance, the history of use, the support Council has received from the community and Ngāti Wehi Wehi, and the absence of a viable alternative access solution, we remain of the view that formalising and managing the existing route is likely to deliver a better environmental outcome than allowing the current situation to continue unresolved.

Given the history of discussions between Council and Department staff, and the apparent difference between previous advice and the recommendation now presented, I would welcome the opportunity to meet with the relevant Department staff and decision-makers

to discuss the assessment and explore whether there is a pathway forward that balances environmental protection with practical community access needs.

Council remains committed to working collaboratively with the Department, iwi/hapū, Horizons Regional Council, and the Waikawa community to achieve the best possible outcome for both the environment and community harmony.

Released under the Official Information Act

Permission: 125600-OTH

30 July 2026

Horowhenua District Council
c/-Lacey Winiata
Parks and Property Manager

By email to laceyw@horowhenua.govt.nz

Tēnā koe Lacey

CONCESSION APPLICATION DECLINED

I regret to inform you that your application for a concession has been declined. Your application was declined in accordance with sections 17U(1), 17U(2), 17U(3), 17U(4) and 17W(1) of the Conservation Act 1987.

The reasons for this decision are more clearly outlined within the enclosed report. The report provides an analysis of the appropriateness of the activity on public conservation land, including an assessment of the activity against legal requirements and the effects that the activity would likely have on important conservation resources.

It is also suggested by the Department that the Horowhenua District Council install a gate within its administered land at 47–49 Manga Pirau Street, to provide for pedestrian access only.

As per the application form, you are required to pay the costs incurred by the Department up to this point. The processing cost for your application is \$2,065.00 plus GST. An invoice will be sent to you for this amount in due course.

You have the right to have this decision reconsidered, at your cost, under section 17ZJ of the Conservation Act 1987. If you wish to apply for reconsideration of the application decision, please fill out the [Reconsideration Request Form](#) on the DOC website by 30 August 2026. You can read more about the Reconsiderations process and the criteria DOC will use when deciding whether to reconsider a decision on the [DOC website](#).

If you wish to understand more about the reconsideration process, please email AskPermissions@doc.govt.nz, and a Permissions Advisor will be appointed to contact you.

Please note that if you request a reconsideration and your request is accepted, there is an expectation that the processing fee outlined in this letter will be paid before substantive work on the reconsideration will begin (or that a payment plan is in place).

If you have any other questions, please contact AskPermissions@doc.govt.nz.

Nāku noa, nā



Christine Butler
Permissions Regulatory Delivery Manager
Ōtautahi / Christchurch Office
Department of Conservation | Te Papa Atawhai
www.doc.govt.nz

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