

Mangawhai Historic Wharf Trust Resource Consent Application
Appendix 3: Assessment of Environmental Effects and
Planning Analysis



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MANGAWHAI HISTORIC WHARF TRUST



APPLICATION FOR A COASTAL PERMIT RESOURCE
CONSENT

*Historic Wharf Re-Build -
Mangawhai Harbour, Moir Street
Mangawhai*

April 2020

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Attachment:

1. APPLICANT AND PROPERTY DETAILS

Site Address:	Moir Street, Mangawhai
Applicant's Name:	The Mangawhai Historic Wharf Charitable Trust
Address for Service:	The Mangawhai Historic Wharf Charitable Trust C/o Dream Planning Ltd P.O Box 123 Mangawhai Attention: Jackson Worsfold
Legal Description:	Parcel ID #5267824 & Parcel ID #5267457
Total Area:	N/A
Regional Plan Zoning:	Operative Regional Coastal Plan – Marine Management Area (Protection) MM1 Proposed Regional Plan (Regional Plan). General Coastal Zone High Natural Character values
Designations/ Special Limitations:	Nil
Locality Diagram:	Figure 1, Application

2. INTRODUCTION

The Mangawhai Historic Wharf Charitable Trust (the 'Applicant') is seeking a resource consent from the Northland Regional Council ('Regional Council') to re-establish the Historic Mangawhai Wharf within the Coastal Marine Area (CMA) at the end of Moir Street, Mangawhai Village.

The proposed project is community based and funded. It is being coordinated by the Mangawhai Historic Wharf Trust, as outlined in the Application presented by the Chairman.

This Assessment of Environmental Effects and Planning Analysis has been prepared by Jackson Worsfold, Principal of Dream Planning established in 2005 and located at Wood St, Mangawhai Heads. Dream Planning provides professional services in Land Development, including Resource Management and Urban Planning, Landscape Architecture, Architectural Design and Project Management. Mr Worsfold is a registered planner, holds the qualifications of a Bachelor of Resource Studies Majoring in Policy and Planning from Lincoln University. He has 15 years experience as a planner in both the private and public sector. He has been involved in development in Mangawhai for the past 12 years facilitating a wide range of various projects and consents within the urban, rural and coastal environments.

The report first presents an assessment of environmental effects (AEE) drawing on the expert reports prepared for the project. The AEE is used to inform the assessment of the project against the relevant statutory tests and plans that follows.

3. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This section summarises the findings of the specialist reports commissioned to inform the application by the Mangawhai Historic Wharf Trust to build and operate a replica of the original Mangawhai Wharf on the same site as its predecessor at the end of Moir St. Together with this assessment and planning report, these specialist reports comprise the appendices to the Application described by the Chairman of the Trust, Mr Colin Leach. I note that while prepared for the original 2018 resource consent application, these reports have been reviewed and confirmed by their authors for the purpose of the current application.

The specialist reports and AEE also inform the planning analysis of the proposal against the relevant statutory and regulatory provisions of the Resource Management Act, the Northland Regional Policy Statement, the New Zealand Coastal Policy Statement and Northland Regional Coastal Plan.

3.1 The Mangawhai Historic Wharf Project

The background to the project is outlined in the application document. Location, design, construction and operation are set out in **Appendix 2, Project Development and Operation**.¹ The wharf will be rebuilt as a replica and on the exact site of the original with construction design drawings by Total Marine Surveys and rendering and photo montages prepared by Dream Planning (**Appendix 7**). This material was provided to the specialist consultants to ensure that they were working from a common understanding of the project specifications.

Key features of design and construction are as follows:

- (1) *The original wooden pile stubs will remain in place, with the 20 sets of the new, braced piles offset from the originals, but retaining the original spacings;*
- (2) *The rebuilt wharf will extend to the channel (which does not appear to have changed significantly in shape or depth since the original structure was built);*
- (3) *The rebuild follows the original design and construction elements although utilises modern materials and construction standards;*
- (4) *The shed structure on the end of the wharf is smaller than the original, serving shelter and display purposes (compared with its original storage role). It will be open to the east and west for security purpose and to retain an open view to the water along the finger;*
- (5) *The new floating pontoon will be in the channel, as was the original landing platform;*
- (6) *Construction will be based on a barge mounted pile driver during high tides or seabed-based at low tides;*
- (7) *Joists and deck construction will take place at wharf level as piles are placed;*
- (8) *No dredging will be required;*
- (9) *There is sufficient space between the wharf and boat ramp to the south and remnant rock groyne to the north that there will be no construction-related interference with either;*
- (10) *Turbidity issues will be minimal given the character of the benthic zone on and around the site (Appendices 8 and 9), and able to be managed;*
- (11) *No earthworks are required, with only minor landscaping to the existing landing mound and construction to provide safe access to and from the wharf from the existing gravel path. Some minor vegetation tidy-up may be required, but existing trees will be left in place.*

In terms of subsequent operation, the wharf will comply with New Zealand building

¹ References in this report are to the appendices outlined in the *Introduction to the Application* prepared by the Chairman of the MHWT.

(including safety) standards. A barrier will prevent vehicle access. Signage will inform visitors of hazards, and restrictions on use (no alcohol, no diving, no camping, no commercial activities). Ladders will be provided for pontoon and water access. Motion-sensitive security lighting will be solar powered with no external electricity supply. The wharf will be monitored via CCTV, with support from Mangawhai Tavern.

Ongoing operation and maintenance will be managed by the Mangawhai Historic Wharf Trust. The Trust will be augmented by a member from each of the Kaipara District and Northland Regional Councils if a resource is granted.

The Trust will take responsibility for budgeting and managing operations and maintenance through fundraising in the local community, including creating a significant maintenance reserve in the course of fundraising for construction. There is a strong record of fund raising for development and operations of community amenities in Mangawhai (for example for a community art gallery, the Mangawhai Activity Zone, the Mangawhai Museum, and the historic village) which this initiative will build on. With respect to the proposed wharf, this sort of community commitment is demonstrated by the funds raised for the purpose of seeking a resource consent.

3.4 Iwi Consultation

Consultation (including an onsite meeting) was undertaken with Te Uri o Hau, a Northland hapu of Ngati Whatua. Environs Holdings Ltd is the body responsible for support of Kaitiakitanga throughout the Rohe, the management and development of hapu resources, and for responding to and processing resource consents for the area. **Appendix 4** sets out Environs' assessment of the expected effects, adverse or otherwise, of the proposed wharf rebuild on Te Uri o Hau's cultural, traditional, spiritual and heritage values.

After setting out the history and values relevant to Te Uri o Hau and setting these against the archaeological and shellfish sites in the vicinity of the proposal, the cultural assessment raised no objections to the development but did set out some conditions. These deal with the need for a site meeting at the outset and protocols for monitoring and communication throughout the works, the relocation of nearby rocks containing live oysters within and adjacent to the works site to ensure their removal, liaison with Heritage New Zealand Pouhere Taonga, and requirements in the case of discovery of archaeological sites.

3.5 Archaeological Assessment

The location of the historic Wharf is a recorded archaeological site (R08/222). There is one other 19th century historic archaeological site recorded in the nearby landscape (R08/224), an Accommodation House (ca. 1860s). The Mangawhai Tavern (located on Lot 1 DP 154260 Moir St) is around 300m from the wharf site and registered as a significant heritage place.

An archaeological assessment of the impact of the rebuild on the site was undertaken by Dr Moira Jackson (**Appendix 5**).

Dr Jackson notes that human activities around the wharf and surrounding landscape including the harbour foreshore were dynamic, complex and ongoing. With reference to the wharf site, she concludes that:

- *Further archaeological research was required;*
- *A specialist maritime archaeologist should be consulted;*
- *An HNZPT archaeological authority will sought prior to any earthworks or construction on and around the historic Wharf area and surrounds, and;*
- *A General Archaeological Authority be applied for from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.*

The Trust acknowledges the need for an Archaeological Authority and possibly a General Archaeological Authority. These are requirements that it will pursue with HNZPT at the building permit stage rather than prior to seeking a resource consent.

The Trust appreciates the heritage status of the original wharf site and has designed the replica so that poles are placed away from the originals, for which a number of stubs survive.

The Trust has also been in communication with Dr James Robinson of Heritage New Zealand Pouhere Taonga. Dr Robinson indicated that in principle the organisation supports the reconstruction of the Wharf. A copy of this correspondence is attached in **Appendix 6.**)

The Trust has followed the recommendation that a marine archaeologist be consulted. It has contacted and is in consultation Andy Dodd, Marine Archaeologist who has raised the possibility of artefacts in the channel in the area of the wharf, arising from loading and unloading of ships.

The Trust has committed to notify the appropriate party (archaeologist, Environs, or Heritage New Zealand), in the event of uncovering artefacts. In practice, the very constrained footprint of the wharf and the limited construction area and the fact that it is underlain by a hard pan suggest that the odds of discovery are low.

3.6 Landscape Assessment

A Landscape and Visual Assessment ('LVA') was undertaken by Kylie Brown-McLaughlin, then of Dream Planning (**Appendix 7**). The report assesses the visual impact of the proposed Wharf in relation to landscape, natural character and visual amenity values.

It acknowledges that the reintroduction of the Wharf into the Coastal Management Area within its previous location will result in a visual change. It makes the point, though, that visual change is not necessarily an adverse effect. The Wharf will reintroduce a built structure within the coastal margins of Mangawhai Village in an area already substantially modified by human influence with structures such as boat ramps (Moir Street and Kainui Street), steps, jetties, and walkways. The report concludes that the site has the capacity to visually absorb the proposal without any significant change in the seascape character.

The landscape assessment deals with the visual impact of the wharf from a range of vantage points and concludes that, while it will be visible from various locations, the overall potential effect will be minor.

The subject site is identified as having High Natural Character values under the Proposed Regional Plan. While it is situated within an area that received this landscape classification as an overlay, the site does not display high natural character values given the existing level of modification. Modification also lowers its sensitivity and thereby increases its capacity to absorb further change.

The assessment indicates that the proposed structure will therefore have a low adverse effect (a minor effect) on perceived naturalness and the natural character in this part of the Harbour. Significant natural features (such as the Pohutukawa-lined fringe) will continue to contribute to the level of perceived naturalness within the Harbour. In any case, no vegetation is to be removed (trees, shrubs, and coastal grasses) on the coastal edge/estuarine margin.

The landscape and visual assessment recommends that the structure be recessively coloured which, when weathered, will reduce its visual impact. More generally, in acknowledging that the proposed wharf reinstates what was part of an earlier environment, and given its limited scale and profile in what is already a modified harbour edge setting, it is considered that the natural character of the CMA will be appropriately maintained and the actual and potential effects on the wider landscape will be no more than minor.

3.7 Effects on the Seabed, Surroundings, and Water Quality

The subject site and work area are adjacent to a designated boat ramp where vehicles presently enter the CMA to launch and retrieve vessels. The La Bonté Coastal Consultants Report (**Appendix 8**) indicates that there are no shellfish beds in the vicinity of the proposed wharf, confirming an earlier investigation by Poynter and Associates (2002, included in the

La Bonté assessment). This revealed no significant shellfish populations in the immediate area with population density and shellfish size increasing with distance down river from the proposed Wharf.

The update of the benthic survey was undertaken in 2018 by Bioresearches Ltd by way of a survey of the intertidal zone (**Appendix 9**). This confirmed the lack of density and diversity of the benthic area proposed for the wharf restoration, and noted that the area was dominated by a few species.

Poynter and Associates reported juvenile cockle beds in the main channel approximately 200 metres downstream from the wharf area, indicating that the effects that might be associated with wharf construction within the CMA as no more than minor.

The La Bonté assessment also indicates that the thin veneer of sediment covering the hard pan does not support a significant density or diversity of marine organisms. Given this scarcity, the effect of the construction activity on benthic organisms can be considered no more than minor.

In terms of turbidity, restricting use of pile driving equipment on the sea floor to low tide periods only will ensure that turbidity effects associated with disturbance of the benthic substrate will be no more than minor.

3.8 Effect on Shorebirds

In the course of consultation three persons expressed concern regarding the effects that the wharf may have on fairy tern feeding grounds. One was concerned that the wharf would be too close to the 12ha sand island from which mangroves have been removed and where fairy terns were believed to be feeding. They also expressed concern that more recreational use at the upper end of the middle harbour area resulting from the presence of the wharf would disturb birds.

The La Bonté assessment (**Appendix 8**) indicated that Fairy Tern and other coastal birds breed on the sand spit over 3km from the site of the proposed wharf so that its effects on their breeding activity can be considered less than minor. The report concluded that the environmental effects associated with the proposed structure within the CMA environment will be no more than minor.

Further information on the impact fairy terns is available from a survey of shorebird activity in the vicinity of the wharf undertaken for the MHWT by Bioresearches Ltd (**Appendix 9**).

Given that the original author is now retired, the report was reviewed by Bioresearches' expert in estuarine ecology, Simon West (MSc), for the current application. As well as confirming the low productivity of the seabed in the area the report noted a limited presence of shorebirds. With three fairy tern sightings in the channel outside the wharf footprint over five hours of observation it was concluded that any effects of the wharf would be no more than minor, a conclusion endorsed by Mr West.

The report also notes that the wharf affects a very small portion of a much greater feeding area. By observation and inference the area does not appear to be important in terms of roosting, breeding, or nesting by fairy terns.

In light of the sensitivity of the fairy tern issue, the Trust requested that Dr John Craig review the previous reports and provide an updated overview.

With respect to the fairy tern he observes (**Appendix 10**): that

When the reconstructed wharf is not in use, all birds will habituate to its presence and will continue to feed as if it was not there. When in use, birds may be disturbed by boating activity and not feed in the immediate vicinity. The intertidal area immediately adjacent to the proposed wharf has no tidal pools and is used for launching boats. It is not a preferred feeding area for NZ fairy tern.

...

Any effects of the wharf on endangered birds including the FT will be temporary and relate only to feeding in what is a relatively low producing area, some distance from the FT breeding and main roosting sites. The effects can be considered no more than minor. Perhaps more importantly, they are likely to be more than offset by enhanced interpretation and instruction, a major benefit given the prospect of significant an ongoing increase in harbour use as Mangawhai continues to grow.

In his overview Dr Craig concludes that:

1. *Construction is confined to the months of March to early September.*
2. *Lighting on the wharf is constrained to downlighting that illuminates the decking but not surrounding water or mudflats.*
3. *NRC needs to ensure that the channels are clearly marked and that the speed limits of watercraft are strictly enforced. This should reduce disturbance for the NZ fairy terns.*
4. *Biodiversity information is clearly displayed and wording is determined in conjunction with NRC, DOC and NZFTT.*

3.9 Coastal Hazards

The potential for Instability or vulnerability to natural hazards are appropriately addressed by way of detailed engineering design at the time of building consent.

In any case, the shallow water depth and hard pan benthic substrate beneath the footprint of the proposed wharf limits current velocity and wave height at this location. While it is unlikely that the structure will encounter destructive sea conditions, however, given the shallow, tidal nature of the site and its sheltered position within the harbour, its ability to physically withstand expected sea conditions will be assessed as part of the building consent.

Conversely, given these relatively stable or benign sea conditions and pile separation of 4.5 metres the footprint of the Wharf is not expected to cause significant turbulence that might, for example, increase erosion of adjacent shorelines or affect existing structures.

3.10 Access to the Coastal Marine Area

Pedestrian access to the coast is provided at the end of Moir Street, with access along the coast in the form of a walkway in front of the Historic Tavern or along the shoreline.

Neither of these paths will be impeded by the wharf. At high tide access will be available by crossing the proposed Wharf. At low water, pedestrian access will either be along the high-water access way (in front of the Mangawhai Tavern) or beneath the deck of the wharf and between the pilings spaced at 4.5 metres.

Access to the boat launching ramp will not be obstructed by the wharf. The pontoon structure at the end will provide temporary berthing of vessels during launch and retrieval activities, enhancing access to the CMA for recreational and access purposes.

3.11 Noise

Additional use of the CMA in the area may result in additional noise. Any construction noise will be limited in duration and construction hours will be limited in accordance with District Plan requirements, and, in any case, no greater than noise associated with house building activity. Given the proximity of the wharf to the historic Mangawhai Pub any possible noise effects associated with the use of the Wharf will be less than minor.

3.12 Cumulative Effects

In light of the preceding discussion and the expert reports it is based on, It is highly unlikely that the effects of the proposed wharf development and use (after mitigation by conditions) will give rise to an unacceptable increase in cumulative effects beyond the carrying capacity of the receiving environment, including the capacity of supporting infrastructure and the amenity and character values that define the locality.

For a cumulative effect to be significant, it must breach a threshold or 'tip the balance'. In this instance, the proposal provides the opportunity to provide for the reconstruction of an historical feature of some character within the previous location it occupied for close to eighty years. Indeed, no constraints to the development and use of the wharf can be identified with respect to site servicing or the receiving environment.

Overall, it is considered that the proposal will not give rise to effects that are beyond the supporting capacity of the receiving environment, at this particular time. Conversely, by facilitating controlled access to the water, the proposed wharf will lift the carrying capacity of an area which will be subject to increased pressure of use as a result of the growth of the Mangawhai community.

3.13 Conclusion

My overall conclusion in relation to the effects of the development is that the adverse effects will be no more than minor subject to appropriately worded conditions of consent. In terms of potential conditions, I have drafted a set of possible conditions to capture the recommendations from the various experts and these are included as Appendix 11 in the application.

4. MATTERS REQUIRING CONSENT

An application for resource consent is required because:

4.1 Coastal Permit

Operative Regional Plan

Rule 31.3 sets out rules for activity within the Marine 1 (protection) Management Area.

Rule 31.3.4 – relates to ‘Structures’. In terms of the proposal to erect a proposed Wharf Structure, Rule 31.1.4(m) applies as the proposal relates to:

“The erection of any new structure and the occupation of space for and use of any new structure (other than those structures provided for as permitted, controlled, discretionary or prohibited activities)”.

The proposed Wharf is not provided for in accordance with permitted, controlled, discretionary or prohibited activities and as such consent is required for a **Non-Complying Activity** in accordance with Rule 31.1.4(m).

Proposed Regional Plan

C.1 Coastal activities - Structures

In accordance with Rule C.1.1.16 Structures outside significant marine areas are considered a Discretionary Activity.

In the General Coastal Zone any structure that is not a:

1. *permitted activity under C.1.1.1 ‘Existing structures – permitted activity’, or permitted activity under C.1.1.3 ‘Temporary coastal structure – permitted activity’, or*
2. *permitted activity under C.1.1.4 ‘Aids to navigation – permitted activity’, or*
3. *permitted activity under C.1.1.5 ‘Signs – permitted activity’, or*
4. *permitted activity under C.1.1.6 ‘Monitoring and sampling equipment – permitted activity’, or*
5. *permitted activity under C.1.1.7 ‘Reconstruction, maintenance or repair of a structure – permitted activity’, or*
6. *permitted activity under C.1.1.9 ‘Additions and alterations to structures – permitted activity’, or*
7. *permitted activity under C.1.1.10 ‘Removal of structures – permitted activity’, or*
8. *controlled activity under C.1.1.11 ‘Structures for scientific, research, monitoring or education purposes – controlled activity’, or*
9. *non-complying activity under C.1.1.21 ‘Structures with no functional or operational need – non-complying’,*
10. *it is not in a mapped (refer I ‘Maps’):*
 1. *a Nationally Significant Surfbreak, or*
 2. *Regionally Significant Anchorage, or*
 3. *Outstanding Natural Feature, or*
 4. *Area of Outstanding Natural Character or*
 5. *Site or Area of Significance to Tangata Whenua, or*
 6. *Historic Heritage Area, and*
11. *there is no removal, demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I ‘Maps’), and*
12. *the structure has a functional or operational need to be located in the coastal marine area.*

Comments

- *The proposed structure is not a permitted, controlled or non-complying in accordance with 1 – 10.*
- *The proposed Wharf Structure is not in a mapped area having regard to 11(1-6).*
- *The proposed location is not a Historic Heritage Site.*
- *The structure has a functional or operational need to be located in the coastal marine area.*

Based on the above, the proposal is a **Discretionary Activity** in accordance with Rule C.1.1.16 – Structures under the Proposed Regional Plan.

4.2 Summary – Matters Requiring Consent

Overall, the application for a Coastal Permit is considered **Non-Complying** under the Plan.

5. THE RESOURCE MANAGEMENT ACT (2001)

Council's decision on the proposal must give effect to the purpose and principles of the Resource Management Act (RMA), as set out in Part 2, and have regard to the relevant matters in Sections 104 to 104D and 108 of the Act.

Part 2: Purpose and Principles of the Act

Section 5 of the Resource Management Act 1991 (the Act) describes the purpose and principles of the Act and provides a definition of "sustainable management" which includes reference to managing the use and development of natural and physical resources at a rate that allows people and communities to provide for their wellbeing. This involves sustaining resource potential (excluding minerals), safeguarding the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating adverse effects.

It is my assessment that the proposed development will promote the sustainable management of natural and physical resources by:

- Enabling the Applicant to develop the site in a manner that will contribute to the social and economic wellbeing of the community, by providing infrastructure which will contribute to providing high amenity and recreational value, and which will provide important and functional access to the CMA.
- Enabling the Applicant to develop the site in a manner that will contribute to the social and economic wellbeing of the community.
- Enabling infrastructure to be developed in a way that will assist in providing for the reasonably foreseeable needs of future generations.

Section 6 relates to matters of national importance including *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and their protection from inappropriate subdivision, use, and development*:

- While the reintroduction of the wharf will contribute a built structure into the coastal environment, it previously existed and formed part of the existing environment.
- The site does not display high natural character values, with the level of modification reducing site sensitivity in terms of its ability to absorb the change (Appendix 7).
- Based on the Landscape Assessment (Appendix 7) and given that the proposed structure previously formed part of the existing environment, it is considered that the natural character of the CMA will be appropriately maintained.
- Public access to the CMA will be enhanced as a result of the proposal, enabling the public to enjoy and appreciate the natural coastal values that the location offers.

The protection of outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use, and development;

- The subject site is not identified as an ONF or ONL.

The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

- The proposal does not require the removal of any vegetation. The effects on fauna (shorebirds) are no more than minor (Appendix 8).

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

- Public access to the CMA will be enhanced as a result of the proposal which will,

inter alia, provide a connection by water between the Heads and the Village

The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

- Consultation with local Iwi Te Uri o Hau indicates no objections to the granting of consent subject to recommendations contained in the Cultural Impact Assessment (Appendix 4).

The protection of historic heritage from inappropriate subdivision, use, and development;

- The Archaeological Assessment identifies two nearby archaeological features as well as the demolished wharf site itself. The design provides for the protection of these features.
- Development will require a Heritage New Zealand Pouhere Taonga (HNZPT) archaeological authority for any earthworks (which are anticipated to be minimal).
- HNZPT has expressed support in principle for the project.

The protection of protected customary rights

- A Cultural Impact Assessment has been prepared by Environs Holdings Ltd for Te Uri o Hau which supports the proposed wharf with recommended conditions (Appendix 4).

Section 7 relates to other matters to be given regard to in relation to the management, use, development and protection of natural and physical resources. They include:

- The efficient use and development of natural and physical resources
- The maintenance and enhancement of amenity values
- Maintenance and enhancement of the quality of the environment.

It is noted that:

- The proposal represents an efficient use and development of a valuable natural and physical resource (the coastal marine environment).
- The scale, character and intensity of the proposal in relation to the site, the locality's topography, and the existing level of development will ensure that the wharf has less than minor adverse effects on the area's amenity values and quality of environment. Indeed, amenity and recreational values will be enhanced through the provision of the wharf.
- The proposal provides for appropriate management of potential adverse effects.

Section 8 refers to the principles of the Treaty of Waitangi.

- Consultation has been undertaken with local Iwi Te Uri O Hau who have provided recommendations for protecting cultural interests (Appendix 4).

Section 104 – Matters for Assessment

Section 104(1) of the Act requires the Council to have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:

- (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(2) of the Act states that, in considering the potential effects of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade completion or the effects of trade competition, or any effect on a person who has given written approval to the application.

An assessment of the effects of the proposal on the environment is provided in Section 3 of this report which includes assessments against relevant statutory documents.

Section 104D – Non-Complying Activities

Under Section 104D of the Act, the Council may only grant consent for a non-complying activity where the Council is satisfied that either:

- (a) *The adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *The application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Section 104D is disjunctive, which means that only one of the above tests, either clause (a) or clause (b), needs to be met.

It is my opinion that both tests are met. An assessment of the effects of the proposal on the environment is provided in Section 3 of this AEE while an assessment against the relevant objectives and policies of the plan is provided in Section 6.

6. THE REGIONAL POLICY STATEMENT FOR NORTHLAND

One of the main purposes of the Regional Policy Statement ('RPS') is to provide for the integrated management of Northland's natural and physical resources. The RPS guides the development of other regional and district plans including the Regional Coastal Plan, the Regional Water and Soil Plan, and the Kaipara District Plan.

As detailed in the LVA, the site is not categorized as an d outstanding natural feature or landscape, but the site does fall within the CMA and so is identified as having High Natural Character Values.

The following Objectives and Policies of the RPS have identified as being relevant to this application:

Objective 3.5 – Enabling Economic Well-being

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

The application has been made to develop a community asset. The development will contribute to the local economy during its construction and the economy through ongoing use as a visitor attraction and community focal point.

Objective 3.7 Regionally significant infrastructure

Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.

The proposed Wharf will be located in an expanding community with high visitor numbers, increasing its value as a public asset. As such, it will enhance the attraction of Mangawhai a key growth settlement in the district and region, and thereby add to Northland's economic and social wellbeing. It will become a community focal point and visitor destination.

Objective 3.8 Efficient and effective infrastructure

Manage resources use to:

- a) Optimise the use of existing infrastructure;*
- b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and*
- c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.*

The proposal utilises a location which has already been transformed by settlement, commerce, and more recently recreation. The original transformation included development of the wharf, remnants of which remain on the harbour edge and seabed (Appendix 2). The new infrastructure will be resilient and flexible and will meet the reasonably foreseeable needs of the community

Objective 3.10 – Use and Allocation of Common Resources

Efficiently use and allocate common natural resources, with a particular focus on:

- a) Situations where demand is greater than supply;*
- b) The use of freshwater and coastal water space; and*
- c) Maximising the security and reliability of supply of common natural resources for users.*

The proposed use of the coastal water space is efficient and appropriate in the context of the provision of a community asset for all to use. The location is appropriate and practical in terms of its proximity to the Mangawhai Village.

Objective 3.12 – Tangata whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

Tangata whenua have been involved in the preparation of the application, and have made comment and recommendations adopted by the Applicant.

Objective 3.15 – Active Management

Maintain and/or improve:

- i. The natural character of the coastal environment and fresh water bodies and their margins;*
- ii. Outstanding natural features and outstanding natural landscapes;*
- iii. Historic heritage;*
- iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);*
- v. Public access to the coast; and*
- vi. Fresh and coastal water quality by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.*

Objectives (a) (c) and (e) are relevant. The proposal will not change the natural character of the location and nor adversely affect the historic heritage as it seeks to re-create an historic feature. It will result in no further restriction to current opportunities for public access along this part of the coast. Rather, it will enhance all tide access to the CMA within the locality.

Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes

(2) In the coastal environment:

- a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.*
- b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:*
 - i. Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
 - ii. In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
 - iii. Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*

The proposal has been assessed as not having significant adverse effects on natural character the location, is not within an area identified as having high natural character values, and will not result in adverse visual effects (Appendix 7).

Policy 4.6.2 – Maintaining the Integrity of Heritage Resources

- (1) Protect the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(2):*
 - a) By avoiding significant adverse effects of subdivision, use and development and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) on historic heritage in the following way:*
 - iv. Requiring careful design and location of subdivision, use and development to retain heritage buildings and other physical elements of historic heritage and where practical enhance public use and access;*
 - v. Restricting the demolition/relocation of and/or inappropriate modifications, additions or alterations to physical elements of historic heritage;*
 - vi. Recognising that the integrity of many historic heritage resources relies on context and maintain these relationships in the design and location of subdivision, use and development;*
 - vii. Recognising the collective value of groups of heritage buildings, structures and/or places, particularly where these are representative of Northland's historic settlements, architecture or periods in history and maintain the wider character of such areas; and*
 - viii. Restricting activities that compromise important spiritual or cultural values held by Māori/Mana Whenua and/or the wider community in association with particular heritage places or features.*

The wharf design follows that of the Historic Wharf and its links to the historic heritage of the site. The existing groyne remnants will be retained as a direct link to the past. All other elements of the proposal have been developed to avoid adverse effects on the important cultural values of the CMA locality.

4.8.1 Policy – Demonstrate the need to occupy space in the common marine and coastal area

- (1) Only consider allowing structures, the use of structures and other activities that occupy space in the common marine and coastal area where:*
 - a) They have a functional need to be located in the common marine and coastal area, unless the structure, use or activity is consistent with Policy 4.8.1(2);*
 - b) It is not feasible for the structure, the use or the occupation of space to be undertaken on dry land (land outside the common marine and coastal area), unless it is consistent with Policy 4.8.1(2);*
 - c) It is not feasible to use an existing authorised structure; and (d) The area occupied is necessary to provide for or undertake the intended use.*
- (2) Occupation of space and structures (and their use) that are contrary to Policy 4.8.1(1) (a) and (b) may be appropriate where they will make a significant positive contribution to the local area or the region.*
- (3) If the public are excluded from using a structure or common marine and coastal area, the exclusion is:*
 - a) Only for the time period(s) and the area necessary to provide for or*

- undertake the intended use ;or*
- b) Necessary to ensure the integrity of the structure; or*
- c) Necessary to ensure the health and safety of the public.*

The wharf structure has a functional need to be located within the CMA and the proposal is to use an existing location. The area of the CMA to be occupied by the structure is the minimum necessary for its intended use.

4.8.3 Policy – Coastal Permit Duration

When determining the expiry date for coastal permits to occupy space in the common marine and coastal area, particular regard will be had to:

- a) The security of tenure for investment (the larger the investment, the longer the consent duration);*
- b) Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area;*
- c) The reasonably foreseeable demands for the occupied water space by another type of activity (the greater the demands, the shorter the consent duration); and*
- d) Certainty of effects (the less certain the effects the shorter the consent duration).*

The Applicant is seeking the maximum consent duration prescribed by Section 123 of Act as 35 years. The cost of the rebuild will be significant and as such security of tenure is required.

There is unlikely to be alternative demand for the space occupied by the proposed facilities. The certainty of effects has also been reasonably established for this application.

5.1.2 Policy – Development in the coastal environment

Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:

- a) Consolidates urban development within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*
- b) Ensures sufficient development setbacks from the coastal marine area to;*
 - i. maintain and enhance public access, open space, and amenity values;*
 - and*
 - ii. allow for natural functioning of coastal processes and ecosystems;*
- c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);*
- d) Ensures adequate infrastructure services will be provided for the development; and*
- e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing. Note: in determining the appropriateness of subdivision, use and development, all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.*

The proposed development is appropriate in the context of this policy as the site is within and forms part of the established Mangawhai Village environment.

The proposal will maintain and enhance public access and open space opportunities in the general area. The values of the adjoining land are considered and the proposal reflects the integration of these values. The proposal has appropriate infrastructure to support the development.

SECTION 95: CONSULTATION

Community Consultation

Extensive consultation has been undertaken in terms of project planning and feasibility including undertaking detailed needs analysis. This is documented in full in Appendix 1 of this Application, which reflects the strong support from the community at large for the proposed rebuild, and suggestions and concerns raised in the course of the programme of engagement and consultation.

Direct Neighbours

In addition, personal visits were made to the near neighbours of the proposed wharf. Each was briefed on the project using the plans of the Wharf and asked to complete and sign a questionnaire covering their thoughts about the Wharf, including their level of support for the Wharf, concerns, suggestions and need for further information.

Of the four property owners identified, three provided written approval to the proposal (**Appendix 1**). One is not in favour of the proposal, on the basis of visual impact.

Council

Consultation has also been undertaken with various Council (both local and regional) staff and representatives to contribute towards achieving appropriate and satisfactory development outcomes and to also ensure that an adequate level of information is provided for the processing of the application.

It was determined that resource consent was unlikely to be required by the Kaipara District Council but that a copy of this application will be submitted to their regulatory department for consideration.

Iwi

The Applicant has also engaged in consultation with Environ Holdings Limited and Te Uri o Hau to establish potential adverse effects of the proposal on mana whenua cultural and spiritual values significant to Te Uri o Hau. As detailed, Iwi have no objections subject to adhering with the required recommendations which the Applicant will adopt.

Section 95

Sections 95 to 95G of the Act set out the requirements for notification of a resource consent application.

In accordance with Section 95A (1) the A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.

In accordance with Section 95A (2) Despite subsection (1), a consent authority must publicly notify the application if:

- (a) *it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or*
- (b) *the applicant requests public notification of the application; or*
- (c) *a rule or national environmental standard requires public notification of the application.*

Under Section 95D, the Council must consider effects on the environment, but must disregard the effects on people who own or occupy land on which the activity will occur, or land adjacent to that land.

Under Section 95B(1), if the Council does not publicly notify an application, it must decide if there are any affected persons. Affected people will get 'limited notification'. Under Section 95E, Council must decide that:

- *A person is an 'affected person' if adverse effects on them are minor or more than*

minor (but not less than minor)

- *A person is not an 'affected person' if they have given their written approval (and not withdrawn approval) to the application, or it is unreasonable in the circumstances to seek their written approval.*

After consideration of the potential for environmental effects and identification of conditions relevant to Te Uri o Hau and the archaeological record, it is concluded that the wharf rebuild will not have effects on the environment that are sufficient to warrant public notification. In addition, there is clearly significant and overwhelming support for the proposal within the community.

Having regard to the potential effects associated with the proposal, it is considered that at the most these will be localised and in terms of the broader and wider environment, will be minor.

Section 104 of the RMA provides for any other matters to be considered in an application for resource consent that may be relevant and be reasonably necessary to determine the application and to which consideration should be given.

No other matters are considered relevant to the proposal in terms of Section 104 of the 'Act'.

However, it is acknowledged that in response to an earlier version of this application the Northland Regional Council which sought additional information (which is included in the current application) and determined that it should be publicly notified.

7. ASSESSMENT OF THE NEW ZEALAND COASTAL POLICY STATEMENT 2010

The New Zealand Coastal Policy Statement sets out national priorities and policies for the coastal environment. It contains objectives and policies that closely relate to and expand on matters covered in Part II of the RMA. When considering an application for a resource consent within the coastal environment a consent authority must have regard to, amongst other things, the relevant provisions of the NZCPS.

The following is an assessment of the proposal in relation to NZCPS objectives and policies considered of most relevance to the application.

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

The previous wharf was in the same location. Its reinstatement is consistent with the form, functioning, and character of the coastal environment of this part of the Mangawhai Harbour. It is also concluded from the environmental assessment that the natural environment will not be adversely affected by the proposal (this report, Section 3 and Application Appendices 9, 10 and 11).

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- *encouraging restoration of the coastal environment.*

As assessed in the Landscape Assessment the natural character of the location will not be adversely affected due to the existing degree of modification in the local environment. The Applicant has adopted a design with a visual appearance almost identical to the former Wharf. The structure will be recessively coloured which, when weathered, will reduce visual impact and dominance of the structure.

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*

- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

The applicant has acknowledged tangata whenua as kaitiaki and has consulted with representatives of Te Uri o Hau. The coastal area is of significance and the subject site is designated as an area of significance to Maori. Through Environs Holdings Ltd, its resource management arm, Te Uri o Hau has indicated it is not opposed to the proposal subject to adherence with the recommendations contained within the Cultural Impact Assessment (Appendix 4).

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the CMA is an area of public space for public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the CMA without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the CMA; and*
- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the CMA advances inland.*

The proposed design and layout recognises that the CMA is an important area for the public use and enjoyment and it is considered that this and to the CMA will be maintained and enhanced by the proposal.

Objective 5

To ensure that coastal hazard risks, taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards*

It is considered that these matters can be adequately addressed and factored as part of the detailed design and building consent process.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the CMA;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the CMA should not be compromised by activities on land;*
- *the proportion of the CMA under any formal protection is small and therefore*

management under the Act is an important means by which the natural resources of the CMA can be protected; and

- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

The general purpose of the proposed structure is consistent with this objective, with access to it contributing to the economic and social well-being of the community.

The proposed Wharf will provide for safe access to and recreational use of the CMA, thereby contributing to the community's well-being through access and use the facility, incidentally providing for water access link between the heads and the village.

Functionally the structure can only be located in the CMA. There are no known habitats of living marine resources that would be adversely affected by the proposal and that require protection from it.

There are historic heritage and cultural values associated with the Mangawhai Harbour. These are acknowledged but are not considered to be at risk from the proposal.

Policy 1: Extent and Characteristics of the Coastal Environment.

1. *Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
2. *Recognise that the coastal environment includes:*
 - a) *the CMA;*
 - b) *islands within the CMA;*
 - c) *areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
 - d) *areas at risk from coastal hazards;*
 - e) *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
 - f) *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
 - g) *items of cultural and historic heritage in the CMA or on the coast;*
 - h) *inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
 - i) *physical resources and built facilities, including infrastructure, that have modified the CMA.*

The site is within an area of the coastal environment modified by coastal residential development, the presence of the Historic Mangawhai Tavern, a popular entertainment venue, and by coastal structures. These features, along with the steeply sloped and Pohutakawa clad esplanade reserve, contribute to the landscape and amenity values at a location with the distinctive character of a well-utilised, shallow harbour edge.

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

Taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment.

The relationship of Maori with the Mangawhai Harbour has been recognised through consultation with Te Uri o Hau and the subsequent preparation of a CIA. The subject site is within an 'Area of Significance to Maori' under the District Plan and is within a statutory acknowledgement area.

Policy 3 Precautionary approach

- 1) *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*
- 2) *In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:*
 - a) *avoidable social and economic loss and harm to communities does not occur; natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and*
 - b) *the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.*

The environmental effects associated with the proposed structure are well understood. With appropriate controls and conditions, the use of the structure will not result in adverse effects on the environment.

Policy 6 Activities in the coastal environment

- (1) *In relation to the coastal environment:*
 - a) *recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
 - b) *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
 - c) *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
 - d) *recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;*
 - e) *consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*
 - f) *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
 - g) *take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
 - h) *consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
 - i) *set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
 - j) *where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*
- (2) *Additionally, in relation to the coastal marine area:*
 - a) *recognise potential contributions to the social, economic and cultural*

wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:

- b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*
- c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*
- d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and*
- e) promote the efficient use of occupied space, including by:*
 - i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;*
 - ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and*
 - iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.*

As noted, the potential contribution of the proposal to the social economic and cultural well-being to the community needs to be recognised. The wharf will help meet the reasonably foreseeable amenity needs of a growing and diversifying population by providing a significant recreation access point to the CMA without compromising the other values of the coastal environment.

There is a functional need for such a structure to be located in the CMA. The advantages of this location (beside its historical connection) include contiguity with the existing boat ramp, proximity to the historic Mangawhai tavern and associated facilities and entertainments (including the weekly Mangawhai Tavern Market), and easy access to Mangawhai Village centre with its commercial and public amenities. The wharf will contribute amenity and capacity to an already popular public area.

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- a) avoid adverse effects of activities on:*
 - i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - v. areas containing nationally significant examples of indigenous community types; and*
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
 - i. areas of predominantly indigenous vegetation in the coastal environment;*
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*

- iii. *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- iv. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- v. *habitats, including areas and routes, important to migratory species; and*
- vi. *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Potential adverse effects on biodiversity have been addressed in the La Bonté Coastal Consultants assessment attached in Appendices 9, 10, and 11, and covered in Section 3 of this report, are not considered more than minor.

Policy 13 Preservation of natural character

- (1) *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
 - a) *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character;*
 - b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
 - c) *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
 - d) *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- (2) *recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
 - a) *natural elements, processes and patterns;*
 - b) *biophysical, ecological, geological and geomorphological aspects;*
 - c) *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
 - d) *the natural movement of water and sediment;*
 - e) *the natural darkness of the night sky;*
 - f) *places or areas that are wild or scenic;*
 - g) *a range of natural character from pristine to modified; and*
 - h) *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

The site is identified in the Regional Policy Statement (PRS) natural character maps as having high natural character values. As assessed in the landscape assessment (Appendix 7), the natural character of the location will not be adversely affected because of the high degree of modification in the existing local environment. The Applicant has adopted a design with almost identical to the original wharf. The structure is to be recessively coloured which, when weathered, will reduce visual impact. Overall it is considered that the natural character of the area will be maintained.

8. OBJECTIVES AND POLICIES OF THE REGIONAL COASTAL PLAN

The second of the two prerequisite “threshold” tests of Section 104D is whether granting consent would be contrary to the Objectives and Policies of the Plan.

The elements of the proposed wharf within the CMA are located within an area identified by the Regional Coastal Plan for Northland (RCP) as a Marine 1 (Protection) Management Area (MM1 Area). The purpose of the MM1 Area is to sustain the values that make these areas important. Activities are allowed in the areas of important conservation value provided there are no more than minor adverse effects on the values of those areas.

Related objectives and policies of the RCP provide for development and implementation of new activities while facilitating the management of any adverse environmental effects. Part IV: Protection Policy and Part V: Use and Development Policy, of the RCP set out the relevant policy framework for coastal permit applications to the Council.

Key objectives and policies of the RCP are as follows:

Section 25. Marine 1 (Protection) Management Area

25.3 Objective

- ix. *The protection of the important conservation values identified within Marine 1 (Protection) Management Areas including their ecological, cultural, historic, scientific, scenic, landscape and amenity values.*
- x. *Subdivision, use, and development in Marine 1 (Protection) Management Areas occurring without adverse effects on the areas’ important values and natural character.*
- xi. *To achieve local community involvement in the identification and protection of the important conservation values (as identified in Appendix 9), and the preservation of the natural character, of areas within the Marine 1 (Protection) Management Area.*

The proposal acknowledges this objective and recognises the preservation of natural character and the protection of the important conservation values identified within the Marine 1 (Protection) Management Area including matters relating to ecological, cultural, historic, scientific, scenic, landscape and amenity values.

25.4 Policies

- xii. *The Council and Consent Authorities will give priority to avoiding adverse effects on the important conservation values (as identified in Appendix 9) associated with an area within any Marine 1 (Protection) Management Area when considering the subdivision, use, development and protection of the Northland Region’s Coastal Marine Area*

It is considered that potential adverse effects on conservation values can be adequately avoided while providing for the proposed development within the CMA.

- xiii. *When considering any coastal permit application within the Marine 1 (Protection) Management Area, to implement the policies in the New Zealand Coastal Policy Statement and in Part IV (Protection Policy) of the Regional Coastal Plan for Northland which are consistent with the purpose of this Marine Management Area*

The proposal has been assessed against the policies in the New Zealand Coastal Policy Statement and Part IV (Protection Policy) of the Regional Coastal Plan and it is considered

that the proposal is consistent with these.

- xiv. Subdivision, use and development proposals within the Marine 1 (Protection) Management Area will be considered appropriate where;*
 - a) the proposal gives rise to a demonstrable public benefit; and*
 - b) there are no practical alternative locations available outside the Marine 1 (Protection) Management Area; and*
 - c) the level of adverse effects on the important conservation values identified as occurring within that particular area are no more than minor.*

The proposal will give rise to a substantial public benefit in terms of creating a structure that will provide significant amenity and recreational value.

- xv. Where the natural character of the coastal marine area is likely to be adversely affected by the effects of activities, the Council and Consent Authorities shall promote and where appropriate require restoration and rehabilitation of natural character within the Marine 1 (Protection) Management Area. Such provision may include financial contributions sought under Section 108 of the Resource Management Act 1991.*

The proposal is assessed as not having significant adverse effects on natural character values.

Section 7 – Preservation of Natural Character

7.3 Objective

The preservation of the natural character of Northland's CMA, and the protection of it from inappropriate subdivision, use and development.

The proposal is assessed elsewhere in this report as appropriate under this general objective.

7.4 Policies

- 1. In assessing the actual and potential effects of an activity to recognise that all parts of Northland's CMA have some degree of natural character which requires protection from inappropriate subdivision, use and development.*

The Wharf is located adjacent to an area of the coastal environment where natural character has been substantially modified.

- 2. As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the CMA including:*
 - a) natural water and sediment movement patterns;*
 - b) landscapes and associated natural features;*
 - c) indigenous vegetation and the habitats of indigenous fauna;*
 - d) water quality;*

The design approach associated with re-establishing the historic wharf has been to avoid and mitigate adverse effects on the landscape and cultural heritage values. No indigenous vegetation will be cleared or removed and the effects on habitats of indigenous fauna and water quality are sought to be avoided.

Section 10 – Public Access

10.3 Objectives

1. *The maintenance and enhancement of public access to and along Northland's CMA except where restriction on that access is necessary.*
2. *The integrated management of vehicular use of beaches, including access to and along the coastal marine area, between administrative agencies, non-governmental agencies and communities.*

Current public access (including boat ramp) to the location will not be affected by the proposal. Rather, it is considered that access to the CMA will be enhanced as a result of the re-introduction of the structure to the locality.

10.4 Policies

1. *To promote, and where appropriate, facilitate improved public access to and along the CMA where this does not compromise the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, Māori cultural values, public health and safety, or security of commercial operations.*

The promotion of public access to the CMA will be retained and enhanced without compromising any area of indigenous vegetation, significant habitats of indigenous fauna, Māori cultural values, public health and safety, or security of commercial operations.

Section 12 – Cultural Heritage Values

12.3 Objectives

1. *The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value within Northland's CMA.*
2. *The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value that exist adjacent to the CMA and may be adversely affected by use and development of the CMA.*

The objectives recognise the need to consider and address any effects on cultural heritage values. The Applicant has recognised the cultural heritage values of the site, discussed these with local hapu and adopted the recommendations contained within the CIA (Appendix 4).

12.4 Policies

3. *In assessing the potential effects of a proposed activity, to identify whether an activity will have an adverse effect on a known site, building, place or area of cultural heritage value within the CMA or on adjoining land.*

Mitigation measures and adopting the recommendations contained within the CIA, these will minimise potential adverse effects of the structure and other associated activities on the cultural values of the harbour.

Section 15 – Natural Hazard Management

15.3 Objectives

1. *The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.*
2. *The avoidance, remediation, or mitigation of the adverse effects of subdivision, use and development on the exacerbation of natural hazards in the CMA.*

Subject to appropriate design and engineering detail at the time of Building Consent, adverse effects of natural hazards will be avoided and will not be exacerbated by the presence of the wharf.

Policies (relevant)

1. *In consideration of coastal permit applications as far as practicable, to ensure*

that use and development, including coastal works, structures and reclamations within the CMA:

- a) are located and designed so as to avoid risk of damage by natural hazards; and,*
- b) cause minimal interference with natural sediment transport processes.*

The proposed Wharf (which has pole pile foundations) has been designed to avoid risk of damage by natural hazard and cause minimal interference with natural sediment processes.

Section 17 – Structures

17.3 Objective

The provision for appropriate structures within the CMA while avoiding, remedying or mitigating the adverse effects of such structures.

As outlined in the application, this report, and other appendices, the proposed structure is considered appropriate in the context of its history, the location, and the recreational and amenity value it will provide to the community. It has been assessed that potential adverse effects will be appropriately avoided or mitigated.

The most relevant policies in respect of this objective are:

Policy 17.4.3:

Within all Marine Management areas, to consider structures generally appropriate where:

- a) there is an operational need to locate the structure within the CMA; and*
- b) there is no practical alternative location outside the CMA; and*
- c) multiple use is being made of structures to the extent practicable; and*
- d) any landward development necessary to the proposed purpose of the structure can be accommodated; and*
- e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable.*

A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

There is an operational need as the structure seeks to provide for more practical and functional access to the CMA for passive recreation and water sport, particularly at low tide. The Wharf will also provide for improved connectivity by providing a linkage by water between the Heads and the Village.

The proposed location, which was the location of the original wharf for over 60 years, is the most practical location, particularly in the context of proximity to the Village Centre and surrounding residential environment.

Multiple use will be made of the wharf for which no landward development is necessary as there are existing amenities with village centre in close proximity.

Policy 17.4.4

Notwithstanding Policy 3, within Marine 1 and Marine 2 Management Areas, to assess applications for new structures, with particular reference to the nature of and reasons for the proposed structures in the coastal marine area and to any potential effects on the natural character of the coastal marine area, on public access, and on sites or areas of cultural heritage value.

The purpose of the proposed structure has been set out and it has been assessed that the natural character of the CMA, cultural value and public access will be maintained.

Policy 17.4.7

In assessment of coastal permit applications to promote the integrated management of structures and their associated activities where these traverse the landward coastal marine area boundary.

The area landward of the proposed location, including Moir Street and the Mangawhai Tavern, integrates well with a wharf structure at this location. There is an existing boat ramp adjacent, plenty of parking, with the amenities of the tavern are available, and Mangawhai Village commercial centre a 600m walk away.

Policy 17.4.8

In assessment of coastal permit applications to require that all structures within the CMA are maintained in good order and repair and that appropriate construction materials are used.

Consent conditions can require that the wharf is maintained in good order and repair to insure it remains fit for purpose. The Application document and Appendix 2 provide the reassurance that the provisions of the Trust provide for that.

Summary – Objectives and Policies

Having regard to the relevant objectives and policies of the Plan, the proposal is considered to be of an appropriate scale, intensity and character in terms of its location within the CMA.

It is considered that the proposal will not compromise the coastal nature of the surrounding environment and will maintain and enhance the amenity values of the site and surrounds.

The assessment of the proposed subdivision carried out in the previous section of this report also demonstrates that the proposed activity will be in accordance with the relevant objectives and policies.

9. CONCLUSION

The Applicant seeks coastal permit consent to re-establish the Mangawhai Wharf in its historic location at the end of Moir Street, Mangawhai Village.

The layout, character and scale of the development will ensure that the completed Wharf will complement the site's natural features, history and existing environment and not overwhelm them or result in a loss of amenity. In fact, the proposal will enhance the amenity and recreational values of the community and provide an important focal point for the access to and use and enjoyment of the CMA.

The relevant objectives and policies outlined in the NZCPS, RPS, RCP and RWSP have been assessed and the proposal is not considered to be contrary to these.

The proposal will give effect to Part 2 of the Act by:

- *Enabling the community to develop the site in a manner which will contribute to the social and economic wellbeing of the community, by providing for increased recreational and amenity value;*
- *Enabling the Applicant to develop the site in a way that will assist in providing for the reasonably foreseeable needs of future generations by providing important infrastructure;*
- *Providing for the efficient use and development of the valuable natural and physical resource represented by the coastal open space while supporting sustainable development principles.*

It is my assessment that the proposed development is appropriate having regard to the relevant tests within Section 104D of the Act, notably that the proposal will not result in adverse effects that are more than minor and is consistent with the objectives and policies of the Regional Coastal Plan.

The sites physical characteristics and historical context provide the site with the required attributes, that when combined with the careful design of the structure, will allow for the development without it generating any adverse effects that are more than minor on the natural and physical environment.

The proposed development has significant positive attributes and it is considered that the development will not generate any significant adverse effects that cannot be avoided or mitigated through appropriate conditions of resource consent.

Overall the proposed activity represents an effective and efficient use of the coastal resource and is a sustainable development.

Signed for and on behalf of the Applicant



Jackson Worsfold

Planner