

NORTHLAND REGIONAL COUNCIL
RESOURCE MANAGEMENT ACT
HEARING OF RESOURCE CONSENT APPLICATION APP.040213.01.01 BY THE
MANGAWHAI HISTORIC WHARF TRUST
MINUTE #3A OF THE HEARING COMMISSIONERS

1. The hearing of resource consent application APP.040213.01.01 by the Mangawhai Historic Wharf Trust was adjourned on Wednesday 23 September 2020 to enable the following processes to occur:
 - i. The provision of information requested during the hearing;
 - ii. Further expert conferencing between the independent planning witnesses and provision of a second joint witness statement; and
 - iii. Provision of a written right of reply from the Applicant.
2. Since the adjournment, we have been provided with some of the further information requested during the hearing, except the following:
 - i. The Applicant to provide photo montage(s) showing the wharf structure from Mr Goodwin's property at high and low tides;
 - ii. Ms McGuire to provide confirmation of the mechanism enabling the Kaipara District Council dog control bylaw to apply to the Coastal Marine Area, including the foreshore area surrounding the application site;
 - iii. Ms McGuire to provide further comments on the need for a bond or surety in the event the structure is abandoned or the Trust dissolves; and
 - iv. Ms McGuire to provide comment from the Harbourmaster on potential navigation safety issues (including enforcement) associated with the increased motorised recreational use of the upper harbour in all tide conditions, safety issues (if any) associated with use of the wharf and pontoon for launching non-motorised boats, and safety issues (if any) associated with vessels approaching the structure under different tidal conditions.
3. The function of this Minute is to formally direct further planning witness conferencing, set timeframes for the provision of a second joint witness statement, and any outstanding further information; and, subsequently, set out the process for provision of the Applicant's written right of reply.
4. We direct that Ms McGuire, Mr Chandra, and Ms Kirk conference (by way of the internet or phone) as soon as possible, with the aim of providing a second joint witness statement specifically addressing the following matters:
 - i. Identification of the key objectives and policies of the RCP and PRP that are relevant to the section 104D RMA second 'gateway' test, and conclusions reached whether the application is contrary to any of these individually and 'in the round' as a whole (including reasons why and differences of opinion should they exist);

- ii. Identification of the relevant objectives and policies of the NZCPS, RPS, RCP, and PRP; and conclusions on whether the application is consistent with, inconsistent with, or contrary to these provisions individually and 'in the round' as a whole (including reasons why and differences of opinion should they exist). Advice on the relative weightings these provisions should be afforded compared to the provisions of the other statutory planning documents should also be provided; and
 - iii. Identification of the relevant provisions of Te Uri o Hau Kaitiakitanga o te Taiao (Iwi Management Plan for Te Uri o Hau) and conclusions on whether the application is consistent with, inconsistent with, or contrary to these provisions individually and 'in the round' as a whole (including reasons why and differences of opinion should they exist); and
 - iv. Consideration of permitted activity Rule 31.3.2 of the operative RCP and its relevance to recreational activity on the foreshore associated with use of the wharf, including implications of enabling potentially prohibited activities to occur.
5. We remind the planning witnesses that their primary duty and obligation is to assist us impartially on relevant matters within their area of expertise and of the need to avoid advocacy for the party who has engaged them. We direct that a second joint witness statement be provided no later than **4 pm Friday 9 October 2020**.
 6. We direct that the further information set out in paragraph 2 above be provided by **4 pm Friday 9 October 2020**.
 7. On receipt of the above further information, we will direct the provision of the Applicant's right of reply by way of a further minute.
 8. If any party wishes to seek further clarification in relation to this Minute or the hearing process please contact Ms Sluys in the first instance, by email: alissas@nrc.govt.nz or phone 09 470 1200.

DATED 28 September 2020



Sharon McGarry (Chair)
On behalf of the Hearing Commissioners