

# NORTHLAND REGIONAL COUNCIL

## HEARINGS COMMITTEE AGENDA

**APPLICANT:** Mangawhai Historic Wharf Trust

**APPLICATION NO.:** APP.040213.01.01

**HEARING COMMENCEMENT:** 9.30 am, Monday, 21 September 2020

**VENUE:** The Mangawhai Club at 219 Molesworth Drive, Mangawhai Heads

**COMMITTEE:** Sharon McGarry (Chair)  
Dr Rob Lieffering

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### SUBMISSIONS

Copies of all submissions have been provided to the Hearings Committee under separate cover.

**NOTE:**

*All pre-circulated material, including the agenda and written submissions, is taken as read at the hearing.*

## NORTHLAND REGIONAL COUNCIL HEARING PROCEDURES

### PRIOR TO THE HEARING

- (1) The receipt of this hearing agenda does not preclude the possible resolution of any issues that were unresolved at any pre-hearing meeting before the date of the hearing. Discussions between Council staff, the applicant, and any person who made a submission may still take place, with a view to resolution or clarification of any outstanding issues.
- (2) Any outcomes of any pre-hearing meetings will be reported to the Hearings Committee in staff reports.

### EVIDENCE

If you intend to, at the hearing, read any additional evidence that expands on your evidence already provided to the Committee with the hearing agenda, please provide at least ten copies for circulation amongst those present at the hearing. It is normal for pre-circulated evidence to be taken as read at the hearing. No new submissions will be accepted at the hearing.

### THE HEARING

- (1) The Chairperson opens the proceedings by introducing the Committee and asking the parties to introduce themselves and their witnesses. The hearing procedure is to be as informal as possible but must, where appropriate, recognise tikanga Māori.
- (2) The Council's officer may be asked by the Chairperson to briefly outline the application, describe the area and provide any other background information considered essential at this stage.
- (3) The Council officer's report and recommendation is to be taken as read, but the officer may give additional verbal or written comments arising from earlier responses to the circulated hearing agenda.
- (4) Applicants expand on their application material and produce any evidence not pre-circulated, adding any comments on the officer's verbal statements.
- (5) Submitters expand on their pre-circulated submissions and produce any evidence not pre-circulated, adding any comments on the previous statements by the applicant or by the Council's officer.
- (6) Normally only Committee members may question (through the chair) any of the parties to the application. **Any question** (as opposed to comments) **by any party shall be in writing** and given to the Chairperson for consideration as to whether it shall be put to any party. No cross examination will be allowed.
- (7) Prior to the applicant exercising a right of reply, the Council's officer shall answer questions raised in material presented by the applicant and the submitters, and shall state any changes to his or her original recommendation.
- (8) The applicant exercises a right of reply, taking the opportunity to cover matters raised by the Council's officer and submitters.
- (9) The Chairperson will then either close or adjourn the hearing and then:
  - If the hearing is closed, the decision will be notified to the applicant and the submitters within 15 working days or such extended time as may be determined under Section 37 of the Act.
  - If the hearing is adjourned the reasons for the adjournment will be given (eg. further information required, the applicant's Right of Reply yet to be given etc) together with the length of time of the

adjournment. Note that if the hearing is adjourned after the applicant's right of reply has been exercised, the hearing must be concluded within 10 working days after the right of reply has been exercised. At the end of the adjournment, the hearing will be concluded and the decision will be notified to the applicant and the submitters within 15 working days of the date of conclusion or such extended time as may be determined under Section 37 of the Act.

- The hearing will be recorded for quality assurance purposes only (a sound file copy of the recording may be obtained from the Hearings Administrator).

# NORTHLAND REGIONAL COUNCIL

## STAFF REPORT

<b>APPLICATION NO.:</b>	APP.040213.01.01
<b>REPORT BY:</b>	Katie McGuire Consents Officer – Generalist
<b>SUB APPLICATION NOS.:</b>	<p><b>APP.040213.01.01</b> Place, use and occupy space in the coastal marine area with a wharf facility inclusive of a wharf, a building, a gangway, pontoon and piles.</p> <p><b>APP.040213.02.01</b> Disturb the foreshore in the coastal marine area during the construction of the wharf facility.</p>
<b>APPLICANT:</b>	Mangawhai Historic Wharf Trust
<b>NATURE OF ACTIVITY:</b>	Proposal to construct a wharf facility in the coastal marine area. The proposed wharf facility will consist of a piled timber wharf structure with a building located at the head of the wharf. A gangway will extend from the head of the wharf to a floating concrete pontoon secured with four piles. The application also includes disturbance of the foreshore with the use of heavy machinery in the coastal marine area during construction.
<b>LEGAL DESCRIPTIONS:</b>	Coastal Marine Area – Mangawhai Estuary.
<b>LOCATION CO-ORDINATES:</b>	At and about location co-ordinates 1742271E 6001210N <i>Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.</i>
<b>LOCALITY:</b>	Mangawhai Estuary, Moir Street, Mangawhai Village.
<b>DURATION OF CONSENT SOUGHT:</b>	The applicant has requested the maximum term of consent (35 years).
<b>RELEVANT STATUTORY PLANNING INSTRUMENTS:</b>	<ul style="list-style-type: none"> <li>▪ New Zealand Coastal Policy Statement (NZCPS).</li> <li>▪ Regional Policy Statement for Northland (RPS).</li> <li>▪ Proposed Regional Plan for Northland (PRP).</li> <li>▪ Regional Coastal Plan for Northland (RCP).</li> <li>▪ Resource Management Act 1991 (RMA).</li> </ul>

**ACTIVITY LOCATION**

- RCP – Marine 1 (Protection) Management Area (M1MA).

**CLASSIFICATION:**

- PRP – General Marine Zone.

**ACTIVITY CLASSIFICATION:**

Consent Type	For	Detail	Classification
APP.039149.03.01 Coastal Permit	<ul style="list-style-type: none"> <li>▪ Structures – Wharf Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Place, use and occupy space in the coastal marine area with the wharf facility.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Non-complying activity in accordance with Rule 31.3.4(m) and Rule 31.3.4(t) of the RCP.</li> <li>▪ Discretionary activity in accordance with Rule C.1.1.21 of the PRP.</li> </ul>
APP.039149.04.01 Coastal Permit	<ul style="list-style-type: none"> <li>▪ Disturb Foreshore</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disturb the foreshore in the coastal marine area during construction.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discretionary activity in accordance with Rule C.1.1.21 of the PRP.</li> </ul>

Rule C.1.1.21 of the PRP is currently under appeal, and as the most restrictive activity status applies, the application is to be processed as a non-complying activity.

## 1. ACTIVITY DESCRIPTION

1. The application is to place, use and occupy space in the coastal marine area of Mangawhai Estuary with a wharf facility. The proposed wharf is to be constructed at the north-eastern terminus of Moir Street, Mangawhai adjacent to the existing Moir Street boat ramp. The proposal also includes the incidental disturbance of the foreshore during construction with the use of heavy machinery in the coastal marine area at low tide.
2. The proposal is to re-construct the historic Mangawhai wharf which was constructed in the 1880s and which occupied the site until the 1950s, when it was demolished. The structure had fallen into a state of disrepair following a decline in commercial use of the wharf. The design of the proposed new wharf facility is based on plans of the structure from the 1920s that include details of the original location, dimensions and materials as well as site investigation and photographic records. The design of the proposed wharf facility and construction methodology is detailed in Appendix 2 of the application documentation. A site plan showing the location and extent of the proposed wharf facility is provided in Figure 1.
3. The proposed wharf facility consists of a piled timber wharf structure that will extend 101 metres into the coastal marine area. Piles of 300 millimetres in diameter will be placed to support the main wharf structure with a spacing of 4.5 metres. An elevated 3 metre wide walkway, 90 metres in length, leads to the head of the wharf, which will have dimensions of 10.9 metres long and 12 metres wide. A building with dimensions of 7 metres by 6 metres by 3.1 metres high at its apex is proposed to be constructed on the wharf head. The building will be timber framed with external weather boards and a corrugated iron roof. The structure will be supported by two gable walls north and south with the eastern and western ends open. A gangway 14 metres long will extend from the head of the wharf to a 12 metre by 4 metre floating concrete pontoon secured in position by four piles. Lighting of the proposed wharf will include that required for navigation safety as well as solar powered down facing LED pedestrian lighting with timed motion sensors.
4. The proposed wharf is to be of a similar design and size of the historic structure, however, the design has been updated to avoid disturbance of the remnants of the piles and groyne associated with the historic wharf and account for current building standards and modern materials. The proposed building at the head of the wharf was previously utilised as a storage and changing shed, however, it is proposed to instead install a shelter and display area. The proposed shelter will occupy a smaller footprint (approximately 40 percent of the original shed) and will contain seating and educational information on Mangawhai's history and shorebirds. The application states that the proposed pontoon will be re-positioned further to the south-east and will be larger than the original pontoon. Details of the position and size of any pontoon associated with the historic wharf were not included in the application and the presence of a pontoon was not evident in the original blue prints of the wharf (included in Appendix 2 of the application) nor in any of the historic photographs provided with the application. The purpose of the new pontoon is to incorporate safe access for those with limited mobility (by reducing the gradient of the gangway at low tide) as well as to allow for additional space for recreational users.

5. Construction of the wharf facility is proposed to be undertaken between March and September for a duration of approximately 20-25 weeks. Pile driving can be undertaken with the use of a floating pile driving system at high tide and from heavy machinery operating accessing the coastal marine area via Moir Street at low tide. Construction of the decking of timber walkway can be undertaken during all tides from deck level. Construction within the channel can be undertaken from deck level or via a floating platform where required. The construction methodology includes details of 'minor landscaping' of the adjacent bank which connects to the landward end of the wharf. Earthworks is not included as part of this application and any land disturbance would be required to be undertaken in accordance with the permitted activity rules for earthworks under the Regional Water and Soil Plan for Northland (RWSP) and the PRP.

## 2. SITE DESCRIPTION

6. The proposed works are located in the coastal marine area (CMA) of the Mangawhai Harbour Estuary. The location of the proposed wharf is identified in Figure 1. The proposed wharf facility is to be located at the end of Moir Street with the landward end of the wharf connecting to the council road reserve adjacent to an existing boat ramp. The adjacent land on the northern side of Moir Street is occupied by the Mangawhai Tavern, a registered Category II historic building. Aside from the tavern, the surrounding area is predominantly residential. The main town centre is approximately 400 metres to the south-west of the site of the proposed wharf. Landward development to the south and north of Moir Street is mostly screened by a buffer of vegetation including mature pōhutukawa trees along the CMA boundary. Small areas of salt marsh are present on both sides of the landward end of the footprint of the proposed wharf structure, however, no salt marsh was identified within the proposed wharf footprint.
7. The benthic substrate within the footprint of the proposed wharf is described as a hardpan covered by a thin (approximately 50 millimetre) layer of sand, shell, mud and oyster covered rock and rubble. The shallow intertidal flat extends approximately 80 metres to a channel of the Mangawhai Estuary which is bordered by the two historic groin structures. The footprint of the proposed wharf contains the remnants of the historic Mangawhai wharf which is registered by Heritage New Zealand Pouhere Taonga as an archaeological site (R08/222). The area of the coastal marine area within the footprint of the proposed wharf and a small area of the adjacent land has been identified by the RPS and PRP maps as having high natural character values as identified in Appendix 2 of this report. The coastal marine area in this location has also been identified by the PRP maps as a significant bird area and a significant marine mammal and seabird area. The Mangawhai sandspit is approximately 2.2 kilometres to the north east of the head of the proposed wharf. The Mangawhai sandspit has been identified by the RPS as an outstanding natural feature (ONF), an outstanding natural landscape (ONL) and as having outstanding natural character values. The Mangawhai sandspit has also been identified as an ONF by the PRP maps.



**FIGURE 1: Proposed Mangawhai wharf location.**

8. Other coastal structures in the vicinity of the proposed wharf include a kayak ramp and stairs 130 metres to the north-west, two swing moorings 250 metres and 400 metres to the north-west, two hard protection structures (groins) 290 metres and 340 metres to the south-west, the back bay jetty and walkway 900 metres to the north-west and a consented board walk facility (not yet constructed) between 850 and 950 metres to the north-west. The Moir Street boat ramp immediately to the south of the proposed wharf does not appear to have been previously authorised. A consent for mangrove removal and associated foreshore disturbance and deposition includes an area of mangrove forest approximately 300 metres north and 300 metres south-east of the proposed wharf.

### 3. NOTIFICATION AND SUBMISSIONS

9. The application was lodged on 5 July 2018. Following an initial assessment, the following information was requested under Section 92 on 3 August 2018.
- (a) A detailed assessment of the effects of the construction and use of the wharf facility on birds that utilise the area as habitat and feeding grounds (in particular the critically endangered fairy tern/tara iti (*Sternula nereis*). This information was requested in order to assess the potential adverse effects of the short-term disturbance of birds during construction, and potential effects of long-term disturbance of bird habitat and feeding areas that may arise from increased use of the area by vessels using the wharf facility.
  - (b) A further ecological assessment of the benthic habitat within the construction footprint of the wharf facility. This information was requested as the ecological report which was provided with the application was over 16 years old and covered a broad area of the harbour so was not necessarily representative of the site or the current habitat values within the harbour.



10. The information requested was provided by the applicant on 25 January 2019. After being advised the application would be publicly notified, the applicant requested the application be placed on hold until additional fundraising for to cover the costs of the application could be undertaken. The applicant provided amended application documentation on 7 April 2020 which included a review of the original reports and the information that was requested by the council under Section 92.
11. The application was publicly notified on 25 May 2020 (following a reduction to Alert Level 2 under New Zealand’s COVID 19 Alert System), and the submission period closed on 23 June 2020. A total of 227 submissions were received with 196 submissions in support and 31 opposed. Thirty-seven (37) submitters indicated a wish to be heard. There were five submissions received by the council after the submission period closed on 23 June 2020. Four of the late submissions were accepted by the council under Section 37 of the Act. One submission was rejected by the council due to the length of time (nine working days) that had passed since the submission period had closed and because the submission did not raise any issues not already raised by other submissions. A table of submissions is attached as Appendix 1 and a summary of the key matters raised in the submissions is included below:
12. The key matters raised by submitters in support of the application include the following:
  - Increased amenity and recreation;
  - The proposed wharf will provide a link to Mangawhai’s history;
  - Improved access to the coastal marine area in the upper harbour;
  - Potential benefits to the local economy and businesses due to an increase in tourism in the area.
13. The key issues raised by submitters in opposition of the application include the following:
  - Adverse effects of the construction and use of the wharf facility on bird and marine life, particularly on the fairy tern;
  - Adverse effects of the use of the wharf on land-based facilities such as traffic, parking and public toilet facilities;
  - Adverse effects of the presence of the wharf on visual amenity and natural character.

## 4. ISSUES IN CONTENTION

### 4.1 Adverse Effects on Bird and Marine Life

14. A number of submissions raised concerns relating to potential adverse effects of bird and marine life as a result of the construction and use of the proposed wharf facility. There are a number of bird species that use the area within and adjacent to the proposed wharf footprint for feeding. Some of these species are listed as ‘threatened’ or ‘at risk’ by the New Zealand Threat Classification System (NZCTS). The New Zealand Fairy Tern is listed as Nationally Critical which the highest level of risk under the

NZCTS. Given the presence of these bird species, a number of submitters have stated that the proposal is not consistent with the policies of the NZCPS, particularly Policy 3 and Policy 11.

15. Submissions highlighted that Fairy tern feed on fish which they primarily hunt within shallow waters of channels around low tide in calm, clear conditions. At least one fairy tern breeding pair are known to feed within the channel adjacent to the wharf and fairy tern are described as territorial, which will reduce their ability to adapt to any disturbance. Concerns have been raised by submitters that the disturbance of the fairy tern feeding, particularly at low tide as a result of an increase in the number of vessels, people and dogs in the area will adversely affect the ability of fairy tern to feed and subsequently reduce the likelihood of successful breeding. Extinction of the fairy tern has been raised by submitters as a possibility given their sensitivity to disturbance and their low numbers. The use of treated timber and the potential leaching of contaminants into the coastal marine area potentially impacting the food chain of bird species has also been raised as a concern.

#### **4.2 Adverse Effects on Land-based Facilities and Nearby Residents**

16. A number of submissions have raised the following concerns regarding the ability of existing infrastructure to cope with the increased use of the area that may be generated by the presence of the wharf. The Mangawhai area is a popular tourist destination and has seen an increase in residential development over recent years including new subdivisions in the vicinity of the proposed wharf. The proposed wharf is located at the end of a dead-end street with limited public parking available. The nearest public toilets are located in Mangawhai Village which is approximately 400 metres away from the proposed wharf. Nearby residents have also raised concerns relating to increased traffic congestion and noise associated with the increase in the use of the area.

#### **4.3 Adverse Effects on Visual Amenity and Natural Character**

17. A number of submissions have raised concerns regarding the adverse visual effects occurring as a result of the presence and use of a wharf in this location. The 'industrial' design of the wharf has been described as being inappropriate for the Mangawhai Estuary and concerns have been raised regarding the impact of the structure on the view from adjacent properties and the potential impacts on property values. A number of submitters have also raised concerns about the effects of light pollution within the estuary as a result of lighting on the wharf at night.

### **5. SECTION 104 OF THE RESOURCE MANAGEMENT ACT**

18. In considering an application for resource consent, the council is required, under Section 104 of the Act, to have regard to a range of matters as may be relevant in the case of a particular application. The matters to be had regard to under Section 104(1) that are directly relevant to this application, are:
  - Section 104(a) – Any actual and potential effects on the environment of allowing the activities; and

- Section 104(b) – Any relevant provisions of:
  - (i) The New Zealand Coastal Policy Statement 2010 (NZCPS);
  - (ii) The Regional Policy Statement for Northland (RPS);
  - (iii) The Regional Coastal Plan for Northland (RCP);
  - (iv) The Proposed Regional Plan for Northland (PRP).
 and;
- Section 104(c) – Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

## 6. SECTION 104(1)(A) ASSESSMENT OF EFFECTS

### 6.1 Effects on Water Quality

19. Disturbance of the foreshore and seabed associated with the construction and maintenance of the wharf structure may result in localised effects on water quality. These effects will be temporary, occurring only for a short duration during the works and adverse effects will be no more than minor. Disturbance during construction will be mostly limited to pile driving activities. Limiting the works to low tide when the foreshore is exposed and utilising floating platforms where necessary will ensure adverse effects associated with the works are minimised.
20. Disturbance of the foreshore and seabed associated with the construction and maintenance of the wharf structure may result in localised effects on water quality. The construction methodology provided in Appendix 2 of the application documentation identifies that piling activities will be undertaken on the foreshore by heavy machinery during low tide periods and from a barge/floating platform during high tides or in deeper water closer to the channel. These effects will be temporary, occurring only for a short duration during the works and adverse effects have been assessed by the Assessment of Environmental Effects provided in Appendix 8 of the application documentation as being no more than minor. Disturbance during construction will be mostly limited to pile driving activities when machinery is being moved across the foreshore or during the driving or drilling required to place the piles. Limiting the works on the foreshore to low tide when the foreshore is exposed and utilising floating platforms where necessary will ensure adverse effects associated with the works are minimised. To further mitigate potential adverse effects on water quality conditions of consent can be imposed to install floating silt screens around the construction area.

### 6.2 Habitat/Ecological Effects

21. An assessment of the benthic habitat within the construction footprint along with an assessment of the potential adverse effects of the proposal on bird habitat and feeding areas was prepared by Bioreserches and provided by the applicant as requested by the council under Section 92.

### 6.2.1 Effects on Benthic Habitat/Ecology

22. Benthic biota core sampling was undertaken by Biosearches at six locations within the footprint of the wharf walkway and a further three samples within the footprint of the head of the wharf. The results of sampling within the construction footprint is described in Appendix 9 of the application documentation. The sampling indicated low diversity and low abundance of species present in this location with cockles, nereid worms, spionid worms and sea anemones the most abundant. The use of heavy machinery in the coastal marine area and the placement of the piles associated with the wharf construction will likely cause the mortality of some of the marine invertebrate species present. These effects will be temporary, and the species will likely repopulate the area within a relatively short period of time by natural recruitment. Given the temporary nature of effects, relatively small area of disturbance in relation to the wider habitat available as well as the lack of diversity and abundance of species present at the site, the effects of the proposal on benthic habitat and ecology will be less than minor.

### 6.2.2 Effects on Coastal Birds

23. The Mangawhai Harbour has been identified as an important feeding ground for the fairy tern/tara iti, listed by the NZTCS as Nationally Critical with less than 40 birds remaining. The fairy tern shallow plunge dive and mostly feed along the edges of harbour channels, in shallow edges and pools. Fairy tern breeding is concentrated at the Mangawhai Heads sand spit, approximately 2 kilometres from the proposed wharf location.
24. Fairy tern generally breed between October to January with chicks fledged by March, however, they generally return from their post-breeding sites from June to July to gain breeding condition ahead of the main breeding season. Fairy terns breed regularly at four sites in Northland and Auckland, and occasionally at a fifth site (Te Arai). Mangawhai Harbour is the most important site with six of the nine breeding pairs in the 2019-2020 season. Each breeding pair is approximately 10% of the population and on average 50% of the breeding pairs nest at Mangawhai.
25. Other coastal birds classified as 'threatened' and 'at risk' by the NZTCS are also known to feed on the adjacent mudflats including the caspian tern, eastern bar-tailed godwit, red-billed gull, variable oyster catcher, northern New Zealand dotterel and the royal spoonbill.
26. An assessment of the potential adverse effects of the proposal on coastal birds as a result of the construction and use of the wharf facility was undertaken by Biosearches and is included in Appendix 9 of the application documentation. An overview of the assessment of effects was also prepared by Green Inc Limited and is included as Appendix 10 of the application documentation. Overall the Biosearches report indicated the adverse effects associated with the construction of the wharf facility would have a minor temporary effect on coastal birds and the suggested the avoidance of works during the fairy tern breeding season. The Biosearches assessment indicated that the use of the wharf by vessels at low tide would unlikely have a 'significant' adverse effect on coastal birds (excluding fairy tern). However, the assessment on the potential adverse effects of additional vessels using the channel at low tide on fairy tern feeding was inconclusive and was noted to be a 'significant deficiency in the information available'.

27. Council Biodiversity Advisor, Katrina Hansen has reviewed the expert reports and submissions relating to shore birds and has prepared a statement of evidence on the potential adverse effects of the construction and use of the proposed wharf facility, particularly on fairy tern. Ms Hansen and I undertook a site visit for approximately one hour at low tide on 17 August 2020. Ms Hansen's evidence including details of site visit observations are included as Appendix 3 of this report.
28. I agree with and adopt the key conclusions included in Ms Hansen's evidence. The potential adverse effects associated with the construction of the wharf facility on coastal birds are likely to be no more than minor provided conditions of consent is limit construction activity to a period between 1 April to 31 July. Additionally, prior to the commencement of any construction, conditions can require the construction area, including the adjacent channel to be surveyed by a suitably qualified individual to confirm the presence or absence of fairy tern feeding in the vicinity of the construction area, including the adjacent channel and if fairy terns are present then construction activities should not commence.
29. The use of the proposed wharf facility will adversely affect the feeding ability of the fairy terns and, in turn, their ability to breed successfully. Any activity that has the potential to disrupt the established territory and feeding patterns of fairy tern is likely to further reduce their productivity and subsequent ability to maintain the population. Given the low numbers and threat status of fairy tern population, and their sensitivity to disturbance and displacement the effect arising from the presence and use of the proposed wharf are likely to be significant (more than minor).

### **6.3 Effects on Natural Character/Landscape Values/Visual Amenity**

30. A landscape and visual assessment of the proposal was prepared by Dream Planning on behalf of the applicant and was reviewed by the same landscape architect (Evolve Planning) in March 2020 prior to notification of the application. The report has assessed the effects of the proposed wharf facility in this location on natural character, landscape and seascape values and visual amenity and is included in the application documentation as Appendix 7.

#### **6.3.1 Natural Character Effects**

31. The coastal marine area of the estuary as well as a small portion of the adjacent reserve has been identified as having high natural character values. The Dream Planning report assessed the potential adverse effects of the wharf on the perceived naturalness and natural character of the site and the wider area as moderate to low (minor). The modification of the surrounding environment including the existing landward development, remnants of the original wharf, existing coastal structures and moorings as well as activities associated with the adjacent tavern have reduced the sensitivity of the site and the natural character values in this location. The existing line of pōhutukawa trees along the shoreline which will maintain some level of perceived naturalness are not proposed to be removed. Proposed mitigation measures include recessive colouring of the structure, appropriate lighting design to minimise light spill and avoiding adjacent areas of salt marsh during works.

### 6.3.2 Landscape and Visual Amenity Effects

32. The Dream Planning assessment included a visual representation of the wharf from multiple viewpoints around the estuary. The assessment concluded that the site and the wider landscape and seascape has capacity to absorb the visual change without causing significant adverse effects. Overall the adverse effects of the introduction of the wharf on landscape and seascape values were assessed as moderate to low (minor). While the wharf will represent a visual change within the estuary, the design of the wharf and building will be consistent with the adjacent heritage building and the historic character of this location. Pedestrian lighting is proposed to be down facing and low profile to reduce visibility and minimise light spill and is likely to be comparable to the effects of light spill from the outdoor area of the adjacent tavern.

### 6.3.3 Summary

33. The effects of the proposed wharf facility on natural character, landscape values, seascape values and visual amenity in this location have been assessed by the Dream Planning report as being no more than minor. I agree with this assessment for the following reasons. The area of coastal marine area within the footprint of the proposed wharf and a small area of the adjacent land has been identified by the RPS and PRP maps as having high natural character values. There are no outstanding natural features (ONF) or outstanding natural landscapes (ONL) in the vicinity of this location with the closest being the Mangawhai Sandspit which has also been identified by the RPS maps as having outstanding natural character values. Given the Mangawhai Sandspit is over 2.2 kilometres to the north-east of the application area and largely screened from the application area by land, the proposed wharf will not adversely affect the outstanding values of the Mangawhai Sandspit.
34. The proposed wharf facility will be constructed largely within the footprint of the original structure and be of a similar design, however, as the wharf has not occupied this location for over 50 years, the introduction of the wharf will result in a visual change to the existing environment. Given the modified nature of the site including land-based development and existing structures within the estuary, the wharf facility is not considered to be an inappropriate addition in this location. If consent is granted, a condition of consent should be included to ensure the proposed shelter building is left open on the eastern and western ends, as proposed, to minimise the obstruction of views of the estuary from the adjacent land. Consent conditions can also require any exposed portions of the wharf to be recessively coloured and any lighting that is not required for navigation purposes to be low profile, shielded and facing downwards and inwards to minimise light spill into the estuary.

## 6.4 Archaeological/Historic Sites

35. A preliminary archaeological assessment was prepared by Dr Moira Jackson and provided with the original application. This assessment was updated and reviewed in February 2020. The applicant has also engaged a marine archaeologist, Andrew Dodd whose recommendations were included in the updated application documentation. The location of the proposed wharf is located within the footprint of the original wharf which is a registered archaeological site (R08/222). The remains of the wharf structure including old piles and rubble can be observed at low tide.

36. There are also several known archaeological sites in the vicinity of the works including the site of a 19<sup>th</sup> century accommodation house (R08/224) and several midden sites (R08/216, R08/217 and R08/218). The historic accommodation house site is within 20 metres of the proposed works on the opposite side of the existing boatramp, however, it is outside the footprint of the proposed works, should be able to be avoided during construction. The nearest identified midden site is approximately 50 metres away from the proposed wharf site and is not within the footprint of the proposed works.
37. The recommendations by Dr Moira Jackson and Andrew Dodd both included the requirement for the applicant to apply for a General Archaeological Authority from Heritage New Zealand Pouhere Taonga (HNZPT) under the Heritage New Zealand Pouhere Taonga Act 2014. If resource consent is granted a condition of consent should be included requiring the Consent Holder to obtain the required authority from HNZPT and provide a copy to the council prior to the commencement of works.

## 6.5 Cultural

38. The coastal marine area of the Mangawhai Harbour which includes the application area is identified as a statutory acknowledgement area for Te Uri o Hau and Ngāti Manuhiri. Neither Te Uri o Hau nor Ngāti Manuhiri have made a formal submission on the application, however, Environs Holdings Limited (a subsidiary of Te Uri o Hau Settlement Trust) have prepared a Cultural Impact assessment (CIA) to accompany the application which was reviewed and amended in March 2020 ahead of public notification of the application.
39. Potential issues raised in the CIA include potential disturbance of archaeological sites during works and the disturbance of live oysters which were identified on loose rocks within the construction footprint. Te Uri o Hau have indicated they support the proposal provided the below recommendations are adhered to:
- A copy of the conditions of consent to be circulated to Te Uri o Hau;
  - Kaitiaki attendance at any pre-construction site meeting;
  - The relocation of live oysters from within the construction footprint to an area of the coastal marine area not affected by the construction ahead of works;
  - Undertake Kaitiaki cultural monitoring during works;
  - The applicant should liaise with Heritage New Zealand Pouhere Taonga ahead of works to assess the potential impact on archaeological values;
  - Consultation with Te Uri o Hau regarding the placement of appropriate cultural markers (for example carvings);
  - Te Uri o Hau tribal elders pre-dawn ceremonial blessing prior to or as part of official opening of the wharf.
40. As stated on page 17 of Appendix 3 of the application documentation, the applicant is willing to adopt the recommendations included in the CIA. As discussed in Section 6.4 of this report, should consent be granted for the proposal a condition should be included requiring the applicant to obtain and provide a copy of the required authority from Heritage New Zealand Pouhere Taonga to the council prior to the commencement of works. A condition can also be included regarding the

identification and relocation of live oysters prior to works. If the recommendations of the CIA are adhered to then adverse effects associated with the construction and ongoing presence of the proposed wharf facility on cultural values can be considered to be no more than minor.

## 6.6 Public/Recreational Access

41. Pedestrian access to the coastal marine area is available at the end of Moir Street and will not be impeded by the presence of the proposed wharf. Once constructed, there will be sufficient space for pedestrians in the coastal marine area to walk under the structure at low tide and the wharf will be able to be crossed over at high tide. The pontoon structure associated with the wharf will facilitate public access to the CMA by providing temporary berthing of vessels for the loading and unloading of passengers. The physical presence of the proposed wharf will have a minor adverse effect on public access along the coastal marine area and will improve access to the coastal marine area.
42. The adjacent boat ramp will be available for use during and following the construction of the wharf facility. The applicant has advised that access to the landward and seaward ends of the boat ramp will not be blocked off during works and construction materials will be stored nearby so as not to interfere with the launching of recreational vessels at this location during works. However, there may be temporary vehicle restrictions from the landward end of the ramp during loading and unloading of construction materials during the works for short periods. Access to the coastal marine area in the area immediately surrounding the wharf footprint may be restricted during construction of the wharf for health and safety reasons. This will be for a relatively short duration, during works and the effects on public access to or along the CMA will be no more than minor.

## 6.7 Navigation

43. The head of the wharf will terminate within a channel of the Mangawhai estuary, however, there is considered to be sufficient room for vessels to navigate around the seaward end of the wharf. Solar lighting will be provided at the end of the wharf to assist with navigation safety and if consent is granted, any lighting for navigation purposes will be required to be installed in accordance with the requirements of Maritime New Zealand under the Maritime Transport Act 1994. The application has been circulated to Maritime New Zealand and no issues regarding navigation safety have been raised. The application has also been discussed with the Regional Harbourmaster who has provided some comments regarding the proposed navigation lighting advising that if navigation lighting is required, it should consist of two red lights fixed (not flashing) vertically, one above the other. The proposed large white floodlight at the end of the wharf should be positioned so as not to shine out toward approaching vessels. It is considered that adequate lighting at the head of the wharf can be achieved by installing a downlight facing inwards (towards land). For these reasons the effects of the proposed wharf on navigation safety will be no more than minor.



## 6.8 Structural Security/Coastal Hazards

44. The wharf facility will be required to be built in accordance with current building standards as required by the Building Act 2004 if consents are granted. In this circumstance it would be appropriate to include conditions of consent requiring that the structure be designed by, and construction supervised by a suitably qualified structural engineer, and that the structures be maintained in good order and repair during the term of any consent. Where long term consents for structures have been sought it is the council's practice to recommend conditions requiring the structure to be inspected by a suitably qualified engineer at a minimum of 10 yearly intervals to assess the condition of the structure and identify and complete any necessary repairs.
45. The proposed wharf is located within a shallow sheltered area of the estuary. Given the low energy environment in this location and the design of the structure with pile separation of 4.5 metres, the presence of the proposed wharf is not expected to create increased erosion along the adjacent shoreline or affect coastal structures in the vicinity of the proposed wharf.

## 6.9 Noise

46. The addition of a wharf in this location is likely to increase the level of noise in the coastal marine area arising from increased vessel traffic and from people using the wharf. The applicant has indicated the wharf may be used occasionally for events associated with fundraising for the wharf. Any events of this nature would be required to comply with the noise standards associated with the operation of the wharf and noise associated with the use of the wharf would likely to be less than noise generated from the adjacent tavern. Should consent be granted for the proposed wharf, noise limits associated with the construction and use of the wharf as well as restrictions to the hours and days of construction will need to be consistent with limits set in the Kaipara District Plan for land-based construction and activities. Appropriate restrictions and limits on construction noise and hours/days will ensure the adverse effects associated with construction noise are similar to that of building activities on land. The effects of additional noise associated with the construction and use of the proposed wharf will be no more than minor.

## 6.10 Land Based Facilities

47. The presence and use of the proposed wharf may put additional pressure on parking, toilet facilities and create increased traffic congestion on Moir Street, however, these effects are likely to be minimal provided the use of the wharf is limited to general recreation and is not used as a base for commercial operations such as charters or cruises. Parking in the immediate area as well as Mangawhai village is limited, particularly during the peak summer period and during events.
48. There is a small gravel parking area at the end of Moir Street within the southern road reserve area, however, there is no roadside parking available between this area and the Mangawhai Village. A car park and toilet facilities are available at the Mangawhai Tavern, however, as this is a privately-owned premise, these facilities are presumably reserved for patrons of the tavern. The closest available public toilets are located in the village, approximately 500 metres away from the proposed wharf which is reasonable walking distance from the site. Kaipara District Council, who manage

services in this area have provided a letter of support for the proposal and have indicated there are plans for improved traffic management and parking in the Mangawhai Village in the future. For the reasons above the effects of the proposed wharf on land-based facilities are considered to be minor.

## 7. ALTERNATIVES

49. Section 6(1)(a) of the Fourth Schedule of the RMA requires that an assessment of the activity's effects on the environment must include a description of any possible alternative locations or methods for undertaking the activity if it is likely that the activity will result in any *significant* adverse effect on the environment.
50. The Applicant's assessment of environmental effects concluded that any adverse effects of the activity would be no more than minor and subsequently, did not include any alternative methods or locations.
51. Possible alternatives not considered in the application include the following:
- (a) **Construct the wharf in a different location**  
Given the purpose of the application is to restore the historic wharf within the footprint of the original wharf, relocating the wharf to an alternative location is not likely to be considered as a viable option by the applicant.
  - (b) **Alter the design of the wharf to exclude the pontoon**  
Removing the pontoon would likely restrict access to the wharf by vessels at low tide which may reduce potential adverse effects on fairy tern feeding. This option is unlikely to eliminate adverse effects and would also reduce the functionality of the wharf.
  - (c) **Alter the design of the wharf to exclude the building at the head of the wharf**  
The applicant has not clearly demonstrated that the proposed building at the head of the wharf has a functional need to be located in the coastal marine area. The applicant has modified the (historic) design of the building by removing the eastern and western walls of the building, however, the removal of the building altogether would assist to reduce any adverse effects on natural character and visual amenity by reducing the vertical profile of the structure.
  - (d) **Use existing coastal structures – Do not build the wharf at all**  
There is an existing jetty and boat ramp facility located off Alamar Crescent at Mangawhai Heads, which is roughly a ten-minute journey from the Mangawhai Village in light traffic. The facility at Mangawhai Heads is better serviced with public toilets, more parking as well as a turnaround area for trailers. This location is mainly used for boat launching and retrieval and is likely to be under pressure during the busy holiday/weekend periods and is less suitable for a broader range of recreational activities that the wharf facility could be utilised for including walking and fishing. The back-bay jetty and consented (but not yet constructed) board walk facility provide amenity value within the upper harbour area, however, the proposed wharf is in closer proximity to the village. The applicant has also stated that one of the purposes of the wharf facility is to create a nautical connection between the

upper harbour and Mangawhai Heads. Aside from the existing boat ramp, which is in poor repair with limited accessibility, there are currently no other structures that provide for this purpose.

## 8. MITIGATION MEASURES

52. The applicant has provided a list of proposed consent conditions which include the following mitigation measures:
- (a) Limiting the construction of the wharf to the period outside the common breeding season for fairy tern. The construction period proposed by the applicant is March to early September;
  - (b) Obtaining authority from Heritage New Zealand Pouhere Taonga and having an archaeologist visit the site during works;
  - (c) Provide a construction environmental management plan (CEMP) to minimise disturbance of the original wharf remnants, the seabed and foreshore and shorebirds during works;
  - (d) Limiting pile installation using heavy machinery in the coastal marine area to low tide or from a floating platform;
  - (e) Limiting earthworks and avoiding the removal of trees and mangroves;
  - (f) Limiting construction hours and noise;
  - (g) Banning dogs from the work site during construction;
  - (h) Undertake cultural monitoring in consultation with Te Uri o Hau including a pre-site meeting and pre-dawn blessing as part of the official opening;
  - (i) Installing signage to provide educational information on the marine environment and shorebirds;
  - (j) Ensuring any lighting not required for navigation purposes is downward facing and the minimum necessary to ensure pedestrian safety to minimise any light spillage into the coastal marine area;
  - (k) Colouring the wharf in a recessive colour to reduce the visual impact;
  - (l) Limiting the extent of commercial operations at the wharf.
53. The first seven mitigation measures proposed above (a) to (h) relate to the construction works and can be controlled by conditions of consent where necessary. If consent is granted conditions relating to the avoidance of earthworks and mangrove removal are not considered necessary as those activities are not included as part of this application and there are no mangroves in the vicinity of the proposed wharf. Any earthworks associated with the development would be required to meet the standards of the permitted activity rules in the regional Plans. Salt marsh areas can be protected by requiring conditions for these areas to be roped off and avoided during works as recommended in the LaBonté Report (Appendix 8 of the application).

54. The period of construction works proposed by the applicant to minimise disturbance of the fairy tern is March to September. As discussed in Section 6.2, if consent is granted the extent of the construction period should be reduced to between the period 1 April to 31 July as a precautionary approach to avoid adverse effects on the fairy tern. Additionally, prior to the commencement of construction, conditions can require the construction area, including the adjacent channel to be surveyed by a suitably qualified individual to confirm the presence or absence of fairy tern feeding in the vicinity of the construction area, including the adjacent channel. Given the estimated construction period is approximately 25 weeks it is unlikely construction of the wharf would be able to be completed within one season.
55. The last four mitigation measures above (i) to (l) are proposed to reduce the adverse effects arising from the ongoing presence and use of the wharf facility. Controls on the colour scheme and lighting of the wharf facility will provide some mitigation against adverse effects on natural character and visual amenity. Restricting commercial use of the wharf will reduce pressure on the land-based facilities and ensure the wharf is available for use by the public at all times. Installing signage will increase the amenity values for users of the wharf, however, this is not considered necessary to be included as a consent condition as it does not directly mitigate adverse effects of the proposal.
56. As discussed in the previous section, potential mitigation measures not proposed by the applicant include amending the design of the proposed wharf to exclude the floating pontoon and limiting access to the structure from vessels at low tide. This option may reduce (but not eliminate) potential adverse effects on fairy tern associated with the use of the wharf facility as vessel activity within the channel at low tide may be reduced during periods when the fairy terns are more likely to be feeding in this area.

## 9. MONITORING

57. If consent is granted, monitoring of the construction activities will be undertaken by the council's coastal monitoring staff to ensure compliance with the consent conditions.
58. Conditions of consent are generally imposed to require inspections of the structural integrity of the structures by suitably experienced and qualified personnel, and recommended maintenance based on the inspections. Ongoing routine monitoring of the general condition of coastal structures is routinely undertaken by council monitoring staff throughout the duration of any consent.

## 10. SECTION 104(1)(B) STATUTORY AND PLANNING PROVISIONS

### 10.1 New Zealand Coastal Policy Statement

59. The New Zealand Coastal Policy Statement has been operative since 2010 is a national policy statement that the consent authority must have regard to and give effect to when considering a resource consent application. The operative Regional Policy Statement for Northland and the Proposed Regional Plan for Northland have both been prepared under the NZCPS (2010) and the objectives and policies of these documents give effect to the objectives and policies of the NZCPS. The regional Coastal Plan (2004) was prepared under the 1994 version of the NZCPS and a previous version of RPS. The applicant has provided an assessment their proposal against the relevant NZCPS objectives and policies in Section 7 of the AEE and planning analysis (Appendix 3 of the application documentation).
60. The following objectives and policies from the NZCPS have been identified by the applicant as being relevant to the proposal. For brevity these policies are listed below and are not repeated in full.
- Objective 1: Coastal environment and ecosystems;
  - Objective 2: Natural character, natural features and landscape values;
  - Objective 3: Treaty of Waitangi and tangata whenua;
  - Objective 4: Public access and recreation;
  - Objective 5: Coastal hazard risk;
  - Objective 6: Social, economic and cultural wellbeing;
  - Policy 1: Extent and characteristics of the coastal environment;
  - Policy 2: The Treaty of Waitangi, tangata whenua and Maori;
  - Policy 3: Precautionary approach;
  - Policy 6: Activities in the coastal environment;
  - Policy 11: Indigenous biological diversity (biodiversity);
  - Policy 13: Preservation of Natural Character.
61. In addition to those NZCPS objectives and policies identified by the applicant it is considered that Policy 18: Public Open Space and Policy 19: Walking Access are also relevant to the proposal as both policies support the need for public access to and the use of the coastal marine area for recreational purposes. The proposal is considered to be generally consistent with these policies as the proposed wharf will enhance public access to the coastal marine area for pedestrians, including those with disabilities, and will support a wide range of recreational activities. However, clause 3 of Policy 19 clearly identifies that restrictions can be imposed on public walking access to the coastal marine area where the restriction is necessary to protect threatened indigenous species.

62. The commentary provided in the application concludes that the proposal is consistent with Objectives 1 to 6 and Policies 1, 2, 3, 6, 11 and 13 of the NZCPS. With the exception of Objective 1, Policy 3 and Policy 13, the council largely agrees with this assessment for the following reasons:
- The proposal will not adversely affect the values of the Mangawhai Spit and any adverse effects on the high natural character area of the Mangawhai estuary will be minor;
  - The applicant has acknowledged tangata whenua as kaitiaki, has consulted with Te Uri o Hau prior to lodging the application and have agreed to the recommendations included in the CIA prepared by Environs Holdings Limited on behalf of Te Uri o Hau;
  - The proposed wharf facility will enhance public access to the coastal marine area in the upper harbour area and provide an amenity for recreational users;
  - The proposed wharf be an important community asset which will provide social and potentially economic benefits to the community;
  - The proposed wharf will not adversely affect the historic heritage values of the adjacent Mangawhai Tavern and construction of the wharf facility is proposed to be undertaken to avoid the remnants of the historic wharf during construction.
63. The proposal is contrary to Policy 11 which requires any adverse effects on indigenous taxa that are listed as threatened in the NZTCS lists to be avoided. As discussed in Section 6.2 and Appendix 3 of this report the application has not demonstrated that adverse effects on the critically endangered fairy tern, particularly effects arising from the use of the wharf, can be avoided. The applicant's assessment of effects on fairy tern included in appendices 3, 8 and 10 of the application assessed the potential adverse effects associated with use of wharf on the fairy tern as being 'no more than minor'. The assessment of the proposal against Policy 11 included in Appendix 3 of the application also assessed the effects as being 'no more than minor' with no evidence to support a position that adverse effects on the fairy tern can be avoided completely. Policy 3 requires a precautionary approach to proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. The conclusions in the Bioreserches report (appendix 9 of the application) suggest there is a deficiency in the information available on the potential adverse effects on fairy tern as a result of the use of the wharf and suggests the possibility of significant adverse effects in the absence of evidence to the contrary.
64. In light of the decisions in King Salmon<sup>1</sup> and Davidson<sup>2</sup>, if the application fails to achieve Policy 11(a) requiring avoidance of adverse effects on indigenous taxa that are listed as threatened in the NZTCS then this very directive policy would, in my view, require the council to decline the application. In absence of evidence establishing that the proposal will be able to avoid adverse effects occurring on the fairy tern, the policy analysis above has identified that the proposal cannot clearly meet the requirements of Policy 11(a)(i).

<sup>1</sup> Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38.

<sup>2</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

## 10.2 Regional Policy Statement

65. The RPS was made operative in 2016 and contains a number of objectives and policies relevant to the application. The proposal is generally consistent with these objectives and policies, with the exception of Policy 4.4.1 which was not included in the applicant's policy assessment. In summary the relevant objectives and policies of the RPS relevant to this application are considered to be:

### 10.2.1 Objective 3.4 – Indigenous Ecosystems and Biodiversity and Policy 4.4.1 – Maintaining and protecting Significant Ecological Areas and Habitats

66. The proposal is contrary to Policy 4.4.1 which requires activities in the coastal environment to avoid adverse effects on indigenous taxa that are listed as threatened or at risk in the NZTCS. This policy gives effect to Policy 11 of the NZCPS and as discussed in Section 6.2 and Section 10.1 of this report the application has not demonstrated that the proposal to establish and use a wharf facility can avoid adverse effects on the critically endangered fairy tern, which is required by this policy.

### 10.2.2 Objective 3.10 – Use and allocation of common resources and Policy 4.8.1 – Demonstrate the need to occupy space in the common marine and coastal area

67. The proposal generally complies with this objective and policy. The scale and design of the proposed wharf facility is generally consistent with that of the previous historic structure. A wharf facility has a functional need to be located in the coastal marine area and cannot be located on land. To provide for all tide access to the area occupied by the wharf must extend to the low tide channel and the position of the pontoon has been located to facilitate safe access to and from vessels at low tide and to reduce the gradient of the access gangway on to the wharf. The facilities are likely to enhance access to public space and recreational opportunities in this location. There is an existing pontoon and boat launching facility located at Mangawhai Heads, however there is increasing demand on existing facilities supporting boating activity. There are also very limited number in the upper harbour area that support this activity.

### 10.2.3 Objective 3.14 – Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage, Policy 4.6.1 – Managing Effects on the Characteristics and Qualities Natural Character, Natural Features and Landscapes and Policy 4.6.2 – Managing the integrity of heritage resources

68. The proposal is consistent with the above objective and policies of the RPS. As discussed in Section 6.3 of this report the proposed wharf will not adversely affect the characteristics and qualities that make up the outstanding values of the ONC, ONF and ONL at Mangawhai Sandspit. The proposed wharf will not result in significant adverse effects on the natural character values of the Mangawhai Estuary and adverse effects on these values can be satisfactorily avoided, remedied or mitigated by avoiding disturbance of the adjacent salt marsh, retaining existing mature pōhutukawa trees, using recessive colouring of the exposed portions of the structure and utilising low profile, subdued, down facing lighting on the wharf facility. The design of the proposed wharf is generally consistent with the heritage character of the adjacent

Mangawhai Tavern and the construction of the wharf facility is proposed to be undertaken so as to avoid the remnants of the historic wharf.

### 10.3 Proposed Regional Plan for Northland

69. The application does not include an assessment of the proposed wharf against the objectives and policies of the PRP. This may be a matter that the applicant may wish to address prior to the hearing. The PRP is at an advanced stage in its development, with the council decision the PRP version is currently subject to appeal in the Environment Court. Mediation of those matters under appeal is well advanced and many rules and policies of the PRP subject to appeal have been resolved and are now operative (as indicated below). The most recent version of the PRP is the 'PRP Appeals Version August 2020<sup>3</sup>'. The PRP has been developed under the most recent versions of the NZCPS and the RPS, and for this reason the greatest weighting when considering objectives and policies of the regional plans should be placed on the objectives and policies of the PRP, rather than the RCP. The following PRP objectives and policies are considered relevant to the application:

#### 10.3.1 Policy D.1.4 – Managing Effects on Places of Significance to Tangata Whenua (Operative)

70. The proposal has been demonstrated as being constant with this policy. There are no mapped sites or areas of significance to tangata whenua in the PRP maps in the vicinity of the proposed works and the CIA produced by Te Uri o Hau has not raised any issues in this regard. The applicant should be required to obtain authority from Heritage New Zealand Pouhere Taonga to destroy or modify archaeological sites within the works area prior to the commencement of works if consent is granted.

#### 10.3.2 Policy D.2.2 – Social, Cultural and Economic Benefits of Activities (Operative) and Objective F.1.4 – Enabling economic wellbeing (Under Appeal)

71. The proposal is consistent with this policy. The proposed wharf will likely provide some social and economic benefits to the community by providing jobs during construction and an ongoing recreational amenity post construction. If the proposed wharf generates additional tourism to the area it will be a benefit to local business. The applicant has proposed to engage with Te Uri o Hau to provide cultural place markings for the wharf.

#### 10.3.3 Policy D.2.4 – Adaptive Management (Operative)

72. While there is some uncertainty regarding the potential effects of the use of the wharf once constructed on fairy tern, an adaptive management approach is not considered appropriate in this instance for the following reasons:
- Due to the 'Critically Endangered' threat classification of the fairy tern there is no acceptable threshold for adverse effects to occur on this species.

<sup>3</sup> Proposed Regional Plan for Northland – Appeals Version August 2020; <https://www.nrc.govt.nz/media/4i2loyu/proposed-regional-plan-appeals-version-august-2020.pdf>



- Once the wharf is built and in use, it is unlikely that the structures would be closed for use or removed if adverse effects on fairy tern (i.e. disturbance to feeding or displacement from feeding territory) are identified.
- There is insufficient information provided in the application to identify how adverse effects on the fairy tern could be remedied if this was possible.

#### **10.3.4 Policy D.2.11 – Marine and Freshwater Pest Management (Operative)**

73. The use of machinery in the coastal marine area during construction which may have been brought in from other areas where marine pests are present (e.g. Mediterranean Fanworm) has the potential to introduce marine pests. Should consent for the wharf facility be granted, a consent condition would need to be included to require the Consent Holder to provide certification from a suitably qualified person that plant and equipment to be used during the construction is free of pest species prior to the commencement of works.

#### **10.3.5 Policy D.2.14 – Managing Adverse Effects on Historic Heritage (Operative)**

74. While there are no historic heritage sites or historic heritage areas identified in the PRP maps in the vicinity of the proposed works, the remnants of the historic wharf piles and rock groins are present. The archaeological report provided with the application has recommended that an authority from Heritage New Zealand Pouhere Taonga be obtained prior to the commencement of works. This approach is considered to be consistent with Policy D.2.14.

#### **10.3.6 Policy D.2.15 – Managing Adverse Effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features (Under Appeal)**

75. The coastal marine area of Mangawhai Harbour has been identified by the RPS and PRP maps as having high natural character values and the Mangawhai Sandpit has been identified by the RPS as having outstanding natural character values. The Mangawhai Sandspit has also been identified as an outstanding natural feature (ONF) under the PRP, and as an outstanding natural landscape (ONL) under the RPS. As discussed in Section 6.3 of this report, the proposed wharf will have no adverse effects on the characteristics, qualities and values of the Mangawhai Sandspit and any effects of the proposal on the natural character of the Mangawhai Harbour will be no more than minor.

#### **10.3.7 Policy D.2.16 – Managing Adverse Effects on Indigenous Biodiversity, Policy D.2.18 – Managing Adverse Effects on Indigenous Biodiversity and Precautionary Approach to Managing Effects on Significant Indigenous Biodiversity (Under Appeal) and Objective F.1.3 – Indigenous Ecosystems and Biodiversity (Under Appeal)**

76. The proposal is not considered to be consistent with Policy D.2.16. The Mangawhai Harbour has been identified by the PRP maps as a significant bird area and significant marine mammal and seabird area. There are three shallow and tidal flat areas within the Mangawhai Estuary that have been identified by the PRP maps as significant ecological areas, however, these areas do not include the area to be occupied by the proposed wharf. The Mangawhai Estuary is known to be an important feeding area for the New Zealand fairy tern, particularly within the channels at low tide. The fairy

tern is listed as critically threatened by the New Zealand Threat Classification System (NZTCS). Clause 1(a) of Policy D.2.16 requires any adverse effects on indigenous taxa that are listed as Threatened or At Risk in the NZTCS lists are avoided.

77. As discussed in Section 6.2, potential adverse effects on fairy tern associated with the construction of the proposed wharf may be able to be avoided by limiting the construction activities to a period outside the common breeding season. However, the available 'window' for construction is likely to be shorter than the timeframe proposed by the applicant and it may not be possible for the wharf to be fully completed within one construction season.
78. There has been insufficient information provided in the application to be able to determine the level of adverse effects associated with the ongoing use of the wharf on fairy tern, however given the channel in the vicinity of the proposed wharf has been identified as an important feeding area for at least one breeding pair of fairy tern it is unlikely effects associated with the use of the wharf on fairy tern can be avoided completely. This has been supported by the statements of the councils Biodiversity Advisor Katrina Hansen. Policy D.2.18 requires that where there is scientific uncertainty about the adverse effects of an activity on species listed as Threatened in the NZTCS then the greatest extent of adverse effects reasonably predicted by science must be given the most weight.

### **10.3.8 Policy D.2.17 – Managing Adverse Effects on Land-based Values and Infrastructure (Under Appeal)**

79. The proposal generally complies with this policy. As discussed in Section 6, the proposed wharf facility will not adversely affect the landscape and natural character values of the Mangawhai Spit identified as an ONL and an ONF. There are no mapped historic heritage sites or areas, sites or areas of significance to tangata whenua in the vicinity of the proposed wharf. The wharf is proposed to be re-constructed in a similar style to the original wharf which will minimise any adverse effects on the heritage values of the Mangawhai Tavern.
80. The presence of the proposed wharf may increase the recreational use of the coastal marine area and adjacent reserve areas in this location, which in turn may put additional pressure on roadside parking, toilets and refuse facilities. As discussed in Section 6 of this report these effects are likely to be no more than minor. Should consent be granted a condition of consent could be included to limit commercial activities (for example charters and cruises) from operating from the wharf unless specific provision for parking and access to toilets and refuse facilities can be provided.

### **10.3.9 Objective F.1.2 – Water Quality (Operative) and Policy D.4.1 – Maintaining Overall Water Quality (Under Appeal)**

81. The proposal is considered to be consistent with this objective and policy as any adverse effects on water quality will be temporary, occurring only during works that disturb the foreshore and sediment controls are able to be established to mitigate adverse effects. The works, with appropriate controls, are unlikely to cause an exceedance of the coastal water quality standards listed under Policy H.3.3 of the PRP. Appropriate sediment controls and timing of works to low tides will minimise potential adverse effects on water quality.

### **10.3.10 Policy D.5.24 – Dredging, Disturbance and Deposition Activities (Operative)**

82. The proposal is consistent with this policy. The disturbance of the foreshore associated with the construction of the wharf facility is consistent with this policy as it will not cause long-term erosion within the coastal marine area or on adjacent land nor will the activity cause damage to any authorised structure. The nearest authorised coastal structure is over 100 metres to the north west of the proposed wharf. The boat ramp adjacent to the footprint of the proposed wharf is in a poor state of repair and has no current formal authorisation.

### **10.3.11 Objective F.1.7 – Use and Development of the Coastal Marine Area (Under Appeal)**

83. The proposal generally complies with this objective. The proposed wharf is to be located adjacent to the Mangawhai Tavern and within walking distance of Mangawhai Village via Moir Street. Given the central location, accessibility and existing land-based development, the structure is considered to be compatible with this location. The wharf facility is proposed to enhance access to public open space within the CMA and provide for additional recreational opportunities in this location.

### **10.3.12 Objective F.1.11 – Natural Character, Outstanding Natural Features, Historic Heritage and Places of Significance to Tangata Whenua (Under Appeal)**

84. The proposal complies with this objective. As discussed in Section 6, the coastal marine area in this location has been identified by the RPS and PRP maps as having high natural character values. The site has the capacity to absorb the visual change associated with the erection of and ongoing occupation of the CMA by a wharf structure and any effects on the natural character values of the Mangawhai estuary have been determined to be no more than minor. The proposed works will not adversely affect the characteristics, qualities and values of the Mangawhai Sandspit that has been identified as an ONF, ONL and area of ONC. Recommendations to include conditions requiring an authority from Heritage New Zealand Pouhere Taonga prior to the commencement of any works will assist to protect historic heritage values.

## **10.4 Regional Coastal Plan for Northland**

85. The objectives and policies of the RCP were promulgated under the 1994 version of the NZCPS and a previous version of the RPS so carry less 'weighting' when considered alongside the provisions of the PRP. However as many of the objectives and policies of the PRP that apply to the application are still subject to appeal the following analysis of the relevant provisions of RCP has been provided for completeness. The proposal has been found to be generally consistent with the relevant objectives and policies of the RCP. The following objectives and policies from the RCP are considered relevant to the proposal:

#### **10.4.1 Section 7 – Preservation of Natural Character**

86. The proposal is considered to be generally consistent with Objective 7.3 and Policy 7.4.2 of the RCP. As discussed in Section 6.3, the natural character of the coastal marine area has some degree of modification and the development of a wharf structure would not have significant adverse effects on the areas high natural character values and therefore the proposed wharf is considered to be appropriate at this location. The applicant has identified that, *as far as practicable*, adverse effects on the qualities that collectively make up the natural character of the CMA can be avoided.

#### **10.4.2 Section 8 – Natural Features and Landscapes**

87. The application does not include an assessment against Objective 8.3 and Policy 8.4.1. As discussed in Section 6.3 of this report the proposed wharf will not adversely affect the landscape values of the Mangawhai Sandspit and it is considered that the proposal is consistent with this objective and policy.

#### **10.4.3 Section 10 – Public Access**

88. The proposal is consistent with Objective 10.3.1 and Policy 10.4.1. The proposed wharf will not impede the ongoing use of the adjacent boat ramp and will provide enhanced public access to the coastal marine area of the Mangawhai Estuary.

#### **10.4.4 Section 12 – Cultural Heritage Values**

89. The proposal is consistent with Objective 12.3 and Policy 12.4.3 of the RCP. The applicant has engaged with Te Uri o Hau and had agreed to adopt the recommendations provided in the CIA including the installation of cultural place markers.

#### **10.4.5 Section 13 – Water Quality**

90. The proposal is consistent with Objective 13.3 of the RCP. As discussed in Section 6.1 of this report any adverse effects on water quality will likely be temporary during the construction works and effects on water quality can be satisfactorily mitigated with the use of appropriate sediment controls.

#### **10.4.6 Section 16 – Recreation**

91. The proposal is generally consistent with Objective 16.3, Policy 16.4.2, Policy 16.4.3 and Policy 16.4.4 of the RCP. The proposed wharf facility will not prevent the ongoing use of the adjacent boat ramp and will improve recreational access to the coastal marine area in this location to provide for a range of recreational uses. Given the potential disturbance of fairy tern feeding behaviour and potential displacement of a known breeding pair of feeding tern from an established territory as a result of the use of the wharf facility, by people, their dogs and by vessels, the proposal is not considered to be consistent with Policy 16.4.1(b).

### 10.4.7 Section 17 – Structures

92. The proposal is generally consistent with Objective 17.3, Policy 17.4.3, 17.4.4 and 17.4.8 of the RCP. There is an operational need for a wharf to be located in the CMA to provide all tide access to the coastal marine area in this part of the upper harbour for multiple recreational uses and the applicant has demonstrated that there is sufficient demand for a structure in this location. Whilst there are limited facilities available on the adjacent land such as parking, or toilet facilities, there is additional space available for these activities within district council land nearby which may be developed in the future if necessary. The Policy 17.4.3 also directs that structures may also be considered appropriate if effects that cannot be avoided can be mitigated *to the extent practicable*.

### 10.4.8 Section 25 – Marine 1 (Protection) Management Area

93. The proposal can partially achieve the objectives and policies under Section 25 of the RCP. Objectives 25.3.1 and 25.3.2 prioritises the protection of the important conservation values identified in Marine 1 (Protection) Management Areas (M1MA) areas and identify that development should only occur within M1MA without adverse effects on the area's important values and natural character. Policy 25.4.1 also prioritises the avoidance of adverse effects on the important conservational values associated with the area. One of the important conservation values of the area is the use of the upper harbour habitat for a number of coastal birds including the fairy tern. As discussed in previous sections of this report, the avoidance of any adverse effects on fairy tern and their habitat is unlikely to be achievable. Policy 25.4.4 identifies that development within M1MA can still be considered appropriate where there are no practical alternatives to undertake the activity outside the M1MA, the level of adverse effects on the important conservation values within a particular area are no more than minor and the proposal gives rise to a demonstrable public benefit. In applying this policy to the proposed wharf, the entire upper harbour area is zoned M1MA so there are no practical alternative locations available outside of this management area. The wharf facility will provide a range of benefits to the local community both during construction and post construction for recreation and access. However as discussed in Section 6, while the adverse effects of the proposal will be largely no more than minor, the effects on the fairy tern will (at best) be minor and potentially significant.

## 10.5 Assessment of Part II Matters

94. Section 5 of the Assessment of Environmental Effects and Planning Analysis provided with the application presents an assessment of the proposal against the provisions of Sections 5 to 8 of the Act. As defined under current case law<sup>4</sup>, an assessment of Part 2 matters is not required unless there are issues of invalidity, incomplete coverage or uncertainty in the planning provisions. For this application the proposal has required consideration against a suite of planning provisions of which the NZCPS is the prevailing document. All the documents considered contain provisions that are relevant to the proposal. There is no evidence to suggest the relevant provisions are invalid, incomplete or present uncertainty in making any decision. At worst, the validity of the RCP may be in question given its promulgation under previous versions of the NZCPS and RPS. However, this has no significance in terms of the manner in which the application has been assessed, given that the PRP assumes significant

<sup>4</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

weight as part of the assessment. No assessment of the application against Part 2 provisions is therefore required.

## 10.6 Section 104B of the RMA

95. Section 104B of the RMA requires that after considering an application for a resource consent for a non-complying activity a consent authority –
- (a) *may grant or refuse the application; and*
  - (b) *if it grants the application, may impose conditions under Section 108.*
96. Under Section 104B of the Act, the council may, after considering this application, grant or refuse the consent, and (if granted) may impose conditions and require a financial requirement or a bond under Section 108. Resource consents involving development of wharf or jetty structures in the coastal marine area typically have a 'standard' suite of conditions that are applied to the construction and subsequent use of the structures. A suite of conditions can be provided to the hearing panel either before, or at the hearing should these be requested.

## 10.7 Section 104D of the RMA

97. Overall the proposal to place and use the wharf requires the application to be considered as a non-complying activity. Because of the non-complying classification, the provisions of Section 104D of the Act apply. A consent authority may grant a resource consent for a non-complying activity only if it is satisfied that the adverse effects of the activity on the environment are no more than minor, or the activity will not be contrary to the objectives and policies of the relevant regional plans. When an application cannot meet either of these requirements the application must be declined. These tests are often referred to as the section 104D 'gateway tests.' As discussed in Sections 6 and 10 of this report, the activity as proposed by the application has not demonstrated that it can comply with Policy D.2.16 of the PRP and has therefore failed the first of the gateway tests. As discussed in Section 6.2.2, the proposal cannot satisfy the second gateway test that the adverse effects associated with the placement, use and occupation of space in the CMA on the environment will be no more than minor, due to the potential adverse effects on the fairy tern. As it has been determined that the proposal is contrary to Policy D.2.12 of the PRP and the adverse effects of the proposal on the NZ fairy tern are likely to be more than minor, the proposal has failed to meet either of the gateway tests and the council must decline the consents.

## 11. CONCLUSION


98. This report has considered the statutory requirements of Section 104 of the RMA. While the assessment contained within this report identifies that the majority of the potential adverse effects on the environment can be avoided or satisfactorily mitigated. The applicant has not demonstrated that the potential adverse effects on the fairy tern, particularly those effects arising from ongoing use of the wharf are able to be avoided. Therefore the activity does not meet the requirements of Policy 11 of the NZCPS, Policy 4.4.1 of the RPS or Policy D.2.16 of the PRP which require the avoidance of adverse effects on the NZ fairy tern which is listed as Nationally Critical by the NZTCS.
99. The proposal also cannot satisfy the requirements of Section 104D of the Act for non-complying activities.
100. Based on the information provided by the Applicant at the time of preparing this Section 42A report, and by applying a principle of a precautionary approach, it is the council's recommendation that consents for the placement, use and occupation of space in the CMA by the wharf facility as well as associated foreshore disturbance during construction be declined.

## 12. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act 1991, it is recommended that the resource consent application lodged by **MANGAWHAI HISTORIC WHARF TRUST**, for the following activities be **REFUSED**:


- APP.040213.01.01** Place, use and occupy space in the coastal marine area with a wharf facility inclusive of a wharf, a building, a gangway, pontoon and piles.
- APP.040213.02.01** Disturb the foreshore in the coastal marine area during the construction of the wharf facility.

Report Prepared by:

Signed:   
Katie McGuire  
Consents Officer – Generalist

Date: 27 August 2020

Peer Reviewed by:

Signed:   
Paul Maxwell  
Coastal and Works Consents Manager

Date: 27 August 2020



## APPENDIX 1: SUMMARY OF SUBMISSIONS

Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
Corrine Callinan	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Provides recreation opportunities for future generations.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
David Cunningham	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Christopher Seel	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Mangawhai Tracks Charitable Trust	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ The wharf will become a part of the public harbour walkway.</li> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Mangawhai Harbour Restoration Society	Support	Heard	<ul style="list-style-type: none"> <li>▪ Provides valuable amenity for the community.</li> <li>▪ Restores the history of the area and provides historic link to the past.</li> </ul>	Grant. <ul style="list-style-type: none"> <li>▪ Recommendations in Appendix 11 (proposed conditions of consent) of the application should be adhered to.</li> </ul>
Aaron Kemp	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ The wharf would provide a benefit to the school, encouraging water safety and would be well utilised by the school.</li> </ul>	Grant
Gail Godfrey	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Philippa Burgess	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Simon Hardley	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community. It will add significant value to the whole of Mangawhai Village and be the centre of boating and water based activities.</li> </ul>	Grant
Lou Brian Woolliams	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Roger Clayton	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition to the community adding value and be the centre of boating and water based activities. It will reduce the pressure on Heads Beach/Picnic Bay area, the boat ramp and the estuary beaches.</li> </ul>	Grant
Carl & Karen Windust	Support	Not Heard		Grant
Luigi Sussman	Support	Not Heard		Grant
David & Gillian Middleton	Support	Not Heard		Grant
Gordon John Buswell	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> <li>▪ Will provide a recreational focal point for skill-based water sport activities and watery safety education as well as being an environmental learning tool.</li> </ul>	Grant
Levonne Anne Leslie	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area. Added recreation area in the upper harbour.</li> </ul>	Grant
Briar McCallum	Support	Not Heard		Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Darryl John Sinclair	Support	Not Heard	<ul style="list-style-type: none"> <li>The wharf will be used by the wider community and provide an opportunity for commercial operations to offer nature trips to observe the Terns without interference. Adds to the history of the harbour.</li> </ul>	Grant
Alan Nickless	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> </ul>	Grant
Jacqueline Nickless	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community, added history.</li> </ul>	Grant
Ross Murray Hinton	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community. Restores the history of the area.</li> </ul>	Grant
Graham Brockway Darlow	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community. Restores the history of the area.</li> </ul>	Grant
Kristine Ann Wintle on behalf of The J L & K A Wintle Family Trust	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community, where children can learn about the history of the area and fish from..</li> </ul>	Grant
Kenneth Graham Morman	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community, added history.</li> </ul>	Grant
Darryl John Olson Reardon	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community, opening up the inner estuary for water recreation, fishing, swimming and making a walking destination.</li> <li>Restores the history of the area.</li> </ul>	Grant
Nigel Peter Slight	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Susan Stewart	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Mr David Fredric	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Neil Tolich	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Matthew & Linda Guzik	Support	Not Heard		Grant
Raymond Paul Welson	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> <li>It will attract tourists and generate employment.</li> </ul>	Grant
Craig W Donaldson	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the wharf being built.</li> </ul>	Grant
Bren Dorman & Jan Serra	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the historic wharf being rebuilt.</li> </ul>	Grant
Gail Catherine Leabourn	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the wharf being built.</li> </ul>	Grant
Tara Iti Golf Club Limited	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community and an education tool for promoting the wellbeing of the harbour.</li> <li>Integrates well with the current walking and cycle ways.</li> </ul>	Grant
Janet Jacob	Support	Not Heard	<ul style="list-style-type: none"> <li>To rebuild the historic wharf alongside the tavern in Moir Street, Mangawhai.</li> </ul>	Grant
Steven David Mace	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> </ul>	Grant
Emma Victoria Gray	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Mangawhai Museum & Historical Society Incorporated	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the wharf being rebuilt as historically accurate as possible.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Paul Hendrickx	Support	Not Heard		Grant <ul style="list-style-type: none"> <li>Unrestricted public access to wharf.</li> <li>Swimming and fishing should be allowed.</li> <li>No craft be allowed to moor for any length of time greater than that required to embark/disembark passengers.</li> </ul>
Peter Alexander Nicholas	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Tourist attraction.</li> <li>Restores the history of the area.</li> <li>Does not believe the proposal will adversely affect Fairy Tern or Banded Rail.</li> </ul>	Grant
Philip James McDermott	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Will provide a recreation and educational resource which will appeal to all age groups.</li> </ul>	Grant
Graeme Andrew Don	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Joh Langley Wharfe	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Elizabeth & Toby Evans	Support	Not Heard	<ul style="list-style-type: none"> <li>Will provide an important recreational feature for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Mangawhai Golf Club	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> </ul>	Grant
Tern Point Recreation & Conservation Society Inc	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Will provide an important recreational feature for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Kevin Hassell & Michelle Reeve	Support	Not Heard		Grant
Richard Marshall Lovelace Bull	Support	Heard	<ul style="list-style-type: none"> <li>Will provide an important recreational feature for the community providing access to the upper harbour.</li> </ul>	Grant
Leigh Wiggins	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the wharf being built.</li> </ul>	Grant
Irene Dawne Sanson	Oppose	Not Heard	<ul style="list-style-type: none"> <li>Potential adverse effects on fairy tern - the location of the proposed wharf is an important feeding area for fairy tern.</li> <li>Potential adverse effects on other rare native and migratory birds.</li> </ul>	Refuse
Robin Alston Keen & Jillian Hunter Keen	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
John Robert Sarah	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Will provide an important recreational feature for the community.</li> <li>Restores the history of the area.</li> </ul>	Grant
Janice Wood	Support	Not Heard	<ul style="list-style-type: none"> <li>Supports the wharf being built.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Michael Ross Johanson	Support	Not Heard		Grant
Belinda Bennett	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Wendy Leach	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Betty Atkin-Cooke	Support	Not Heard		Grant
Paul Bramwell Tremewan	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Adam Minoprio	Support	Heard	<ul style="list-style-type: none"> <li>▪ Positive social and economic effects will offset any potential adverse effects from the construction and maintenance of wharf.</li> <li>▪ Improved access for the public to 'see and experience the beauty of the harbour'.</li> </ul>	Grant
Sarah Briggs	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Douglas Vincent Moore	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Peter Geoffrey Radley	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Betty Belcher	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on shore-based facilities including car parking, toilets and increased traffic congestion.</li> <li>▪ Increased noise and light pollution.</li> <li>▪ Adverse effects on residents near Moir Street.</li> </ul>	Refuse <ul style="list-style-type: none"> <li>▪ Relocate proposed wharf to Pearson Street.</li> </ul>
Grant Douglas	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Robert Blatchford Robertson	Support	Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> <li>▪ Recreational attraction for tourists and locals.</li> </ul>	Grant
Patricia Keiller	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Has concerns regarding the potential adverse effects of the construction and use of the proposed wharf on the Fairy Terns and other migratory and native birds.</li> </ul>	Refuse
Gayle Perry	Support	Heard		Grant
Warren Perry	Support	Not Heard		Grant
Caitlin Fleming	Support	Not Heard		Grant
Heath Johnson	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Supports the wharf being built for future generations.</li> </ul>	Grant
Ann-Lisa Niemann	Support	Not Heard		Grant
Christopher Bennett	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Mangawhai Tavern Market	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will benefit the Saturday market and the Mangawhai Tavern.</li> </ul>	Grant
Jo-Ann Patricia Gough & Stephen Michael Gough	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Kevin Bryan Cox	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Dr Jonathan Edward Mark Fox	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Richard Percy	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Nigel Richard Arkell	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Jonathan Casement	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Supports the wharf being rebuilt.</li> </ul>	Grant
Colin & Christine Hardy	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Great addition for the community.</li> </ul>	Grant
Samara Foster	Support	Not Heard		Grant
Julia Neal	Support	Not Heard		Grant
David Bonometti	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Peter Douglas Wethey	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Ron and Diane Lucca	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Natasha Susan Lee	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf should be free to use by the public.</li> </ul>
Carolyn Ella Scott	Support	Not Heard		Grant
Sue Clayton	Support	Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf should be rebuilt to replicate as closely as possible the historic wharf, using modern technology and sustainable materials.</li> </ul>
Stefan William Falvo	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
John & Claire Pearson	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide access to the estuary.</li> <li>▪ Lack of similar facilities in Mangawhai which will be needed for growing population.</li> <li>▪ Will relieve pressure on parking at other access points such as Mangawhai Heads.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Helen Mary MacDonald	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will encourage full use of the estuary.</li> </ul>	Grant
Jean Marian Holgate	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide access to the estuary.</li> </ul>	Grant
Dawn Flintoff	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide access to the estuary.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf should be rebuilt to replicate as closely as possible the historic wharf, using modern technology and sustainable materials.</li> </ul>

Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
Mangawhai Boating & Fishing Club	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide access to the upper harbour area.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Will provide a link to Mangawhai's history.</li> <li>▪ Educational benefits.</li> </ul>	Grant
Rachael Williams	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide safe access to the estuary.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf should meet current safety standards.</li> <li>▪ The wharf should include handicapped access.</li> </ul>
Noel Richard Wordsworth	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community and for future generations.</li> <li>▪ Will not create a traffic hazard.</li> <li>▪ Is located in a safe area of the harbour.</li> </ul>	Grant
Aiden Hugh Nelson	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Nigel Goddard	Support	Not Heard		Grant
Fiona Robb	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> <li>▪ Will be positive for local business and provide job opportunities.</li> <li>▪ Tourist attraction.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ Manage construction costs and timings.</li> </ul>
Mangawhai Domain Society	Support	Not Heard		Grant
Glenn Kehoe	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Daniel Birch	Support	Not Heard		Grant
Moira Marshall	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community and an education tool for promoting the wellbeing of the harbour.</li> <li>▪ Integrates well with the current walking and cycle ways.</li> </ul>	Grant
Ian Charles Macnish	Support	Not Heard		Grant
Alexandra Colquhoun Macnish	Support	Not Heard		Grant
Ann Talbot	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Lindsay Talbot	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Ken & Susan Fountain	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide connection to the estuary.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Economic benefits.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Grant Marshall	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community and an education tool for promoting the wellbeing of the harbour.</li> <li>▪ Integrates well with the current walking and cycle ways.</li> </ul>	Grant
Graeme Dale & Querida Ann Smith	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> <li>▪ No specific evidence of a negative effect on the wildlife within the Mangawhai Harbour Estuary.</li> </ul>	Grant
Terence Romaine Dowson	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ It would complement the adjoining historic Mangawhai Hotel.</li> <li>▪ It would assist local members who have worked tirelessly to preserve the early history of Mangawhai.</li> </ul>	Grant
John Frederick Phillis	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Provides access for vessels to drop off/pick up passengers.</li> <li>▪ Tourist attraction/economic benefit to local business.</li> </ul>	Grant
Glenys Margaret Mather	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Potential adverse effects on fairy tern as a result of the disturbance of feeding areas.</li> <li>▪ The use of treated timber – leaching of contaminants into the estuary.</li> </ul>	Refuse
Dianne Christensen	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Mangawhai Tavern Properties Limited & Mangawhai Tavern Trading Limited	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide a link to Mangawhai's history.</li> <li>▪ Asset for education and learning.</li> <li>▪ Will provide a tourist attraction which will benefit local business/economy (including the tavern).</li> <li>▪ Will provide link between land and the estuary.</li> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
John Muru Walters and Barbara Kay Anderson	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide a link to Mangawhai's history.</li> <li>▪ Asset for education and learning.</li> <li>▪ Will provide a tourist attraction which will benefit local business/economy (including the tavern).</li> <li>▪ Will provide link between land and the estuary.</li> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Joel Cayford	Support	Heard	<ul style="list-style-type: none"> <li>▪ Supported by Mangawhai community.</li> <li>▪ Will provide a link to Mangawhai's colonial history.</li> <li>▪ Will provide a connection to the estuary.</li> <li>▪ Opportunity to provide educational information on local ecology and māori history.</li> </ul>	Grant
Douglas Lloyd	Support	Not Heard		Grant
Carolyn Grace Lloyd	Support	Not Heard		Grant
Jeannette Forde	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ It will enhance the connection between the harbour and the town.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Bruce & Heather Rogan	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ The development is not necessary.</li> <li>▪ The potential adverse effects of the proposed wharf on the Fairy Terns and other threatened species of wildlife.</li> <li>▪ Potential need for future dredging.</li> <li>▪ The use of treated timber – leaching of contaminants into the estuary.</li> </ul>	Refuse
Joy Wilson	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ The potential adverse effects of the construction of the wharf on the fairy terns.</li> </ul>	Refuse
Deborah Stone	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ There is a lack of infrastructure to support the predicted use of the wharf.</li> <li>▪ Potential adverse effects of the use of the wharf on the fairy tern – disruption of feeding area.</li> <li>▪ Not suitable in this location due to siltation of the estuary.</li> </ul>	Refuse
Judy A Faris	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ It will provide direct safe access to the waters of the upper estuary.</li> <li>▪ Will be a positive cultural addition.</li> </ul>	Grant
Jennifer Catherine Marie Price	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects flora and fauna.</li> <li>▪ Adverse effects on recreational users of the estuary – impediment to sailing.</li> <li>▪ The industrial design of the proposed wharf is not suitable for this location.</li> <li>▪ Increased traffic and lack of infrastructure in Mangawhai.</li> <li>▪ Concerns about water safety due to proximity to tavern.</li> <li>▪ Current infrastructure is unable to cope with current tourists on the weekend and public holidays.</li> <li>▪ Concerns about ongoing maintenance – who will be responsible.</li> <li>▪ Funding should be for other projects.</li> </ul>	Refuse
Jean Hook	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on the feeding areas of fairy tern.</li> </ul>	Refuse



Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
James Hook	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Unnecessary as another wharf and other launching facilities in the estuary already.</li> <li>▪ Construction would further damage the estuary for no apparent gain.</li> <li>▪ Adverse effects on fairy tern feeding and courtship.</li> </ul>	Refuse
Estelle Cook	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Potential adverse effects on fairy tern (tara-iti) as a result of disturbance of feeding areas.</li> </ul>	Refuse <ul style="list-style-type: none"> <li>▪ Dogs and predatory animals banned from work site.</li> <li>▪ CEMP developed to minimise disturbance in consultation with DoC and NZFTT.</li> <li>▪ Construction outside fairy tern breeding season.</li> <li>▪ Lighting downward facing and subdued – avoid illuminating adjacent mudflats and water.</li> <li>▪ Educational signage.</li> </ul>
Melinda LeCompte	Support	Not Heard		Grant
Bridget & Bryan Coburn	Support	Not Heard		Grant
New Zealand Fairy Tern Charitable Trust	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on fairy tern – unacceptable risk to their survival.</li> <li>▪ Rights of other species to exist needs to be balanced against human activities.</li> <li>▪ Not essential infrastructure.</li> <li>▪ Potential for future dredging or other developments.</li> </ul>	Refuse
Bruce Pain	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf be rebuilt to replicate as closely as possible the historic wharf, using modern technology and sustainable materials.</li> </ul>
Richard Ferguson	Support	Not Heard		Grant
Christine & Bill Bygrave	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Gareth Jones	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> <li>▪ Great addition for the community.</li> </ul>	Grant
Mark Watson Rowbotham	Support	Heard		Grant
Susan Rowbotham	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ The wharf is an important part of Mangawhai's history.</li> </ul>	Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Paul Raymond Humphries	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational and educational feature for the community.</li> <li>▪ It will be a tourist attraction.</li> <li>▪ It will not create a threat to the local birdlife or natural wildlife in the Mangawhai estuary.</li> </ul>	Grant
Kerry & Cedric Miers	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Alison & Alistair Dunlop	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Jill Andrea Palmer & Robert McLennan	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Mangawhai Activity Zone Charitable Trust	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Mr Bert Sainsbury	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> <li>▪ The wharf is historical in design and blends in with the other buildings in and around Mangawhai.</li> </ul>	Grant
Colin Gallagher	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Restores the history of the area.</li> <li>▪ Integrates well with the current walking and cycle ways.</li> </ul>	Grant
Heather Murrell	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Integrates well with the current walking and cycle ways.</li> </ul>	Grant
Virginia Mary Prendergast	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Jim Wintle	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide a safe place for children to learn boating and fishing skills.</li> <li>▪ Will provide a link between the Heads and Mangawhai village.</li> </ul>	Grant
Dianne Redfern	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will enhance the history of Mangawhai.</li> </ul>	Grant
Allan Ray Cameron	Support	Not Heard		Grant
Mrs Patricia Tindill	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Recreate the history in a way that will benefit the community (boating/fishing) and not impact on the birdlife in the harbour.</li> </ul>	Grant
John Troost	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ The effects on the Fairy Terns and other shore birds.</li> </ul>	Refuse
Jacqui Dimes	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Can support alternative transport methods during summer, easing congestion in the area.</li> </ul>	Grant
Milly Farrand	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Can support alternative transport methods during summer, easing congestion in the area.</li> </ul>	Grant
Josephine Anne Corsbie	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Disturbance of bird feeding areas including fairy terns.</li> <li>▪ Increased noise and light pollution.</li> <li>▪ Inadequate parking available.</li> <li>▪ Increase in rates.</li> <li>▪ Potential commercial activity around the wharf.</li> </ul>	Refuse

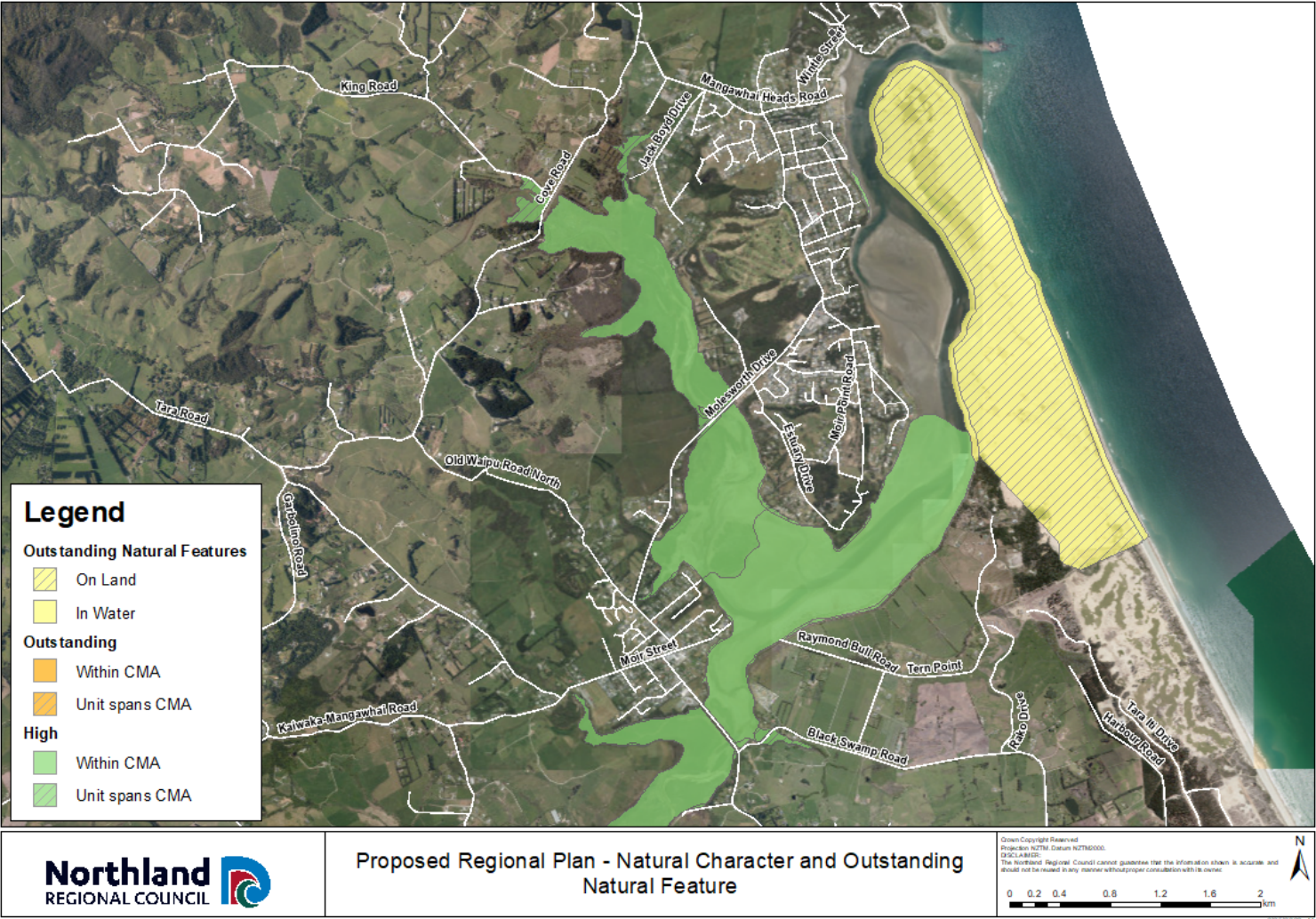
Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
Molly Jane Vaughan	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on fairy tern.</li> <li>▪ Wharf not essential.</li> <li>▪ Adverse effects on other migratory birds.</li> <li>▪ Speeding vessels in the estuary a hazard.</li> </ul>	Refuse
David Mark Goodwin	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effect on view of estuary from submitter's property – loss of property value.</li> <li>▪ Inadequate parking available.</li> <li>▪ Traffic congestion.</li> <li>▪ Potential for wharf to attract antisocial behaviour at night.</li> <li>▪ Floating pontoon unnecessary.</li> <li>▪ Adverse effects on fairy tern.</li> </ul>	Refuse
Melanie Scott	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on the fairy terns – potential extinction.</li> <li>▪ Adverse effects on natural character.</li> <li>▪ The use of treated timber in the structure.</li> <li>▪ Potential for future dredging or further development.</li> </ul>	Refuse
Reginald & Lynnette Whale	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on fairy tern feeding areas.</li> <li>▪ Wharf is unnecessary and inefficient use of CMA.</li> </ul>	Refuse
Emma McDermott	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Educational benefits.</li> </ul>	Grant
Julie Susan Wood	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide a social and business link to Auckland and the rest of New Zealand.</li> <li>▪ Link to Mangawhai's history.</li> <li>▪ Important infrastructure for Mangawhai.</li> <li>▪ Provides access to inner harbour area and recreational opportunities.</li> <li>▪ Tourist attraction.</li> </ul>	Grant <ul style="list-style-type: none"> <li>▪ The wharf should be built to replicate the design of the original wharf with the use of modern materials.</li> </ul>
Ria Kemp	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on birds including fairy tern.</li> </ul>	Refuse
Martin Robert Arrowsmith	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Kevin Gerald Matthews	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on the feeding area of fairy terns.</li> <li>▪ Concerns regarding navigation safety and the safety of swimmers/divers due to shallow depth.</li> </ul>	Refuse
Myra Squire	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition and educational tool for the community.</li> <li>▪ Integrates well with the current walking and cycle ways.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Darren Markin	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ The effects on the Fairy Terns.</li> </ul>	Refuse
Bruce R Dunlop	Support	Heard		Grant

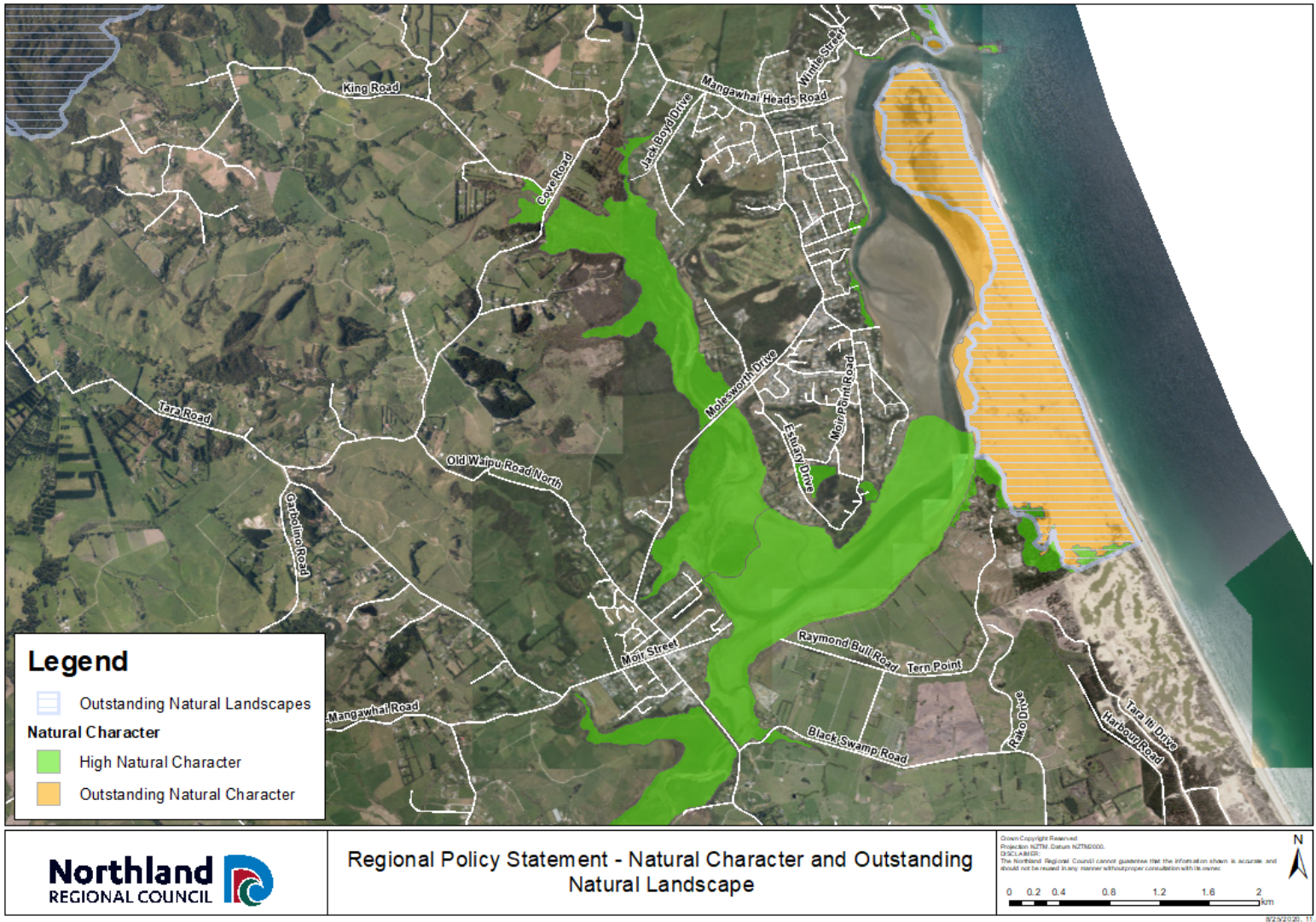
Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Aaron McConchie	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Concerns regarding maritime safety and the safety of people on or around the wharf.</li> <li>▪ Adverse effects on fairy terns.</li> <li>▪ The unnecessary financial burden on the community.</li> <li>▪ Alternatives exist for alternative amenity and enjoyment of the area.</li> </ul>	Refuse
Christine Marie Wild	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on birds including fairy terns.</li> <li>▪ Adverse effects on natural character.</li> <li>▪ Increased noise, activity and light pollution.</li> </ul>	Refuse
Tracey Mathewson	Support	Not Heard		Grant
Nathalie Branco	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Restores the history of the area.</li> </ul>	Grant
Harry Blundy	Support	Not Heard		Grant
Christine Basham	Support	Heard	<ul style="list-style-type: none"> <li>▪ Important amenity for locals and tourists.</li> <li>▪ Will provide an important recreational feature for the community.</li> </ul>	Grant
Theo Anthony Stevens Leach	Support	Not Heard		Not specified
Lou Sanson, Director-General of Conservation	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on the fairy terns and other bird species.</li> <li>▪ Potential for future development and dredging – cumulative effects.</li> <li>▪ Inconsistent with the objectives and policies of the NZCPS.</li> </ul>	Refuse
Te Arai Beach Preservation Society Inc	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on fairy terns and other bird species.</li> </ul>	Refuse
John Ferguson White	Support	Not Heard		Grant
Carolyn Juliet White	Support	Not Heard		Grant
Lesley Pain	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Julia Sutherland	Support	Heard	<ul style="list-style-type: none"> <li>▪ Will enhance amenity of the upper harbour.</li> <li>▪ Economic benefits.</li> <li>▪ Recreational opportunities for the Mangawhai community.</li> </ul>	Grant
Carol Lesley Bates	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on fairy terns.</li> </ul>	Refuse
Margaret Smith	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Gavan Riley	Oppose	Not Heard	<ul style="list-style-type: none"> <li>▪ Natural environment of the upper harbour should be preserved.</li> <li>▪ Feeding area for fairy terns.</li> <li>▪ Effects on infrastructure – parking and toilets.</li> </ul>	Refuse
Ian Campbell Southey	Oppose	Heard	<ul style="list-style-type: none"> <li>▪ Adverse effects on the fairy terns.</li> <li>▪ Inadequate information provided in the application to determine adverse effects particularly on fairy tern.</li> <li>▪ Cumulative effects.</li> </ul>	Refuse

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Mangawhai Central Limited (MCL)	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> </ul>	Grant
Lynne Prictor	Support	Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> <li>Will provide an important recreational feature for the community.</li> <li>Will provide link between Mangawhai and Mangawhai Heads.</li> <li>Will not adversely affect birdlife or fish.</li> </ul>	Grant
Shona Mary Bowden	Support	Not Heard	<ul style="list-style-type: none"> <li>Restores the history of the area.</li> </ul>	Grant
Alister Kim Hamilton & Nicola Jane Everett	Support	Heard	<ul style="list-style-type: none"> <li>Adverse effects on the environment (including on fairy terns) will be minor.</li> <li>Economic and community benefits.</li> <li>Restores the history of the area.</li> <li>Will provide access to the estuary.</li> <li>Recreational amenity.</li> </ul>	Grant <ul style="list-style-type: none"> <li>Include consent conditions provided in application</li> </ul>
Royal Forest & Bird Protection Society of New Zealand Incorporated	Oppose	Heard	<ul style="list-style-type: none"> <li>Inadequate consideration of the effects of the proposal.</li> <li>Adverse effects on fairy tern.</li> <li>Proposed conditions are inadequate.</li> </ul>	Refuse <ul style="list-style-type: none"> <li>Amend design to remove pontoon and gangway.</li> <li>Lapse period no longer than five years.</li> <li>Conditions to address other matters raised in submission.</li> </ul>
Robyn Cameron	Oppose	Not Heard	<ul style="list-style-type: none"> <li>Adverse effects of construction and use of the wharf on fairy terns.</li> </ul>	Refuse
Karen and Bruce Miller	Support	Not Heard	<ul style="list-style-type: none"> <li>Great addition for the community.</li> </ul>	Grant
David Gloves	Support	Not Heard		Grant
Mary Leigh Gillanders	Support	Not Heard		Grant
Mary Young	Support	Not Heard		Grant
Brewed as Collective	Support	Not Heard		Grant
Gas Mangawhai	Support	Not Heard		Grant
Mark MacDonald	Support	Not Heard	<ul style="list-style-type: none"> <li>Restores the history of the area.</li> </ul>	Grant
Candice Seymour	Support	Not Heard		Grant
Claudia Moir	Support	Not Heard		Grant
Carin Wilson	Support	Heard	<ul style="list-style-type: none"> <li>Huge asset to area.</li> <li>Will support tourism business.</li> </ul>	Grant
Beth Marilyn Stone	Support	Not Heard		Grant
Stephen Mackay	Support	Not Heard		Grant
Thomas Barry Wallace	Support	Not Heard	<ul style="list-style-type: none"> <li>Good idea.</li> </ul>	Grant
Mangawhai Heads Service Station	Support	Heard		Grant
William Alan Corkin	Support	Not Heard		Grant
Davesh Patel	Support	Not Heard		Grant
Rochelle Davies	Support	Not Heard		Grant
James Brown	Support	Not Heard		Grant
Fiona Maree Hitchcock	Support	Not Heard		Grant
Byung Kuoog Kim	Support	Not Heard		Grant
Mangawhai Heads Holiday Park Limited	Support	Heard	<ul style="list-style-type: none"> <li>Restores the history of the area.</li> </ul>	Grant
Hayley O'Dell	Support	Not Heard		Grant
Noela Gunson	Support	Not Heard		Grant

Name of Submitter	Oppose/ Support	Wish to be Heard	Issues of Concern	Relief Sought
Fiona Kneebone	Support	Not Heard		Grant
Jillian Corkin	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ It is an added recreational and historical attraction.</li> </ul>	Grant
Sharon Fenner	Support	Not Heard		Grant
Nicole (Nicky) Sunden	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Would like to see the historic wharf rebuilt.</li> </ul>	Grant
Hamish Townshend	Support	Not Heard		Grant
Yvette Christina Urlich	Support	Not Heard		Grant
Robert Peter Beecroft	Support	Not Heard		Grant
Adam Booth	Support	Heard		Grant <ul style="list-style-type: none"> <li>▪ Increase opening (dredging) of the harbour up to and past the wharf, including the north and south-west.</li> <li>▪ Passage for boats past the wharf must be maintained at all tides.</li> </ul>
Cheryl Lynne Denise Mitchell	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Grant David Mitchell	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> <li>▪ Will provide an important recreational feature for the community.</li> <li>▪ Restores the history of the area.</li> </ul>	Grant
Jerry & Marion Pilmer	Support	Not Heard	<ul style="list-style-type: none"> <li>▪ Great addition for the community.</li> </ul>	Grant
Grahame John Carbery	Support	Not Heard		Grant
Glenda & Paul Simkin	Support	Not Heard		Grant

APPENDIX 2: ZONING MAPS







## APPENDIX 3: STATEMENT OF EVIDENCE

### STATEMENT OF EVIDENCE

#### Katrina Hansen – Biodiversity Advisor

**APPLICATION NO.:** APP.040213.01.01

**APPLICATION:** To construct and operate a wharf in the location of the original wharf in the Coastal Marine Area

**APPLICANT:** Mangawhai Historic Wharf Trust

1. My full name is Katrina Mary Hansen.

#### Qualifications and Experience

2. I hold a Bachelor of Science (Microbiology) from Massey University (1987) and a Masters of Environmental Science from University of Canterbury (1996).
3. I am a Biodiversity Advisor for the Northland Regional Council (NRC) and have held this role since February 2015. I commenced work for NRC in 2005 as an Environmental Monitoring Officer – Water Quality.
4. In my current Biodiversity Advisor role at NRC, I am involved in providing biodiversity, freshwater and wetland management and restoration technical advice to landowners and NRC staff, including Planning, Coastal Monitoring and Consent staff. I carry out ecological and fauna surveys, including for lake birds and freshwater fish.
5. As an Environmental Monitoring Officer, I was involved in water quality environmental monitoring programmes and compliance with consented activities, as well as ecological monitoring including fish surveys and stream habitat assessments
6. I was employed as Biodiversity Officer for the Department of Conservation (DOC) from October 1997 to October 2005 in Whangarei leading the NZ Fairy Tern Protection Programme in Northland. I managed the protection programme for 8 years, which involved field work based at the breeding sites at Waipū and Mangawhai Wildlife Reserves, as well as post-breeding monitoring at various locations on the east coast and Kaipara Harbour. I was Recovery Group Leader for five years. Under this programme I carried out other shorebird work, and as a Biodiversity Officer was involved with many aspects of biological and ecological surveys, including coastal, wetland and lake surveys.
7. I have authored/co-authored the following NZ fairy tern and shorebird scientific publications:
  - a. **Hansen, K.** 2006. New Zealand fairy tern (*Sterna nereis davisae*) recovery plan, 2005-15. Threatened species recovery plan 57, Department of Conservation, Wellington.
  - b. Ferreira, S.M., **Hansen, K.M.**, Parrish, G.R., Pierce, R.J., Pulham, G.A, Taylor, S. 2005. Conservation of the endangered New Zealand fairy tern. Biological Conservation 125: 345-354.

- c. Taylor, G.A., **Hansen, K.M.**, Ferreira, S.M. 2004. Technical Review of the New Zealand Fairy Tern Recovery Programme. Unpublished report, Department of Conservation, Wellington.
  - d. **Hansen, K.M.** 2005. Protection of shorebirds at three Northland breeding sites – Mangawhai, Waipū and Ruakākā. DOC Research and Development Series 204, Department of Conservation, Wellington.
8. I have been a member of Birds New Zealand for over 20 years.
  9. I have reviewed the applicant's expert reports and submissions, with particular regard to submissions from Ian Southey and Department of Conservation.
  10. I have had regard to the New Zealand Coastal Policy Statement Policy 11: Indigenous biological diversity and Regional Policy Statement Policy 4.4.1.
  11. Katie McGuire (Consent Officer) and I carried out a site visit on 17 August 2020, for approx. one hour at low tide.
  12. I confirm that my evidence is within my area of expertise.
  13. I have identified in this statement, the data, information and assumptions that I considered in forming my opinion. I state the reasons for the opinions I have expressed. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed. I have specified the literature or other material used or relied upon in support of the opinions I have expressed.

#### **NZ fairy tern**

14. The NZ fairy tern (*Sternula nereis davisae*) is NZ's rarest endemic bird with the population numbering less than 40 birds.
15. The fairy tern threat ranking is Nationally Critical, being severely threatened and facing an immediate high risk of extinction. The very small population is range restricted and conservation dependent, requiring continual management (Conservation status of New Zealand birds, 2016. Dept. Conservation, New Zealand Threat Classification Series 19).
16. The numbers of fairy terns have increased from a low of three breeding pairs in 1983-84 to around six to 11 pairs over the last few decades. The population has not increased to more than 40 birds over that time.
17. Fairy terns dropped to such low numbers due to human impacts such as predation from introduced predators, disturbance at their breeding sites and habitat modification. The birds are also susceptible to extreme weather events and avian predators, as well as low recruitment to the breeding population and infertility.
18. Recent analysis has shown that the recent low number of chicks hatching at Mangawhai, and a productivity that has only been greater than one young per pair in only two of the last 19 years is not enough to increase population size (submissions from Ian Southey and DOC).

19. The fairy terns breed regularly at four sites in Northland and Auckland, and occasionally at a fifth site (Te Arai). Mangawhai Harbour is the most important site with six of the nine breeding pairs in the 2019-2020 season. Each breeding pair is approximately 10% of the population and on average 50% of the breeding pairs nest at Mangawhai. Recently both clutch size has reduced and egg infertility has increased, following mangrove removal at Mangawhai, resulting in lower productivity at this site (Southey, submission).
20. The birds generally return from their post-breeding, over-wintering sites to arrive at their breeding sites from June-July, though birds may visit breeding sites during the post-breeding season. They gain breeding condition and nest from October to January with chicks fledged by March. The breeding pairs defend both nesting territories and foraging territories.
21. Once the fairy tern chicks have fledged, they stay with their parents for several months while continuing to be fed and learning to fish for themselves. The young will stay with the parents within their foraging territory. The birds shallow plunge dive and feed mainly along the edges of the harbour channels, in shallow edges and pools.

### **Mangawhai Harbour**

22. Mangawhai Harbour is ecologically significant as it contains a wide range and sequence of habitats from dunes to mudflats, mangroves, saltmarsh and wetlands to shrubland. It is the most important breeding site for the fairy tern and many other threatened and at risk species which use the sandspit, mudflats and channels within Mangawhai Harbour, for feeding, roosting and breeding.  
([www.nrc.govt.nz/SEAS-estuarine-birds-mangawhai-estuary.pdf](http://www.nrc.govt.nz/SEAS-estuarine-birds-mangawhai-estuary.pdf))
23. The ecological significance of Mangawhai Harbour is recognised in the Regional Plan as a: Significant Bird Area; Significant Marine Mammal and Seabird Area; Significant Ecological Area; and Outstanding Natural Landscape, Natural Features and Natural Character.
24. Mangawhai Harbour is identified as a global Important Bird Area, being internationally important for bird conservation, supporting key bird species and other biodiversity, including the NZ fairy tern.  
([www.forestandbird.org.nz/important-bird-areas](http://www.forestandbird.org.nz/important-bird-areas))

### **Proposed wharf**

25. Evidence and mapping of foraging territories gained over the last few years have shown that fairy tern pairs maintain territories within the harbour and across seasons (Ismar et al., 2014; Southey, submission.). The location of the proposed wharf is within the foraging territory of one pair of fairy terns and is close to two other pairs' foraging territories.
26. During our visit we saw two fairy terns feeding in the channel around the location of the proposed wharf. Other threatened, at risk and non-threatened species were also observed using the area.

### **Threatened and At risk birds**

Caspian tern	<i>Hydroprogne caspia</i>	Threatened - nationally vulnerable
Eastern bar-tailed godwit	<i>Limosa lapponica baueri</i>	At risk - declining
Red-billed gull	<i>Larus novaehollandiae scopulinus</i>	At risk - declining
Variable oystercatcher	<i>Haematopus unicolor</i>	At risk - recovering
Northern New Zealand dotterel	<i>Charadrius obscurus aquilonius</i>	At risk - recovering
Royal spoonbill	<i>Platalea regia</i>	At risk - naturally uncommon

27. To reduce impacts of the construction of the wharf, the construction should occur outside of the fairy tern breeding season, ideally April to 31 July. The fairy terns nest and raise their chicks from October to March, with birds starting to arrive at their breeding sites from June or July.
28. Likely effects of the use of the wharf include:
- a. The presence of the wharf will restrict the fairy terns feeding within that location as they won't be able to hover and shallow dive. There will be increased disturbance of their feeding territory from increased boat use, noise and wake likely reducing their ability to catch enough fish to breed successfully.
  - b. Increased recreational use of the area from people walking and having dogs in the area.
  - c. Increased boating activity in the upper harbour is likely to impact on the foraging and roosting of several pairs of fairy terns.
29. The pair of fairy terns with the foraging territory around the location of the proposed wharf are not likely to be able to move to another foraging territory as feeding territories are defended.
30. The upper harbour channel has been shown to have the highest number of small fish, particularly gobies, one of the main food items of fairy terns. As there have been likely impacts on breeding success of fairy tern arising from mangrove removal within the upper harbour, further loss of a foraging ability for c.10% or more of the breeding population is likely to have more than minor impacts.

### Conclusion

31. If consent conditions were applied to the construction of the wharf, particularly restricting the timing of construction to the period 1 April to 31 July, then construction activities would likely have no more than minor effects on the fairy terns and other threatened species using the area.
32. The potential impacts from the operation and use of the proposed wharf, resulting from increased number of boats using the upper harbour with increased noise and boat wakes, as well as increased human presence along with domestic animals such as dogs will impact on the feeding ability of the fairy terns and their ability to breed successfully. This is not consistent with the avoidance of effects as required under the NZ Coastal Policy Statement.
33. The NZ fairy tern is a critically endangered species that is close to extinction. While there are other factors that affect their breeding success any activity that has potential to disrupt the established territory and feeding patterns is likely to further reduce their productivity and subsequent ability to maintain the population. The proposal, if implemented will in my opinion have a significant adverse effect on the species and their ongoing survival.



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Dated: 24 August 2020