

**Hearing of Resource Consent Application APP.040213.01.01 by the
Mangawhai Historic Wharf Trust**

Response to Minute 3A

16 October 2020

Experts Present: **Katie McGuire – NRC (KM)**
 Vishal Chandra – Applicant (VC)
 Linda Kirk – DOC (LK)

Facilitator: **Stuart Savill/Paul Maxwell - NRC**

Summary Advice in relation to Minute 3A matters – L Kirk

Point 4(ii) Advice on relative weightings of NZCPS, RPS, RCP and PRP

As per the first Joint Witness Statement and as discussed at the hearing, I consider that the appropriate weightings to be given to the provisions of the relevant statutory documents are as follows:

1. New Zealand Coastal Policy Statement (NZCPS)
2. Regional Policy Statement for Northland (RPS)
3. Regional Coastal Plan for Northland (RCP)
4. Proposed Regional Plan for Northland (PRP)

I consider that the RCP has a greater weighting than the PRP as it:

1. is an operative plan that was developed and went through the First Schedule process under the RMA (adopted in 2003);
2. gives effect to the NZCPS 1994 provisions which are similar to those as contained in the operative NZCPS 2010, and provides a strong directive framework, including but not limited to the following:
 - a. the protection of indigenous biodiversity (indigenous species and habitats)
 - b. the preservation of natural character
 - c. precautionary approach to activities with unknown but potentially significant adverse effects;
 - d. public access subject to it not occurring where protection of significant habitats is required;therefore, in my opinion, would still give effect to the NZCPS 2010;
3. the PRP has been notified and is currently at the appeal phase in the First Schedule process under the RMA, with many of the relevant matters being under appeal and could be subject to change during this process, and then the Minister of Conservation's final approval is needed once appeals are completed.

Point 4(iv) Consideration of permitted activity Rule 31.3.2 of the operative RCP and its relevance to recreational activity on the foreshore associated with the use of the wharf, including implications of enabling potentially prohibited activities to occur.

- RMA definition of land: *"includes land covered by water and the air space above land"*.
- RMA definition of "foreshore" *means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area."*

Therefore, the wharf is "on the foreshore" and Rule 31.3.2 applies to the wharf regardless if above the mudflats/coastal water.

1. Rule 31.3.2(a) – permitted activity does not apply to this application as a structure is required, therefore not a permitted activity.
2. Rule 31.3.2(b) – discretionary activity does not apply to this application as while a structure is required, condition (iii) is not met, therefore not a discretionary activity.
3. Rule 31.3.2(c) – prohibited activity does apply to this application as the recreational activity on the foreshore area does not meet either Rule 31.3.2(a) nor rule 31.3.2(b) as it *"disturbs the roosting, feeding or breeding of indigenous or migratory bird species"* as per clause Rule 31.3.2(c)(iii). Therefore, is a prohibited activity.

Discussion between the planners at caucusing was had as to whether "feeding" equated with "foraging" in relation to Rule 31.3.2(c)(iii): *"disturbs the roosting, feeding or breeding of indigenous or migratory bird species"*; as

“disturbance of the Tara iti foraging area” (or wording to similar effect) was used a lot throughout the expert technical witnesses.

- Collins Concise Dictionary meaning of "feeding" - *to give food to; to eat food*
- Collins Concise Dictionary meaning of "foraging" - *the act of searching for food or provisions (verb); to give food or other provisions; to feed with such food (transitive verb - adjunctive denoting an occurrence of a verb when it requires a direct object or denoting a verb that customarily requires a direct object)*

From the Collins Concise Dictionary meanings of “feeding” and “foraging” above, I have come to the conclusion that if a bird is disturbed from foraging, then that disturbance has a flow-on effect on disturbing the bird’s activity of feeding. That is, a bird cannot feed without first foraging for that food. As the expert technical witnesses stated, feeding is critical for the conditioning of the Tara iti to breed as well. Therefore, Rule 31.3.2(c)(iii) applies to this proposal, the wharf as a recreational activity is a prohibited activity.

I consider that this strong protective and directive rule framework with respect to recreation and threatened indigenous taxa and its habitat, is appropriate and was intentional under the planning framework of the RMA and regional plans. The 31.3.1 Marine Management Area Statement is explicit the for such a strong protective and directive framework:

“Marine 1 Management Areas are those identified as being areas of important conservation value. The priority in these areas will be the protection of those important conservation values identified as occurring within each particular area.”

I consider that Rule 31.3.2 gives effect to Policy 11 of the NZCPS 2010, in particular, Policy 11(a)(i) and Policy 11(a)(iv):

To protect indigenous biological diversity in the coastal environment”:

- (a) *Avoid adverse effects of activities on:*
 - (i) *Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - (ii) *...*
 - (iv) *Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*

I consider that Rule 31.3.2 also gives effect to the RPS, in particular, Policy 4.4.1 which provides a tiered management approach of managing adverse effects. Policy 4.4.1(1) provides a hierarchy of “avoid adverse effects” for threatened indigenous taxa and significant habitats of indigenous fauna as assessed under Appendix 5 (significant bird area; significant marine mammal and seabird area) at the site of the proposed wharf in Mangawhai harbour. I also note that the case law of *Clearwater Mussels* and *Davidson* would apply to this application.

Summary Advice in relation to Minute 3A matters – V Chandra

Response to 4(i) – Key Objectives and Policies of the PRP and RCP, and relevant Analysis

My overall positions, from the detailed analysis of the key objectives and policies are outlined in Table 1 – Objectives and Table 2 – Policies. In which I have outlined that the proposal overall is consistent with both the PRP and RCP for the no pontoon and gangway option, and inconsistent with the RCP with these features to the wharf given uncertainty and the level of impact people accessing the coastal area from the proposed structures, which remains to be proven if there are any impact.

Areas of inconsistency for both options (pontoon and no pontoon) exist as detailed in the Tables. Despite which I do not believe there is policy direction or intent that all policies and objectives are to be met or be consistent with, the wharf without the pontoon for physical access to the coastal environment for people or water vessels is therefore not contrary.

The proposal can therefore be considered passing this as the second gateway under s104D of the RMA and can be considered under s104B of the RMA.

Response to 4(ii) – Relevant Objectives and Policies (NZCPS, RPS, RCP and PRP, and Analysis

Weighting of the Statutory Documents and Overall Position

I retain earlier positions i.e. of the AEE and the evidence, with the planning documents listed below being the order or hierarchy of documents that apply

- i. NZCPS
- ii. RPS
- iii. PRP, and
- iv. RCP.

My overall positions, from the detailed analysis of the key objectives and policies are outlined in Tables 1 and 2, where I have outlined reasons for consistent and inconsistency, with the NZCPS, RPS, RCP and PRP for two part analysis of the proposal, wharf with:

- no pontoon and gangway, and
- pontoon and gangway (original proposal).

The overall position is that the wharf is inconsistent where the pontoon and gangway features exist, and consistent with when these features are removed given uncertainty of the level of impact (if any, as this is an existing use and with the growth planned and occurring on land) people accessing the coastal area from the proposed structures, which remains to be proven.

I note that the higher order documents i.e. objectives and policies should be given more weight where the lower order documents are deficient or unclear, and in this case the lower order documents appear to have been adequately prepared for those parts that are relevant to this proposal.

Response to 4(iii) – Iwi Management Plan

I remain of the view the proposal generally is consistent with the Iwi Management Plan – Te Uri o Hau Kaitiakitanga o Te Taiao given the detailed analysis of the relevant objectives and policies, and also given that iwi were engaged pre lodgement of the application, and at the time the application was received by Council and when notification of the application occurred.

A cultural impact assessment has also been prepared by iwi and the applicant has agreed with the recommendations of that report.

Response to 4(iv) - Interpretation of Rule 31.3.2 of the RCP

I hold the position that the development of the wharf and any potential recreational use which occurs on or off it, is not disjointed and considered together under Rule 31.3.4(m), and that Rule 31.3.2 therefore does not apply as an extra.

I continue to believe that the intent of Rule 31.3.2 is not to prevent access of recreational users in the general sense i.e. walking, swimming and non-motorised vessels, and is intended for recreational activities such as that which occurs in the lower harbour i.e. the more intensive water sports i.e. those using motorised vessels. I view the wording of the plan provisions limiting anyone of any use if the other planning positions are up taken. Noting no such enforcement of the plan provisions including under bylaws have occurred in my brief research. I therefore rely on the conditions of the standards that the recreation activity does not:

- cause permanent physical damage, or
- destruct indigenous vegetation, or
- disturb roosting, feeding or breeding areas of indigenous birds.

In relation to the meaning of the words i.e. forage (the value and use of the application site), and feed, although overlapping in the relation is holds with undertaking both tasks, the primary activity I believe remains distinguished where forage relates to gathering and search process and feed refers to providing and consumption. The Dictionary.com meanings which I believe apply is below.

Forage

- *"the seeking or obtaining of [such] food"*
- *"the act of searching for provisions of any kind"*

Feed

- *"to give food to, supply with nourishment: to feed a child"*
- *"to provide as food"*
- *"to take food; eat"*

I do not agree with the other two planners and their interpretation esp. that feeding is the process of obtaining food.

Noting breeding and roosting do not occur within the application site.

I agree with Ms McGuire re her interpretation of vessels once launched off the pontoon and within the channel to not be within the foreshore area, and that Rule 31.3.2 (a), (b) and (c) would not apply.

Summary Advice in relation to Minute 3A matters – K McGuire

1. Response to 4(ii) of Minute 3A 'in the round' assessment for *relevant* objective and policies. Planning documents are listed in order of relative weighting from highest to lowest:
 - NZCPS – Inconsistent
 - RPS – Inconsistent
 - PRP – Inconsistent
 - RCP – Inconsistent
2. Response to 4(iii) of Minute 3A 'in the round' assessment for *relevant* objective and policies:
 - Te Uri o Hau Kaitiakitanga o Te Taiao – Generally Consistent
3. Response to 4(iv) of Minute 3A regarding Rule 31.3.2 of the RCP and its relevance to recreational activity on the foreshore associated with the use of the wharf, including implications of enabling potentially prohibited activities to occur:
 - Response to prior week's point raised by Vishal regarding whether 'foraging' activity (e.g. where a bird obtains food and returns to nesting area to feed) was included by this rule as the general definition of 'feeding' is different to the definition of 'foraging':

I spoke to Katrina Hansen regarding this point. Katrina's view was that foraging and feeding used in this context are interchangeable (see comments below). Aside from this, Katrina also advised there is some 'feeding' activity by birds within the channel and foreshore area for example where birds are feeding themselves (rather than their mate or young).

"Foraging is searching for food resources/the act of gathering food; foraging behaviour includes all the methods by which and animal acquires and utilises sources of energy and nutrients, including location and consumption of resources. Feeding is the process by which animals obtain food. Birds can be classified on feeding habits (terns are piscivores), as well as habitat and foraging technique (plunge diving). Some papers also refer to feeding behaviour or feeding strategies which would be equivalent to foraging behaviour. <http://www.biologyreference.com/Ep-FI/Feeding-Strategies.html#ixzz6aAjbHBfM> Thus, theories of feeding are concerned with such issues as food choice, prey switching, sensory mechanisms for recognizing and locating food, optimal search strategies, overcoming the defenses of food organisms, and how to compromise between finding food and not carelessly falling prey to some other hunter. So very similar definitions in general and appear to be interchangeable. It seems that foraging is a more commonly used biological term relating to theory/study of behaviour."

- Recreational activities *on* the wharf should be assessed as non-complying under Rule 31.3.4(m) of the RCP rather than Rule 31.3.2(b) or (c). Rule 31.3.4(m) includes the erection or any new structure, the occupation of space by and use of any new structure (other than structures provided for as permitted, controlled, discretionary or prohibited activities). Recreational activities on the wharf would meet the definition of 'use' and there are no other rules under Section 31.3.4 for *structures* that would apply to the use of the proposed wharf. If an individual leaves the wharf to access the foreshore then their activities once off the wharf should then be assessed under Rule 31.3.2(a) to (c). The proposed wharf may attract additional people to the area, however it is more likely that any pedestrians wishing to access the foreshore will do so from land (e.g. via the existing boat ramp) rather than from the wharf (e.g. via a ladder). Vessels launching from the pontoon into the channel may cause disturbance to bird feeding (particularly the NZFT), however once leaving the pontoon, if the vessel is within the channel and not within the foreshore area then the rules under 31.3.2(a) to (c) would not apply as these rules only apply to activities on the foreshore.

OBJECTIVES

Statutory Document	Objectives	Relevant	Key Relevant Provision	Application Consistent with / Inconsistent with / Contrary to (as appropriate) to individual provision	Katie	Linda	Vishal
		Y/N	Y/N	CW / IW / Cont			
New Zealand Coastal Policy Statement (NZCPS)	Objective 1: Coastal environment and ecosystems;	Y	Y	KM - IW LK - CONT VC - (without) - CW VC - (with) – CW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	Due to the potential significant adverse effects on the NZFT, the proposal is not consistent with Objective 1 which seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems.	The Objective is safeguarding the integrity of the environment and sustain its ecosystems including by protecting natural ecosystems . The foraging area of tara iti is not being protected and the tara iti population may not be maintained due to increased recreational use being brought to the wider area of the wharf as acts as a recreational hub.	<p>The transitory nature of effects on shorebirds and expert positions around possible removal of people and animals off the water and foreshore from removal of the pontoon and gangway, means that the biological and physical processes are maintained and possibly enhanced.</p> <p>For the same reason as noted for the lower order documents, the feeding area of the shorebirds i.e. the channel at low tides are maintained and possibly improved esp. from other remote areas along the coastline, these protect sites, and the footprint of the wharf does not impact on the channel at low tide and is in its original location, Dr Craig has noted that these shorebirds are able to adjust to their environment esp. presence of people and refers to events in decline in breeding being tied to natural events and one occasion by people/dog in Waipu i.e. not in Mangawhai, no experts presented data that confirm human impact, and the DOC expert also noted interventions and actions beyond those practices to date, and this is an opportunity to remove people and protect sites and ecosystems. The recent plan making process does not restrict people and access (by way of rules i.e. prohibited activity status to recreate within the Mangawhai Estuary, or other means such as bylaws) to the coastal environment including the foraging areas through the recent PRP for Northland, and the PRP is gives effect to the NZCPS.</p> <p>The transitory effect in my opinion is one of adaptability and of short term given tolerance levels of the Tara Iti. It is noted that Mangawhai through the district planning regime and actual developments has seen an increase in population. Looking at the statistics, a decline is not associated with this change on Tara Iti.</p> <p>With management and the effects conclusions, the application site and immediate surrounds are not considered to be adversely affected, and as a result I do not consider the wider environment is at risk from the proposed wharf. I note that the impact of population growth in Mangawhai and their use of the estuary are likely to have grown over the recent years and the fall in Tara Iti numbers aside from the event at Waipu and natural events do not indicate a cause of decline. Concentration of people and their impact on Tara Iti foraging activities remains unconfirmed by empirical or scientific data, and on the contrary population growth in Mangawhai has also seen growth in the shorebird numbers and additional foraging areas within the Mangawhai Estuary, presented in the evidence at the hearing. Overall, I believe the revised proposal of the</p>

						wharf without the pontoon and gangway maintains and from the possible removal of people from the foreshore and onto the wharf has potential enhancing characteristics, towards biological and physical processes. This therefore in my opinion protects the Tara Iti ecosystem and foraging site. Water quality will be maintained through the construction phase and not discussed beyond comments made prior to and at the hearing.
Objective 2: Natural character, natural features and landscape values;	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with this objective. The presence and use of the proposed wharf is unlikely to have significant adverse effects on the natural character values of the Mangawhai Estuary, however significant adverse effects on the NZFT would likely adversely affect the characteristics and qualities that make up outstanding values of the Mangawhai Sandspit (ONF and ONL).	The natural character includes the ecological aspects. Tara iti are not being protected, therefore natural character is not preserved, so proposal is contrary.	The proposed wharf with or without the pontoon recognises the natural character, features and landscape values, and as covered under the original JWS, wharfs cannot locate on land nor anywhere else in this Estuary and with the effects assessment on the ecological and landscape visual presented by the experts, the proposed use is not inappropriate, and therefore consistent with this objective.
Objective 3: Treaty of Waitangi and tangata whenua;	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The applicant has consulted with Te Uri o Hau to prepare a CIA and agreed to adopt their recommendations. Te Uri o Hau were also notified when the application was publicly notified.	Unknown if iwi (as kaitiaki) were notified of the potential adverse effects on the Tara Iti. Public notification may not be the best way of making them aware of this. If the summary document with the notification did not include effects on Tara Iti - Inconsistent with.	The proposed development (with the pontoon and gangway) had been used for consultation with Te Uri o Hau, at the project initiation and a cultural impact assessment had since been prepared. The council further engaged with iwi through sharing the application materials when the application was lodged and with specific letter, at the time the application was publicly notified for submissions. No further comments or submissions were made. These do allude us to recognise that treaty principles and cultural values have been recognised and mitigation measures accepted as recommended mana whenua. For the reasons stated above, the specific coastal characteristics in this location are acknowledged and protected. I therefore believe the proposal is consistent with this objective. I note that the development of the wharf and its use are not disconnected and do not agree that with the other planning experts that, further and specific engagement is necessary on the operational effects and that feedback to date is only related to the construction works.
Objective 4: Public access and recreation;	Y	Y	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The wharf will enhance public access to the coastal marine area for pedestrians, and will support a wide range of recreational activities.	Wharf would maintain and enhance public open space qualities and recreation opportunities.	The project provides an extended appreciation and use (through the visual connection) of the coastal marine area as an area of public open space. The project enables access over the coastal waters (as modified without the pontoon and gangway, and with these features) for convenience, and also catering for all tide access and access to those who may be immobile, noting the coastal waters physically is not easily or safely accessible by all people during (with reference to the boat ramp not being consented or without any other information confirming its legal existence) at all tides but mostly low tides. With this the project recognises and enhances public access into the coastal environment for the local community catering for their social and recreational needs. The proposed wharf or promenade wharf (without the pontoon and gangway) links over the water access with that being planned and in parts delivered on land by the district council, and supports the chain of coastal reserves and coastal access and compliments the

						walking and cycling linkages that the district council recently started work on securing funding for its construction connecting the Village to the Heads. The district council also recognises the shortage of open space in this location for a growing population which is already taking place and this further supports that growth, both through the district planning and spatial planning. Referring to the district council letter to this proposal which supports this project for the people, their access to the coast and recreation. Coastal processes, climate change and hazards were not extensively covered by mentioned as the session, and relying on the expert feedback, inconsistency is not observed. Overall the proposal with or without the pontoon is consistent with this objective.
Objective 5: Coastal hazard risk;	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective as the proposed wharf is located in a reasonably sheltered location, cannot be located outside the CMA and is unlikely to exacerbate coastal hazard risk on the adjacent land (e.g. erosion).	Query around climate change in the AEE? IW due to the unknown effects around climate change. Wharf is a new development and is unknown if climate change has been considered in this application. Adverse effects of natural hazards are said to be avoided/not exacerbated by the presence of the wharf - Appendix 3 of AEE.	A short discussion took place, and I continue to agree with earlier statements, that the development is appropriately located and the proposal is consistent with this objective.
Objective 6: Social, economic and cultural wellbeing;	Y	Y	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this objective. The proposed wharf has a functional need to be located in the CMA and will provide social and possibly economic benefits to the community. Disturbance of marine <i>resources</i> (such as shellfish) and historic heritage sites can be managed during works.	Bullet point 5 - the impact on the disturbance of the feeding area and habitat. The walkway will keep people off the feeding area of the Tara Iti. Community consultation did not show the need for a wharf. Other uses such as educational signage can be provided by other means i.e. at the Museum etc. The value of the Tara Iti to local residents. There are other means to provide the benefits that the wharf would provide. Functional use of the wharf is for recreation (swimming, motorised/non-motorised vessels, walking, amenity, fishing) public access, historic link, education (signage in shed at head of wharf), pontoon, shed and signage. Can these activities be provided elsewhere and in other locations in the harbour? Yes - walkway around harbour will help keep people off the mudflats/foraging area by providing clear walkway to use, lower harbour has launching facilities and middle harbour has access for hightide for vessels; Back Bay jetty is there for people to view from a different vantage point (are there any other consented but yet to be built jetties?); community consultation appears to be limited - no in-depth assessment of a need for a wharf to begin with not all community groups were consulted e.g. NZFTCT nor the local residents been consulted properly throughout process; concern over safety of location for	Beyond the physical access to the coastal environment for the public, and the added recreational opportunities this brings to the community esp. the residents and possibly visitors to Mangawhai Village, and maritime history and coastal ecological educational opportunities within the environment the values relate to, promotes protection of those values. Although parts of what is proposed can be provided elsewhere and by other means, appreciation and experience of the environment is being promoted under this project (and without the risk of that access being of an adverse or irreversible nature going off the growth in population and use of the estuary observed over the recent years. I noted that us as practitioners visit sites to better understand and to witness the environment rather than rely on other forms of information, and believe this is also relatable in this location with this project. I am able to support this project relying on the experts conclusions of the likeliness and nature of adverse effects i.e. transitory and negligible, less than minor, and adaptable nature of the Tara Iti, and now with the removal of the pontoon and gangway which offered access to the water to now being limited to a visual access to the coastal waters. The need for the wharf and its functionality given the project intent is also of value here as agreed in the earlier JWS, a wharf is not able to locate elsewhere, and to extend that, the entire estuary is afforded the same value in the PRP and RCP, and therefore, the exercise of options and alternatives considerations do not offer much value. This development is also complimentary to existing coastal structures which provide limited access

						swimming/jumping off wharf due to currents, shallowness of water; unknown if fishing is viable from the wharf; historic links and signage can be provided for by other means such as at the museum and historic walkway in the village, at the Mangawhai tavern itself, social media or use of online applications for points of historic interest on maps could be developed, educational material for schools. Lack of economic assessment, social assessment including ongoing recreational use, vessel trip generation/watercraft movement.	<p>i.e. steps and kayak slide and to those confident in using these (this may restrict people with mobility issues or non-swimmers), the consented boardwalk and jetty in the upper catchment, and certainly not give rise or precedence of other wharf proposals, given the current application is unique to the location to recreate maritime history and recognise the cultural history.</p> <p>Experts and submitters at the hearing noted values and attraction to people to Mangawhai and for most, it relates to the coastal access, recreation and lifestyle.</p> <p>Noting the PRP does not restrict access to the coast for public, or outlines provisions or any other methods of avoiding or restricting people from the foreshore and channels at times when shorebirds i.e. Tara Iti are foraging, and the wharf will likely reduce physical contact between people and the birds (although not demonstrated to having any direct adverse impact) while providing a visual connection to the coastal environment over the water without having to use a water vessel or swim. The structure also connects people to the hinterland landscape and seascape.</p> <p>The wharf adds to the limited public or social infrastructure available in this community, esp. seeing projections of growth in the spatial planning work and those observed and presented by the district council. I believe the proposed wharf is an appropriate development and its use suitable in this location for the social and cultural wellbeing while protecting habit and heritage values.</p>
	Objective 7: International obligations[1]	Y	N	KM - IW LK - IW VC - (without) - CW VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this objective. The potentially significant adverse effects on the NZFT mean the proposal is likely inconsistent with New Zealand's international obligations relating to maintaining biodiversity e.g. the Convention on Biological Diversity.	No assessment of international obligations such as the United Nations 1992 "Convention of Biological Diversity"	For reasons stated above in relation to the pontoon and non-pontoon options, I believe there is more consistency without the pontoon option, with this objective.
Regional Policy Statement for Northland	Objective 3.4: Indigenous ecosystems and biodiversity	Y	Y	KM - IW LK - CONT VC - (without) - CW VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this objective as the disturbance associated with the use of the wharf is likely to disrupt the established feeding territories of the NZFT.	Objective 3.4(a) Protecting areas of significant habitats of indigenous fauna - is not being protected. The Objective is safeguarding ecological integrity including by protecting significant habitats of indigenous fauna. The foraging area of tara iti is not being protected and the tara iti population may not be maintained due to increased recreational use being brought to the area of the wharf as a recreational hub.	The direction for this objective is to protect significant habitat, and maintain ecosystems and habitat (where practical enhance these). For the reasons outlined earlier, it has been illustrated that there is consistency with NZCPS, in particular, I believe long term protection of the habitat is presented through this project of a wharf that reduces physical access to the foreshore and channels at low tides while enabling enjoyment and access to the coastal open space. While the concentration of people may reduce people on the mudflats and possible sensitive areas which may not have access restrictions i.e. under policy direction or what is proposed may be a behavioural change, I do not see the project being inconsistent i.e. to cause damage or introduce interruptions not already existing i.e.. the recreational use of the estuary or public access (both of which remain unconfirmed to cause any or adverse

						effects). I view the transitory effects adopting the expert opinion of Dr Craig, as a displacement which is negligible beyond the period the displacement occurs. Given this I believe diversity is maintained with possible enhancement through the increased concentration of people on the wharf rather than on the foreshore or near the channels. The education material on local ecology will further the long term viability and raise awareness within the community of possible impacts of recreation use of the estuary and potentially introduce informal policing, such as speeding boats and pets on or near the feeding areas. This may potentially remove threats posed to the shore birds noted by submitters, i.e. people and their access to the breeding areas without any restrictive direction or methods in the PRP.
Objective 3.8: Efficient and effective infrastructure	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. There is limited opportunity to optimise similar existing infrastructure which is limited in the Mangawhai area and under pressure due to population growth. The proposed wharf will provide for a wide range of activities and benefit the community.	There are alternatives for the optimising the use of existing infrastructure as identified in NZCPS Objective 6 above for different functional needs put forward in the application.	The proposal enables multiple use i.e. access to the coastal open space, historic and cultural heritage and educational use. These will enable and support community wellbeing, and possible bring positive changes to the economy.
Objective 3.10: Use and allocation of common resources	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The occupation area of the proposed wharf is not excessive given the wider space available within the Mangawhai Estuary.	The proposal may cause a precedent effect if a new structure and use in this part of the harbour may result in expectations that other structures could be build such as boat ramps and wharves at other locations where there currently are none.	The proposal is an efficient use and common allocation, as noted earlier, and noting that such resource does not exist in this part of the estuary and the district planning tools identify a shortage of community/social infrastructure and open space.
Objective 3.12: Tangata whenua role in decision-making	Y	N	KM – CW LK - IW VC - (without) – CW VC - (with) - CW	The proposal is consistent with this objective. The applicant has consulted with Te Uri o Hau to prepare a CIA and agreed to adopt their recommendations. Te Uri o Hau were also notified when the application was publicly notified.	It is unknown if Te Uri o Hau, as kaitiaki, were made aware of the potential adverse effects on the tara iti.	As noted above under the NZCPS assessment re engagement and response received to date from mana whenua.
Objective 3.14: Natural character, outstanding natural features, outstanding natural landscapes and historic heritage	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with clause (a) and (b) of this objective as significant adverse effects on the NZFT is likely to adversely affect the characteristics and qualities that make up the outstanding values of the Mangawhai Sandspit (ONC, ONF and ONL)	The identified natural character, outstanding natural features and outstanding natural landscapes are not protected from inappropriate use and development as the ecological values inherent in these matters are not protected.	The direction is to protect from inappropriate use the qualities and characteristics of natural character of the coastal environment and integrity of historic heritage, and the impact on the sandspit is not considered relevant, effects are noted as transitory on ecology and minor on visual aspects.
Objective 3.15: Active management	Y	Y	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The purpose of the wharf is to provide improved public access to the Mangawhai Estuary so is consistent with clause (e) which seeks to maintain and/or improve public access to the coast by supporting, enabling and positively recognising active management arising from the efforts of individuals, iwi, hapu and community groups.	Natural character and significant habitats of indigenous fauna may not be maintained or improved. Objective 3.15(d) seeks to maintain and/or improve the listed matters, including significant habitats of indigenous fauna (including those within estuaries and harbours). The potential consequential effects from the ongoing use of the proposed wharf in the foraging area of tara iti is inconsistent with this objective.	The direction presented here is to maintain and/or improve. The principal areas from the JWS include areas of historic heritage, areas of significant habitat and public access to the coast. With reference to my analysis outlined earlier, I do not believe there are effects of a collective or cumulative nature at hand, especially in reference to the competing interests categorised together here i.e. historic heritage, habitat and public access, and believe the proposed wharf enables all areas of priority to be maintained with areas of possible improvements, such as recreating a maritime history (with the community support) which would otherwise be present in text, possible long term protection of habitat and more education of the ecology and areas/areas to avoid known impacts i.e. via high

							speed travels and pets on the foreshore, and extending the category of users to the coastal open space from those able to be in or on the water, to those who may for convenience or mobility reasons otherwise would not be able to gain access.
Regional Coastal Plan for Northland	6. MARINE MANAGEMENT AREAS						
	6.3 OBJECTIVE The development of an integrated coastal resource management regime which recognises areas of differing levels of subdivision, use, development and conservation value.	N	N - All - for Regional Planning Purposes			Not relevant as for regional planning purposes not specific consent.	
	7. PRESERVATION OF NATURAL CHARACTER						
	7.3 OBJECTIVE The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The natural character of the CMA is this location has some degree of modification and the development of a wharf structure would not have significant adverse effects on the area's natural character values.	Natural character includes ecological values. With the potential adverse effects on tara iti, natural character is not preserved nor protected from inappropriate use and development.	The direction is to preserve and protect natural character. The analysis undertaken for the NZCPS and RPS applies here, and for those reasons outlined earlier the proposal is consistent with this policy.
	8. NATURAL FEATURES AND LANDSCAPES						
	8.3 OBJECTIVE The identification, and protection from inappropriate subdivision, use and development of outstanding natural features and landscapes which are wholly or partially within Northland's coastal marine area.	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this objective due to the potential significant adverse effects on the NZFT, the presence of which are a notable contributor to the landscape values of the Mangawhai Sandspit. The Northland Regional Council Landscape Assessment Worksheet for the Mangawhai Barrier Spit lists specific landscape characteristics including: 'the feature displays high ecological values and is a noted nesting site for the fairy tern....' and 'the presence of native coastal fauna species such as the fairy tern lend the unit significant endemic associations'.	RCP Policy 8.4.1 identifies Mangawhai Sandspit as an outstanding landscape that needs to be protected. The potential adverse effects on the tara iti foraging area may have consequential adverse effects on the Mangawhai sandspit in relation to the ecological values. In addition, the RCP identifies the Mangawhai Harbour as a Marine 1 (Protection) Management Area. This incorporates conservation values which is consistent with the RPS criteria for natural character which includes ecological values. With the potential adverse effects on tara iti, natural character is not preserved nor protected from inappropriate use and development.	The direction is to protect from inappropriate use outstanding natural features and landscapes within the coastal marine area. The application site is not identified for outstanding status, and protection of natural features and landscape have been outlined earlier, and those are relevant here. Note I do not consider the sandspit to fall within this assessment as not works are proposed within this feature and it is also not located within the coastal marine area.
	9. PROTECTION OF SIGNIFICANT INDIGENOUS VEGETATION AND THE HABITATS OF SIGNIFICANT INDIGENOUS FAUNA						
	9.2 HABITATS OF INDIGENOUS FAUNA						

9.2.3 OBJECTIVE The protection of significant habitats of indigenous fauna within Northland's coastal marine area.	Y	Y	KM - IW - NZFT. LK - CONT - Wharf will act as a recreational hub, and bring people to the area. VC - (without) - CW VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this objective due to adverse effects on NZFT feeding habitat.	RCP has identified Mangawhai Harbour as Marine 1 (Protected) Management Area due its conservation values. The foraging area of Tara iti is not being protected due to the increased recreational use being brought to the area of the wharf which is proposed to be a recreational hub. This may result in potential adverse effects on the tara iti foraging area which may have consequential irreversible adverse effects on tara iti population due to disruption of foraging and hence feeding, therefore the habitat of tara iti is not protected by this proposal.	The intent here is to protect significant habit within the coastal marine area, noting the application site is not afforded this status. The expert assessment and my analysis is outlined earlier, with regard to transitory effects and the ability of the shorebirds to habituate, and any interim effects in my opinion of a displacement nature, where I refer to as a change in response to a change in activity or introduction of event such as storm. Filtering down from the higher order documents, for those reasons, I believe the habitat is maintained and will continue to be protected, esp. with possible removal of people from the mudflats/on water, to above water on the wharf which was a concern of submitters and also a matter which remains unconfirmed (i.e. human presence and impact on birds). I note there is no rule (as a method to control and protect areas of importance) which restricts the proposed development which intern enables the ability for this area and occupants and users of the coastal marine area to coexist.
10. PUBLIC ACCESS						
10.3 OBJECTIVES						
1. The maintenance and enhancement of public access to and along Northland's coastal marine area except where restriction on that access is necessary.	Y	Y	KM - CW - Enhancement of public access. LK - CONT - Restriction to feeding areas are necessary therefore it is inappropriate to enhance access.- existing dog control bylaws. VC - (without) - CW (non-contrary) - without the pontoon and gangway, there is no access to the foreshore. VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is consistent with this objective as the proposed wharf will provide improved public access to the Mangawhai Estuary.	Restriction is necessary on the foraging area of tara iti therefore inappropriate to enhance public access by providing a wharf and pontoon in this location. The existing Dog Control Bylaws restrict access. The wharf is sought to enhance public access in the coastal marine area for recreational purposes. But such public access may need to be restricted through management controls where the management of conservation values of the area may be compromised as noted in the introduction of section 10, Public Access of the RCP.	The intent here is to maintain and enhance access, except where restriction is necessary. Falling down from the assessment on the higher order document, the proposal intends to enhance public access to the coastal environment over the coastal water (this being a matter of national importance), and more widely to those who may not have otherwise access the coast for convenience or immobility reasons. With reference to earlier analysis I noted this improved access will not compromise habitat or cultural values. Again noting, the RCP does not restrict use to protect habitat or biodiversity, illustrating there is a level of tolerance and ability for competing uses to coexist i.e. habitat protection and coastal access.
2. The integrated management of vehicular use of beaches, including access to and along the coastal marine area, between administrative agencies, non-governmental agencies and communities.	N	N	ALL - Not Relevant		The proposal is not encouraging vehicular use (assuming a vessel is not a vehicle).	
11. RECOGNITION OF AND PROVISION FOR MAORI AND THEIR CULTURE AND TRADITIONS						
11.3 OBJECTIVE The management of the natural and physical resources within Northland's coastal marine area in a manner that	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The applicant has engaged with Te Uri o Hau and agreed to adopt the recommendations	Unknown if Te Uri o Hau were advised of potential impacts on tara iti as kaitiaki. Were made aware of the construction of the wharf matters in the CIA that was	The intent here is to manage natural and physical resources that recognises traditional and cultural relations. As noted earlier in relation to mana whenua, their values and involvement in this project. Consistency

recognises and respects the traditional and cultural relationships of tangata whenua with the coast.				provided in the CIA including the installation of cultural place markers.	undertaken but not the use from what I can tell.	exists with this direction, esp. with the applicant adopting their recommendations from the assessment.
12. CULTURAL HERITAGE VALUES						
12.3 OBJECTIVE						
1. The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area.	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this objective. The applicant has engaged with Te Uri o Hau and agreed to adopt the recommendations provided in the CIA including the installation of cultural place markers. The works can be managed to avoid adverse effects on archaeological sites and the wharf will not adversely affect the heritage values of the adjacent tavern building.	The proposal recognised the historic heritage of the historic wharf and heritage protocol conditions in consent appropriate. Iwi undertook a CIA on the construction of the wharf.	As noted above, re mana whenua interactions, recommendations and adoption of those suggestions.
13. WATER QUALITY						
13.3 OBJECTIVE						
The maintenance, and where practicable, enhancement of water quality within Northland's coastal marine area.	Y	N	KM - CW LK - Not Relevant VC - (without) - Not Relevant VC - (with) - Not Relevant	The proposal is consistent with this objective. Any adverse effects on water quality will be temporary, occurring only during works that disturb the foreshore and will be minimal with appropriate controls in place.	This objective is in relation to water classification in the plan not the discharge and/or run-off from structures, vessels etc which is covered in section 19 of RCP.	
15. NATURAL HAZARD MANAGEMENT						
15.3 OBJECTIVES						
1. The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.	N	N	KM & VC - Not Relevant LK - CW		Adverse effects of natural hazards are said to be avoided/not exacerbated by the presence of the wharf - Appendix 3 of AEE. Would expect wharf not to exacerbate them but note that there is coastal erosion on that side of the harbour where archaeological shell banks are eroding away.	
2. The avoidance, remediation, or mitigation of the adverse effects of subdivision, use and development on the exacerbation of natural hazards in the coastal marine area.	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent as not likely to exacerbate natural hazard risk through erosion of adjacent land etc.	Adverse effects of natural hazards are said to be avoided/not exacerbated by the presence of the wharf - Appendix 3 of AEE. Would expect wharf not to exacerbate them but note that there is coastal erosion on that side of the harbour where archaeological shell banks are eroding away.	The intent here is to avoid, remedy, mitigate effects on exacerbating natural hazards. As outlined in the AEE, not hazards will increase from the proposed wharf, the proposal is therefore consistent.
PART V: USE AND DEVELOPMENT POLICY						
16. RECREATION						

<p>16.3 OBJECTIVE Provision for recreational uses of the coastal marine area while avoiding, remedying, and mitigating the adverse effects of recreational activities on other users and the environment.</p>	<p>Y</p>	<p>Y</p>	<p>KM - IW - Adverse effects on the NZFT habitat. LK - CONT - Rule 31.3.2 - makes this a prohibited activity. 32.1 - fails on Conservation in a Marine 1 Management Area. On land facilities (parking/toilets etc.) are not included within the application. VC - (without) - CW - There is a level of mitigation offered, by removing access to the water. on land facilities would make it more of a destination area. VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.</p>	<p>The proposal is inconsistent with this objective. The proposed wharf will provide for recreational opportunities in the CMA, however the applicant has not demonstrated that the potential adverse effects on NZFT associated with the use of the wharf can be satisfactorily avoided, remedied or mitigated.</p>	<p>Recreational hub proposal of wharf may bring more people into the foraging area of Tara iti with disturbance of the bird so a permissive approach is not appropriate. The structure itself is also not permitted under Policy 16.4.1. Rule 31.3.2 makes the recreational activity a prohibited activity for both the structure and ongoing recreational use due to potential impacts on foraging area. The Assessment Criteria is important in this discussion - Section 31.3.13 General Performance Standards apply too for both recreation and structures and unknown if fails on the safe navigation matters but for the section 32.1 General Criteria fails on the matters 14 and 17- conservation values in M1PMA and potentially also 24 - whether requires facilities such as car-parking, toilets etc. Therefore contrary to avoiding, remedying and mitigating adverse effects on other users and the environment.</p>	<p>The RCP states that recreation activities mainly occur in the Marine 1 and 2 zones, and these can be in a variety of forms. It states necessary management where users are in large numbers or where competing demands exist for such use which includes disturbance of wildlife but more so on the uses itself. Noting surface water recreation is controlled by the Navigational Safety Bylaw 2001.</p> <p>The RCP goes onto to state the "relatively minor adverse effects of most forms of recreational activity... and consequent need to avoid unnecessary controls on coastal recreation", Issue 16.2(1), "important contribution of coastal recreation to people's health and wellbeing... need to consider maintenance and enhancement of opportunities for recreational use of the coastal marine area", Issue 16.2(2), and "potential conflicts between uses...", Issue 16.2(4). As noted earlier, the proposal provides for and enhances passive recreation use of the coast with enhanced access over the water on the wharf (with the non-pontoon option), noting key directions in policies 16.4.(1), "...adopt a permissive approach toward recreational activities in Marine 1... except where these (a) it require associated structures, (b) cause adverse environmental effects..., or (f) adversely affects the amenity values of the area". The intent of these directions indicate that on the water use and that those need to be managed, my view is that the above water use of the coastal area from proposed structure (given the effects analysis earlier i.e. that of a transitory nature on shorebirds) provides a static use which allows access over the coastal waters and foreshore, and in doing so removes possible disturbance to any habitats or feeding grounds from physical contact - noting this remains unconfirmed (as noted earlier, also unlikely given growth in population and use of the estuary, and Tara Iti numbers and foraging areas).</p> <p>The proposal also enhances public access and potentially reduces the need for people at low tides on the foreshore possibly improving effects of permitted use that is occurring or can occur as of right.</p>
<p>17. STRUCTURES</p>						
<p>17.3 OBJECTIVE The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.</p>	<p>Y</p>	<p>Y</p>	<p>KM - IW - Adverse effects on the NZFT habitat. LK - CONT - Provide a recreation hub and more disturbance in that area. VC - (without) - CW - The structure will confine people to the wharf area. VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.</p>	<p>The proposal is inconsistent with this objective as the applicant has not demonstrated that the potential adverse effects on NZFT associated the use of the wharf can be satisfactorily avoided, remedied or mitigated.</p>	<p>Recreational hub proposal of wharf may bring more people into the foraging area of Tara iti with disturbance of the bird. The structure itself is not permitted under Policy 16.4.1. Rule 31.3.2 makes the recreational activity a prohibited activity for both the structure and ongoing recreational use due to potential impacts on foraging area. The Assessment Criteria is important in this discussion - Section 31.3.13 General Performance Standards apply too for both recreation and structures and unknown if fails on the safe navigation matters but for the section 32.1 General Criteria fails on the matters 14 and 17 - conservation values in M1PMA and potentially also 24 - whether requires facilities such as car-parking, toilets etc. Therefore contrary to avoiding,</p>	<p>The proposed wharf structure is important for enhanced access and continued enjoyment of the coastal marine area, and as noted earlier in the higher order document analysis, I believe while it provides community benefit it protects biodiversity in the long term.</p> <p>It is noted that its visual impact is concluded by the expert as one that is not uncommon esp. with limited lighting and natural material use, and given its footprint and scale being the same or less than the original, there being no other such structure and no ability for another to be created given the intent of this structure is to recreate the historical landscape and inform the heritage trail, it is considered to be consistent with the directions here - those including coastal processes, safety and public access.</p> <p>The shed at the end of the wharf will be open on two ends and will house the education materials and sign,</p>

					remedying and mitigating adverse effects of the structure.	and the shed in this regard assists in reducing visual clutter on the wharf, while enabling a view through unlike the original shed which was enclosed and larger in footprint. This shed is more sympathetic given its smaller in footprint and open on two ends when compared with the original structure. Noting there was another shed on the landward side of the wharf with this historical structure. The RCP notes a number of unauthorised structures across the region along with authorised structures. In this location, no other wharfs or sheds exist and therefore a potential for cumulative effects in this regard is unlikely. Should this consent be approved, this giving rise to other such structures is also unlikely, given the intent to recreate the historic structure, and no other such projects are possible in this estuary.'
19. DISCHARGES TO WATER						
19.3 OBJECTIVE The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.	Y	N	LK – IW VC - (without) - CW VC - (with) - CW	Not relevant	Application doesn't consider litter/rubbish which is a matter raised in this section of the RCP and was raised during the hearing process.	In relation to the construction effects, the proposal is consistent with the objective where through appropriate management techniques adverse effects will be remedied and mitigated.
22. DREDGING AND DREDGING SPOIL DISPOSAL						
22.3 OBJECTIVE Provision for capital and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as Marinas and Ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.	N	N	ALL - Not Relevant		Dredging not part of application but concern has been raised whether allowing wharf will require dredging in future.	No dredging is proposed and no future dredging associated with the structure (out of scope of this application).
25. MARINE 1 (PROTECTION) MANAGEMENT AREA						
25.3 OBJECTIVES						

<p>1. The protection of the important conservation values identified within Marine 1 (Protection) Management Areas including their ecological, cultural, historic, scientific, scenic, landscape and amenity values.</p>	<p>Y</p>	<p>Y</p>	<p>KM - IW LK - CONT - Adverse effects on the NZFT, the location is a Marine 1 protection area. The effects on the natural character. VC (without) - CW - VC - (without) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas..</p>	<p>The proposal is inconsistent with this objective due to potential adverse effects on the important ecological values of the Mangawhai Estuary (which includes NZFT feeding habitat) associated with the use of the wharf.</p>	<p>Location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected. Appendix 9 criteria use to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is contrary with this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area.</p>	<p>Marine 1 zone recognises significant sites of special values i.e. historic, cultural, ecology, scenic, landscape, amenity and conservation. The purpose of the zone is to sustain these values, and states that "<i>activities will be allowed in the areas of important conservation value provided that there are no more than minor adverse effects on the values of those areas</i>". As noted earlier, relative to the higher order documents, these values are unlikely to be adversely affected. Because there is a clear direction here opposed to the discretionary and unconfirmed people effects i.e. any possible links between people, their use of the estuary and impact on Tara Iti.</p>
<p>2. Subdivision, use, and development in Marine 1 (Protection) Management Areas occurring without adverse effects on the areas' important values and natural character.</p>	<p>Y</p>	<p>Y</p>	<p>KM - IW - Adverse effects on the areas important ecological values - regarding the NZFT. LK - CONT - Adverse effects on the NZFT, the location is a Marine 1 protection area. The effects on the natural character. VC - (without) - CW VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.</p>	<p>The proposal is inconsistent with this objective due to potential adverse effects on the important ecological values of the Mangawhai Estuary (which includes NZFT feeding habitat) associated with the use of the wharf.</p>	<p>Location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected. Appendix 9 criteria use to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is contrary with this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area.</p>	<p>The intent is outlined above, relative to which any development must avoid adverse effects. The avoidance interpretation was provided in the JWS and earlier in this session, that this must be considered and relevant within the context of the value being protected. In this case the most significant or controversial of effect is that on the shorebirds. Its transitory nature extends that it has displacement characters i.e. to move, and adjust or habituate. The resulting adverse effects of which is negligible, and therefore the proposal is not contrary.</p>
<p>3. To achieve local community involvement in the identification and protection of the important conservation values (as identified in Appendix 9), and the preservation of the natural character, of areas within the Marine 1 (Protection) Management Area.</p>	<p>N - KM & VC Y - LK</p>	<p>N</p>	<p>KM & VC - Not Relevant LK - CONT</p>		<p>Relevant as the location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected, and will need local community involvement to achieve this. Appendix 9 criteria used to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is contrary with this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area. The community consultation undertaken and submissions received have</p>	<p>Policy making.</p>

					identified concerns within the community on the conservation values.		
Proposed Regional Plan for Northland – Appeals Version	F.1.2 Water quality	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is considered to be consistent with this objective as any adverse effects on water quality will be temporary, occurring only during works that disturb the foreshore. 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.	Agree with Katie and during construction.	During construction.
	F.1.3 Indigenous ecosystems and biodiversity	Y	Y	KM - IW - Does not meet Clause 1 and Clause 2. LK - CONT - VC - (without) - IW VC - (with) - IW	Due to the potential adverse effects on critically threatened NZFT, the proposal is inconsistent with this objective. Clause 1 to 3 of this objective aims to protect significant habitats of indigenous fauna, maintain regional indigenous biodiversity and reduce the threat status of threatened species.	Objective F.1.3 seeks to safeguard ecological integrity by protecting significant habitats of indigenous fauna, and maintain regional indigenous biodiversity, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and preventing the introduction or spread of new/existing marine pests. With the conjunctive "and" for each clause, the proposal is contrary to the first 3 clauses as the wharf may increase recreational activities in the wider area with resulting disturbance of Tara iti foraging for food with the consequential but potentially significant and irreversible adverse effects on Tara iti. The ecological integrity is not safeguarded under this proposal.	<p>The direction here is to protect significant habitat, maintain biodiversity, where possible enhance and restore ecosystems, and reduce overall threat of at risks species, and prevent introduction of new pests and slow spread of existing. The part which relates to protect has been discussed extensively in relation to the NPS and NZCPS.</p> <p>What is of value to add to is the reduce threat direction, and here the statement of the reduction of people and pets on the foreshore and remote areas by attracting them to the wharf including near channels which the shorebirds use for feeding will be positive.</p> <p>This provision is under appeal by Transpower (ENV-2019-AKL-000107) and CEP (ENV-2019-AKL-000111). The Transpower appeal seeks to define the provision better including the reference to functional and operational need, and includes a category of regional infrastructure rather than the activity status or the reason for why structures require consent. The CEP appeal refers to indigenous biodiversity, its significance and rules. It also seeks that significant ecological or bird areas is added to Rule C.1.1.21. An appeal to this objective is made by Forest and Bird Protection Society of NZ Inc (ENV-2019-AKL-000127). It seeks rules and policies for the overlays in relation of threatened or at risks species and Policy 11.</p> <p>Despite the status of this provision and plan, I believe this proposal (same as the assessment of the NZCPS and RCP) is inconsistent.</p>
	F.1.4 Enabling economic well-being	Y	N	KM - CW LK - CW (likely to be attractive) VC - (without) - CW (indirectly) VC - (with) - CW	The proposal is consistent with this objective as the proposed wharf will likely provide some economic benefits to the community by providing jobs during construction. If the proposed wharf generates additional tourism to the area it will also provide ongoing benefits to local business.		Indirectly relevant through increased use.

F.1.7 Use and development in the coastal marine area	Y	Y	KM – CW LK – IW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this objective. The structure is compatible with the proposed location and will provide for recreational activities and enhance public access to the CMA.	The proposal is generally inconsistent with this objective. The structure of a wharf is compatible with the proposed location in the CMA and will provide for recreational activities and enhance public access to the CMA. However, the various uses to be provided by the wharf can be provided for by alternative means (see comments to NZCPS Objective 6 - Functional use of the wharf is for recreation (swimming, motorised/non-motorised vessels, walking, amenity, fishing) public access, historic link, education (signage in shed at head of wharf), pontoon, shed and signage. Can these activities be provided elsewhere and in other locations in the harbour? Yes - walkway around harbour will help keep people off the mudflats/foraging area by providing clear walkway to use, lower harbour has launching facilities and middle harbour has access for hightide for vessels; Back Bay jetty is there for people to view from a different vantage point (are there any other consented but yet to be built jetties?); community consultation appears to be limited - no in-depth assessment of a need for a wharf to begin with not all community groups were consulted e.g. NZFTCT nor the local residents been consulted properly throughout process; concern over safety of location for swimming/jumping off wharf due to currents, shallowness of water; unknown if fishing is viable form the wharf; historic links and signage can be provided for by other means such as at the museum and historic walkway in the village, at the Mangawhai tavern itself, social media or use of online applications for points of historic interest on maps could be developed, educational material for schools. Lack of economic assessment, social assessment including ongoing recreational use, vessel trip generation/watercraft movement.)	Relates to developments being efficient use of space; scale density and design compatibility; recognise need to maintain and enhance public access; and provide for in appropriate places and form, and within limits. Given the analysis outlined earlier, the proposal is seen appropriate i.e. use of space, public access, and form and location given historic.
F.1.8 Tangāta whenua role in decision-making	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is constant with this objective. The applicant engaged with Te Uri o Hau prior to lodging the application to prepare a CIA and have indicated Te Uri o Hau will have ongoing involvement once the project commences.	It is unknown if Te Uri o Hau, as kaitiaki, were made aware of the potential adverse effects on Tara iti from the use of the structure and potential consequential effects on the wider area, but iwi did provide a cultural impact assessment for the construction of the structure.	Same as those reasons given earlier re mana whenua.
F.1.10 Improving Northland's natural and physical resources	N	N	KM - Not Relevant VC - CW - Relevant LK - IW - Relevant		The wharf may contribute to the physical resources of Northland but may have negative impacts on the natural resources (Tara iti).	Same as those reasons given for the NZCPS, RPS and NRP providing a physical resource for pubic use.

	F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangāta whenua	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this objective. Any effects on the historic heritage and the natural character values of the Mangawhai estuary will be no more than minor and Te Uri o Hau are in support of the proposal. Significant adverse effects on the population of fairy tern may result in adverse effects on the characteristics, qualities and values of the Mangawhai Sandspit that has been identified as an ONF, ONL and area of ONC, however clause 1 of this objective only refers to ONF and NC in the CMA (not on land).	The ecological values of natural character are not protected from inappropriate use and development by this proposal i.e. impact on Tara iti, which may have consequential effects on the significant areas and values such as those on Mangawhai Sandspit Wildlife Refuge Area. The integrity of the historic values are protected and as stated before, it is unknown if Te Uri o Hau, as kaitiaki were made aware of the potential but significant adverse effects on Tara iti, but the CIA was provided for on the construction of the structure at that site.	Same as those reasons given for the NZCPS, RPS and NRP where it provides for maritime and cultural heritage recognition.
Te Uri o Hau Kaitiakitanga o te Taiao (Iwi Management Plan for Te Uri o Hau)	Page 43: Objective 31 Integrated management of the marine and coastal area and the Kaipara and Mangawhai harbours within the statutory area of Te Uri o Hau led by tangata whenua/ahi kā.			ALL - Not relevant		Integrated management of the coastal area being led by Te Uri o Hau. Te Uri o Hau is committed to the holistic management of the marine and coastal area and harbours but unknown if any integrated management has been led by tangata whenua.	Integrated management of the marine and coastal area and the Kaipara and Mangawhai harbours within the statutory area of Te Uri o Hau led by tangata whenua/ahi kā. Te Uri o Hau have prepared a CVA and in which consideration has been given to this management plan. With reference to the earlier discussions the development and management of effects is considered consistent. Noting the implementation tool is to engage with iwi, and this has been completed with no concern.
	Page 53: Objective 34 Te Uri o Hau tikanga and tino rangatiratanga in accordance with the use of the natural resource management of whenua within the statutory area of Te Uri o Hau is recognised and provided for.	N	N	ALL - Not Relevant		Objective applies to the land and while the impacts on Tara iti may extend to the Mangawhai Sandspit, this objective is directly related to land management and not directly applicable to the consent application.	
	Page 55: Objective 35.1 Sustainably manage and use natural resources while providing for adequate housing infrastructure and population growth within the statutory area of Te Uri o Hau.	N	N	ALL - Not Relevant		Not relevant as section is focused on subdivisions and associated infrastructure.	
	Page 58: Objective 36.1 The protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites within the statutory area of Te Uri o Hau.	Y	Y	KM - CW – Relevant LK - CW - Relevant VC - (without) – CW VC - (with) - CW	Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this objective	CIA has considered archaeological sites in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.	The protection and preservation of all urupa, wahi tapu and wahi taonga and archaeological sites within the statutory area of Te Uri o Hau. Included in CVA.

<p>Page 58: Objective 36.2 Respect is shown for Te Uri o Hau association with urupā, wāhi tapu and wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau.</p>	Y	Y	<p>KM - CW - Relevant LK - CW - Relevant VC - (without) - CW VC - (with) - CW</p>	<p>Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this objective</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.</p>	<p>Respect is shown for Te Uri o Hau association with urupa, wahi tapu and wahi taonga, and archaeological sites within the statutory area of Te Uri o Hau. Include in CVA.</p>
<p>Page 58: Objective 36.3 Acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau is accurately recognised and provided for.</p>		Y	<p>KM - CW - Relevant LK - CW - Relevant VC - (without) - CW VC - (with) - CW</p>	<p>Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this objective</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.</p>	<p>Acknowledgement of the relationship and association with Te Uri o Hau and their wahi tapu, wahi taonga and archaeological sites within the statutory area of Te Uri o Hau are accurately recognised and provided. Included in CVA.</p>
<p>Page 63: Objective 38.1 Achieve Te Uri o Hau hapū, marae and whānau participation in the management of indigenous biodiversity within the statutory area of Te Uri o Hau.</p>			<p>KM - CW - Relevant LK - CW - Relevant VC - (without) - CW VC - (with) - CW</p>	<p>The applicant has engaged with Te Uri o Hau to prepare the original CIA and Te Uri o Hau were invited to make a submission on the application.</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application. But unknown if effects on Tara iti were considered as part of this application, therefore inconsistent with.</p>	<p>The pre lodgement interaction, that undertaken by council at receipt of application and when the application was notified has enabled participation.</p>
<p>Page 63: Objective 38.2 Develop protocols with the Crown and their representative agencies to provide for the enhancement, protection, preservation and restoration of indigenous habitats such as forests, flora and fauna for future generations.</p>			<p>ALL - Not Relevant</p>	<p>Related to relationships with the Crown and agencies and not relevant to the resource consent process.</p>	<p>Not relevant as unknown if protocols developed and not part of consent process.</p>	
<p>Page 67: Objective 40 Protect and preserve cultural landscapes and sites of significance through establishing meaningful relationships with the Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation, resource consent applicants, developers, land-holders and the wider community.</p>	Y		<p>KM - CW LK - CW VC - (without and with) - CW</p>	<p>Applicant has engaged with Te Uri o Hau to prepare CIA and agreed to recommendations in CIA including ongoing involvement with Te Uri o Hau through completion of construction and public opening.</p>	<p>Resource consent process applied.</p>	<p>The project achieves this and has engaged with iwi to recognise and endorse the recommendations to ensure this occurs.</p>
<p>Page 69: Objective 41 To maximise profit return from the appropriate management of Te Uri o Hau commercial assets for allocating into social, environmental and cultural development of Te Uri o Hau people.</p>			<p>ALL - Not Relevant</p>		<p>Not relevant as in relation to commercial assets of Te Uri o Hau and wharf is not being proposed a commercial interest.</p>	
<p>Page 75: Objective 41 To maximise profit return from the appropriate management of Te Uri o Hau commercial assets for allocating into social, environmental and cultural development of Te Uri o Hau people.</p>			<p>ALL - Not Relevant</p>			
<p>Page 90: Objective 52.1 To ensure Te Uri o Hau recognition within the resource consent process under the Resource Management Act 1991 and the Te Uri o Hau Claims Settlement Act 2002.</p>			<p>KM - CW LK - CW VC - (without and with) - CW</p>	<p>The applicant has consulted with Te Uri o Hau to prepare a CIA and Te Uri o Hau were notified when the application was publicly notified.</p>	<p>Applicant has engaged with Te Uri o Hau, received an CIA and Council has notified Te Uri o Hau.</p>	<p>To ensure Te Uri o Hau recognition within the resource consent process under the Resource Management Act 1991 and the Te Uri o Hau Claims Settlement Act 2002. Iwi already engaged and recognised, CVA prepared and its presents support towards the development and management and accidental discovery protocols.</p>

<p>Appendix 5: Section 58 provides for the purpose of statutory acknowledgements. (1) The only purposes of the statutory acknowledgements are— (a) to require that consent authorities forward summaries of resource consent applications to Te Uri o Hau governance entity, as required by regulations made under section 64; and (b) to require that consent authorities, the Historic Places Trust, or the Environment Court have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 60 to 62; and (c) to enable Te Uri o Hau governance entity and any member of Te Uri o Hau to cite statutory acknowledgements as evidence of the association of Te Uri o Hau with the statutory areas, as provided in section 65; and (d) to empower the Minister of the Crown responsible for management of the statutory areas, or the Commissioner of Crown Lands, to enter into deeds of recognition, as provided in section 67. (2) This section does not limit the operation of sections 70 to 73.</p>						
<p>Section 60 Under section 60 Consent authorities must have regard to statutory acknowledgments from the effective date, and without derogation from its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether Te Uri o Hau governance entity is an entity that may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area. Section 60: substituted, on 1 August 2003, by section 107(1) of the Resource Management Amendment Act 2003 (2003 No 23).</p>						
<p>Appendix 8: Map</p>						

POLICIES

Statutory Document	Policies	Relevant	Key Relevant Provision	Application Consistent with / Inconsistent with / Contrary to (as appropriate) to individual provision	Katie	Linda	Vishal
		Y/N	Y/N	CW / IW / Cont			
New Zealand Coastal Policy Statement (NZCPS)	Policy 1: Extent and characteristics of the coastal environment;	Y	Y	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The coastal environment has been mapped by the PRP maps and adverse effects extending into the coastal environment have been assessed where relevant.	Habitat of indigenous coastal species is part of the coastal environment.	<p>The extent and character of the coastal environment recognises the national and regionally significant shorebirds and habitat along with historical and cultural, natural character, landscape and seascape, and visual amenity values people appreciate.</p> <p>The combination of any adverse effects on these values are represented in the application and by expert witnesses and these area collectively minor at maximum - noting the visual change of the landscape and seascape leads to this overall effects position. This also includes effects, which are transitory (i.e. on shore birds), temporary (i.e. during construction) and operational (i.e. the increase in people gaining access to the coastal environment using the proposed structure, any adverse effects of this remains unconfirmed). I have not dis-acknowledge the growth planned in this district (including other projects esp. the walking and cycling for which recent budgets means it's a priority to project to deliver according to the district council) given changes on land lead to increased demands and also increase in coastal access and use, an observation from hearing submitters and experts during the hearing - any conclusions of this being significantly adverse has not been confirmed and unlikely seeing changes occurring in this locality over the past five years, and no connections of this leading to population decline of Tara Iti.</p> <p>With the proposal being that of the wharf only in its original location instead of the original presented with the pontoon and gangway, the functional and historical choice of the location enables me to conclude that the development is not unique here or to the coastal environment and contributes towards its widely known characteristics, and is consistent with this policy.</p>
	Policy 2: The Treaty of Waitangi, tangata whenua and Maori;	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The applicant has consulted with Te Uri o Hau to prepare a CIA and agreed to adopt their recommendations. Te Uri o Hau were also notified when the application was publicly notified. The proposal is generally consistent with the objectives and policies of Te Uri o Hau Kaitiakitanga o te Taiao.	Relevant iwi resource management plan has not been taken into account and unknown if Te Uri o Hau were made aware of potential effects on tara iti as kaitiaki. NRC publicly notified the application and advised iwi of the notification with a summary of application. Unknown if potential impact on Tara iti were identified in this summary.	For the same reasons noted under the objective the proposal is consistent with this policy.
	Policy 3: Precautionary approach;	Y	Y	KM - IW LK - CONT VC - (without) - CW VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data,	The proposal is inconsistent with this policy. Given the potentially significant adverse effects on the NZFT and residual uncertainty regarding the effects associated with the increased disturbance of the NZFT feeding habitat a precautionary approach (declining the application) would be appropriate.	Irreversible effects on the Tara Iti are uncertain and little understood, could potentially be significant due to increased disturbance in the foraging area as a result of increased recreational activity that may arise from the wharf being there. This will also adversely affect the needs of future generations if this species became extinct. Precautionary approach should be applied.	The experts at the hearing through their evidence and through questions confirmed in their view the scale of actual and potential effects, and the likeliness of those occurring. In relation to the shorebirds, experts have separate positions and those are empirical and scientific. Of these, I rely on the scientific positions and observations where those are researched and from literature i.e. the adaptability and tolerance of Tara Iti, and the change and outcomes of interventions such as predator controls and habitat improvements applied in this location, in respect of these birds, as well as,

				and current increase in people and the Tara Iti numbers and their foraging areas.			<p>hearing the submitters and the applicant's experts outline other factors which influence the shorebirds i.e. natural events and biological shortcomings to breeding.</p> <p>What I believe is important with or without the project (as noted by experts) is new interventions and here I believe the possible reduction in people on the foreshore and bringing them to the wharf helps remove direct contact with the birds (if that is confirmed to be an area of concern) while maintaining visual connections, the educational component of the project for the maritime or cultural history, but of the ecology and shorebirds. holding value of raising awareness and possibly through this encourage behavioural change and better local/informal policing of the rules such as boating speed or pets on the foreshore, which extend beyond this project.</p> <p>Compared to no wharf, an educational opportunity in my opinion will be lost, the project with this in mind enables precautions and a strategic move in absence of statutory provisions of residents and visitors being manned away from the foraging areas or the foreshore (this relates to the interpretation of the recreational activity provisions of the RCP).</p> <p>Other areas of precaution applied includes management of temporary construction effects, where the key impact is of pile driving and that is to occur outside of the breeding seasons with time buffers on either end of this season. Restrictions of use, removal of the pontoon and offering of no dredging further solidifies the intent and precautions towards resulting effects, particularly those on shorebirds.</p>
Policy 4: Integration;	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The footprint of the proposed wharf is completely within the CMA and not within the district plan boundaries. While the wharf may result in additional pressure on existing land-based facilities, KDC have indicated they support the proposal.	No integration with onshore infrastructure needs if wharf became a recreational hub such as toilets, parking facilities, if building consent needed from KDC - how does it link with land? Lack of collaboration with DOC, NZFTCT re conservation matters. Significant adverse cumulative effects on the foraging area of tara iti can be anticipated with growing population of Mangawhai, removal of mangroves from the harbour, and anticipated recreational hub from wharf being located in middle harbour. Draft Mangawhai Spatial Plan should also have integrated management in the coastal environment.	For reasons provided in the AEE, the hearing and covered above, integrated management is observed i.e. the district and regional level interaction of access to the coast and management of effects esp. with awareness raising and education, and therefore consistent with this policy.	

Policy 5: Land or waters managed or held under other Acts;	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with this policy due to potential significant adverse effects on the NZFT which use the Mangawhai Spit as a breeding site. Mangawhai Spit is a designated wildlife refuge under s22 of the Reserves Act.	Potential impact on foraging area, which may impact on Tara iti condition which impacts on breeding. Potential impact on foraging area of tara iti may impact on the Mangawhai Sandspit Wildlife Refuge area for tara iti. Mangawhai Heads Wildlife Refuge area on sandspit is under Wildlife Act 1953; Reserves Act 1997 also applies to Mangawhai Sandspit as a Mangawhai Government Purpose Wildlife Refuge Reserve. Is noted that the Mangawhai Harbour Marginal Strip No 3 is a fixed marginal strip under the Conservation Act 1987 but applicant has said at the hearing that this area will not be used during the construction of the wharf so no concession needed from the Department of Conservation.	For reasons provided in the AEE, the hearing and covered above, integrated management is observed i.e. the district and regional level interaction of access to the coast and management of effects esp. with awareness raising and education, and therefore consistent with this policy. Potential adverse impact (relying on the expert conclusions) on foraging, breeding and feeding in relation to the Wildlife legislation is not foreseen. With the pontoon and gangway removed from the proposal any risks associated with any parts that may remain in clear is also cleared, and consistency further confirmed.
Policy 6: Activities in the coastal environment;	Y	Y	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The proposed wharf has a functional need to be located in the CMA, will provide a recreational amenity for current and future population growth in this community and the presence of the wharf will not have significant adverse visual effects in this location.	Contrary to Policy 6(1)(b). May impact on the foraging area of Tara iti so this value would be compromised. No buffer area provided and is a site of significant indigenous biological diversity which may be adversely affected. The functional need of the different uses that the wharf is to provide can be provided elsewhere as per NZCPS Objective 6.	This policy recognises the range of built development and public infrastructure that is enabled to cater for the foreseeable needs of population growth without compromising values of the coastal environment. The intent of the proposed wharf is outlined earlier for recreational and education purposes. The development witnessed and expected in Mangawhai is seen in the Spatial Planning work undertaken by the district council, that work also recognises a need for more open space and recreational areas in this location for the current and future population. The proposal is seen to complement the growing population of Mangawhai. The impact of the development on shore birds and the coastal environment is outlined earlier, where adverse effects are considered to be temporary, operational and transitory. Mitigation and possible values of the project is also covered earlier. In relation, to the management of the coastal environment while providing for a growing population and their social wellbeing. Noted earlier, and in the earlier JWS - the wharf is unable to located elsewhere i.e.. on land or another location in this Estuary without having the same impact and not being able to recreate the historic structure and bring those historical education opportunity. The development is available for public recreational use with additional benefits of historical and educational functions. The proposal for these reasons is consistent with the direction of this policy.

<p>Policy 11: Indigenous biological diversity (biodiversity);</p>	<p>Y</p>	<p>Y</p>	<p>KM - CONT LK - CONT VC - (without) - IW VC - (with) - IW</p>	<p>The proposal is contrary to this policy 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 (due to adverse effects on critically threatened NZFT).</p>	<p>Contrary to the protection of indigenous biological diversity in the coastal environment by avoiding adverse effects of activities on indigenous taxa listed as threatened or at risk which are identified in the JWS of the Bird Experts (11 species) (NZCPS Policy 11 (a)(i)) and the habitats of indigenous species (NZCPS Policy 11 (a)(iv)). Potential disturbance effects and impact on the foraging area of Tara iti. Relevant case law of Clearwater Mussels (effects are irreversible) and Davidson apply here.</p>	<p>The direction of this policy is to avoid adverse effects of activities to protect indigenous biological diversity in the coastal environment. "Adverse" means "unfavourable", "opposing" or "contrary" (Dictionary.com). In my opinion, this direction needs to be viewed in relation to the shore bird species which are being protected. The experts have presented that the shore bird species are tolerant, resilient and adaptable, and conclude that any resulting effects will be transitory. Transitory in my opinion means less than temporary impact, or a displacement of activity or effect, with this approach, I view the impact of the shorebirds as negligible and the need to avoid all adverse effects is not agreeable, with the other planners.</p> <p>The ecological education materials within the coastal environment that the species occupy presents as an awareness, and these materials are intended to be developed with the NZFTT, NRC and DOC. Hearing experts speak to interventions this will add to the work already underway, and possibly controlling breaches spoken to at the hearing (which are outside the scope of this consent i.e. boating and speed at which the vessels travel and pets).</p> <p>Activities with adverse effects i.e. such as that presented which relying on the experts are transitory, and negligible, and can therefore be permissible as in this context any adverse effects of the wharf on the shorebirds effect is highly unlikely noting experts state in their evidence that interventions are the solution to the species success and what is presented can be considered an intervention, and therefore consistent with this policy, referring back to the JWS that this is not a no effect scenario but rather the level of adverse effects being permissible given the characteristics of the species that can be affected most. Referring to earlier comment in relation to the possible management improvements such as concentration of people on the wharf and potentially reducing them off the mudflats esp. remote areas or near channels where the shorebirds feed, and teach the chicks, reducing possible physical contact which has been raised by submitters as a concern and remains unconfirmed, and possible intervention of education, and given the effects conclusions - and with the removal of the pontoon and gangway, I believe the proposal finds a consistent space to align with this policy, as adverse effects do not exist (with regard to impact on Tara Iti, with the transitory status of change being very short term, less so of temporary effects), which need to be avoided. From a plan making perspective, should all effects need to be avoided, I then believe the activity should then be a prohibited activity in the documents which had been prepared to give effect to this policy i.e. the PRP, or the RCP, and neither provide such direction. I noted that referring to case law, the direction is for avoid to mean avoid in the consenting space, and given my interpretation on this, I believe the proposal will be inconsistent.</p>
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Policy 13: Preservation of Natural Character;	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The presence and use of the proposed wharf is unlikely to result in significant adverse effects on the area's natural character values.	Natural character includes ecological aspects (Policy 13(2)(b) of NZCPS) and the habitat of the tara iti is not protected from the use of the wharf, including the wharf being a recreational hub to the area. Therefore natural character is not preserved. Note that RPS and PRP maps identify Mangawhai Harbour as having high natural character as well as significant bird area and significant seabird area under the PRP.	The direction with this policy is to "avoid adverse effects" on natural character with "outstanding natural character" i.e. not relevant as the status in the plan is of high not significant. I do not believe the development within the estuary will impact on the Sandspit which is recognised as a significant land feature, referring to the hearing questions and evidence that Tara Iti do also feed in the ocean, and that while the structure will occupy part of the wider foraging area, comparatively, its footprint to the area available within this foraging area is insignificant i.e. less than 1 %. The next part of the direction is to "avoid significant adverse effects", and the resulting effects have been outlined to being less than minor (incl. ecological effects) and minor at greatest for landscape and character components i.e. not significant.
Policy 15: Natural features and natural landscapes;	Y	N	KM - IW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with clause (a) of this policy as significant adverse effects on the NZFT will likely adversely affect the characteristics and qualities that make up outstanding values of the Mangawhai Sandspit (ONF and ONL) which include the presence of NZFT.	RPS has identified Mangawhai Sandspit as an outstanding natural feature and an outstanding natural landscape. With the potential for disturbance of tara iti in the foraging area, the proposal is inconsistent with the natural landscape and natural features of the wider area. Policy 15(a) is to protect natural features and natural landscapes by avoiding adverse effects of activities on outstanding natural features and outstanding natural landscapes. These include ecological components such as habitat of tara iti.	The direction is to protect natural features and landscapes, by avoiding significant adverse effects. As noted earlier, the resulting effects are not significant in scale relying on earlier effects assessment.
Policy 17: Historic heritage identification and protection;	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The design of the proposed wharf is consistent with the heritage character of the adjacent tavern and the construction of the wharf is proposed to be undertaken to avoid the remnants of the historic wharf.	The proposal with the consent condition for the NZ Historic Places Trust around the heritage piles etc and archaeological discovery protocol would then be consistent with Policy 17.	For reasons provides in the AEE, at the hearing and earlier, historical heritage is protected as intended.
Policy 18: Public open space;	Y	Y	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The wharf will enhance public access to the coastal marine area for pedestrians and will support a wide range of recreational activities.	CONT - Policy 18.A from ecological perspective. The location of the wharf is not compatible with the natural character from an ecological perspective (adverse effects of disturbance in the foraging area for Tara iti) (NZCPS Policy 18(a)).	<p>The proposed wharf will extend the esplanade open space available in this location by extending the space over and into the coastal marine area. A large part of the growth in this locality is generated by its proximity to the coastal environment and recreation.</p> <p>One of the intents of the proposed wharf is to provide access to the coastal marine area, at all tides while improving the passive recreation opportunities over the coastal waters. The location of the development in its original or historic location carries heritage importance and is compatible with the natural environment and coastal processes, as noted earlier.</p> <p>The proposed wharf also recognises growth planned for Mangawhai, particularly the land use planning led by the district council through its Spatial Planning for Mangawhai and at the sub-regional level identifying Mangawhai as a key urban centre in Kaipara. The spatial planning acknowledges growth that has occurred in the recent years and that which is currently occurring in this locality.</p> <p>The wharf is considered to directly improve and support social and recreational outcomes of the community now and in the future, in relation to the foreseeable future needs for public open space.</p>

	Policy 19: Walking access	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The wharf will enhance pedestrian access to the CMA, provide for public recreation and may provide the opportunity to link existing and proposed public walkways. Given the potential significant adverse effects on the NZFT, restriction may be considered appropriate under clause (3)(a).	The proposal does not impose a restriction on public walking access to, along or adjacent to the CMA to protect threatened indigenous species or habitats (foraging area of Tara iti) in accordance with Policy 19 (3)(a) and (b).	For reasons noted earlier on access to the coastal open space and consistency with meeting the social and recreational wellbeing outcomes, and supplementing the connections being planned and developed on land by the district council.
Regional Policy Statement for Northland	4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats	Y	Y	KM - CONT LK - CONT VC - (without) - CW VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is contrary to this policy 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 due to adverse effects on critically threatened NZFT.	Adverse effects are not avoided for indigenous taxa that are listed as threatened, nor on significant habitats of indigenous fauna. Therefore is contrary to maintaining and protecting significant ecological areas and habitats. Effects on tara iti maybe irreversible and therefore likely to me more than minor. Cumulative effects occurring too with mangrove removal, increased human population expected etc. Policy 4.4.1(5) does not apply to Policy 4.4.1(1) so offsets/environmental compensation not a method to be applied in this case. Note that the online PRP map overlays identify the areas of significant habitat of indigenous fauna (significant bird area; significant marine mammal and seabird area) and within the maps, there are hyper-links to the two assessment sheets.	<p>The direction is to maintain and protect, in the coastal environment avoid adverse effects so they are no more than minor outside the coastal environment (1), avoid significant adverse effects (2), and for the purpose of determining these, recognised that under 4.4.1(4) "when considering whether there are any adverse effects and/or any significant adverse effects: (a) recognise that a minor or transitory effect may not be an adverse effect...", and this is the case as outlined by Dr Craig, and in my opinion, the nature of effects is those associated with a displacement, and negligible. Policy 4.4.1(4)(b) refers to, "where the effects are or maybe irreversible, then they are likely to be more than minor", and in relation to which Dr Craig's statement backed by scientific information and experience with shorebirds and the habituate nature of Terns, any change in behaviour will be similar to those expected post a storm event for instance where a species needs to readjust, i.e. there are not uncommon or new effects, and the question of irreversibility does not arise, and hence effects are not of a more than minor nature. Policy 4.4.1(4)(c) states that, "there may be more than minor cumulative effects from minor or transitory effects", I believe cumulative effects in this case to represent and be considered in the context of additional wharfs and further displacement of the shorebirds, rather than a combination of effects from all activity types occurring within or near the application site i.e. the recreational vessels on the water as a permitted use, developed planned or occurring on land (consented or as permitted), and we may want to refer to case law which refers to all stressors needing to be taken into account (RJ Davidson Family Trust v Marborough DC 2016 NZEnvC 81). The RMA 1991 defines effect as, "any cumulative effect which arises over time or in combination with other effects".</p> <p>Policy 4.4.1(5) refers to adverse effects that cannot be avoided, remedied or mitigated and look to biodiversity offsetting, or compensation. Although, it not directly generated in response to this policy and management of adverse effects, with the possible reduction of people on the foreshore and near channel with pets, I see a long term protection being developed and an intervention being possible through education of the ecology of this area and shorebird habitat, working alongside the predator controls and habitat enhancement led by DOC and others.</p> <p>With the district planning aspirations being, to grow more than it has in the past five years, I see a lot of value in refining and working along NZFTT, NRC and DOC to develop the education and raise awareness, through this project as part mitigation of providing a community</p>

						infrastructure. I believe the change in the proposal to remove the pontoon and gangway is seen as possible mitigation towards those effects which remain unconfirmed i.e. impact of people and their recreation use, as noted earlier.
4.5.1 Policy – Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character	N	N	LK - IW – Relevant KM & VC - Not Relevant		Relevant as a plan user refers to the maps to understand where relevant provisions apply. RPS maps have identified Mangawhai Sandspit as an outstanding natural feature and an outstanding natural landscape and the Mangawhai Harbour as High Natural Character. The PRP maps have identified the Mangawhai Sandspit as an outstanding natural feature and the Mangawhai harbour as high natural character. These include ecological components such as habitat of tara iti. The PRP maps are under appeal. With the potential for disturbance of tara iti in the foraging area, the proposal is inconsistent with the natural landscape and natural features of the wider area.	Policy making
4.5.2 Policy – Application of the Regional Policy Statement – Maps	N	N	LK - IW - Relevant KM & VC - Not Relevant		Relevant as a plan user refers to the maps which have identified the various matters in Policy 4.5.1 so as to understand where relevant provisions apply. The RPS maps identified in Policy 4.5.1 " <i>identify where caution is required to ensure activities are appropriate</i> " and are therefore relevant to the application. These maps include ecological components such as habitat of tara iti. With the potential for disturbance of tara iti in the foraging area, the proposal is inconsistent with the natural landscape and natural features of the wider area. Note that the online PRP map overlays identify the areas of significant habitat of indigenous fauna (significant bird area; significant marine mammal and seabird area) and within the maps, there are hyperlinks to the two assessment sheets.	Policy making

4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with clause (a) of this policy as significant adverse effects on the NZFT are likely to adversely affect the characteristics and qualities that make up outstanding values of the Mangawhai Sandspit (ONC, ONF and ONL).	RPS maps have identified Mangawhai Sandspit as an outstanding natural feature and an outstanding natural landscape and the Mangawhai Harbour as High Natural Character. The PRP maps have identified the Mangawhai Sandspit as an outstanding natural feature and the Mangawhai harbour as high natural character. These include ecological components such as habitat of tara iti. The PRP maps are under appeal. Policy 4.6.1 requires adverse effects of use and development to be avoided in areas out outstanding natural character, outstanding natural features and outstanding landscapes and outside of these areas, avoid significant adverse effects on natural character, natural features and natural landscapes. With the potential for disturbance of tara iti in the foraging area, and potential for consequential adverse effects and significant adverse effects on the tara iti as a whole, the proposal is contrary to the natural character, natural landscape and natural features of the wider area.	Same reasons as noted for the NZCPS where the proposal is not considered to adversely affect the character values relying on the assessment of the expert. Noting the proposal without the pontoon is more consistent with this direction.
4.6.2 Policy – Maintaining the integrity of heritage resources	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The design of the proposed wharf is consistent with the heritage character of the adjacent tavern and the construction of the wharf is proposed to be undertaken to avoid the remnants of the historic wharf.	Proposal avoids significant adverse effects on historic heritage with its design and consent condition with NZ Heritage Protocol.	Same reasons as noted for the NZCPS as the project maintains and promotes protection of the maritime and cultural heritage.
4.7.1 Policy – Promote active management	Y	Y	KM - IW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with clause (g) of this policy. The proposed wharf would provide improved access to the CMA in this location, however the adverse effects on the NZFT are likely to be significant so the proposal would compromise the conservation of significant habitats of indigenous fauna.	Provides positive effects for historic heritage and public access but does not protect indigenous biodiversity values identified in Policy 4.4.1(g) and public access may compromise significant habitats of indigenous fauna.	The direction here is to <i>"recognise and promote the positive effects of... (f) maintenance of historic heritage, (g) improve public access to and along the coastal marine area... (i) protection of indigenous biodiversity..."</i> . I hold the same view as that noted against the objective for active management i.e. that there is consistency with these provisions from the complementary components of the proposal such as intent of education and historic values recognition, and these having a longer term impact to manage use of the estuary on biodiversity, while enhancing public access to the coast via a structure over the coastal waters for all tide access and to a wider population.
4.8.1 Policy – Demonstrate the need to occupy space in the common marine and coastal area	Y	Y	KM - CW LK – IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The wharf facility including the pontoon 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 CMA the area occupied by the wharf must extend to the low tide channel. There are limited multi use facilities available, particularly in the mid-upper harbour. The proposed structure is intended for public use.	The functional need of the different uses to be located in the coastal marine area can be provided by other existing authorised structures or alternative means as discussed in NZCPS Objective 6 above. The need to occupy space in the CMA has not been demonstrated to be efficient as the policy directs decision-makers as described in the explanation.	The JWS shows agreement between all planning experts of the functional need for the wharf, but not so much of the educational components intended to compliment this development. The educational component I however believe is best presented over this structure (not having a functional need but as Policy 4.8.1(2) highlights, <i>"make a significant positive contribution to the local area or the region"</i> , and is available public use - examples in the RPS of positive contribution includes restaurants and cafes which may locate in the coastal area given their contribution) being the environment within which it applies, and also being an area that is expected to attract many people, i.e. residents and visitors, and this I see as an opportunity to provide intervention through raised awareness of the ecology and possibly actions to support it. Policy 4.8.1 is also referred as a gateway test in the explanation, and is noted for the s104D decision making. The wharf may

						also in this location contribute to reduce people on the foreshore and near channel with pets.
4.8.3 Policy – Coastal permit duration	N	N	LK - IW - Relevant KM & VC - Not Relevant		Relevant as determination of the expiry date needs to have particular regard to the matters listed. The potential adverse effects on Tara iti have not been reflected in the 35 years duration sought.	Unless the interim decision is issued to approve, this will be relevant in drafting conditions of consent.
5.1.1 Policy – Planned and coordinated development	N	N	LK - IW - Relevant VC - CW - Relevant KM - Not Relevant		Relevant as policy applies to coastal environment and seeks that use and development is planned and coordinated in accordance with the matters listed. The use and development recognises some potential cumulative effects and based on some information to allow assessment of the potential long-term effects such as the draft Mangawhai Spatial Plan for human population growth but is not going to be serviced by necessary infrastructure such as car parking or toilet facilities which are already stretched beyond capacity on the weekend market days according to submitters. The proposal is also contrary to the indigenous ecosystems policies. Lack of extensive recreational use, economic and social analysis and community consultation to provide well-designed developments for the wellbeing of people and communities now and into the future. The note to Policy 5.1.1 is explicit that <i>"in determining the appropriateness of use and development, all policies and methods in the RPS must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality."</i>	The proposal relates to re-creating a historical structure with educational and recreational benefits while managing adverse effects on the environment or any persons. I view this to appropriately manage reverse sensitive and cumulative effects (also outlined earlier under the NZCPS and the lower order document below).
5.1.2 Policy – Development in the coastal environment	N	N	LK - IW - Relevant VC - CW - Relevant KM - Not Relevant		Relevant as policy applies to coastal environment and seeks appropriate use and development in accordance with the matters listed. The proposal does not allow for natural functioning of ecosystems (Tara iti adversely effected) and lacks taking into account the values of adjoining land and established activities and does not ensure adequate infrastructure services will be provided for the development as raised by other submitters at the hearing and as discussed above. As the explanation states, inappropriate use or development can compromise the special values that attract	This policy directs community and people to meet their wellbeing that consolidates urban development within or near adjacent settlements. References have been made earlier around the need for public open space and community infrastructure. The AEE, and the hearing evidence refers to the proposal serving the local community and this aligns with the intent of this policy, controlling if not also avoiding sprawl.

						<p>people to the coast and make it less desirable and is a sensitive environment. This policy direction will result in less ad-hoc development within the coastal environment and maintain existing amenity values, ensuring that the special qualities of the coastal environment are not degraded. Again the note states that <i>"in determining the appropriateness of use and development, all policies and methods in the RPS must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality."</i> Therefore, the statutory plan Methods 4.4.3(1)(d), 4.5.4, 4.6.3, 4.7.4(2), 4.8.6, are appropriate for the regional plan development and Methods 5.1.5(1)(a) and 5.1.5(1)(d) apply in the assessment of resource consent applications.</p>	
Regional Coastal Plan for Northland	6. MARINE MANAGEMENT AREAS						
	6.4 POLICIES						
	1. To define areas, within Northland's coastal marine area, which are considered to have important conservation value as Marine 1 (Protection) Management Areas and manage them in such a manner that the conservation values of the individual areas are protected.[1]	N	N	KM & VC - Not Relevant LK - IW		Location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected. Appendix 9 criteria use to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds.; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is inconsistent with this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area.	Plan making, "to define...".
	7. Where adverse effects of activities that are external to a Marine Management Area impact on the values of that area, then the objectives and policies of that Marine Management Area shall be taken into account.	N	N	ALL - Not Relevant		Proposal is in a Marine Management Area. Have removed this from my evidence during the hearing.	
	7. PRESERVATION OF NATURAL CHARACTER						
7.4 POLICIES							

1. In assessing the actual and potential effects of an activity to recognise that all parts of Northland's coastal marine area have some degree of natural character which requires protection from inappropriate subdivision, use and development.	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The presence and use of the proposed wharf is unlikely to result in significant adverse effects on the area's natural character values.	The explanation to Policy 7.4.1 states that " <i>while modified areas may have lost a portion of their natural character, that which remains defines the environmental quality of the area, provides its life-supporting capacity, and contributes to a fuller human experience of the coast.</i> " The potential adverse effects to tara iti may impact the life-supporting capacity and affects the environmental quality of the area.	Same reason as noted for the objective and NZCPS and RPS.
2. As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including: (a) natural water and sediment movement patterns; (b) landscapes and associated natural features; (c) indigenous vegetation and the habitats of indigenous fauna; (d) water quality; (e) cultural heritage values, including historic places and sites of special significance to Maori; (f) air quality; and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy as the applicant has identified that, as far as practicable, adverse effects on most of the qualities that collectively make up the natural character of the CMA can be avoided, remedied or mitigated, however as it has not been determined that adverse effects on fairy tern can be avoided the proposal may not be consistent with clause (c) of Policy 7.4.2.	The proposal does not avoid adverse effects on the habitats of indigenous fauna, including cumulative effects of use and development such as mangrove removal, disturbance from people and dog walking.	Same reason as noted for the objective and NZCPS and RPS, for effects on natural character.
3. Within Marine 1 and Marine 2 Management Areas and the rules that apply to each of those, identify what subdivision, uses and developments may be appropriate taking into consideration the actual or potential effects on natural character as required by, amongst others, Policy 1.1.1 of the New Zealand Coastal Policy Statement.	N	N	KM & VC - Not Relevant LK - IW - Relevant		Relevant as policy refers to management area and the rules that apply to them. The proposal is in the Marine 1 (Protected) Management Area to ensure that natural character is preserved and the life-supporting capacity of the coast is safeguarded. The potential adverse effects on tara iti are not avoided from this new structure and its use, so the proposal is inappropriate and therefore inconsistent with this policy and the rules that apply to this proposal due to the potential effects on the ecological values.	
4. <i>Subject to Policies 1 and 2 above, through the use of rules in this Plan, to provide for appropriate subdivision, use and development in areas where natural character has already been compromised, including within Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas.</i>	N	N	KM & VC - Not Relevant LK - IW - Relevant		Relevant as also includes Marine 1 Management Area (as applies to Policies 1 and 2). The proposal can be provided for by alternative means and existing structures as identified in NZCPS Objective 6 above.	

5. To ensure a consistent approach to the assessment of the natural character of Northland's coastal marine area.	N	N	ALL - Not Relevant		Assessment criteria has been used to identify the location as a Marine 1 (Protected) Management Area. The conservation values were key in this assessment.	
6. To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.	N	N	KM & VC - Not Relevant LK - IW - Relevant		Integrated management has not been provided for in this application with the associated infrastructure on land such as parking and public toilet facilities and need for the wharf/recreational use baseline and future needs, from a community consultation process, economic and social analysis perspective needing more work to be done.	
7. To promote, where appropriate, the restoration and rehabilitation of the natural character of the coastal marine area where it has been significantly degraded.	N	N	ALL - Not Relevant		The proposal does not provide for any restoration or rehabilitation of the natural character, which includes ecological values such as the habitat of tara iti.	
8. NATURAL FEATURES AND LANDSCAPES						
8.4 POLICIES						
1. To recognise and provide for the protection from inappropriate subdivision, use and development of outstanding landscape values, such as those identified in the landscape assessment studies that have been commissioned by district councils of the Northland region of the following areas: ... • Mangawhai sandspit	Y	N	KM - CONT LK - CONT VC - Not Relevant	The proposal is contrary to this policy due to the potential significant adverse effects on the NZFT, the presence of which is a notable contributor to the landscape values of the Mangawhai Sandspit. The Northland Regional Council Landscape Assessment Worksheet for the Mangawhai Barrier Spit lists specific landscape characteristics which includes 'the feature displays high ecological values and is a noted nesting site for the fairy tern....' and 'the presence of native coastal fauna species such as the fairy tern lend the unit significant endemic associations'.	Relevant as the potential adverse effects on the tara iti foraging area may have consequential adverse effects on the Mangawhai sandspit in relation to the ecological values if the Tara iti population declines or becomes extinct.	The proposal does not occur within the ONL.
2. To recognise and provide for the protection from inappropriate subdivision, use and development of landforms and/or geological features of international, national or regional importance which are wholly or partially within Northland's coastal marine area.	N	N	KM & VC - Not Relevant LK - IW - Relevant		Not relevant as no Mangawhai landforms and/or geological features identified in Appendix 3 of the RCP.	
3. To identify and protect from inappropriate subdivision, use and development any other regionally outstanding features and landscapes within Northland's coastal marine area in a co-ordinated and consistent manner.	N	N	KM & VC - Not Relevant LK - CONT - Relevant		Relevant as Policy 8.4.1 identifies Mangawhai Sandspit as an outstanding landscape and this needs to be protected from inappropriate use and development. This links with Policy 8.4.4 for integrated management of coastal marine area and coastal land. With the potential for disturbance of tara iti in the foraging area, and potential for consequential adverse effects and significant adverse effects on the tara iti population as a whole, and their use of Mangawhai Sandspit, the proposal is contrary to this policy. The outstanding landscape is not protected from inappropriate use and development.	

4. To promote the identification and protection of outstanding natural features and landscapes immediately adjacent to Northland's coastal marine area in a co-ordinated and consistent manner.	N	N	KM & VC - Not Relevant LK - CONT - Relevant		Relevant as Policy 8.4.1 identifies Mangawhai Sandspit as an outstanding landscape and as stated in the explanation, integrated management of the coastal marine area and coastal land is required to effectively protect such landscapes. With the potential for disturbance of tara iti in the foraging area, and potential for consequential adverse effects and significant adverse effects on the tara iti population as a whole, and their use of Mangawhai Sandspit, the proposal is contrary to this policy. The outstanding landscape is not protected.	
9. PROTECTION OF SIGNIFICANT INDIGENOUS VEGETATION AND THE HABITATS OF SIGNIFICANT INDIGENOUS FAUNA						
9.2 HABITATS OF INDIGENOUS FAUNA						
9.2.4 POLICIES						
1. To identify habitats or habitat areas of indigenous fauna that have moderate, moderate high, high or outstanding value within Northland's coastal marine area and protect these from adverse effects of subdivision, use and development.	Y	Y	KM - CONT - Effects on the NZFT feeding habitat. LK - CONT - Effects on the NZFT feeding habitat. VC - (without) - CW - Transitory effects will not be of an adverse nature. VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is contrary to this policy due to potential adverse effects on the feeding habitat of the NZFT.	RCP has identified the location as Marine 1 (Protection) Management Area for conservation values and these values need to be protected from adverse effects of use and development. The potential adverse effects on the tara iti from disturbance in the foraging area from ongoing use of wharf and wider area as a recreational hub as put forward by the proposal and the longer term effects of disturbance from this use, makes the proposal contrary to this policy.	Same reason as noted for the objective and NZCPS and RPS, for effects on habitat.
2. To provide for the restoration and enhancement, where necessary, of significant habitats of estuarine and marine fauna, in Marine 1 and Marine 2 Management Areas.	N	N	KM - Not Relevant LK - IW - Relevant VC - (without) - CW - Relevant VC - (with) - IW – Relevant - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.		Relevant as explanation to policy 9.2.2 recognises that habitats can be modified by use and development but there is also opportunity to enhance habitats in a proposal. The proposal does not put forward any restoration or enhancement opportunities of the Marine 1 (Protection) Management Area.	The possible concentration on people off the mudflats at low tide and onto the wharf may remove possible impact of people – although no adverse impact has yet been demonstrated.

3. In processing coastal permit applications for subdivision, use and development within all Marine Management Areas, require specific assessment of the actual and potential effects of the proposed subdivision, use or development on any significant habitat in the vicinity and, if significant, particular consideration be given to either: (a) declining consent to the application; or (b) requiring as a condition of the permit, mitigation and/or remedial measures to be instituted.	Y	Y	KM - IW - LK - CONT VC - (without) CW - Educational purposes and no access to water. VC - (without) CW - Educational purposes and no access to water. VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	Given the potential adverse effects of NZFT, mitigation and/or remedial measures provided as conditions of consent are not appropriate, therefore consideration should be given to decline the consent as per clause (a).	The potential significant and irreversible adverse effects on the tara iti from disturbance in the foraging area from the ongoing use of wharf and wider area as a recreational hub as put forward by the proposal and the longer term effects of disturbance from this use, the application should be declined.	Same reason as noted for the objective and NZCPS and RPS, for effects on habitat. The removal of the pontoon and gangway are considered a step towards mitigation supporting those taken by the experts of effects on Tara Iti and the landscape. Given which there is no need for step (a) to be undertaken i.e. no need to decline of consent. Conditions of consent can frame with mitigation and any necessary remedial actions, and this can be developed once an interim decision is available.
10. PUBLIC ACCESS						
10.4 POLICIES						
1. To promote, and where appropriate, facilitate improved public access to and along the coastal marine area where this does not compromise the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, Maori cultural values, public health and safety, or security of commercial operations.	Y	Y	KM - IW - Effects on the NZFT feeding habitat. LK - CONT - Restriction to feeding areas are necessary therefore it is inappropriate to enhance access.- existing dog control bylaws. VC - (without) - CW - No effect on the foraging area as there is no access to the foreshore or channel. VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this policy. The proposed wharf will facilitate improved access to the CMA in this location, however the presence and use of the wharf will compromise the protection of NZFT feeding habitat.	Restriction is necessary on the foraging area of tara iti therefore inappropriate to enhance public access by providing a wharf and pontoon in this location. The existing Dog Control Bylaws restrict access. The wharf is sought to enhance public access the coastal marine area for recreational purposes. But such public access may need to be restricted through management controls where the management of conservation values of the area may be compromised as noted in the introduction of section 10, Public Access of the RCP.	Same as that noted for the NZCPS and RPS.
2. Where appropriate, to provide for the restriction of public access where this is necessary to protect areas of significant indigenous vegetation, significant habitats of indigenous fauna and sites of Maori cultural value.	Y	Y	KM - IW - The wharf is attracting people to the area. LK - CONT - It is appropriate to provide for a restriction to public access. There is a restriction, (31.3.2 - RCP) just no compliance. VC - (without) - CW - The wharf provides a facility to help keep visitors off the foreshore. VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is inconsistent with this policy. The presence of the wharf will increase the accessibility of the low tide channel to the public which will likely result in adverse effects on the NZFT.	Restriction of public access is necessary in the foraging area of tara iti (which is appropriate) therefore inappropriate to enhance public access by providing a wharf and pontoon in this location. Rule 31.3.2 of the RCP provides the method of restriction (prohibited activity) and there is existing Dog Control Bylaws that restrict access but as heard in the hearing, there is no compliance with this currently. The wharf is sought to enhance public access to the coastal marine area for recreational purposes which is contrary to this policy.	Same as that noted for the NZCPS and RPS.
12. CULTURAL HERITAGE VALUES						

12.4 POLICIES						
3. In assessing the potential effects of a proposed activity to identify whether an activity will have an adverse effect on a known site, building, place or area of cultural heritage value within the coastal marine area or on adjoining land.	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The works can be managed to avoid known archaeological sites and the presence of the wharf is unlikely to adversely affect the heritage values of the adjacent tavern building.	Consistent with identifying cultural heritage for the construction of the wharf but for the ongoing use of the wharf it is unknown if Te Uri o Hau were advised about consequential potential impacts on Tara iti foraging area.	Same as that noted for the NZCPS and RPS, re mana whenua engagement and their values.
15. NATURAL HAZARD MANAGEMENT						
15.4 POLICIES						
1. To promote a consistent and co-ordinated approach toward managing coastal erosion and other natural hazards in Northland, including the identification and protection of natural systems which are a natural defence against erosion and inundation.	N	N	KM & VC - Not Relevant LK - CONT - Relevant		Relevant as explanation recognises that use and development can exacerbate natural hazards. Adverse effects of natural hazards are said to be avoided/not exacerbated by the presence of the wharf - Appendix 3 of AEE. Would expect wharf not to exacerbate them but note that there is coastal erosion on that side of the harbour where archaeological shell banks are eroding away.	
2. In consideration of coastal permit applications as far as practicable, to ensure that use and development, including coastal works, structures and reclamations within the coastal marine area: (a) are located and designed so as to avoid risk of damage by natural hazards; and, (b) cause minimal interference with natural sediment transport processes.	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy as the structure is not likely to exacerbate natural hazard risk through erosion of adjacent land nor cause significant interference with natural sediment transport processes.	Adverse effects of natural hazards are said to be avoided/not exacerbated by the presence of the wharf - Appendix 3 of AEE. Would expect wharf not to exacerbate them but note that there is coastal erosion on that side of the harbour where archaeological shell banks are eroding away.	Same as that noted for the NZCPS and RPS, and the AEE for the coastal processes.
PART V: USE AND DEVELOPMENT POLICY						
16. RECREATION						
16.4 POLICIES						
1. To adopt a permissive approach toward recreational activities in Marine 1 and Marine 2 Management Areas, except where these: (a) require associated structures; or (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise, and disturbance to significant indigenous vegetation and significant habitats of indigenous fauna; or (c) obstruct public access to and along the coastal marine area; or (d) endanger public health and safety; or (e) compromise authorised uses and developments of the coastal	Y	Y	KM - CONT - Inconsistent with Clause B due to the disturbance of the NZFT feeding habitat. LK - CONT - It does not comply with Clause A because it requires a structure so it should not be permitted. The potential for adverse environmental effects. VC - (without) CW - With mitigation. VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.	The proposal is contrary to this policy as the disturbance resulting from increased recreational activities on and adjacent to the wharf will likely result in adverse effects on NZFT feeding habitat (clause (b) of this policy).	Recreational hub of wharf may bring more people into the foraging area of Tara iti with disturbance of the bird so a permissive approach not appropriate. The structure itself is also not permitted under Policy 16.4.1. Rule 31.3.2 makes the recreational activity a prohibited activity for both the structure and ongoing recreational use due to potential impacts on foraging area. The Assessment Criteria is important in this discussion - Section 31.3.13 General Performance Standards apply too for both recreation and structures and unknown if fails on the safe navigation matters but for the section 32.1 General Criteria fails on the matters 14 and 17- conservation values in M1PMA and potentially also 24 - whether requires facilities such as car-parking, toilets etc	Same analysis as that for the objective, and the higher order documents i.e. NZCPS and RPS.

marine area; or (f) adversely affect the amenity values of the area.						
2. In consideration of coastal permit applications, subject to relevant protection policies within this Plan, to provide for new uses and developments within Marine 1, Marine 2, and Marine 4 Management Areas which maintain or enhance recreational opportunities within the coastal marine area.	Y	Y	KM - CW - LK - CONT - Protection policies VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy as the proposed wharf provides for improved recreational opportunities in the CMA by providing low tide access to the channel.	Enhances recreational opportunities but does not protect the conservation of the foraging areas so is contrary to Policy 16.4.2 and the directive nature of the plan in protection of indigenous fauna and habitats in the Marine 1 (Protection) Management Area.	Same analysis as that for the objective, and the higher order documents i.e. NZCPS and RPS.
3. In consideration of coastal permit applications within all Marine Management Areas, to ensure that uses and developments which occupy coastal space or utilise coastal resources, do not unnecessarily compromise existing recreational activities.	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy as the proposed wharf is intended for public use and is unlikely to significantly impede existing recreational activities.	Is a public wharf - not private development - therefore not relevant.	
4. Within Marine 1, Marine 2 and Marine 4 Management Areas, to help ensure that the use of recreational vessels and vehicles does not create a public nuisance within the coastal environment, or compromise the health and safety of other users, or result in adverse effects on the environment of the coastal marine area.	Y	N	KM - IW LK - CW VC - (without) - CW VC - (with) - CW	The proposal may be inconsistent with this policy due to the potential nuisance created by additional vehicles and additional vessels attracted to this location.	Navigation bylaws of 5 knot speed limit already in place. Unknown how this is managed and if can be condition of consent for compliance matters... May be adverse effects on the environment from more recreational vessels using the wharf as a hub.	Same analysis as that for the objective, and the higher order documents i.e. NZCPS and RPS.
17. STRUCTURES						
17.4 POLICIES						
1. To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.	N	N	ALL - Not Relevant		Is a new structure so not authorised.	
2. Within all Marine Management Areas, to provide for: (a) the authorisation of appropriate existing unauthorised structures and to facilitate (b)	N	N	ALL - Not Relevant		Is a new structure so not authorised.	

the removal of all other unauthorised existing structures which do not meet those specified criteria.						
3. Within all Marine Management areas, to consider structures generally appropriate where: (a) there is an operational need to locate the structure within the coastal marine area; and (b) there is no practical alternative location outside the coastal marine area; and (c) multiple use is being made of structures to the extent practicable; and (d) any landward development necessary to the proposed purpose of the structure can be accommodated; and (e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable. A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.	Y	Y	KM - CW - A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal. VC - (without) - CW - Meets (a) - (e) - the facility is not a destination facility. This type of infrastructure is lacking in this locality. VC - (with) - CW - LK - CONT - There are other ways that this recreation could be provided elsewhere (i.e. Back Bay jetty, boardwalk).	The proposal is generally consistent with this policy. The proposal meets clause (a) to (d) of this policy and clause (e) only requires avoidance and mitigation of adverse effects to the extent 'practicable'. A structure that does not meet all of the considerations under (a) to (e) may still be appropriate depending on the merits of the particular proposal which could include potential benefits to the community etc.	As for NZCPS Objective 6 above, operational need for all the recreational uses and other practical alternatives do not support the new wharf. Integrated management of the landward facilities such as car parking and toilets may also need to be met here. Existing carparking an issue and 500m to a public toilet from the wharf is a long way to go when needing the facilities. In addition, the note to Policy 17.4 notes that a number of coastal structures are subject to Harbour Bylaws within Harbour limits - have these been considered in this application?	The proposed structure has an operational need i.e. to provide access to the coastal environment, as this cannot be provided elsewhere aside from another location in the coastal marine area. Part of the intent to recreate the original wharf means another location is not possible. This structure once constructed will form part of the historical trail for Mangawhai. The structure has functions of education, historical and cultural connections and access to the coast as a public open space, and these intent are not separable. Adverse effects are avoided, remedied or mitigated. It is noted that although the proposal does not meet all of the directions noted here, it is appropriate for its community benefits - noted under the RPS as a gateway test, Policy 4.8.1, and under this policy, " a structure that does not meet all consideration... may also be appropriate... on merits of the particular proposal".
4. Notwithstanding Policy 3, within Marine 1 and Marine 2 Management Areas, to assess applications for new structures, with particular reference to the nature of and reasons for the proposed structures in the coastal marine area and to any potential effects on the natural character of the coastal marine area, on public access, and on sites or areas of cultural heritage value.	Y	Y	KM - CW VC - (without) - CW VC - (with) - CW LK - CONT - Natural Character values including ecological values will be adversely affected due to the effects on the NZFT.	The proposal is consistent with this policy as the potential adverse effects on natural character, public access and sites or areas of cultural significance will be no more than minor.	Potential impact on the foraging area of Tara iti with significant adverse effects therefore do not meet the natural character values of which ecological values is part of, and may impact on cultural values.	Same analysis as that for the objective, and the higher order documents i.e. NZCPS and RPS.
7. In assessment of coastal permit applications to promote the integrated management of structures and their associated activities where these traverse the landward coastal marine area boundary.	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. Whilst there are currently limited facilities on the land immediately adjacent to the wharf, there are additional facilities available in the village nearby.	Existing carparking problems on market days and if more people encouraged to this recreational hub, will not meet demand. Public toilets 500m away - too long a walk when on the wharf.	Same analysis as that for the higher order documents i.e. NZCPS and RPS.

8. In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The applicant will be required to obtain building consent to ensure the structure is built in accordance with the Building Act 2004. Regular engineering assessments (as conditions of consent) will ensure the structure is adequately maintained.	Maintenance budget provided but uncertainty what will happen if MHWT disappears, who will take on the ongoing maintenance responsibilities? In addition, the note to Policy 17.4 notes that a number of coastal structures are subject to Harbour Bylaws within Harbour limits - have these been considered in this application?	Same analysis as that in the AEE and evidence.
9. In Marine 1, 2, 3 and 4 Management Areas to restrict the presence of buildings and signs within the coastal marine area.	Y	N	KM - CONT LK - CONT VC - (without) - CW VC - (with) - CW	The inclusion of buildings and signage in the CMA is contrary to this policy. If visually discreet, the proposed educational signage may still be appropriate, however the building does increase the profile of the structure and does not serve a significant purpose or benefit to be deemed necessary.	The shelter and signage at the head of the wharf "urbanise" the public open space. In addition, the note to Policy 17.4 notes that a number of coastal structures are subject to Harbour Bylaws within Harbour limits - have these been considered in this application?	Same analysis as that in the AEE and evidence, and given the historical relevance, original structure and effects assessment that the structure / building will not urbanise this landscape (as assessed by the landscape expert), and the signs will not be cluttered or cause adverse visual impact given these will be within the building.
22. DREDGING AND DREDGING SPOIL DISPOSAL						
22.4 POLICIES						
1. Within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas, to restrict capital dredging except where the dredging activity is associated with a marina or port development, and in making such exceptions, integrate where appropriate, in accordance with sections 102 and 103 of the Act, any required consent process for associated dredging spoil disposal.	N	N	ALL - Not Relevant		Dredging not part of application but concern has been raised whether allowing wharf will require dredging in future. Consent condition to prohibit future maintenance dredging?	
4. Within Marine 2, Marine 4, Marine 5 and Marine 6 Management Areas, to provide for maintenance dredging of navigation channels and around wharves, and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.	N	N	ALL - Not Relevant		Application in Marine 1 so maintenance dredging not applicable here.	
25. MARINE 1 (PROTECTION) MANAGEMENT AREA						
25.4 POLICIES						

<p>1. The Council and Consent Authorities will give priority to avoiding adverse effects on the important conservation values (as identified in Appendix 9) associated with an area within any Marine 1 (Protection) Management Area when considering the subdivision, use, development and protection of the Northland Region's Coastal Marine Area.</p>	Y	Y	<p>KM - IW LK - CONT - Avoid adverse effects. VC - (without) - CW VC - (with) - IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.</p>	<p>The proposal is inconsistent with this policy due to adverse effects on NZFT habitat. This policy requires priority be given to avoiding adverse effects on important conservation values which includes habitats of endangered, vulnerable, rare or threatened bird species (RCP - Appendix 9 - Section 5(b))</p>	<p>Priority is to avoid adverse effects (no level of scale) on important conservation values. Location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected. Appendix 9 criteria use to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds.; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is contrary to this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area.</p>	<p>The intent here is to give priority to avoiding adverse effects on significant values, rather than avoided adverse effects, the analysis is similar to that undertaken for the NZCPS, however given the language used. Its appears there is more discretion here and for the explanation provided earlier, the proposal (with it reduced scope and footprint) is consistent with this direction</p>
<p>2. The Northland Regional Council will consider additional means of protecting the important conservation values identified in the Marine 1 (Protection) Management Areas beyond the scope of the Resource Management Act 1991, and encourage other agencies including the Department of Conservation, Ministry of Fisheries and Iwi Authorities to do the same.</p>	N	N	<p>ALL - Not Relevant</p>		<p>NRC matter not a resource consent matter.</p>	
<p>3. When considering any coastal permit application within the Marine 1 (Protection) Management Area, to implement the policies in the New Zealand Coastal Policy Statement and in Part IV (Protection Policy) of the Regional Coastal Plan for Northland which are consistent with the purpose of this Marine Management Area.</p>	Y	Y	<p>KM - CONT - Doesn't meet Policy 11 of the NZCPS. LK - CONT - Doesn't meet Policy 11 of the NZCPS. VC - (without) - IW VC - (with) - IW</p>	<p>The proposal is contrary to this policy as the proposal is inconsistent with key objectives and policies of the NZCPS including Policy 11 which requires the avoidance of adverse effects on the NZFT.</p>	<p>Priority is to avoid adverse effects (no level of scale) under NZCPS Policy 11 (relevant case law - <i>Clearwater Mussels and Davidson</i>). Location has been identified and the important conservation values in Marine 1 (Protection) need to be managed in a manner that the conservation values are protected. Appendix 9 criteria use to determine areas of important conservation value identifies marine mammals and birds, habitats of endangered, vulnerable, rare or threatened bird species and important roost sites or feeding areas of wading birds.; ecosystems and fauna habitats; outstanding natural landscape and features; and historic places. The application is contrary to this due to the potential effects on the foraging area of tara iti which may not be protected as a result of the wharf acting as recreational hub for the wider community, and attracting people to recreate in the wider area. The principal reason also states that it is a principle of law that Policies should not be read in isolation from the policy matrix of the plan or any superior policy documents.</p>	<p>Same as that noted in the NZCPS, for Policy 11.</p>

	4. Subdivision, use and development proposals within the Marine 1 (Protection) Management Area will be considered appropriate where; (a) the proposal gives rise to a demonstrable public benefit; and (b) there are no practical alternative locations available outside the Marine 1 (Protection) Management Area; and (c) the level of adverse effects on the important conservation values identified as occurring within that particular area are no more than minor.	Y	Y	KM - CONT - Level of adverse effects on the NZFT are more than minor so it does not meet Clause C. LK - CONT - Level of adverse effects on the NZFT are more than minor so it does not meet Clause C. VC - (without and with) - CW - Effects would be transitory and no more than minor.	The proposal is contrary to this policy as the adverse effects on the NZFT and their feeding habitat as a result of the use of the wharf are likely to be more than minor therefore the proposal does not meet clause (c).	As for NZCPS Objective 6, alternatives are available for uses and potential for significant and irreversible adverse effects on Tara iti. Effects are more than minor. The principal reasons states that this Policy gives effect to matters described in section 6(a) of RMA and NZCPS Policy 1.1.1.	Same reasons as those outlined earlier, i.e. the effects are no more than minor, there are no other alternative location in this locality for this use and associated structure.
	5. Where the natural character of the coastal marine area is likely to be adversely affected by the effects of activities, the Council and Consent Authorities shall promote and where appropriate require restoration and rehabilitation of natural character within the Marine 1 (Protection) Management Area. Such provision may include financial contributions sought under Section 108 of the Resource Management Act 1991.	N	N	KM & VC - Not Relevant LK - CONT - Relevant		Relevant as ecological values are part of natural character. Conservation/ecological values potentially significant and irreversible adverse effects on Tara iti. Plan does not allow for financial contributions in these circumstances and restoration/rehabilitation of natural character not considered in application.	
Proposed Regional Plan for Northland – Appeals Version	D.1 Tangata whenua						
	Policy						
	D.1.1 When an analysis of effects on tangata whenua and their taonga is required	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy as the applicant has engaged with Te Uri o Hau to prepare a CIA and have offered to adopt the recommendations.	CIA has been obtained, but unknown if iwi (as kaitiaki) is aware of the adverse effects on the Tara Iti. It is unknown if Te Uri o Hau, as kaitiaki, were made aware of the potential adverse effects on Tara iti from the use of the structure and potential consequential effects on the wider area by the Applicant, but iwi did provide a cultural impact assessment for the construction of the structure.	Same reason as that for the objective.
	D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The CIA prepared by Te Uri o Hau is generally consistent with this policy.	No analysis of the IMP was undertaken as part of the application. It is unknown if Te Uri o Hau, as kaitiaki, were made aware of the potential adverse effects on Tara iti from the use of the structure and potential consequential effects on the wider area by the Applicant, but iwi did provide a cultural impact assessment for the construction of the structure.	Same reason as that for the objective.
	D.1.3 Affected persons	N	N	KM - Not Relevant LK & VC - CW - Relevant		Relevant as Te Uri o Hau were considered an affected person by the applicant and notified by Council of the application.	Same reason as that for the objective.

D.1.4 Managing effects on places of significance to tangata whenua	Y	N	KM - CW LK - IW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy as the applicant has engaged with Te Uri o Hau to prepare a CIA. The applicant has offered to adopt the recommendations of the CIA which will ensure adverse effects on places of significance to tangata whenua are no more.	It is unknown if Te Uri o Hau, as kaitiaki, were made aware of the potential adverse effects on Tara iti from the use of the structure and potential consequential effects on the wider area by the Applicant, but iwi did provide a cultural impact assessment for the construction of the structure.	Same reason as that for the objective.
D.1.5 Places of significance to tangata whenua	N	N	ALL - Not Relevant			Plan making tool
D.2 General						
Policy						
D.2.1 Rules for managing natural and physical resources	N	N	KM & VC - Not Relevant LK - CW - Relevant		Relevant so that the application can be assessed against the relevant rules and appropriate activity status. The rules in the PRP are internally consistent and provide a strong directive planning framework for the preservation and protection of various matters from inappropriate subdivision, use and development of the coastal environment. For example, Rules C.1.1.4 , C.1.1.5, C.1.1.15, C.1.1.21, C.1.1.25, C1.1.26, C.1.1.27, C.1.5, General conditions C.1.8 and C.8.3. Note that proposal has a non-complying activity status if decision-makers consider there is no functional need for the structure under Rule C.1.1.26, otherwise it is a discretionary activity under Rule C.1.1.21 . As there are other alternatives to provide for the functional uses that have been proposed by the wharf proposal (refer to NZCPS Objective 6 above etc), the proposal is a non-complying activity under Rule C.1.1.26 in my opinion.	plan making
D.2.2 Social, cultural and economic benefits of activities	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The proposed wharf will likely provide some social and economic benefits to the community through construction employment and the provision of recreation and tourism. The applicant has also proposed to engage with Te Uri o Hau for the provision of cultural place markings.	The proposal is likely to be attractive from an economic perspective by being a recreational hub and attracting visitors to the area. However, an in depth economic nor social analysis has not been provided with AEE and this is an assumption.	Same reason as that for the objective, and higher order documents i.e. NZCPS, RPS and RCP.
D.2.3 Climate change and development	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. The application area is not located within a mapped NRC coastal erosion hazard zone and the mapped current and 50-year coastal flood hazard zones extend less than 10 metres landward of MHWS in this location. A wharf is required to be located in the CMA and will be required to be built to the relevant building standards.	Not sure if reference was made to the latest national guidance and best available climate change projections in the application but the wharf design appears to be consistent with the location.	Same reason as outlined earlier on climate change.
D.2.4 Adaptive management	Y	N	KM & LK - IW - Relevant VC - (without) - CW VC - (with) - CW	Given the potential irreversible adverse effects on the NZFT and potential difficulty to mitigate adverse effects once the wharf is constructed, adaptive management not considered appropriate for this proposal.	Proposal not contrary to D.2.4, however adaptive management not considered appropriate for this proposal due to the irreversible nature of the adverse effects on Tara iti.	Same reason as outlined earlier.
D.2.11 Marine and freshwater pest management	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The risk of the introduction of marine pest species by machinery during works can be managed through consent conditions.	Proposal is not encouraging marine pests and other management methods to manage boat cleaning.	The risks during construction will be managed through conditions of consent.

D.2.12 Resource consent duration	N	N	KM & VC - Not Relevant LK - IW - Relevant		Relevant as determination of the expiry date needs to have particular regard to the matters listed. The potential adverse effects on Tara iti have not been reflected in the 35 years duration sought. The applicant has sought a 35-year consent duration and is unknown if this aligns with the expiry date for the Back Bay jetty or other resource consents in the surrounding area or catchment?	To be looked at once interim decision is issued, if necessary.
D.2.13 Recognising other plans and strategies	N	N	ALL - Not Relevant		Not aware of any operative plan or strategy that has been adopted by the Northland Regional Council that would apply here.	
D.2.14 Managing adverse effects on historic heritage	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. Avoidance of the wharf remnants during works and obtaining a general authority from Heritage New Zealand Pouhere Taonga prior to the commencement of works will ensure any adverse effects on historic heritage is minimised.	NZ Historic Places Trust has provided consent condition that should be applied to manage any potential adverse effects on the historic piles of the historic wharf that the new wharf will not impact upon.	Same as that of the NZCPS, covered above.
D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features	Y	N	KM - CW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is generally consistent with this policy. Any effects on the natural character values of the Mangawhai estuary will be no more than minor. Significant adverse effects on the population of fairy tern may result in adverse effects on the characteristics, qualities and values of the Mangawhai Sandspit that has been identified as an ONF and area of ONC, however clause 1 of this objective only refers to ONF and NC in the CMA (not on land).	The PRP identifies the site location as a high natural character with the Mangawhai Sandspit as an outstanding natural feature. Table 15 identifies the adverse effects to be avoided which include the potential adverse effects on the Tara iti as part of the ecological values, which may have consequential effects on the values of the Mangawhai Sandspit Wildlife Refuge Area. In addition, the map layers in Mangawhai Harbour include the significant bird areas and the significant seabird areas. This policy gives effect to Policy 11 of the NZCPS to "avoid adverse effects" and the case law of <i>Clearwater Mussel</i> and <i>Davidson</i> would apply here. Avoid as effects are irreversible on the Nationally Critical Threatened Tara iti.	Same as that covered above. Note that the outstanding categories do not apply.
D.2.16 Managing adverse effects on indigenous biodiversity	Y	Y	KM - CONT - Potential adverse significant effects -lack of information. LK - CONT VC - (without) - IW VC - (with) - IW	The proposal is contrary to this policy due to the potential adverse effects on the critically threatened NZFT. Clause 1(a)(i) of This policy requires adverse effects to be avoided.	The PRP map layers in Mangawhai Harbour include the significant bird areas and the significant seabird areas. Clause 1(a)(i) of this policy requires adverse effects to be avoided. This gives effect to Policy 11 of the NZCPS to "avoid adverse effects" and the case law of <i>Clearwater Mussels</i> and <i>Davidson</i> would apply here. "Avoid" is appropriate as potential effects may be irreversible on the Nationally Critical Threatened Tara iti (clause 1(a)(i) as well as avoiding adverse effects on the habitat of indigenous fauna as assessed under Appendix 5 of the RPS as per clause 1(a)(ii). Clause 3 also recognises the significant bird area and significant seabird area, with clause 4 recognising that disturbance as a potential adverse effect with clause 5(a) assesses the potential adverse effects by taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird habitats and the sensitivity of the area of indigenous biodiversity (among other matters).	The policy directs management of adverse effects in the coastal area by avoiding adverse effects (1), <u>and</u> states what significant habitat include (3), <u>and</u> recognises damage, disturbance or loss following potential adverse effects (4) <u>and</u> outlines that how to assess potential adverse effects on identified indigenous biodiversity (5), as below. "D.2.16 (5) (a) Taking a system wide approach to large areas of indigenous biodiversity such as a whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effects of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and (b) Recognising that existing activities may be having existing acceptable effects, and (c) Recognising that discrete, localised or otherwise minor effects impacting on the indigenous biodiversity may be acceptable, and (d) Recognising that activities with transitory effects may be acceptable, and..."

						<p>Therefore the proposal is contrary to this policy.</p>	<p>D.2.16(6) outlines' methods to achieve the direction and these include:</p> <ul style="list-style-type: none"> (a) design, scale and location, and (b) maintain and enhance connections, and (c) consider to minimise effects during sensitive times, and (d) setback, screen and buffer, and (e) maintain and continue natural processes and systems, and (f) management and restoration plans, and <p>D.2.16(7), identifies the next path to recognise that significant adverse effects can be offset or compensated, in accordance with Policy 4.4.1 and after consideration of the methods in (6) above, and recognise benefits (D.2.16(8) i.e. restoration and enhancement of biodiversity and improve public use, value or understanding of biodiversity.</p> <p>Statements included within this JWS refers to the following, which outline the ways effects will be managed and how those will not be of an adverse nature:</p> <ul style="list-style-type: none"> • need for intervention (i.e. the benefits of creating this public infrastructure that offers convenient access to those immobile or not confidence on the water, caters for a larger proportion of the local community and potentially get people off the mudflats and avoid direct interaction with shorebirds), • transitory effects and adaptable nature of Tara Iti • footprint of the wharf relative to the immediate foraging area that remains • scientific evidence presented by the experts • lack of information or observation relating to presence of people and risk of people and pets on Tara Iti and removal of the pontoon and gangway taking away this risk which remains unconfirmed • construction occurring outside of breeding season and times of day • offsite construction and installation on site • use of the original footprint i.e. a historically modified area • no commercial or water access for recreational vessels of the wharf as per the revised option. <p>In relation to avoid, there is a need avoid, and there may be an inconsistency but given effects are of a negligible / less than minor nature on Tara Iti given the displacement characteristics of any effect and the footprint of the wharf within this foraging area (as per the scientific information and expert analysis), these effects do not need to be avoided. This policy continues to outline methods, offsets and compensation where effects are significant, and also outlines how assessment is to be undertaken (noted above) i.e. recognising existing activities i.e. people and recreational users on, in and along the estuary, scale of effects, area affected, and localised and transitory effects. I believe the proposed wharf and the revised proposal for no</p>
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						recreational user or vessel access off the wharf is entirely consistent with this policy and the detailed order of directions and guidance it provides.
D.2.17 Managing adverse effects on land-based values and infrastructure	Y	N	KM - IW LK - CONT VC - (without) - CW VC - (with) - CW	The proposal is inconsistent with clause 1 of this policy. Significant adverse effects on the NZFT resulting in a decline in the NZFT population would result in adverse effects on the outstanding values of the Mangawhai Sandspit. The proposal is unlikely to result in significant adverse effects on land-based facilities so complies with clause 2.	The adverse effects may extend beyond the coastal marine area such as the disturbance of foraging and hence feeding, may irreversibly impact on the survival of Tara iti which will impact on the areas of outstanding and high natural character and areas of significant indigenous biodiversity, as well as the increased use of the area as a recreational hub adversely affecting the land-based infrastructure such as toilets and car-parking which are already under strain.	Same as that noted in the AEE and evidence, and covered above. There are no adverse land-based effects.
D.2.18 Precautionary approach to managing effects on significant indigenous biodiversity	Y	Y	KM - CONT LK - CONT VC - (without) - CW VC - (with) - IW	The proposal is contrary to this policy. There is some residual uncertainty regarding the level of disturbance of the NZFT associated with the use of the wharf, however the adverse effects on the NZFT have been identified as potentially significant (more than minor).	Effects on Tara iti are uncertain, or little understood but potentially significantly adverse if this species became extinct. Clause 2 also states that " <i>the greatest extent of adverse effects reasonably predicted by science, must be given the most weight</i> ". Therefore, a precautionary approach is appropriate to be applied in this case due to the irreversibility of effects on Tara iti arising from increased disturbance in the foraging area with the wharf becoming a recreational hub in this location and potentially attracting more people to recreate in this area.	Same as that of the NZCPS, covered above. Apply precautionary approach where there is scientific uncertainty of species listed as threatened or at risk, or any values ranked high by SEA maps the greatest extent of effects predicted by science must be given most weight. Also under appeal - Top Energy, Mangawhai Harbour Restoration Society, Royal Forest and Bird, CEP and NZ Refining Company.
D.4 Land and water						
D.4.1 Maintaining overall water quality	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is considered to be consistent with this policy as any adverse effects on water quality will be temporary, occurring only during works that disturb the foreshore. 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.	The proposal refers to fishing off the wharf but does not include washdown facilities nor rubbish bins but water quality should not be adversely affected from this proposal.	Construction period effects to be managed using suitable techniques and methods.
D.5 Coastal						
D.5.22 Dredging, disturbance and deposition activities	Y	N	KM - CW LK - CW VC - (without) - CW VC - (with) - CW	The proposal is consistent with this policy. The disturbance of the foreshore associated with the construction of the wharf facility 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 proposal excludes dredging but it is uncertain if dredging at the head of the wharf/pontoon area may be required in future.	Construction period effects to be managed using suitable techniques and methods.
D.5.26 Mangrove removal – purpose	N	N	ALL - Not Relevant		mangroves are not present at the wharf site.	
D.5.27 Mangrove removal – adverse effects	N	N	ALL - Not Relevant		mangroves are not present at the wharf site.	
Te Uri o Hau Kaitiakitanga o te Taiao (Iwi Management)	Page 39: Policy 29.1 Develop protocols for a sustainable holistic freshwater management approach embracing Te Uri o Hau tikanga in partnership with the Northland Regional Council and Auckland Council.		ALL - Not Relevant		Unknown if any protocols for the protection of indigenous species exist between Te Uri o Hau and NRC. Appendix 8 shows DOC protocol area. Not relevant to resource consent.	

Plan for Te Uri o Hau)	Page 44: Policy 31.2 Protect the biodiversity of the marine and coastal area, and the Kaipara and Mangawhai Harbours through sustaining the mauri of ecological systems within harbours and estuaries in accordance with Te Uri o Hau customary practices and lore.	Y		KM - IW LK - CONT VC - (without) - IW VC - (with) - IW	Potential Adverse effects of the presence and use of the wharf on NZFT habitat not consistent with protection of biodiversity and sustaining mauri of ecological systems.	The policy seeks to protect biodiversity. It is unknown if Te Uri o Hau are aware of the potential adverse effects on Tara iti which may impact on the provision of customary practices and lore to protect the biodiversity and sustaining the mauri of ecological systems of Mangawhai harbour. It would be appropriate to seek iwi advice but in my opinion the potential adverse effects on Tara iti would be contrary to this policy.	Same reasons as that given for the objectives and higher order documents.
	Page 54: Policy 34.3 Protection of existing indigenous plants and animals, and promote the restoration of habitat through developing strategies for plant and pest control, and revegetation with locally significant native plants and trees.			KM & VC - Not Relevant LK - CONT - Relevant	This policy seems to be related to land use activities so not relevant to this application.	Relevant as while this section is in relation to land, the definition of land under the RMA "includes land covered by water and the air space above land" and the definition of foreshore under the RMA includes land. <i>The proposal does not protect existing indigenous animals such Tara Iti.</i>	
	Page 55: Policy 35.1 Memoranda of Understanding or other forms of agreements with resource consent applicants, developers and land-holders to determine how a development will proceed, and which may include processes to be followed in the event of a culturally significant site and/or taonga being discovered.	Y		KM & VC - Not Relevant LK - CW - Relevant		Is relevant even though the section is focused on subdivisions and associated infrastructure. The wharf is a development that could be covered by these matters. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.	
	Page 56: Policy 35.3 Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards.	Y		KM & VC - Not Relevant LK - CW - Relevant		Is relevant even though the section is focused on subdivisions and associated infrastructure. The wharf is a development that could be covered by these matters. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.	
	Page 56: Policy 35.11 Preservation of heritage resources, vegetation, fauna and landscape and land set aside for conservation purposes including notable trees, historic sites, buildings or objects, and sites of cultural significance to Te Uri o Hau. The continued preservation and enhancement of any natural resource, area or feature shall be an on-going condition for approval to subdivision consents.			KM & VC - Not Relevant LK - CW - Relevant		Is relevant even though the section is focused on subdivisions and associated infrastructure. The wharf is a development that could be covered by these matters. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.	
	Page 59: Policy 36.1 Promote the identification, protection, preservation, conservation and values of Te Uri o Hau sites of urupā, wāhi tapu, and wāhi taonga and archaeological sites.	Y - LK		KM - CW LK - CW VC - (without) - CW VC - (with) - CW	Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this policy.	CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.	See CIA, recommendations of this report have been agreed by the applicant.
	Page 59: Policy 36.2	Y - LK		KM - CW LK - IW VC - (without) - Not relevant VC - (with) - Not relevant	Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this policy.	CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application. But unknown if effects on Tara iti were considered as part of this policy, therefore inconsistent with.	

<p>Page 59: Policy 36.4 Work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation and the Ministry of Culture and Heritage, developers and land-holders to ensure the preservation and protection of wāhi tapu, wāhi taonga, urupā and archaeological sites to ensure there are no significant earthworks and disturbances of soil and/or vegetation will be avoided where possible.</p>	Y - LK		<p>KM - IW LK - IW VC - (without) - CW VC - (with) - CW</p>	<p>Ensuring an authority is obtained from Heritage NZ prior to works, avoiding disturbance of known sites and adhering to recommendations of CIA and accidental discovery protocols will ensure the proposed works are consistent with this policy.</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application. But unknown if effects on Tara iti were considered as part of this policy, therefore inconsistent with.</p>	<p>See CIA, recommendations of this report have been agreed by the applicant. Only minor works covered under this application re piles to hold the wharf.</p> <p>An authority will be sought post decision on this resource consent, noted in the application materials.</p>
<p>Page 63: Policy 38.4 Recognition of the biodiversity of Te Uri o Hau sites of significance in regional and territorial authorities regional statements, plans and policies.</p>			<p>ALL - Not Relevant</p>		<p>Not relevant as not identified in RPS, plans or policies.</p>	
<p>Page 63: Policy 38.5 The protection and preservation of plants and animals of all kinds, air, water and soil in or on which any plant or animal lives or may live, systems interacting with any living organisms, and their environment; and any other interest in natural resources for future generations.</p>			<p>KM - IW LK - CONT VC - (without) - CW VC - (with) – IW - Only given the doubt raised with connecting population increase, and increased used of the Estuary and links to possible disturbance of the foraging activities and areas, noting such impact remain unconfirmed through empirical or scientific data, and current increase in people and the Tara Iti numbers and their foraging areas.</p>	<p>Potential Adverse effects of the presence and use of the wharf on NZFT habitat not consistent with protection and preservation of animals, their systems/environment etc.</p>	<p>Due to potential irreversible effects on Tara iti, protection and preservation is not provided for so the proposal is contrary to this policy and future generations will not have the opportunity to view live Tara iti at Mangawhai as currently can be provided for.</p>	<p>See CIA, recommendations of this report have been agreed by the applicant.</p>
<p>Page 67: Policy 40.3 Memoranda of Understanding or other forms of agreements which record the agreement between parties as to how a development will proceed, and the inclusion of processes that will be followed in the event of a culturally significant site being discovered.</p>			<p>KM - CW LK - CW VC - (without) - CW VC - (with) - CW</p>	<p>Applicants have engaged with Te Uri o Hau, agreed to the conditions in the CIA and will continue engagement through the construction.</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application.</p>	<p>See CIA, recommendations of this report have been agreed by the applicant.</p>
<p>Page 66: Policy 40.8 Bi-lingual interpretation panels or signposts identifying cultural landscape values associated to the area.</p>			<p>KM - CW LK - CW VC - (without) - CW VC - (with) - CW</p>	<p>Applicant has proposed to include cultural place markings as part of wharf development as recommended in CIA.</p>	<p>CIA undertaken by Te Uri o Hau has considered matters in the construction of the wharf. The CIA provides recommendations for conditions of consent that Te Uri o Hau have provided on the resource consent application. Applicant will continue engagement through the development of the education material and signage.</p>	<p>See CIA, recommendations of this report have been agreed by the applicant which includes working with iwi to recognise the cultural history and values.</p>
<p>Page 66: Policy 40.9</p>			<p>ALL - Not Relevant</p>		<p>Not relevant as this policy is much broader than the signage interpretation being put forward by the applicant.</p>	
<p>Page 69: Policy 41.1 Provide long-term financial sustainability for Te Uri o Hau people and future generations while enhancing and maintaining natural resources and the biodiversity within those natural resources.</p>			<p>ALL - Not Relevant</p>		<p>Not relevant as this section is in relation to economic development/commercial interests of Te Uri o Hau and wharf is not being proposed as a commercial venture.</p>	
<p>Page 70: Policy 41.7 Ensure consistency with the long-term aims and values of Te Uri o Hau.</p>			<p>ALL - Not Relevant</p>		<p>Not relevant as this section is in relation to economic development/commercial interests of Te Uri o Hau and wharf is not being proposed as a commercial venture.</p>	

Page 75: Policy 44.3 Develop detailed management plans in response to concerns about bird-life and natural ecology.			ALL - Not Relevant		Not relevant as this section is in relation to economic development/commercial interests of Te Uri o Hau at Mangawhai and wharf is not being proposed as a commercial venture.	
Page 76: Policy 44.4 Protection of shorebirds through a Community of Care programme and a Shorebird Management Plan.			ALL - Not Relevant		Not relevant to resource consent application.	
Page 76: Policy 44.7 Protect and conserve natural resources and the environment while providing population growth within the statutory area of Te Uri o Hau.			ALL - Not Relevant		Not relevant as this section is in relation to economic development/commercial interests of Te Uri o Hau at Mangawhai and wharf is not being proposed as a commercial venture.	
Page 82: Policy 48.3 Identify potential eco-tourism opportunities by developing strategies with Auckland Regional Council, Department of Conservation, the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) and the wider community to assess the interest for a heritage trail.			ALL - Not Relevant		Not relevant as proposal not a commercial venture.	
Page 90: Policy 52.1 In providing clarity to applicants or their representatives Te Uri o Hau Environs outline environmental effects and activities in Table 5.1.			KM - CW LK - CW VC - (without) - CW VC - (with) - CW	Assessed as part of CIA	Te Uri o Hau provided CIA re construction of wharf. Unknown if Te Uri o Hau were advised about potential adverse effects on Tara iti.	Refer to CIA.
Page 91: Policy 52.2 Environs will recover any costs incurred by the resource consent applicant or their representative in any request for consultation when processing a resource consent.			KM - CW LK - CW VC – Not applicable	Part of CIA process with Te Uri o Hau.	This is a matter between Applicant and Te Uri o Hau.	Confirmed as per the pre lodgement engagement of iwi.
Page 91: Policy 52.3 Resource consent applicants or their representative will incur charges for Cultural Impact Assessments (CIA) by Environs.			KM - CW LK - CW VC – Not applicable	Part of CIA process with Te Uri o Hau.	This is a matter between Applicant and Te Uri o Hau.	Confirmed as per the pre lodgement engagement of iwi.
Page 91: Policy 52.4 The assessment component involves analysis of the application drawing from published sources and information from Te Uri o Hau. This covers: - Wāhi tapu: Such as archaeological sites; - Te Wairoa: Natural water courses and land based discharges; - Mahinga Kai: Areas of traditional food gathering - Nga Uri a Tane Mahuta: Ecological issues, earthworks, vegetation clearance - Ko Ranginui ki Runga: Effects to air); and - Te Papawhenua: Access, roading, earthworks.			KM - CW LK - CW VC - (without) - CW VC - (with) - CW	Assessed as part of CIA	Te Uri o Hau provided CIA re construction of wharf. Unknown if Te Uri o Hau were advised about potential adverse effects on Tara iti.	Refer to CIA.
Page 91: Policy 52.5 Initial assessments result in determining the relative sensitivity for Te Uri o Hau hapū, marae and whānau in respect of cultural values as outlined in Table 5.2.			KM - CW LK - IW VC - (without) - CW VC - (with) - CW	Archaeological reports provided to Te Uri o Hau for consideration.	Te Uri o Hau provided CIA re construction of wharf. Unknown if Te Uri o Hau were advised about potential significant and irreversible adverse effects on Tara iti which may have made this proposal a highly sensitive activity as per Table 5.2.	Refer to CIA.

	<p>Page 92: Policy 52.6 A written report will be provided to the resource consent applicant or their representative after assessment, consultation and site inspection. Consultation includes internal consultation and meetings with local marae (tangata whenua/ahi kā). Liaison directly with the regional or district council may also be required.</p>			<p>KM - CW LK - CW VC - (without) - CW VC - (with) - CW</p>	<p>CIA report prepared by Te Uri o Hau.</p>	<p>Te Uri o Hau provided CIA re construction of wharf. Unknown if Te Uri o Hau were advised about potential adverse effects on Tara iti.</p>	<p>CIA prepared.</p>
	<p>Page 92: Policy 52.9 Activities which are sensitive or are of a highly sensitive nature will require a site visit and/or site meeting. Additional consultation may be necessary depending on the level of sensitivity. For example, proposals which are located where there are extensive clusters of wāhi tapu sites (particularly within the marine and coastal environment) and in areas where wāhi tapu, urupā or pā fall into this category.</p>			<p>KM - CW LK - IW VC - Not applicable</p>	<p>Site visit undertaken by representative of Te Uri o Hau.</p>	<p>Te Uri o Hau provided CIA re construction of wharf. Unknown if Te Uri o Hau were advised about potential significant and irreversible adverse effects on Tara iti which may have made this proposal a highly sensitive activity as per Table 5.2, and may have required additional consultation as a result as Te Uri o hau are kaitiaki of indigenous fauna and seek to play a primary role in the protection and use of these natural resources (ref: page 19, end of first paragraph of 'Indigenous Flora and Fauna' section of iwi management plan).</p>	<p>Confirmed and undertaken as per the pre lodgement engagement of iwi and preparing the CIA.</p>

RCP Key Policies

LK & KM - CONT
VC - (without) - CW
VC - (with) - IW

RCP Overall

KM - IW
LK - CONT
VC - (without) - CW
VC - (with) - IW

PRP Key Policies

LK - KM – CONT
VC - (without) - CW
VC - (with) - Undecided due to lack of direction in the PRP Rules.

PRP Overall

LK - CONT
KM - IW
VC - (without) - CW
VC - (with) - IW

RPS Overall

LK - CONT
KM - IW
VC - (without) - CW
VC - (with) - IW - Accessibility to water

NZCPS Overall

LK – CONT - Caselaw - Clearwater Mussel
KM - IW
VC - (without) - CW
VC - (with) - IW

Te Uri o Hau - IMP - Overall

LK – CONT
KM - CW
VC - (without) - CW
VC - (with) - CW

Notes:

[1] “The Marine 1 (Protection) Management Area is applied to those areas within Northland's coastal marine area identified as being Areas of Important Conservation Value. The priority in these areas will be the protection of those significant described values specifically identified as occurring within each particular area. The boundaries and values of these areas are summarised in Appendix 6. For more specific boundary location information contact the Northland Regional Council.” (source: RCP, 6.5.1 Methods of Implementation)

Feeding & Foraging - Feeding and foraging are interchangeable, not distinct, some feeding activity does occur at the site. They will eat at the location before returning to the nest. KM

Feeding vs Foraging - Collins concise dictionary. - agrees with Katie - LK

VC - does not believe the recreational use of the area is not intended to be prohibited, in relation to the wharf it does not give rights to additional use to the water, especially with the mitigation of no gangway and pontoon.