

**Mangawhai Historic Wharf Trust's Application to install a wharf facility in the coastal marine area of the Mangawhai Estuary**

**NRC Application Number: APP.040213.01.01**

**ORAL SUBMISSION ON WHARF PROPOSAL from  
New Zealand Fairy Tern Charitable Trust (NZFTCT)**

We agree with the Northern Regional Council report that the application should be refused because: "The applicant has not demonstrated that the potential adverse effects on the fairy tern, particularly those effects arising from ongoing use of the wharf are able to be avoided."

**New Zealand Fairy Tern Charitable Trust**

It is well known that New Zealand fairy terns are New Zealand's rarest endemic bird. The membership of the NZFTCT has made a considerable effort to carry out and support conservation of this species. Our many activities in this field were outlined in our original submission. Particularly relevant are the observations of members and volunteers who have been involved with fairy tern conservation for many years. Those of us who live here appreciate the privilege of living in a place which is the most significant breeding area of New Zealand's rarest bird.

We are a well known local organisation and It is concerning that the applicant did not see fit to consult us before submitting their application, while still expecting us to provide educational signage on the proposed wharf. On their site visit, the commissioners may notice the information sign organised by the NZFTCT, the product of two years' negotiation with various authorities.

**Impacts on NZ Fairy Tern**

As outlined in our submission, NZ fairy tern territories have been studied for a number of years and their approximate boundaries established. The territory which would be impacted by the proposed wharf was the subject of detailed observations in the 2019-2020 season. Jane Vaughan's submission recorded how the male fairy tern used different parts of the territory depending on wind conditions. Jane was able to confirm with the DOC Ranger on the Spit that the fairy tern she was watching had arrived at the nest on the surf side of the Spit to feed chicks with a fish approximately five minutes after she had observed him diving by the rock groyne at the proposed wharf site and later in the south channel.

If the wharf is built and it becomes, as intended, the focus of increased activity, we consider that there are grounds to expect an increased adverse effect on fairy terns from likely levels of increased recreational activity.

Immediate concerns are:

- a. Part of the harbour, including the low tide channel fished by fairy terns will be physically covered by the structure.

- b. More people using this part of the harbour will increase human and human related disturbance (by uncontrolled dogs, for example) of feeding and roosting birds, including fairy terns.
- c. The expected increase in boat traffic will affect fairy terns through increased disturbance and through the biological impacts of boat wakes on both fairy terns and the fish they feed on.

In addition to these immediate concerns, we are particularly concerned about unintended consequences, like the unforeseen adverse impacts on fairy tern population growth that followed mangrove removal.

Our responsibility here, is to indicate that there are plausible threats to fairy terns that will be exacerbated if the wharf is built. At this point it is not our responsibility to demonstrate that adverse impacts will occur, it is the applicant's responsibility to ensure that they will not.

### **Applicant's evidence**

The more recent round of theoretical evidence submitted by the applicants does not provide any demonstration that the potentially adverse effects arising from ongoing use of the wharf can be avoided.

Dr McDermott's evidence consists of correlations without cause. The population trends of fairy terns relate to specific management interventions, particularly predator control.

Dr Craig's evidence that is directly relevant to the wharf consists of a discussion about habituation that shows a lack of familiarity with fairy terns. Fairy terns have already had to become considerably habituated to human presence to some extent and we are not convinced there is capacity for their degree of tolerance to increase.

### **Dredging**

If the proposed wharf is built, there will inevitably be pressure to dredge the middle and upper harbour to allow all tide access to it. While the Wharf Trust may make promises about its future activities, other entities established to carry out developments on the harbour will not be bound by conditions they accept.

### **Legislation**

Guidance from all of the legislation documents is clearly toward the promotion of natural values – the avoidance of harm of Threatened and At Risk species and their habitats at the very least and enhancement when possible. There is also a precautionary approach in the Coastal Policy Statement and the proposed Regional Plan to avoid potentially significant adverse effects due to uncertain outcomes or a lack of knowledge.

All of these measures are entirely appropriate for New Zealand fairy terns that are now so rare and endangered that we cannot afford to put a foot wrong and any adverse effect could be significant.

### **APPENDED: Photograph of information sign**



The information sign by the tavern, Moir St, Mangawhai