



PUKOROKORO/ MIRANDA NATURALISTS TRUST

PROPOSED MANGROVE MANAGEMENT



MIRANDA SHORELINE

ASSESSMENT OF ENVIRONMENTAL EFFECTS

May 2016

Ref: 4056.01

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FIGURES

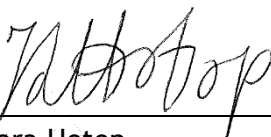
Figure 1: Locality Plan

Figure 2: Adjacent properties

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LIMITATIONS

This Assessment of Environmental Effects report has been prepared for the project at Miranda Shoreline, for the purposes of a land use resource consent application and in accordance with the requirements of the Fourth Schedule of the Resource Management Act 1991. No responsibility is accepted by Scott Wilkinson Planning Limited or its directors or employees for the use of any part of this report in any other context or for any other purpose.

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1 THE APPLICANT AND PROPERTY DETAILS

1.1 APPLICATION DETAILS

Site Address	Miranda shoreline
Name of Applicant	Pukorokoro/Miranda Naturalists Trust
Address for Service	Scott Wilkinson Planning P O Box 37359 Parnell AUCKLAND 1151 Attention: Tara Hotop Email: tara@scottwilkinson.co.nz Tel: (09) 354-4166 Mob: 022 015 6259
Legal Description	N/A
Site Area	N/A
District Plan	<u>Hauraki District Plan</u> Coastal zone <u>Waikato Regional Coastal Plan (WRCP)</u> Regionally Significant Coastal Environment Monitoring Sub-Area 3 - Hauraki Gulf/Firth of Thames Area of Significant Coastal Value 9 (ASCV) Bird Nesting Area Bird Roosting Area

Locality Plan



Figure 1: Locality Plan
Source: Waikato Regional Council GIS Map Viewer

2 SITE DESCRIPTION

2.1 OVERVIEW

The Pukorokoro Miranda shoreline is located in the Firth of Thames and is renowned for attracting thousands of migratory wading birds. The chenier shellbanks formed along the coast provide safe roosting for birds at high tide and allow easy access for close bird-watching. Sixty species of waterbirds, including forty-three species of shorebirds have been recorded in the area. The birds come from all over the world, including arctic migrants such as the eastern bar-tailed godwit, red knot, ruddy turnstone and the red necked stint; as well as birds from other parts of New Zealand such as the endemic wrybill and South Island pied oystercatcher as well as the kotuku which head to Pukorokoro Miranda during winter and fly back to their South Island breeding grounds over summer.

Pukorokoro Miranda is listed as internationally important under the International Union for Conservation of Nature and Nature Resources and the Ramsar Convention. The Firth of Thames is also one of the two New Zealand Flyway Network sites in the East Asian Australasian Flyway Partnership. The very high ecological values of the Miranda-Pukorokoro area are outlined within the Wildlands report as follows:

- International importance under the Ramsar convention. Pukorokoro Miranda has been identified as the most important high-tide wader roost in the Firth of Thames Ramsar site, regularly supporting multiple Threatened and At Risk wader species. It

meets Ramsar Criterion 5 (regularly supports > 20,000 waderbirds), and Criterion 6 (regularly supports >1% of a population of a species or sub-species of waterbird).

- Habitat for a range of other Threatened, At Risk, or regionally uncommon bird and plant species.
- Status as the largest example of a chenier plain ecosystem in New Zealand; a naturally uncommon ecosystem classified as Critically Endangered.
- The chenier plain is regarded as an internationally important geopreservation site.

The application site concerns a portion of the Pukorokoro Miranda Shoreline as depicted in Figures 1 and 2 of the Wildlands Ecological Assessment, appended to this report at **Attachment 1** ('the Site').

2.2 CONSERVATION STRATEGY

The Department of Conservation is the government agency with the role of conserving New Zealand's natural and historic heritage. Conservation, as defined under section 2 of the Conservation Act 1987, is the 'preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations'.

The Department of Conservation has developed the Waikato Conservation Management Strategy 2014-2024 (CMS) which establishes objectives for the integrated management of natural and historic resources, including species managed by the Department, and for recreation, tourism and other conservation purposes.

The CMS identifies the important conservation values of the application site and the Firth of Thames in general (as outlined in section 2.1 above) and specifies four programmes that have been identified as important for the long-term preservation of the Place. The second of these objectives is as follows:

- The Living Waters initiative in partnership with Fonterra aimed at improving shorebird roosting habitats and reducing sedimentation and nutrient inputs to the Wetland from catchments between Miranda and Kaiaua.

The subject proposal will help to achieve the objectives of the CMS in relation to maintaining and enhancing roosting habitats for coastal and shorebirds.

3 THE PROPOSAL

3.1 OVERVIEW

The Department of Conservation and Fonterra are working in partnership with the Pukorokoro Miranda Naturalists Trust to improve estuarine habitat for shorebirds that use the Miranda coastal reserve on the Firth of Thames. As part of this project, the Pukorokoro/Miranda Naturalists Trust propose to remove mangrove seedlings that are impacting or have the potential to impact upon roosting and foraging habitat for avifauna. In the longer term, management of sediment to the area will be the focus of attention as this is the primary cause of mangrove expansion.

3.1.1 MANGROVE COLONISATION

As noted within the Wildlands report appended as Attachment 1, close-cover mangrove communities are a unique, indigenous community type that has been present in New Zealand for millions of years and arrived here without human assistance. Mangroves make a valuable ecological contribution in Northern New Zealand harbours, estuaries and river mouths.

The Wildlands report notes that in New Zealand harbours, mangroves generally establish and flourish in the area of the intertidal zone between the high water mark and the upper limit of the cockle community that covers with water for more than four hours per tide. Within this area, mangroves can enhance both biodiversity and benthic biodiversity. However, when they expand their range further down the intertidal zone, and displace mid to low-tide seagrass beds or shellfish beds, mangroves are displacing existing intertidal communities that can be considered to be of greater ecological value.

The subject application seeks to control the expansion of mangroves further down the intertidal zone to protect and enhance the habitat for coastal and wader birds in Pukorokoro Miranda. Uncontrolled mangrove expansion will negatively impact key foraging, sub-roosting and roosting habitat for shorebirds. Mangrove seedlings have started to emerge within this area, and the applicant seeks to control the spread of mangroves to protect this internationally recognised ecological area. In the longer term management of sedimentation will be the area that requires focus, as sedimentation is the main driver for mangrove expansion. This proposal is therefore a short-term solution.

Some areas of mangroves will be retained on the site (as identified in Figure 2 of Appendix 1) and within these retained areas mammalian pest control will be undertaken to improve the ecological and habitat values of the mangroves. Mangroves typically host invertebrate species, such as mud snails and crabs, which in turn are utilised as a food source by indigenous birds. These invertebrates are also likely to be prey for several predators including mustelids, rodents and cats. By controlling mammalian predators, the availability of food resources for indigenous birds is likely to increase. Pest control will be undertaken on the terrestrial margins of the mangroves rather than within the mangroves, due to greater difficulty of undertaking pest control in intertidal areas.

3.1.2 MANGROVE REMOVAL MANAGEMENT PLAN

The applicant proposes to prepare a Mangrove Removal Management Plan (MRMP) to set out all the relevant steps and management which will be undertaken to ensure that works will avoid, remedy or mitigate adverse effects during the mangrove clearance phase, as well as ongoing measures to keep the area free of new mangrove development. The management plan includes the following site management matters:

- a. Identification of access points to the CMA, work areas within the CMA;
- b. A register for complaints (noise, fumes, debris, behaviour);
- c. Measures to minimise disturbance within the CMA;
- d. Areas for the storage of materials used during the removal process (including hand-held machinery)
- e. Areas for the stockpiling of mangroves prior to mulching/ disposal;
- f. Areas where mammalian pest control will be undertaken;

- g. Bio-security measures (including cleaning of machinery before and after use);
- h. Noise management measures (especially for motorised machinery);
- i. Public health and safety measures for persons undertaking the clearance and persons using reserve areas of the CMA;
- j. Ongoing measures to keep cleared areas free of new mangrove growth including monitoring and compliance with relevant planning provisions.

This management plan is attached as Attachment 2.

3.1.3 METHODOLOGY

The methodology for the removal of mangroves has been proposed in a way that is sensitive to potential adverse effects on the natural character of the coastal environment, physical effects on marine ecology and existing habitats, public access to the CMA and any adverse cultural and/or heritage effects. The transportation effects of machinery access, storage and use of local roads have also been taken into account.

It is therefore proposed that the removal will be carried out utilising hand held equipment, with each individual mangrove plant severed at the base at low tide. Cut mangroves will be stockpiled on specifically selected areas of reserve land that are not identified as bird roosting areas or other high value areas, such as in the vicinity of threatened plants. The cut material will subsequently be collected and mulched and/or disposed of at green waste sites.

While manual removal is a labour intensive approach, it will ensure that any adverse effects on the intertidal areas within the CMA can be appropriately avoided (compared with a mechanised approach) whereby any modification of the affected intertidal areas are capable of being readily restored through normal tidal processes.

Access to the CMA will be achieved through existing open space and esplanade reserves adjoining the CMA.

All mangrove removal will occur outside the main roosting season over the summer months.

4 REASON FOR THE APPLICATION

4.1 RESOURCE MANAGEMENT ACT AND WAIKATO REGIONAL COASTAL PLAN

Section 4(3) of the Resource Management Act (“RMA”) excludes the Crown from section 9 if the land is held or managed under the Conservation Act 1987. The site is managed under the Conservation Act 1987, and is identified within the Coastal Management Strategy as an area of significance. However it is noted that section 4 does not exempt the Crown from section 12 of the RMA, which applies to activities within the CMA.

The proposed removal of mangroves within the CMA will require a resource consent due to the provisions of section 12(1) of the RMA and in terms of Chapter 16 of the Waikato Regional Coastal Plan (“WRCP”).

Section 12 of the RMA states:

- (1) *No person may, in the coastal marine area, -*

...

- (e) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*

...

- (3) *Without limiting subsection (1), no person may carry out any activity -*
(a) *in, on, under or over any coastal marine area;*

...

In a manner that contravenes a national environmental standard, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by section 20A (certain existing lawful activities allowed).

In terms of the WRCP, the removal of mangroves will not be undertaken for any of the reasons identified within permitted activity rule 16.2.1 (see section 5.2.3 below for details) and the area where mangroves and mangrove seedlings are proposed to be removed is within an area identified as an Area of Significant Coastal Value (ASCV) within the WRCP.

The proposal therefore requires consideration as a *Discretionary Activity* under rule 16.2.3 of the WRCP.

4.2 ACTIVITY STATUS

Overall, the proposal is considered to be a *Discretionary Activity*.

5 ASSESSMENT

5.1 SCHEDULE 4

Schedule 4 of the RMA specifies the information and matters that must be included with any resource consent application. Clause 7 sets out the matters that must be addressed by an assessment of environmental effects and these must include the following:

- (a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- (b) *any physical effect on the locality, including any landscape and visual effects:*
- (c) *any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) *any discharge of contaminants into the environment, including any*

unreasonable emission of noise, and options for the treatment and disposal of contaminants:

- (f) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

5.2 ASSESSMENT OF EFFECTS - S104(1)(A)

5.2.1 PERMITTED BASELINE ASSESSMENT

In terms of effects on the environment, section 104(2) of the RMA has established that the correct approach to defining those effects is by way of reference to those activities permitted by a plan. This forms part of the permitted baseline which has evolved through case law and defines the environment against which a proposed activity's degree of adverse effect is gauged. The permitted baseline comprises the existing environment, non-fanciful activities and their constituent effects that would be permitted as of right by the District Plan and the effects of activities enabled by an unimplemented consent. Section 104(2) enables the consent authority to disregard an adverse effect of an activity on the environment if a plan permits an activity with that effect.

5.2.2 EXISTING ENVIRONMENT

The existing environment consists of the area identified in figures 1 and 2 of Attachment 1, which is a coastal environment containing channel and mudflats, tidal roosts, areas of established mature mangroves, salt marsh, rushland, and areas of mangrove seedlings.

5.2.3 ACTIVITIES PERMITTED BY THE DISTRICT PLAN

The WCRP identifies removal of vegetation within the CMA to be a permitted activity provided it complies with the following conditions;

- i. The removal is undertaken by iwi for traditional harvesting purposes.
- ii. The removal is undertaken for the sole purpose of maintaining an existing boat access channel, or an existing boat launching site and the vegetation to be removed in any one year covers an area of less than 10 square metres.
- iii. The vegetation is removed in accordance with section 55 of the Transit New Zealand Act 1989.
- iv. In all cases, except the activities provided for in Rule 16.6.23), the vegetation to be removed shall not be identified as a conservation value within the ASCV areas marked on maps in Appendix III and described in Appendix IV of this Plan.
- v. The removal is undertaken for the purpose of maintaining existing drainage canal outlets, floodgate outlets and stopbanks as provided for in Rule 16.6.23.

The subject proposal will be undertaken within an ASCV area, and will not be undertaken for any of the reasons identified in I, ii, iii or v above therefore there is no relevant permitted baseline pertaining to vegetation removal for this application.

Disturbance of any sand, shell, shingle or other natural material in, on or under the

foreshore or seabed it a permitted activity within the WCRP provided the quantities do not exceed 100m³ per discrete location per 30 day period, provided the conditions in rule 16.6.10 are able to be complied with. The disturbance of the foreshore and seabed will not exceed 100m³ per 30 day period, and the relevant conditions are able to be complied with as any disturbance will be remedied within 1 or 2 tide cycles by natural processes.

Temporary activities are permitted in the Coastal Zone of the Hauraki District Plan, therefore the temporary stockpiling of cut mangroves within the reserve area of the Pukorokoro Miranda coastline is permitted. The timeframes for stockpiling are outlined within the Mangrove Removal Management Plan in Attachment 2.



It is therefore considered that effects associated with temporary stockpiling and disturbance of the foreshore and seabed can be disregarded under the permitted baseline.

5.2.4 UNIMPLEMENTED CONSENTS

There are no known unimplemented consents relating to the subject application.

5.2.5 WRITTEN APPROVALS

No written approvals have been sought in relation to the subject application.

5.2.6 EFFECTS ON THE ENVIRONMENT

The WCRP identifies the following assessment criteria for discretionary vegetation removal proposals:

- i. the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii. the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii. the extent to which any visible change to water quality resulting from the activity will be detectable 48 hours after removal; and
- iv. the extent to which the activity will affect the ability of the remaining habitat to survive or to support dependent fauna; and
- v. the extent to which the activity will affect the ability of the remaining habitat to protect faunal migration and water quality in the CMA from land-based run-off; and
- vi. the extent to which the activity will increase the probability of coastal erosion or inundation.

These matters are encapsulated within the following assessment, as well as by reference to the assessment against the relevant objectives and policies in section 5.3 of this report.

5.2.6.1 ECOLOGICAL EFFECTS

The application site is identified as being within an Area of Significant Conservation Value (ASCV) within the WRC (Firth of Thames Kaiua to Tararu). The conservation values that are identified are as follows:

- Site of cultural significance to Hauraki iwi.
- Internationally important wetland (Ramsar site).
- Resident and frequenting rare and threatened national and international migratory waders, coastal and freshwater bird species.
- Nationally significant mangrove and mudflat communities.
- Unique and globally rare land form (chenier plain).
- Extensive shellfish beds and gathering of shellfish.

As noted in section 2.1 of this report, Pukorokoro Miranda is listed as internationally important under the International Union for Conservation of Nature and Nature Resources Ramsar Convention. The very high ecological values of the Miranda-Pukorokoro area are outlined within the Wildlands report as follows:

- International importance, as the most important high-tide wader roost in the Firth of Thames Ramsar site, including multiple Threatened and At Risk wader species. It meets Ramsar Criterion 5 (regularly supports > 20,000 waderbirds), and Criterion 6 (regularly supports >1% of a population of a species or sub-species of waderbird).
- Habitat for a range of other Threatened, At Risk, or regionally uncommon bird and plant species.
- Status as the largest example of a chenier plain ecosystem in New Zealand; a naturally uncommon ecosystem classified as Critically Endangered.
- The chenier plain is regarded as an internationally important geopreservation site.

As such, it is noted that the site has very high conservation and ecological values which could be adversely affected by the subject proposal.

The Wildland Report notes that the chenier plain system at Miranda is regarded as an internationally-important geopreservation site. Only approximately 12 chenier plain systems have been identified globally. The coastline at Miranda-Pukorokoro has the most extensive chenier plain system in New Zealand.

The ecological benefits of mangroves are also outlined within the Wildlands report. Mangroves provide habitat for species such as banded rail, particularly where indigenous vegetation, such as saltmarsh, freshwater wetlands or coastal forest, is lacking or absent on the landward side of the mangroves. They also provide habitat for a range of other plant species (e.g. lichens) and animal species (e.g. insects) and a range of ecosystem services from carbon sequestration to storm surge erosion protection. Where mangroves provide the only form of vegetative cover on the estuarine edge, their removal is likely to reduce the movement of species such as banded rail between estuarine and terrestrial habitats.

Due to the abovementioned reasons, it is evident that the site has extensive ecological and conservation value, as such the subject proposal has the potential to result in adverse ecological effects.

The Wildlands report assesses the potential effects of the mangrove removal at the site to be the following:

Immediate effects

- Maintenance of current extent of habitat/feeding/roosting areas for indigenous fauna of open intertidal flats
- Modification of ecological sequences from estuarine to terrestrial environments and

changes to habitat values

- Reduction in contribution made by mangroves to the estuarine food chain and ecosystem services
- Maintenance of current level of production of saltmarsh and shoreline

Long term effects

- Slowing of estuarine infilling
- Fewer areas for potential saltmarsh colonisation (due to less sediment built up under fewer mangroves)

The Wildlands report notes that all areas of mangroves have some degree of ecological value, however the relative importance of different stands differ according to factors such as extent, age, distance to tidal channels, and proximity to other estuarine vegetation types. In terms of seedlings, which are the predominant mangroves that will be removed as part of this application, the Wildlands report identifies factors that may increase ecological value and criteria that may decrease ecological value. Based on this, the report identifies areas where mangroves can be removed, areas where mangroves should be retained, and neutral areas in order to avoid any adverse ecological effects.

These categories are as follows;

No issue with mangrove seedling removal

- Tidal channels and mudflats with no adult mangroves;
- Bird roosts with no adult mangroves.

Mangrove seedlings to be retained

- High density, high value adult mangroves, not forming part of a terrestrial to marine vegetation sequence;
- High density, high value adult mangroves forming part of a terrestrial to marine vegetation sequence;
- High density, low value adult mangroves not forming part of a terrestrial to marine vegetation sequence;
- Saltmarsh and rushland, forming part of a terrestrial to marine sequence.

Neutral

- Saltmarsh and rushland where there are no tidal roosts.

A map of the proposed mangrove seedling management for the site was produced by Wildlands and is contained within their report at Figures 1-2. This has been adopted by the applicant and forms part of this consent application. For the purpose of clarity, within the neutral areas identified above and within Figures 1-2, mangrove seedlings will be retained.

Based upon the assessment by Wildlands, it is considered that any adverse ecological effects of the proposed mangrove removal will be less than minor. The proposal will result in positive effects of maintaining and enhancing the habitat of coastal and wading birds in the area.

5.2.6.2 COASTAL PROCESSES

As noted within the Wildlands ecological assessment (Attachment 1) mangroves can reduce erosion at the estuary-land interface by reducing current velocities and attenuating waves.

The report notes that the role in reducing erosion is likely of relatively low importance at Pukorokoro Miranda as it is a low-energy environment, it is also noted that there is no known erosion risk evident at the site, and all high density adult mangroves will be retained. Removal of seedlings is unlikely to have an impact on coastal processes.

It is therefore considered that the effects on coastal processes resulting from the application will be less than minor.

5.2.6.3 VISUAL AND LANDSCAPE EFFECTS

The proposed mangrove removal has the potential to result in visual and landscape effects in the surrounding environment. The viewing audience of the area that will object the change is likely to be comprised of users of the coastal reserves and walkways, birdwatchers, and other recreational users.

It is noted that gradual spread of mangroves has the potential to result in a functional and visual dislocation between the adjacent land and the waterway. In this regard, the proposed mangrove removal will maintain the visual connection to the water from adjacent land. For recreational users of the coast, the removal will result in increased opportunities for navigating through the waterway, especially by small, non-motorised craft such as yachts, kayaks and canoes.

The natural pattern of the coastline will not be affected by the proposed mangrove removal. Therefore removal will not result in an artificial looking coastal edge.

Overall, it is considered that the proposal will maintain and improve the visual contribution the Pukorokoro Miranda Shoreline makes to the character of the surrounding environment and will facilitate a more direct visual and physical connection between the waterway and adjacent land. It is therefore considered that the proposal will result in no adverse visual and landscape effects, and indeed it is anticipated that any effects will be positive.

5.2.6.4 CULTURAL EFFECTS

The site is identified as a site of cultural significance to Hauraki iwi within the WRCP, as such there is the potential for the application to generate adverse cultural effects. Consultation has been undertaken with iwi, associates and the community in line with the Department of Conservation's consultation policy.

Department of Conservation representatives attended a hui at the Kaiaua marae on Sunday 12 April, attended by Ngati-Paoa and Ngati Whanaunga who are the Kaiaua iwi with manawhenua over the Pukorokoro/Miranda iwi. During this hui, DC representatives outlined the proposed mangrove removal, which was well received by iwi, with no objections.

It is considered that the iwi with manawhenua over the area are best placed to identify whether or not there will be any adverse cultural effects resulting from the proposal. On this basis, it is considered that the proposal will not result in any adverse cultural effects.




5.2.6.5 EFFECTS DURING THE CONSTRUCTION PHASE

Removal of mangroves has the potential to result in temporary adverse effects during the removal phase.

As described in section 3.1.3 above, the removal will be carried out utilising hand held equipment, with each individual mangrove plant severed at the base at low tide. Small mangrove seedlings may be able to be simply pulled from the ground. Cut mangroves will be stockpiled on adjacent reserve land and will subsequently be collected and mulched and/or disposed of at green waste sites.

While manual removal is a labour intensive approach, it will ensure that any adverse effects on the CMA can be appropriately avoided (compared with a mechanised approach) whereby any modification of the affected intertidal areas are capable of being readily restored through normal tidal process.

The proposed Mangrove Removal Plan, as described in section 3.1.2, will include a number of measures that will be undertaken to avoid, remedy and mitigate adverse effects during the mangrove clearance phase. This includes pre and post clearance monitoring, which is detailed in the management plan in Attachment 2. 

It is therefore considered that adverse effects during the mangrove removal phase will be less than minor.

5.2.6.6 POSITIVE EFFECTS

The proposal is intended to create a range of positive effects on the environment and these are summarised as follows:

Positive Ecological Effects

- Retention and improvement of coastal and wader bird habitat
- Opportunities for pest management which will improve mangrove habitat for species such as banded rail.

Positive Amenity Effects

- Improved connection between land and sea
- Maintenance and enhancement of natural character
- Improved access to the CMA for small vessels.

5.2.6.7 SUMMARY

Having regard to the above assessments and conclusions of the Wildlands report, it is concluded that any adverse effects of the proposal on the environment will be less than minor. The effects are proposed to be avoided, remedied or mitigated by targeted removal of seedlings in certain areas with retention of mangroves in areas where they have been identified as having positive ecological features worthy of retention. In this regard it is considered that the effects of the proposal will, overall, be positive.

5.3 RELEVANT PROVISIONS OF PLANNING INSTRUMENTS - S104(1)(B)

5.3.1 NATIONAL ENVIRONMENTAL STANDARDS AND OTHER REGULATIONS

There are no national environmental standards or other regulations that are applicable to this proposal.

5.3.2 NEW ZEALAND COASTAL POLICY STATEMENT

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. There are a number of key objectives (and supporting policies) that are considered to be of direct relevant to the present proposal and these are set out as follows:

5.3.2.1 OBJECTIVE 1 (INTEGRITY AND FUNCTION OF THE COASTAL ENVIRONMENT)

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

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

Comment

The site is identified as an internationally important high-tide wader roost for multiple threatened and at risk wader species. The proposed removal of mangroves is intended to maintain and enhance the habitat of coastal and wader birds within the Pukorokoro Miranda coastal environment while avoiding any adverse effects on habitat values of mature mangroves and the intertidal mudflats. It is therefore considered that the proposal is consistent with the above objective.

5.3.2.2 OBJECTIVE 2 (NATURAL CHARACTER)

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

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

Comment

The proposed mangrove removal seeks to maintain the existing natural character and habitat values of the area. The proposed removal will better reveal the relationship

between landforms and the open waterways they enclose while ensuring the presence of mangrove forests continue to contribute to the natural character of the marine environment.

Accordingly, and in the context of this coastal setting, it is considered that the proposal will have no significant adverse effects on the natural character of the coastal environment, particularly having regard to the existing landscape and visual effects arising from recent mangrove colonisation within the area. The proposal is therefore consistent with the objectives.

5.3.2.3 OBJECTIVE 3 (TANGATA WHENUA MANAGEMENT)

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

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating matauranga Maori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Comment

The proposal is considered to address this objective in an affirmative sense in the fact that DOC representatives have consulted with by Ngati-Paoa and Ngati Whanaunga who are the Kaiaua iwi with manawhenua over the Pukorokoro/Miranda area who specified general support for the proposal and did not raise any cultural issues.

5.3.2.4 POLICY 11 - INDIGENOUS BIOLOGICAL DIVERSITY (BIODIVERSITY)

To protect indigenous biological diversity in the coastal environment:

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

under other legislation; and

- (b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
- (i) *areas of predominantly indigenous vegetation in the coastal environment;*
 - (ii) *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
 - (iii) *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
 - (iv) *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
 - (v) *habitats, including areas and routes, important to migratory species; and*
 - (vi) *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Comment

Miranda is internationally recognised as an important habitat for migratory birds. The proposal is intended to maintain and enhance the life supporting capacity of the Miranda coastline for such coastal and wading birds.

The chenier shellbanks within this area are naturally rare and threatened, however removal of mangroves and mangrove seedlings will not adversely affect these. Mangroves are indigenous vegetation and provide habitat for native fauna such as banded rail and provide a range of ecosystem services, however the application has been designed to avoid adverse effects mangroves that have been identified as ecologically important within the Wildland Report in Attachment 1.

For these reasons, and the reasons outlined in the Wildlands ecological assessment, the proposal is considered to be consistent with the above Policy.

5.3.2.5 POLICY 13 - PRESERVATION OF NATURAL CHARACTER

- (1) *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
- (a) *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
 - (b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;*
- including by:*
- (c) *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*

- (d) *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- (2) *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
- (a) *natural elements, processes and patterns;*
 - (b) *biophysical, ecological, geological and geomorphological aspects;*
 - (c) *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
 - (d) *the natural movement of water and sediment;*
 - (e) *the natural darkness of the night sky;*
 - (f) *places or areas that are wild or scenic;*
 - (g) *a range of natural character from pristine to modified; and*
 - (h) *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Comment

The proposal will maintain and enhance the existing natural character of the coastal environment by controlling the spread of mangroves into areas where they are currently not present or prolific. It is considered that the proposal will not result in adverse effects on natural character or natural features of the area. It is therefore considered that the proposal is consistent with the above Policy.

5.3.2.6 POLICY 14 - RESTORATION OR REHABILITATION OF NATURAL CHARACTER

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- (a) *identifying areas and opportunities for restoration or rehabilitation;*
- (b) *providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;*
- (c) *where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:*
 - (i) *restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or*
 - (ii) *encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or*
 - (iii) *creating or enhancing habitat for indigenous species; or*
 - (iv) *rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or*

- (v) *restoring and protecting riparian and intertidal margins; or*
- (vi) *reducing or eliminating discharges of contaminants; or*
- (vii) *removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or*
- (viii) *restoring cultural landscape features; or*
- (ix) *redesign of structures that interfere with ecosystem processes; or*
- (x) *decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.*

Comment

As noted above, the intention of the proposal is to maintain and enhance the existing natural character of the coastal environment by controlling the spread of mangroves into areas where they are currently not present or prolific. The natural pattern of the coastline will not be affected by the proposed mangrove removal therefore removal will not result in an artificial looking coastal edge.

Mammalian pest control will be undertaken within the retained areas of mature mangroves which will help to restore and enhance the habitat values in these areas, as examined further within the Wildlands Ecological assessment in Attachment 1.

It is therefore considered that the proposal will be consistent with the above Policy.

5.3.2.7 POLICY 15 NATURAL FEATURES AND NATURAL LANDSCAPES

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate

subdivision, use, and development:

- (a) *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- (b) *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;*

including by:

- (c) *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
 - (i) *natural science factors, including geological, topographical, ecological and dynamic components;*
 - (ii) *the presence of water including in seas, lakes, rivers and streams;*
 - (iii) *legibility or expressiveness - how obviously the feature or landscape demonstrates its formative processes;*

- (iv) *aesthetic values including memorability and naturalness;*
 - (v) *vegetation (native and exotic);*
 - (vi) *transient values, including presence of wildlife or other values at certain times of the day or year;*
 - (vii) *whether the values are shared and recognised;*
 - (viii) *cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
 - (ix) *historical and heritage associations; and*
 - (x) *wild or scenic values;*
- (d) *ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*
- (e) *including the objectives, policies and rules required by (d) in plans.*

Comment

As examined in section 2 of this report, the site has outstanding ecological values.

It is considered that the proposal will avoid adverse effects on the natural features and natural landscape characteristics of the site through avoiding removal of mangroves that have been identified as having ecological importance (refer to Wildlands ecological report for more detail).

Habitat for coastal and wading birds will be maintained and enhanced by the proposal.

Local iwi have been consulted regarding the proposal and have not raised any cultural concerns.

It is therefore considered that the proposal is consistent with the above Policy.

5.3.2.8 SUMMARY

Overall, it is concluded that the removal of mangroves within the identified areas of the Pukorokoro Miranda coastline will not diminish the existing character and amenity values of the surrounding area to any degree. In fact, it is envisaged that the proposal will result in a positive effect in terms of maintaining and enhancing the existing natural character, maintaining and improving coastal and wading bird habitat, and avoiding any significant adverse effects on habitat values of mature mangroves.

Accordingly, and having regard to the nature of the proposed activity, the site and locality characteristics, and to the above assessment of effects of the proposed activity on the environment, it is our view that the proposal will not be contrary to the relevant provisions of the NZCPS.

5.3.3 OPERATIVE WAIKATO REGIONAL POLICY STATEMENT (WRPS)

The Waikato Regional Policy Statement provides an overview of resource management issues in the Waikato region. It provides policies and a range of methods to achieve

integrated management of natural and physical resources across resources, jurisdictional boundaries and agency functions, and guides the development of sub-ordinate plans (regional as well as district) and the consideration of resource consents.

The strategic objectives and policies of the ACRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources. Where resource quality is high, the objectives and policies aim to retain high resource quality. Where resource quality has been degraded through inappropriate use, the objectives and policies aim to improve the quality of such resources overtime.

Under the WRPS, matters related to environmental protection such as the coastal environment, have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

Chapter 3.5 (Coast) identifies significant resource management issues, objectives, policies and methods, most of which are relevant to the present proposal. In particular, objective 3.5.4 and related policies require that the natural character of the coastal environment, including the physical and ecological processes, be protected. Objective 3.5.6 and related policies seeks for an integrated management approach to be adopted in order to avoid unforeseen adverse environmental effects, such as through consistent management of coastal resources by organisations with different functions in the coastal environment (eg. DOC, and Tangata Whenua).

The intent and purpose of the objectives and policies are encapsulated within the application's discussion with regard to the NZCPS, as discussed in the previous section. The intention of the proposal is to maintain and enhance the internationally important habitat values for coastal and wading birds while avoiding any adverse effects on the habitat values of mature mangroves. The proposal will also maintain and enhance the existing natural character of the coastal environment, including physical and ecological processes.

The proposal has been developed with assistance from the Department of Conservation in conjunction with the Pukorokoro Miranda Naturalists' Trust. The Department of Conservation has consulted with iwi about the proposal, and it has received general support.

Accordingly, the proposal is considered to be entirely consistent with these provisions.

5.3.4 PROPOSED WAIKATO REGIONAL POLICY STATEMENT

The Operative Regional Policy Statement is currently being reviewed. Decisions on the Proposed Regional Policy Statement were publically notified in November 2012, and there have been 37 appeals lodged with the Environment Court against the decisions. All appeals are being dealt with by the Environment Court process. A number of topics have had consent orders issued by the Environment Court.

Similarly to the Operative Regional Policy Statement, most of the objectives and policies are relevant to the current proposal. In particular, objective 3.2.1 seeks for the natural character of the coastal environment to be protected from adverse effects of inappropriate subdivision use and development. Related policies seek for the natural character of the coastal environment to be preserved and enhanced. Objective 3.6 seeks for integrated management of the coastal environment. Relevant policies include Policy

11.4 which seeks for protection of indigenous biodiversity in the coastal environment, including protecting rare and threatened species and areas containing nationally significant examples of indigenous community types, and maintaining or enhancing areas used by marine mammals and wading/coastal birds, including breeding, feeding, roosting and haul-out sites.

The subject proposal aims to enhance the subject site as a habitat, breeding, feeding and roosting area for wading and coastal birds while minimising any potential adverse ecological effects resulting from removal of the mangroves. For these reasons, and the reasons given within the assessment of environmental effects, it is considered that the proposal is in accordance with the objectives and policies of the Proposed Waikato Regional Policy Statement.

5.3.5 RELEVANT PROVISIONS OF THE WAIKATO REGIONAL COASTAL PLAN - S104(1)(B)

Section 104(1)(b)(vi) requires consideration of any relevant objectives and policies of a plan or proposed plan. In this case, the relevant objectives and policies of the Regional Coastal Plan have been considered in the assessment of this application, as follows.

5.3.5.1 CHAPTER 2 - MATTERS OF SIGNIFICANCE TO MAORI

The objectives and policies of this chapter aim to minimise uncertainty for all parties regarding the relationship between tangata whenua and resources for which they are Kaitiaki, and to enable Tangata whenua to give effect to kaitiakitanga.

The applicant has undertaken consultation with local iwi at a hui and via mail, all of whom have indicated general support for the proposal and its objectives. No cultural issues have been raised by any iwi that have interest in the area.

Accordingly, the proposal is considered to be consistent with the relevant objectives and policies of Chapter 2.

5.3.5.2 CHAPTER 3 - NATURAL CHARACTER, HABITAT AND COASTAL PROCESSES

The objectives of Chapter 3 aim to preserve the natural character of the coastal environment, protect areas of significant indigenous vegetation and significant habitat of indigenous fauna, maintain or enhance amenity and heritage values within the CMA, and protect the integrity, functioning and resilience of the coastal processes from adverse effects of use and development. Policies that support these objectives that are of particular relevance to this application include Policy 3.1.1 which seeks to protect regionally significant landscapes and features and protect them from adverse effects of use and development; Policy 3.2.1 which concerns protecting areas of significant conservation value; and Policy 3.2.2 which seeks to protect the habitats of species in the CMA that are commercially, recreationally, traditionally or culturally important.

As noted previously, the application seeks to improve the subject site as a habitat for coastal and wading birds by removing mangrove seedlings in certain locations while avoiding adverse ecological effects on other habitats and species which utilise mangroves as habitat. The site is noted as being within a regionally significant landscape, and the proposal will not adversely affect the landscape values attributed to this site, but instead

will help to ensure that mangroves do not spread to areas where they could adversely affect habitat for wading birds, or adversely affect current visual amenity values.

Accordingly, the proposal is considered to be consistent with the relevant objectives and policies of Chapter 3.

5.3.5.3 CHAPTER 7 - FORESHORE AND/OR SEABED DISTURBANCES

Objective 7.1 of Chapter 7 seeks for adverse effects on the foreshore and seabed to be avoided as far as practicable, while allowing for people's use and enjoyment of the coast. Policy 7.1.1 relates to low impact activities, and seeks for recognition that activities having a low impact and/or temporary adverse effect on the foreshore or seabed are an appropriate use. It is noted that the mangrove removal will result in limited disturbance of the foreshore and seabed, the extent of which will be easily and promptly remedied by natural tidal processes. It is therefore considered that the proposal is consistent with the relevant objectives and policies of Chapter 7.

5.3.5.4 WAIKATO REGIONAL COASTAL PLAN ASSESSMENT CRITERIA

The Waikato Regional Coastal Plan contains Decision Making Criteria within Appendix II of the Plan. The relevant criteria are as follows:

General

- a. *The extent to which the activity has a functional need to be located in the CMA.*
- c. *Identified iwi concerns and measures proposed to avoid, remedy or mitigate any adverse effects.*
- d. *The extent to which the activity adversely affects any values identified in any area of significant conservation value.*
- e. *The adverse effects of the activity on natural character, amenity, and cultural values.*
- f. *The extent to which the activity will have flow-on adverse effects to neighbouring and distant coastal flora, fauna (including fish and shellfish), habitats and features.*
- g. *The extent to which the activity adversely affects landscapes, seascapes and landforms, including:*
 - significant representative examples of each landform which provide the variety in the Region*
 - visually or scientifically significant geological features and*
 - the collective characteristics which give the coastal environment its natural character including wild and scenic areas.*
- k. *The extent to which the activity will affect significant heritage sites or areas of historic and cultural significance.*

- l. The extent to which the activity will affect and be affected by coastal processes (including natural hazards, erosion, and inundation).*
- m. The extent to which the activity will affect water quality.*
- o. The extent to which the public will benefit from the activity.*
- q. The cumulative adverse effects the activity may have on the CMA.*
- t. The extent to which the activity affects or is compatible with land and areas administered by the Department of Conservation (Waikato Conservation Management Strategy, Volume II: Inventory of land Managed by the Department of Conservation, 1996), or which are proposed for protection.*
- w. Effects on tourism.*

Tangata Whenua

- a. The extent to which the application enables provision for the social, economic and cultural wellbeing of the iwi or hapu.*
- b. The extent to which the proposal recognises and facilitates the special relationship between the Crown and tangata whenua as established by the Treaty of Waitangi.*
- c. The extent to which the applicant has a special relationship with the site or location of the proposed use or development.*

Habitat And Coastal Processes

- a. The extent to which the removal of vegetation will result in:
 - i. the potential for increased hazard risk*
 - ii. the removal of rare or endangered species or their habitat*
 - iii. any significant adverse effects on aquatic life*
 - iv. reduced water quality from sedimentation for more than one week after removal.**
- b. The extent to which the activity will adversely affect breeding beds for shellfish.*
- c. The extent to which the activity will affect any dotterel breeding sites.*

Disturbances

- b. The extent to which the foreshore or seabed will be disturbed.*

Comment

The proposed activity, in its nature, must be undertaken within the Coastal Marine Area. Relevant iwi have been consulted by the Department of Conservation as part of their consultation strategy, and the proposal received their general support, with no cultural issues raised. The proposal is intended to maintain and enhance habitat and roosting areas for coastal and wading birds, with adverse effects on ecological values, particularly those

of mature mangroves, avoided, remedied or mitigated.

The proposal will maintain and enhance the existing natural landscape. As PukorokoroMiranda is a low-energy environment with no known erosion risk, the proposed mangrove removal is unlikely to have an impact on coastal processes in the area. Water quality will not be adversely affected by the proposal as only minor soil disturbance will be generated by the proposal and this will be able to be remedied promptly by natural tidal processes.

The proposal will benefit the public, and recreational opportunities in the area as bird roosting areas will be maintained and enhanced which will maintain and enhance the opportunity for bird watching in the area.

It is therefore considered that the proposal is consistent with the above assessment criteria.

5.4 OTHER MATTERS - S104(1)(C)

Section 104(1)(c) allows the consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application. In this case it is considered that the CMS described in section 2.2 of this report is relevant to the consideration of the proposal. The CMS establishes objectives for the integrated management of the natural and historic resources, including species managed by the Department of Conservation, and for recreation, tourism and other conservation purposes.

The subject proposal has been developed to meet one of the objectives of the CMS. It is important to consider the dual process in developing the subject proposal - under both the Conservation Act and the Resource Management Act. The Department of Conservation has undertaken consultation with iwi in accordance with its own consultation strategy. The subject proposal has been developed by the Department of Conservation in partnership with Fonterra and the Miranda Naturalists' Trust in order to achieve the objectives of the CMS in relation to maintaining and enhancing roosting habitats for coastal and shorebirds.

6 PART 2 OF THE RMA

6.1.1 SECTION 5 - PURPOSE

Section 5 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This is defined as managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The application of section 5 involves an overall broad judgement of whether a proposal would promote the sustainable management of natural and physical resources. Such a judgement allows for the comparison of potentially conflicting considerations and the scale or degree of them, and their relative significance in the final outcome.

In this case, it is considered that the proposal will have an overall positive effect in relation to the foreshore environment of Pukorokoro Miranda coastal environment as it will help to maintain and enhance the life-supporting habitat for coastal and wading birds, while avoiding adverse effects on other habitats and in particular species which utilise mangroves as habitat. Iwi with an interest in the area have been contacted and are overall supportive of the proposal, with no feedback indicating potential adverse cultural effects. Accordingly, the proposal is considered to represent the sustainable management of natural and physical resources.

6.1.2 SECTION 6 - MATTERS OF NATIONAL IMPORTANCE

The proposal is considered to be consistent with the matters of national importance identified in section 6. In particular, the natural character of the coastal environment will be maintained by the removal of mangrove seedlings that are starting to encroach upon areas that they previously did not inhabit. Removal of the mangroves will help to maintain important and internationally recognised habitat, breeding and roosting areas for coastal and wading birds.

6.1.3 SECTION 7 - OTHER MATTERS

With regards to other matters under section 7, it is considered that the proposal will maintain and enhance amenity values and maintain and enhance the quality of the environment. The proposal is also considered to be consistent with the ethic of kaitiaki and stewardship in terms of managing the Miranda coast and its associated values and processes.

6.1.4 SECTION 8 - TREATY OF WAITANGI

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues.

6.2 NOTIFICATION

6.2.1 PUBLIC NOTIFICATION

Under section 95A, as inserted under section 76 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009, the Council has discretion whether to publicly notify an application for resource consent. An application is required to be publicly notified if:

- The council decides under section 95D that the activity will have or is reasonably likely to have adverse effects on the environment that are more than minor; or
- If the applicant requests it; or
- If a rule or national environmental standard requires it.

In this case, the latter two provisions do not apply (i.e. the applicant does not request public notification, nor does a rule or national standard require notification).

Section 95D sets out the tests for defining whether adverse effects referred to in section 95A are likely to be more than minor. In this regard, as relevant to this application, the

Council must:

- disregard effects on persons who own or occupy the land in, or over that which the activity will occur, or any land adjacent to that land;
- disregard any effect on a person who has given written approval to the application.

In this case, it is the writer's view that 'adjacent land' includes the properties listed below and as identified in the following aerial photograph. The effects on these owners and occupiers have been disregarded under section 95D:

- 798 Back Miranda Road
- 0 East Coast Road
- 0 Miranda Road
- 1011 Miranda Road

These properties are identified in Figure 3 below:



Figure 2: Adjacent properties

This report includes an analysis of the potential effects of the proposal in sections 5.2.2 and 5.3.2 against the matters for which consent is required, and it is considered that the proposal may result in adverse effects, but that such effects will be no more than minor.

In addition, and as per section 95D, the Council must disregard effects of other tenants or landowners within the subject site.

Therefore, it is our view that public notification in accordance with section 95 of the RMA is not required in this instance.

6.2.2 LIMITED NOTIFICATION

Section 95B requires that if a consent authority does not publicly notify an application, it must decide (in terms of sections 95E and 95F) if there are any affected persons in relation to the activity. This includes consideration of those persons who own or occupy 'adjacent land'.

The proposed removal of mangroves will be undertaken within the CMA, with temporary stockpiling within adjacent reserve land. The works will be undertaken manually using hand held machinery which will not generate adverse noise effects on adjacent properties.

It is therefore considered that any adverse effect on adjacent properties will be less than minor and on this basis limited notification under section 95B is not required.

6.2.3 SPECIAL CIRCUMSTANCES

Section 95A(4) states that a consent authority may publicly notify an application if it decides that special circumstances exist in relation to an application.

"Special circumstances" have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529).

In *Murray v Whakatane DC* [1997] NZRMA 433, Elias J stated that circumstances which are "special" will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to "special circumstances" it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for public or limited notification.

In this case the proposed mangrove removal is provided for under the Coastal Plan as a discretionary activity. The removal seeks to improve habitat for coastal and wading birds, whilst avoiding, remedying and mitigating any adverse ecological effects resulting from removal of mangroves. It is therefore considered that the proposal is provided for and results in overall positive effects on the environment such that it cannot be described as out of the ordinary or giving rise to special circumstances. Public notification in this regard is therefore not required.

6.2.4 NON-NOTIFICATION

As a result of the above assessment, it is considered that the proposal is able to be processed on a non-notified basis, without the requirement for limited notification on any person, or public notification on the wider community, because:

- The proposal will have less than minor adverse effects on the environment, including any adverse dominance or amenity effects associated with the development;
- No persons will be adversely affected by the proposal; and
- The proposal is not considered to give rise to any special circumstances that would warrant public notification.

6.3 SECTION 104B

The proposal has been considered in terms of the relevant provisions of sections 104 and 104B. This assessment has concluded that the proposal will have less than minor adverse effects on the environment, will satisfy all relevant assessment criteria and will be consistent with the objectives and policies of the District Plan.

6.4 SECTION 123

Section 123(c) states that coastal permits can be granted for a period not exceeding 35 years. In this case, the full 35 years is sought so that ongoing management of mangroves and mangrove seedlings can occur when necessary, and in accordance with the MRMP. In the longer term management of sedimentation is the bigger issue that should be addressed which would avoid the need for mangrove seedling removal to maintain roosting habitat.

6.5 SECTION 108

The applicant undertakes to avoid, remedy or mitigate the potential adverse effects of the proposal on the environment, including those effects likely to arise during the removal period. Accordingly, the applicant accepts the imposition of the Council's standard conditions of consent relating to the matters for which consent is required in this case (e.g. compliance with approved plans), in addition to specific matters under section 108 of the RMA.

6.6 SECTION 125

Section 125 of the RMA provides for resource consents to be valid for the timeframe specified on the consent, or, if no timeframe is specified, for five years. In relation to this proposal, the applicant seeks the standard timeframe of five years to give effect to the resource consent once granted.

6.7 MONITORING OF EFFECTS

Once granted, the Council is required to monitor the exercise of resource consents under section 35 of the RMA.

Given the limited nature of adverse effects on the environment, it is considered that there is only a limited need for monitoring in relation to this proposal. The applicant accepts a reasonable monitoring fee in accordance with the Council's standard monitoring fee system and that the Council may carry out its monitoring functions by way of inspections of the site during development of the proposal.

It is noted that the applicant's management plan within Attachment 2 includes monitoring, which will assist with Council's monitoring.

7 CONCLUSION

The applicant seeks resource consent to carry out targeted and managed removal of mangroves (predominantly seedlings) from an area of the Pukorokoro Miranda coastline.

It is concluded that any adverse effects of the proposal will be avoided, remedied or mitigated to the extent that they can be considered to be less than minor. The proposal will not adversely affect any person and will be consistent with all relevant statutory national and regional policy statements and regional and district planning instrument.

The proposal is therefore considered to be consistent with the purpose and principles of the Resource Management Act 1991. The granting of the resource consent for the proposal would provide for an appropriate activity on this site with adverse effects on the environment which are no more than minor.

Consent, subject to appropriate conditions, can therefore be supported. Hence, in accordance with section 95 of the RMA, it is considered that the Council is able to process this application without notification or service on any parties, and can grant consent under section 104B.

ATTACHMENT 1
Wildlands Ecological Assessment

ATTACHMENT 2
Mangrove Removal Monitoring Plan