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**Further Submission on
Proposed Plan Change 4 to the Auckland Regional Plan: Coastal
Under Clause 8 of the First Schedule of the Resource Management Act 1991**

To: The Administrator
Auckland Regional Plan: Coastal – Mangrove Management
Auckland Regional Council
21 Pitt Street
Private Bag 92 012
Auckland

Further Submission on: Proposed Change to the Auckland Regional Plan: Coastal
Proposed Plan Change 4 – Mangrove Management

Name: Papakura District Council

Address: Private Bag 7
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Introduction

The Papakura District Council (PDC) made a submission on Proposed Plan Change 4 to the Auckland Regional Plan: Coastal – Mangrove Management relating to:

- The expansion of assessment criteria to address changes in visual amenity and the landscape and character of the coastal margin from mangrove encroachment.
- The definition, policy structure and method implementation of Comprehensive Coastal Management Plans / Integrated Management Plans
- The activity status for mangrove removal relative to an approved Comprehensive Coastal Management Plan / Integrated Management Plan
- Modification of the Prohibited Activity Status for the removal of mangrove seedlings.
- The permitted activity status for the removal of Mangrove seedlings.
- The definition of a Mangrove Seedling.
- Support for identifying other methods to address coastal margin and riparian management.

The Papakura District Council now makes the following further submissions in support or opposition to other submissions, and serves notice on those submitters in accordance with Clause 8A of the First Schedule of the Resource Management Act 1991.

Submission Number	Submitter Name	Submission Summary	PDC in Support / Opposition
94/23	Botany Community Board	Opposes policy 16.4.8 and seeks that ARC carry out further work on the regional context of mangrove removal rather than putting the onus on applicants to provide this information (an assessment of ecological value of mangroves) This may include identifying areas where it may be appropriate to remove mangroves and allowing for this removal. If the above submission point is not accepted, it is sought that policy 16.4.8 be reworded so that it provides direction rather than imposes a requirement.	Support in Part
142/5	Manukau City Council		
137/7	Franklin District Council	Opposes Policy 16.4.8 and seeks that it be deleted. Believes that this policy could be interpreted in a manner than places an unnecessary burden on applicants. The criteria require an assessment of effects on ecological values; it is considered that this is sufficient and a separate ecological assessment should not be required.	Support

The reasons for the PDC's further submissions supporting submission points 94/23, 142/5 and 137/7.

The PDC considers that an assessment of the ecological value of mangroves affected by an application for mangrove removal, to be a valid information requirement. However the requirement that such an assessment must demonstrate that the proposed removal will not have a significant adverse effect on ecological values is inappropriate.

The consideration of a resource consent application by a consent authority pursuant to Section 104 of the Resource Management Act 1991, requires regard to be had to any actual or potential effects on the environment of allowing the activity. This requires an assessment of all effects, positive or negative, of what ever scale.

As per the submitter's request it is supported that Policy 16.4.8 should be amended so that it provides direction rather than impose a requirement that is inconsistent with resource consent assessment process. Furthermore it must be recognised that information on ecological values is a requirement of an Integrated Management Plan which is also a requirement for considering an application for mangrove removal. Policy 16.4.8 must avoid replicating information requirements.

Information requirements to assess the effects of mangrove removal will be much broader than just an assessment of the ecological value of mangroves and it is not necessary to specifically identify this as Policy as it would then appear to subjugate other relevant effect considerations.

Submission Number	Submitter Name	Submission Summary	PDC in Support / Opposition
139/15	Auckland City Council	Redraft Rule 16.5.12 to provide for mangrove removal in excess of 200m ² (rather than 30m ²) to be treated as a controlled activity	Support

139/12	Auckland City Council	Redraft Rule 16 5 2 to: - Provide an exemption to allow minor trimming of mangroves to occur without being considered as 'mangrove removal' This should be limited to trimming carried out by hand operated secateurs or pruning shears, in accordance with accepted arboricultural practice - Provide for 200m ² of mangrove removal to occur as a Permitted Activities, particularly where it is to enable the provision, maintenance and use of public infrastructure; or allow for the functioning of drainage systems.	Support
137/10	Franklin District Council	Supports 16 5 12, 6 5 12.1 and 16 5.21 2 in part but seeks reconsideration of the 30m ² threshold; this is overly restrictive, for example to retain sightlines around roads, near bridges, 200m ² may need to be removed.	Support
150/4	Rodney District Council	Opposes 16.5 b. Increase the permitted mangrove removal limit of 30m ² and any subsequent amendments. An increased threshold is sought of at least 100m ² .	Support
142/2	Manukau City Council	Opposes the 30m ² limitation and seeks that this be increased to permit clearance up to 50m ² around structures, infrastructure, and drainage structures and up to 3m each side of these.	Support

The reasons for the PDC's further submissions supporting submission points 139/12&13, 137/10, 150/4 and 142/2

It is acknowledged that it is administratively easier to set a vegetation clearance threshold from which activity status can be defined. The difficulty in setting a threshold is in defining the scale at which effects are considered to be more than minor.

The setting of a 30m² threshold has been widely challenged by four Territorial Authorities in the Auckland Region. It is these Territorial Authorities that are at the forefront of dealing with mangrove encroachment issues, particularly around public infrastructure but also with regard to, public access, recreation, amenity and landscape concerns.

The concerted challenge put forward by these Territorial Authorities backed by in-house knowledge and expertise would indicate that the 30m² threshold that has been set as being too low or conservative and should be revisited.

Submission Number	Submitter Name	Submission Summary	PDC in Support / Opposition
59/7	Pahurehure Inlet Protection Society	Opposes in part 16 5 3c. A trial showed that the hand pulling of seedlings inflicts greater damage to the ecology of an area than, for example, removal by a weed eater. Seeks the following changes: "(c) that seedlings are removed by hand-pulling or approved mechanical means (e.g. 'weed eater') And the removal does not involve the use of hand held tools or machinery; and ..."	Support
63/3	Clevedon	Opposes the requirement that any	Support

	Community Board	removal does not allow the use of hand tools as removal without the use of hand tools is impractical and an inefficient use of time.	
135/6	Mahurangi East Residents & Ratepayers Association Inc	Strongly opposes 16 5.3 c; - to cut off with a tool such as a grubber should be allowed as some mangroves even when seedlings root in to the rocky strata; - many coastal residents are elderly and would require the use of hand tools to maintain mangrove control (otherwise risk back injury); - to limit management to hand pulling when simple hand held tools would greatly reduce the time required is wasteful of time and energy	Support
137/9	Franklin District Council	Supports the permitted activity status of the removal of mangrove seedlings but considers that the removal of seedlings by hand pulling to be difficult and that the use of hand-held machinery and hand held tools will enable effective removal of seedling without causing significant disturbance to the foreshore and seabed. Seeks to amend the wording in 16.5.3 to enable the use of hand-held tools and hand-held machinery to remove mangrove seedlings, and remove the conditions that cleared vegetation be disposed of outside the Coastal Marine Area: <i>"The removal of mangrove seedlings, subject to the following conditions: c) that seedlings are removed by hand -pulling and the removal does not involve the use of or hand held tools or machinery; and f) all cleared vegetation shall be disposed of outside of the coastal marine area"</i>	Support
115/4	Beach Haven, Birkdale Ratepayers Association	Opposes in part 16.5. Supports the proposed changes with the exception of 16 5 3c and seeks that it be amended to include the use of powered hand held tools: <i>"That seedlings are removed by hand pulling and the removal does not involve the use of powered hand held tools or machinery; and"</i> This allows assisted hand pulling using weed removal tools, but does not allow cutting of mangrove seedlings	Support
23/4	Glen Archibald	Seeks provisions that enable mangrove removal to be more easily carried out. Less environmental harm and damage occurs in areas that allow for mechanical means on floating pontoons or barges that could remove both the mangroves and mud, than removal by people trampling and bogging in the mud. Allow for the separation of the vegetation from the mud in a manner that mulched the vegetation and allowed for its land based use and recycling. The mud should be	Support in Part

		relocated in strategically identified fingers and arms of the harbour and harbours edge There are good examples of stormwater filtration ponds for water treatment before it reaches the harbour. Silt from these sources returns to the land, so why not the same for silt that was deposited for so long before the Resource Management Act was introduced and modern treatment devices installed? Find practical permitted and controlled ways to restore these poorly managed historic problems of the past half century; use knowledge from Pahurehure Inlet removal activities.	
54/5	Enterprise Franklin Devpt Trust	Seeks that allowance be made for initial mechanical removal and access to sites to undertake removal work; mangroves in places are dense and large.	Support
59/8	Pahurehure Inlet Protection Society	Opposes in part 16 5.3 i. Experience shows that a full cycle of tides (spring tide to spring tide) over at least two weeks is needed to remediate the damage to an area caused by removal Seeks the following changes: <i>"(i) any consequential disturbance to the foreshore and seabed shall be able to be remedied by the operation of natural processes within 7 14 days."</i>	Support
59/11	Pahurehure Inlet Protection Society	Opposes in part 16 5.8 a. Experience shows that a full cycle of tides (spring tide to spring tide) over at least two weeks is needed to remediate the damage to an area caused by removal. Seeks the following changes: <i>"(a) any disturbance ... within 7 14 days in other parts of the coastal marine area."</i>	Support
63/5	Clevedon Community Board	Questions/opposes the 7 day remedy time by way of natural process; this is very questionable as foot prints in the mud often take months to disappear.	Support

The reasons for the PDC's further submissions supporting submission points 59/7, 63/3, 135/6, 137/9, 115/4, 23/4 and 54/5.

The Pahurehure Inlet in Papakura District has an approved Management Plan and Resource Consent for the removal of Mangroves. Mangrove clearance has been undertaken in accordance with the conditions of the approved resource consent. This consent specified mangrove removal to be undertaken with hand held implements only, prohibiting power tools or chemicals.

Notably the consent conditions did not limit removal to hand pulling only as per the suggested Coastal Plan Change. Secateurs and pruning shears have been utilised to minimise sediment disturbance that can occur through hand pulling

Experience in the Pahurehure Inlet has demonstrated that hand pulling of seedlings can have more significant effects on the environment than that likely from a suitable mechanical means. Notably the human activity disturbs sediments on what is likely to be a much greater scale than if controlled mechanical removal was permitted

At a permitted activity threshold or as approved via a resource consent, the determination is made that a certain scale of mangrove removal is deemed appropriate. The mechanism of removal should not be dictated by hand pulling. The use of hand held implements may be appropriate, and indeed mechanical assistance may be the most appropriate method with the least environmental impact to achieve the same objective.

Given experience in the Pahurehure Inlet it is considered that a two week remediation period be adopted to address consequential disturbance of the foreshore and seabed from mangrove removal.

Submission Number	Submitter Name	Submission Summary	PDC in Support / Opposition
23/2	Glen Archibald	Seeks that ARC remove confusion over references to Comprehensive Coastal Management Plan on one hand, and then Integrated Management Plans, per Appendix H.	Support
23/3	Glen Archibald	Section 32 Report - Page 19 - 'Key Changes' - Point 4 appears to have not been fully acted upon. Clarify for the benefit of all. Provide assurance that Pahurehure Inlet Plan and other comprehensive community plans that have been adopted do not need to be revisited.	Support
139/11	Auckland City Council	Seeks clarification of the role of integrated management plans, including who is required or encouraged to prepare them (presumably the applicant) and for what types of proposals.	Support
139/26	Auckland City Council	Include a statement acknowledging that in some circumstances the assessment required in an Integrated Management Plan may already be incorporated in other documents such as an open space action plan or strategy prepared by a territorial local authority which includes walkway construction proposals in the coastal marine area.	Support
149/3	North Shore City Council	Opposes in part. Seeks that Policy 16.4.7 be amended to clarify who has responsibility for preparing an Integrated Management Plan.	Support
149/5	North Shore City Council	Amend Rule 16.5.14.2 to clarify who has responsibility for preparing an Integrated Management Plan.	Support
150/6	Rodney District Council	Opposes. The approach needs to be reframed to be specific and unambiguous as to which plans are being referred to and any subsequent amendments e.g. definitions. Issues that need to be addressed include the relationship between IMPs and other planning instruments (e.g. comprehensive coastal management plans, coastal compartment plans) needs to be clarified. The use of terms "should" and "may" create uncertainty around responsibility and are	Support

		open to interpretation.	
150/7	Rodney District Council	Opposes The terminology used in Appendix H needs to be focused and unambiguous and any subsequent amendments. Clarification is needed around IMPs.	Support
137/14	Franklin District Council	Supports in part 16.6 and seeks to retain the existing Other Methods. Seeks to add a new method: "The ARC will work with local authorities and the community to develop Integrated Management Plans as set out in Appendix H."	Support
137/6	Franklin District Council	Supports Policy 16.4.7 and seeks to retain the proposed wording. Seeks a minor amendment: The definition on Page 2 refers to a "Comprehensive Coastal Management Plan", however the policies and rules refer to an "Integrated Management Plan." The definition of a Comprehensive Coastal Management Plan may be redundant, as Appendix H: Integrated Management Plans seems to cover the same matters that a Comprehensive Coastal Management Plan would cover.	Support
54/2	Enterprise Franklin Devpt Trust	Seeks that Integrated Management Plan(s) allow for regular removal of mangroves as a permitted activity without having to apply for a consent each time work is required.	Support in Part
94/24	Botany Community Board	Opposes 16.5.17. Seeks that the removal of mangroves in a Coastal Protection Area 1 for the purpose of enabling the operation, maintenance and use of lawful structures, allowing for the functioning of drainage systems, or ensuring public health and safety in the use or operation of infrastructure be allowed for by a less onerous activity status than discretionary Structures that have been lawfully established should be able to be maintained with a minimum of controls; there should be a recognition of the dual uses of the coastal marine area.	Support
142/6	Manukau City Council	Opposes 16.5.17. Seeks that the removal of mangroves in a Coastal Protection Area 1 for the purpose of enabling the operation, maintenance and use of lawful structures, allowing for the functioning of drainage systems, or ensuring public health and safety in the use or operation of infrastructure be allowed for by a less onerous activity status than discretionary.	Support

The reasons for the PDC's further submissions supporting submission points 23/2&3, 139/11&26, 149/3&5, 150/6&7, 137/14&6, 54/2, 94/24, 142/6.

A number of submitters raise issue with confusion over the application of a Comprehensive Coastal Management Plan and/or Integrated Management Plan. In recent times the Comprehensive Coastal Management has been the terminology commonly applied to

planning for coastal compartment areas as required by the ARC to support an application for resource consent for Mangrove removal

Changes are supported to ensure that from the introduction and issue identification through the policy structure and in to the rules, the roles of a Comprehensive Coastal Management Plan or Integrated Management Plan is clarified with the appropriate mechanism identified as the vehicle to address issues around ecological values and community aspirations.

A explicit reference is required to ensure that information gathering, consultation procedures and assessments required in an Integrated Management Plan may have already been incorporated in other documents i.e. an adopted open space strategy or provided through a resource consent process. Furthermore clarity is required to ensure Comprehensive Coastal Management Plans previously adopted do not need to be revisited

Changes are also supported that seek clarity around the Regional Council's role and responsibility in preparing a Comprehensive Coastal Management Plan and/or Integrated Management Plan.

It is also supported that the activity status should more closely align with an approved Comprehensive Coastal Management Plan and/or Integrated Management Plan. A controlled activity status is considered to more appropriately reflect the information requirements and consultation process undertaken to support a Comprehensive Coastal Management Plan and/or Integrated Management Plan

Submission Number	Submitter Name	Submission Summary	PDC in Support / Opposition
59/3	Pahurehure Inlet Protection Society	Opposes in part 16.1 paragraph 2. Seeks the following changes to align with the proposed changes to clause 16 1 para 4, and to explicitly recognise the case for removing mangroves for the additional reasons listed: <i>"In some cases mangroves need to be removed in order to allow for the maintenance and use of structures: and the functioning of drains and outlets : access, navigation, recreation and amenity benefits. Public infrastructure, such as roads may need to be..."</i>	Support
142/10	Manukau City Council	In the alternative to the ARC identifying specific areas, including beaches, where mangrove removal may be appropriate and allowing for this removal through appropriate rules it is sought that Rule 16 5 17 be modified to allow for mangrove removal for the purpose of maintaining or enhancing public amenity, including visual amenity and recreational use. For example amend Rule 16.5 17(b) to read as follows (or similar): <i>"The removal of vegetation, including mangrove removal, in a Coastal Protection Area 1 for the purpose of: ... b maintaining or enhancing public access and amenity, including visual amenity, and recreational use, consistent with protecting the geological or ecological values of the Coastal Protection Area, or..."</i> Policy 16.4.5	Support

		should also be amended to be consistent with the above.	
94/28	Botany Community Board	In the alternative to the ARC identifying specific areas, including beaches, where mangrove removal may be appropriate and allowing for this removal through appropriate rules it is sought that Rule 16.5.17 be modified to allow for mangrove removal for the purpose of maintaining or enhancing public amenity, including visual amenity and recreational use. For example amend Rule 16.5.17(b) to read as follows (or similar): <i>"The removal of vegetation, including mangrove removal, in a Coastal Protection Area 1 for the purpose of: . b maintaining or enhancing public access and amenity, including visual amenity, and recreational use, consistent with protecting the geological or ecological values of the Coastal Protection Area; or . "</i> Policy 16.4.5 should also be amended to be consistent with the above.	Support

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The reasons for the PDC's further submissions supporting submission points 59/3, 142/10, 94/24.

Changes that support a broader consideration of changes to the visual amenity, landscape and character of the coastal margin from mangrove colonisation and encroachment are supported

The Papakura District Council makes these further submissions to:

Proposed Change to the Auckland Regional Plan: Coastal – Mangrove Management

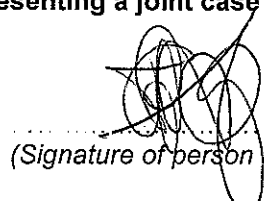
Papakura District Council's further submissions are set out in:

Attachment 1.

Papakura District Council does wish to be heard in support of its further submissions.

If others are making similar submissions Papakura District Council would be prepared to consider presenting a joint case with them at any hearing.

Signature



Date: 22/4/08

(Signature of person authorised to sign on behalf of submitter)

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