To The Registrar
Environment Court
Auckland.

The New Zealand Fairy Tern Charitable Trust ("the Trust") wishes to be a party to the following proceedings:

- Mangawhai Matters v Kaipara District Council: ENV-AKL-000062
- Request for a Private Plan Change (Plan Change 78) by Mangawhai Central Ltd.

The Trust made a submission about the subject matter of the proceedings.

The Trust is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Trust is interested in all the proceedings.

The Trust is interested in the following particular issues:

- The proposed intensive development so close to the Mangawhai Harbour risks long term adverse effects on the ecology of the harbour and downstream consequences for the feeding areas of New Zealand fairy tern.
- The lack of adequate stormwater treatment and the likely increased sedimentation of the harbour will adversely affect the New Zealand fairy tern ability to forage successfully in the harbour.
- The increased human population and use of the harbour will put further pressure on New Zealand fairy tern habitat.
- The Trust wishes to protect the harbour/estuary environment as a food source, and " training ground " for young birds. To that end it opposes ill considered development that does not ensure adequate water supply to the estuary, freedom from sediment and contaminants from a proposed petrol station for example, freedom from pathogens, and adequate protection against human interference with the fishery.

The Trust supports the relief sought because -

- Mangawhai is the most significant breeding area for New Zealand fairy tern, our rarest endemic breeding bird with a current population of fewer than 40 birds. Adverse effects on the bird's foraging in Mangawhai Harbour are likely to be catastrophic and may push it closer to extinction.
- The precautionary principle dictates that there be no change to the harbour/estuary environment that **might** endanger the survival of the fairy tern, rather than taking the risk on the basis of assumptions.
- This position reflects the decision of Commissioners for the Northland Regional Council in

refusing consent to a wharf in the same arm of the harbour/estuary as the Mangawhai Central development. Their "precautionary" approach is essential because there is no room for an experimental trial approach to the survival of the fairy tern.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.

H E Rogan

Signature of person wishing to be a party
(*or* person authorised to sign on behalf of person wishing to be a party)

5th July 2021

Date

Address for service of person wishing to be a party: NZ Fairy Tern Charitable Trust, PO Box 401072, Mangawhai Heads 0541
Telephone: 0210520622
Email: info@fairytern.org.nz
Contact person: Heather Rogan Convenor

Note to person wishing to be a party
You must lodge the original and I copy of this notice with the Environment Court within 15 working days after-

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.