

# **Thames–Coromandel District Council and Hauraki District Council Mangrove Management Bill**

Local Bill

## **Explanatory note**

### **General policy statement**

The spread of mangroves in the coastal area of the districts of the Thames–Coromandel District Council and Hauraki District Council is increasingly becoming a concern for local communities.

Aerial photography from the 1940s shows minimal mangrove incursions into the districts' harbours and the Firth of Thames, with white sandy beaches being the norm.

The lower Firth of Thames is an internationally significant tidal wetland protected by the Ramsar Convention and is an important wintering ground attracting thousands of Arctic nesting shorebirds such as the Bar-tailed Godwit, Lesser Knot, and Red Knot. The seaward advance of mangroves since the 1940s has considerably reduced the feeding habitat available to the birds.

Evident community concern about the impact of mangroves dates from the early 2000s with, notably, the concerted effort since 2005 by the Whangamata community to address the spread of mangroves and restoration of harbour amenity.

To date, that process has lasted over a decade and cost in excess of \$1.5 million.

Mechanisms allowing a transfer of authority under the Resource Management Act 1991 from regional to district councils do not adequately address the timing and resourcing concerns.

The councils desire to see limited resources more effectively and efficiently utilised in the provision of core infrastructure and services, such as wastewater treatment plants and catchment sediment management schemes, to further protect estuarine environments.

The process undertaken so far under the Resource Management Act 1991 has been costly, time-consuming, and has not delivered desirable outcomes.

A streamlined, cost-effective, efficient, and community-based process is required to ensure that the councils are mandated to implement a plan that reduces mangrove growth to acceptable levels that will improve any access, recreation, amenity, or ecosystem values.

The Bill empowers each council to prepare a draft mangrove management plan for the coastal area of its district to achieve and maintain acceptable levels of mangrove vegetation in order to restore, protect, and enhance any amenity values or ecosystems of the coastal area.

The draft plan is approved through the special consultative procedure under section 83 of the Local Government Act 2002.

The Bill provides that the councils, if they agree, may prepare a mangrove management plan collaboratively, including by adopting a single integrated plan for both districts.

The Bill empowers each council to implement an approved mangrove management plan.

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal Assent.

*Clause 3* defines terms used in the Bill. The defined terms include the following:

- coastal area (being the area in which a mangrove management plan may operate) means the coastal marine area (as defined in section 2(1) of the Resource Management Act 1991) within the district of each council, except land in private ownership. This definition in turn covers not only the foreshore and seabed, but adjacent parts of rivers that flow into the sea:
- mangrove management activity means the removal, prevention, monitoring, detection, control, destruction, or disposal of mangrove vegetation.

*Clause 4* sets out the purposes of the Act, which are to remove mangrove vegetation from the coastal area and restore, protect, and enhance any amenity values or ecosystems of the coastal area.

*Clause 5* empowers each council to implement a mangrove management plan if it decides to do so. Any plan must achieve the purposes of the Act and must—

- identify the specific areas where mangrove management activities are to take place:
- state the objectives of the plan, including the appropriate levels of mangrove vegetation:
- describe the methods to be used:
- state the rules and restrictions that apply to mangrove management activities:
- identify the amenity values or ecosystems to be restored or protected:

- describe the review mechanisms.

*Clause 6* sets out the process for preparing and adopting a mangrove management plan. The process is to be overseen by a committee, which must include at least 1 iwi representative. The committee prepares a first draft of the mangrove management plan, which is then adopted through the special consultative procedure in the Local Government Act 2002. This includes public notification and the opportunity for interested persons to express their views, and have them considered.

*Clause 7* provides for the implementation, review, and integration of mangrove management plans. This clause provides for a plan to become operative when it is made publicly available and also enables the councils to prepare their plans collaboratively, and, if they agree, to prepare a single integrated plan.

*Clause 8* empowers the councils to carry out mangrove management activities in accordance with the operative plan. In doing so, a council is not required to comply with any other enactment that would otherwise regulate or apply to mangrove management activities unless that other enactment expressly overrides the council's powers under this Act. However, the council must comply with the rules and reporting requirements in its operative plan.



*Hon Scott Simpson*

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Thames–Coromandel District Council and Hauraki District Council Mangrove Management Act **2017**.

#### **2 Commencement**

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This Act comes into force on the day after the date on which it receives the Royal Assent.

#### **3 Interpretation**

In this Act, unless the context otherwise requires,—

<b>coastal area</b> , in relation to a council, means the coastal marine area within the district of the council, other than land in private ownership	
<b>coastal marine area</b> has the meaning given in section 2(1) of the Resource Management Act 1991	
<b>council</b> means—	5
(a) the Thames–Coromandel District Council; and	
(b) the Hauraki District Council	
<b>mangrove management activity</b> —	
(a) means the removal, prevention, monitoring, detection, control, destruction, or disposal of mangrove vegetation; and	10
(b) includes—	
(i) hand removal of mangrove vegetation:	
(ii) mechanised removal of mangrove vegetation:	
(iii) whole tree removal:	
(iv) maintenance dredging	15
<b>mangrove management plan</b> means the plan that has become operative under <b>section 7(1)</b>	
<b>mangrove vegetation</b> means any seed, seedling, plant, or remains of any mangrove plant that exists or existed in the coastal area.	
<b>4 Purposes of Act</b>	20
The purposes of this Act are—	
(a) to facilitate the removal of mangrove vegetation in the coastal area of each council to achieve and maintain appropriate levels of that vegetation; and	
(b) to restore, protect, and enhance any amenity values or ecosystems of the coastal area from which mangrove vegetation is removed.	25
<b>5 Purpose and content of mangrove management plan</b>	
(1) A council may adopt a mangrove management plan for the coastal area of its district.	
(2) The purpose of the mangrove management plan is to enable the council to achieve and maintain appropriate levels of mangrove vegetation in its coastal area in accordance with the purposes of this Act.	30
(3) The mangrove management plan must achieve the purposes of this Act.	
(4) The mangrove management plan must—	
(a) identify the areas within the coastal area, by reference to maps, in which mangrove management activities are to be undertaken; and	35

- (b) state the objectives of the plan, including a description of the appropriate levels of mangrove vegetation in the identified areas; and
  - (c) describe the methods to be used in achieving the objectives of the plan; and
  - (d) state the rules and restrictions that apply to the undertaking of mangrove management activities; and 5
  - (e) identify any amenity values or ecosystems of the identified areas for the purposes of **section 4(b)**; and
  - (f) describe the mechanisms the council intends to use to assess the effectiveness of the mangrove management activities in achieving the objectives of the plan. 10
- (5) The mangrove management plan may include any other matter that the council considers desirable or necessary to give effect to the purposes of this Act.

#### **6 Process for preparation and adoption of mangrove management plan**

- (1) If a council wishes to prepare and adopt a mangrove management plan for its coastal area, it must establish a committee to prepare a first draft of the plan and to adopt and implement the plan in accordance with this Act. 15
- (2) The committee must include at least 1 iwi representative.
- (3) The council must use the special consultative procedure set out in section 83 of the Local Government Act 2002 in adopting the mangrove management plan, as if references in that section to a statement of proposal were references to the draft mangrove management plan. 20
- (4) The council must commence the special consultative procedure within 6 months after completing its draft mangrove management plan.
- (5) Within 3 months after completing the special consultative procedure, the council must prepare its final mangrove management plan and make it publicly available in the same manner as the draft mangrove management plan was made publicly available as part of the special consultative procedure. 25
- (6) In preparing the final mangrove management plan, the council must have regard to the views expressed during the special consultative procedure, to the extent that those views are relevant to the purposes of this Act. 30

#### **7 Implementation, review, and integration of mangrove management plans**

- (1) A mangrove management plan becomes operative when it is made publicly available.
- (2) A council may review its mangrove management plan at any time by following the process set out in **section 6**. 35
- (3) The councils may prepare, adopt, and review mangrove management plans collaboratively.
- (4) The councils may, without limitation,—

- (a) prepare a single integrated mangrove management plan that covers both of their coastal areas; and
- (b) establish a joint committee under clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 to prepare the integrated management plan; and 5
- (c) adopt a joint special consultative procedure covering both districts.

## **8 Powers and duties of councils**

- (1) A council has the power to carry out, and to contract for the carrying out of, mangrove management activities in accordance with its mangrove management plan. 10
- (2) In exercising the powers conferred by **subsection (1)**, a council is not required to comply with any other enactment that would otherwise regulate or apply to its mangrove management activities unless that other enactment expressly overrides the council’s powers under this Act that relate to its mangrove management activities. 15
- (3) A council must comply with the rules and reporting requirements in its mangrove management plan.