

# Motiti Island Environmental Management Plan



# **Motiti Island Environmental Management Plan**

Department of Internal Affairs

May 2016

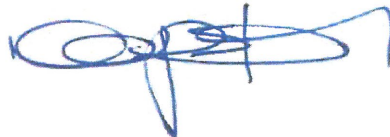
**Associate Minister of Local Government**

**Operative Motiti Island Environmental Management Plan**

**Prepared under the Resource Management Act 1991**

On 14 April 2016, the Associate Minister of Local Government, acting as the Territorial Authority for those parts of New Zealand that do not form part of the district of a territorial authority (section 22(1), Local Government Act 2002), approved the Motiti Island Environmental Management Plan, including all amendments made under clause 16 of the Resource Management Act 1991 (RMA), pursuant to clause 17(1) of Schedule 1 of the RMA.

In accordance with clause 20(1) of Schedule 1 of the RMA, the Motiti Island Environmental Management Plan, including amendments made under clause 16 of the RMA became 'operative' on 6 May 2016.



**Hon Louise Upston**

**Associate Minister of Local Government**

## Preamble

This Preamble is not intended to form part of the Environmental Management Plan itself, but it is an important statement that sets out the Motiti Island context in which this plan is to be implemented and given effect.

Te Moutere o Motiti is a taonga. The Island is unique to those that live there now – *tangata whenua* - and to those iwi and hapu linked to the island by *whakapapa* and tradition. Motiti is an intrinsically significant place where traditional connections have converged for centuries. It is a place from which *mana* (power) and *rangatiratanga* (authority) have traditionally been asserted and exercised.

It is through these conceptual associations that *tangata whenua* connect to the hundreds of cultural and historic sites and places on the island and in the waters within and around the island. Issues have arisen where use, development and subdivision have modified or destroyed these sites or encroached on these places without respecting the cultural and spiritual significance that they represent to *tangata whenua*. The Environmental Management Plan is intended to address these issues within a proper cultural framework.

It is within this cultural framework that the following saying becomes appropriate in the development of an Environmental Management Plan for Motiti Island into the future, a plan for all the people.

***E tika, kia tika, ka tika.***

***Do things for the right reasons; do things properly;  
and you will succeed***

This Motiti Island Environment Plan does not reflect issues of mana whenua or cultural relationship to the island.

# Proposed Motiti Island Environmental Management Plan

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## Introduction

### Resource Management Purpose

The Motiti Island Environmental Management Plan (the Plan) is prepared in accordance with the provisions and requirements of the Resource Management Act (the Act) to address identified actual and potential resource management issues experienced on the island. These are issues related to the purpose of resource management which is defined in Section 5 of the Act as being:

#### **Section 5 - Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The Plan provides a resource management framework for:

- (i) the identification and protection of natural and physical resources, in particular the cultural resources of Motiti; and
- (ii) the use, development and subdivision of land on Motiti Island that will help to address and resolve the resource management issues that are experienced by the community.

The Plan states the Objectives, Policies and Methods by which the issues are addressed. Objectives are statements about what would be a desirable outcome to address the related issue, Policies are the way in which the objectives will be achieved and the Methods (rules in the Plan) state the parameters that need to be met for the Policies to be implemented.

Other Methods by which the Resource Management objectives may be achieved are also provided. These are not Rules of the Plan but provide some direction for future actions if necessary.

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The rules (Methods) define the environmental limits that are considered necessary if the use, development and subdivision of Motiti is to maintain or enhance the values of community and island character.

These values are expressed as being those of:

- The tangata whenua: Motiti is founded on tangata whenua values with hundreds of cultural and historic sites and places on the island and in the waters around the island. Issues have arisen where use, development and subdivision have modified or destroyed these sites or encroached on these places without respecting the cultural and spiritual significance that they represent to tangata whenua.
- The present day island character and amenity: In a changing world Motiti is a place where residents and visitors can find peace and certainty knowing that it has retained its history and culture, its sense of community and wellbeing that is defined in its character and amenity. Issues point to concerns that unlimited development and subdivision will change that character and amenity beyond what can be reasonably expected to sustain the island community. Without doubt there is a limit to the size of population that can be provided for on Motiti before the rural, island, cultural and spiritual character of the island is changed significantly.
- Environmental values: The natural resources of the island must be maintained and enhanced for the island to retain its character and for it to remain sustainable for future generations. Issues of environmental degradation are raised in relation to day-to-day activities such as vegetation management and waste disposal, water use and stormwater management. These are addressed by identifying how and why controls are needed and the benefits that may result from these controls. Where the controls are met every-day activities can continue as they always have.
- Physical resources: The physical resources of Motiti are the island's infrastructure. These are the houses and work places that provide shelter, the marae, roads and tracks, landing places (air and sea), water tanks, septic tanks, electricity and telecommunications infrastructure and other "built" form that contributes to the health and wellbeing of residents and visitors to the island. The key issue raised is that the construction of this infrastructure, essential for shelter and access, and to maintain an expected standard of health in the community has the potential to impact on the cultural, spiritual and heritage values of the island as well as the natural environment, character and amenity of the island. The Plan recognises this and provides for limits on the development of physical resources that promote the sustainable management of use, development and subdivision on Motiti.

The Plan provides for the management of these resources and values while enabling the everyday lives of residents and visitors to continue with as little interruption as possible. The activities that are undertaken on a regular basis are provided for as

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permitted activities and only where there may be consequences of use, development or subdivision on the key values and resources is further information required through a consenting process.

### **Plan Format**

This Environmental Management Plan for Motiti Island provides the following:

Chapter 1 of the Motiti Island Environmental Management Plan provides the Issues, Objectives, Policies, Methods and Other Methods for each of six key environmental topics. These are:

1. Tangata Whenua Values
2. Island Character and Amenity
3. Natural Resources and Environment
4. Physical Resources
5. Natural Hazards
6. Emergency Management

In addition Chapter 1 addresses monitoring and cross-boundary issues.

The objectives and policies of the Plan may be achieved through two general courses of action. These are described in Chapter 1 as Plan Methods, which are provided for as rules in the Plan subject to the relevant provisions of the Resource Management Act and as Other Methods.

When considering a resource consent application it is necessary to consider all the relevant objectives and policies that relate to the effects of the proposed activity. It is likely that most, if not all, activities will have actual or potential impacts on cultural heritage values and therefore all objectives and policies should be assessed in the context of the effects on tangata whenua values (Environmental Topic 1).

Methods include the provision of two zones across the island – a Te Tai Ao Turoa/Ecological Zone for coastal and significant permanent waterway areas, and a Te Tai Whenua/Rural Zone for the remainder of the island.

Other Methods include, but are not limited to, the implementation of a recognised Hapu Management Plan (or Plans) lodged with the Territorial Authority, provisions under the Te Ture Whenua Maori Act and compliance with the relevant Regional Plans.

Chapter 2 contains the General Procedures and Information Requirements.

Chapter 3 provides Environmental Management Rules that apply to the whole of Motiti.

Appendix 1 provides definitions of key terms used in the Plan.

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Appendix 2 contains the Planning Maps that are comprised in four parts.

- Planning Map 1 shows the main island of Motiti as well as Taumaihi and Motupatu Islands and acts as an index map.
- Planning Map 2 provides for the northern half of the island at a larger scale for ease of use.
- Planning Map 3 provides for the southern half of the island.
- Planning Map 4 is a Diagram Sheet for the five Identified Landing Areas.

Appendix 3 provides a schedule of Cultural Heritage sites provided in the Hapu Management Plan for the Ngai Te Hapu and Te Patuwai hapu<sup>1</sup> and Archaeological Sites registered with the New Zealand Historic Places Trust.

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<sup>1</sup> Motiti Island Native/Cultural Policy Management & Administration Plan, August 2012

# 1 Resource Management Issues, Objectives and Policies

## 1.1 Environmental Topic 1: Tangata Whenua Values

### Issue

**Issue 1.1:** *Use, development and subdivision of Motiti has adversely affected, and has the potential to adversely affect in the future, the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga and resources associated with the island.*

**Tangata whenua of Motiti are Ngai Te Hapu, Te Patuwai and Te Whanau a Tauwhao ki Motiti.**

### Objectives and Policies

**Objective 1.1.1:** *To recognise and provide for the relationship of tangata whenua and their culture and traditions with the land, sea, water, sites, waahi tapu and other taonga and resources on the Moutere o Motiti.*

This Objective actions Issue 1.1.

**Policy 1.1.1.1:** *To ensure that use, development and subdivision avoids, remedies or mitigates adverse effects on cultural heritage, water, land, resources (including but not limited to kai moana sustainability), or other taonga important to tangata whenua where these have become known.*

This Policy is primarily implemented by Methods (1), (2), (4), (5), (6), (7) and (8) and Other Methods OM(2), OM(4) and OM(6).

**Policy 1.1.1.2:** *To maintain and enhance the relationship Ngai Te Hapu, Te Patuwai and Te Whanau a Tauwhao ki Motiti have with the water, land, its character (including cultural heritage) and amenity and the island lifestyle on Motiti.*

This Policy is primarily implemented by Methods (1), (2), (3), (4), (5) (6) and (9) and Other Methods OM(3).

**Policy 1.1.1.3:** *To avoid, remedy or mitigate the adverse effects of use, development and subdivision on the cultural and traditional relationship of Maori with water and the mauri of that water.*

This Policy is primarily implemented by Methods (2), (3), (4), (5) and (6) and Other Methods OM(3) and OM(4).

**Objective 1.1.2 To recognise and provide for:**

- a. The manawhenua concept and practice of kaitiakitanga in the management of Moutere o Motiti's cultural and heritage resources.**
- b. The rights of manawhenua to manage their resources in a sustainable manner and according to tribal customs and cultural preferences.**

This Objective actions Issue 1.1.

*Policy 1.1.2.1: To recognise the role of Ngai Te Hapu, Te Patuwai and Te Tauwhao ki Motiti hapu as kaitiaki of Motiti and its cultural and heritage resources including their ancestral lands, water, sites, waahi tapu and other taonga on the island in a sustainable manner according to tribal customs and cultural preferences.*

This Policy is primarily implemented by Methods (1), (2), (3), (4), (5), (6), (7) (8) and (9) and Other Methods OM(3), OM(4), OM(5) and OM(7).

*Policy 1.1.2.2: To encourage that where land use, earthworks, development and subdivision adversely affects cultural or heritage resources, including land, waahi tapu, sites of significance<sup>2</sup> or other taonga important to tangata whenua the affected iwi, hapu and other affected parties are consulted as kaitiaki with manawhenua over their rohe.*

This Policy is primarily implemented by Methods (3), (4), (5), (6), (7) and (8) and Other Methods OM(2), OM(4) and OM(7).

*Policy 1.1.2.3: To ensure that when considering any application involving use, development and subdivision affecting land, resources or other taonga the Territorial Authority, or the Territorial Authority's agents, consults with tangata whenua parties exercising manawhenua over their rohe.*

This Policy is primarily implemented by Methods (4), (5) and (6) and Other Methods OM(1), OM(3), OM(7) and OM(8).

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<sup>2</sup> As identified in Appendix 3 to this Plan, or as subsequently advised to the Territorial Authority by way of an agreed process of identification.

## Plan Methods

To establish Rules in the Plan:

- Method (1) To provide for the development of papakainga development as well as any new residential activities in identified Cluster Development Areas as shown on the Planning Maps as Area A, Karioi, Area B, the Wills Homestead Block, Area C, Motiti Avocados 1 and Area D Motiti Avocados 2.
- Method (2) To establish limits to development as described in Environmental Topic 2.
- Method (3) To encourage, as a matter of good resource management practice, applicants to consult with the relevant affected parties where use, development and subdivision affects cultural heritage, sites or resources significant to tangata whenua including nga waahi tapu and nga taonga.
- Method (4) To require consideration to be given to effects on archaeological and cultural heritage sites and values (including, but not limited to, the effects on sites identified in Appendix 3, Maungaroa as identified on the Planning maps and the values of views from Tohu o Punui to Mauao), in the preparation of assessments of effects on the environment for resource consent applications in accordance with the requirements of the Fourth Schedule, Resource Management Act, 1991.
- Method (5) To identify areas acknowledged by tangata whenua to be nga waahi tapu, sites of significance<sup>3</sup> or nga taonga as well as archaeological sites registered with the Historic Places Trust on the Planning Maps and in Appendix 3 to the Plan. Where these sites are identified within the Te Tai Ao Turoa/Ecological Zone they shall be incorporated into that zone as described in the definition of that zone.
- Method (6) To provide for the management of those sites identified as being nga waahi tapu, sites of significance or nga taonga, as well as archaeological sites prior to development, or sites discovered during the process of development, in agreement with the tangata whenua and land owners.
- Method (7) To provide for the management of Maungaroa through the limited provision of permitted activities compatible with the underlying Te Tai Whenua/ Rural zone. No buildings are permitted in the identified area and any activity that would result in the disturbance, modification or destruction of the surface of the land is subject to investigation by a recognised cultural expert.

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<sup>3</sup> Sites of significance to tangata whenua are identified in Appendix 3 of this Plan and on the Planning Maps.

- Method (8) To recognise the cultural values associated with the view from Tohu o Punui to Mauao by providing for the maintenance of an unobstructed view shaft extending across Motiti from Tohu o Punui in the direction of Mauao.
- Method (9) To ensure that the conditions of subdivision consent for the General Titles on the southern part of Motiti that currently require a consent notice to be registered against those titles to accommodate bona fide requests from members of the public to visit known sites of cultural, historic or archaeological value or other attributes, are brought forward on to the new titles where those lots are further subdivided, should it be relevant and appropriate to do so.

### **Other Methods**

- OM(1) To establish a protocol for consultation with the Territorial Authority or the Territorial Authority's agents for any application for resource consent.
- OM(2) Recognise the role of the New Zealand Historic Places Trust as the appropriate authority for the management of archaeological sites under the Historic Places Act 1993.
- OM(3) Recognise marae as appropriate venues for consultation with tangata whenua.
- OM(4) Provide information, as may be made available in agreement with tangata whenua, to land owners and potential users and developers on the sites of significance on their land and ways that those sites may be managed for the benefit of future generations.
- OM(5) Recognise and incorporate into the administration of this Plan any Hapu Management Plan prepared for the Ngai Te Hapu, Te Patuwai and/or Tauwhao ki Motiti hapu and recognised by the relevant Maori Authority to the extent provided for in the Resource Management Act, 1991.
- OM(6) Consider, in conjunction with Maritime New Zealand, the re-location of the existing light house (International Shipping Warning System) away from the burial site on which it is currently located.
- OM(7) When making decisions related to the Environmental Management of Motiti Island which involve significant cultural or heritage issues and where appropriate, identify and engage personnel, including Commissioners, some with expertise in Tikanga Maori.
- OM(8) For Motiti residents and landowners to work with the Minister of Local Government and the Department of Internal Affairs in a way that enables decisions that affect the Motiti community to be made by the Motiti community.

## Explanation and Principal Reasons

Maori have had a long relationship with Motiti from pre-European times to today. As a result the island represents a significant cultural landscape steeped in history beyond the physical remnants of Pa sites and the present day marae and urupa.

The island represents their ancestral lands and the waters around and on the island the mauri that binds them to this special place. Spiritual and cultural references for individuals, whanau, hapu and iwi are present across the island and represent taonga as well as resources for their future well-being.

Adverse effects in the past have included the modification and destruction of many sites of significance to tangata whenua by use and development as well as use of the land occupied by the site in ways that may be inconsistent with the values and significance of site. There remains the potential for such adverse effects in the future unless conditions are provided in the Plan that address the potential for impacts and recognise the need for avoidance, mitigation and, in some cases, restoration/remediation.

The tangata whenua of Motiti – Ngai Te Hapu, Te Patuwai and Te Tauwhao ki Motiti – are a key part of what Motiti is today and will be in the future. They are the kaitiaki of their lands and values for future generations and have a key interest in maintaining and enhancing the environment.

It is therefore good resource management practice to consult with tangata whenua in the management and decision-making processes in relation to the potential effects on cultural and heritage resources and that due consideration is given to avoiding, remedying and mitigating effects on those resources.

The bulk of the identified sites of occupation and significance on Motiti occur along the coastal fringe and significant waterways and it is appropriate that they are incorporated into the Te Tai Ao Turoa/Ecological Zone which provides for a greater degree of protection and potential for enhancement when considering the use and development of this area.

Maungaroa is identified by pukenga for Motiti as a boundary between resource areas important as a defining line between different groups of cultural interests. The primary use or interest in Maungaroa is as a connection or track between the resource areas from which access was gained for cultivation or tending the resources within those areas. The present day use is also primarily as a track. Finds or values associated with Maungaroa are therefore most likely to be within a relatively close distance of the centreline of the present day track. The existing use within the rural context continues an established historic and cultural function and may be allowed to continue provided that disturbance to the surface of the land is undertaken with a cultural assessment.

The highest point along Maungaroa is at its eastern end at Tohu o Punui (identified as A14 in Appendix 3). The view from Tohu o Punui to Mauao is a taonga that is significant in establishing a seasonal and annual calendar associated with cultural rituals in particular at the *maramataka* to mark the March equinox "*Poututerangi*", when the sun sets on top of Mauao. It is appropriate that the view to Mauao is protected.

In addition Maungaroa, and Tohu o Punui, were used as a signal station. Fires were lit to send messages from from Karioi to the mainland kinfolk at Papamoa and Maketu. Being the highest point it is most logical that Tohu o Punui was used more frequently than other parts of Maungaroa for this purpose and it is appropriate that the view to Papamoa and Maketu from Tohu o Punui is also protected.

The rights of tangata whenua not to disclose the details of cultural, spiritual and heritage values important to them is respected and provision is made for such knowledge to be held in silent files or for details not to be provided.

### **Anticipated Environmental Results**

- AER(1)            No modification or destruction of recorded archaeological sites or cultural sites without tangata whenua agreement.
- AER(2)            Maintenance and enhancement of tangata whenua relationship to their waahi tapu, water, land and other taonga to enable the sustainability of Maori culture and ways of living.

## 1.2 Environmental Topic 2: Island Character and Amenity

### Issues

**Issue 2.1:** *The scale and intensity of new use, development and subdivision undertaken in a long established island community has the potential to change the character (including cultural heritage) and amenity of the Island.*

**Issue 2.2:** *Motiti Island has a limited land area and resources that can only sustain a limited population without adversely affecting the character and amenity of the island.*

### Objectives and Policies

**Objective 2.1.1:** *The rural and coastal character and amenity of the island is maintained or enhanced.*

This objective actions Issues 2.1 and 2.2.

**Policy 2.1.1.1:** *Ensure that the pattern, location, appearance and scale of use, development and subdivision is compatible with the established cultural heritage, rural and coastal character and amenity on the island. The cultural heritage, rural and coastal character and amenity includes:*

- a. *Recognised areas of waahi tapu, water, sites, ancestral lands and other taonga.*
- b. *Marae based community activity.*
- c. *Clustered housing typified by the Karioi and Wills Homestead blocks, and potential development on the Wills and Motiti Avocados Limited Cluster Development Areas.*
- d. *Openness between buildings.*
- e. *Low density of buildings.*
- f. *Open rural and coastal landscape.*
- g. *Indigenous vegetation along the coastal margin.*
- h. *Pastoral and horticultural production.*
- i. *Orchards and shelter belts.*
- j. *Papakainga development.*

This Policy is primarily implemented by Methods (1), (2), (3), (5) and (7).

*Policy 2.1.1.2: Ensure that the scale and intensity of use and development of buildings and physical resources is compatible with the rural character and amenity of the island, including but not limited to, cultural heritage, coastal landscape and conservation values and rural production activities.*

This Policy is primarily implemented by Methods (1), (2), (3) and (6).

*Policy 2.1.1.3: Ensure that the location and development of activities with the potential to change the cultural heritage, character and amenity of the island does not compromise the ongoing operation of other established and potentially permitted activities.*

This Policy is primarily implemented by Methods (1), (3), (4) and (5) and Other Methods OM(1), OM(2) and OM(3).

*Policy 2.1.1.4: To recognise and provide for the maintenance and enhancement of the coastal landscape, cultural heritage and ecological values of Motiti that contribute to the character and amenity of the island.*

This Policy is primarily implemented by Method (1) and Other Method OM(1).

*Policy 2.1.1.5: To ensure that the effects of use, development and subdivision, do not adversely affect the health and well-being of the island community and the quality of the environment.*

This Policy is primarily implemented by Methods (1), (2), (3), (4) and (5).

*Policy 2.1.1.6: To recognise and provide for the importance of mahinga kai to tangata whenua.*

This Policy is primarily implemented by Methods (1) and (4).

## **Plan Methods**

To establish Rules in the Plan:

- Method (1) To provide for use, development and subdivision similar in character, scale and intensity to that currently established on the island by:
- (a) Identifying an Te Tai Ao Turoa/Ecological Zone encompassing the coast, waterways and adjacent cultural and/or archaeological sites.
  - (b) Identifying the balance area as a Te Tai Whenua/Rural Zone where the primary land-use is for productive rural activities within the context of the island environment.
- Method (2) To manage the intensity of development on Motiti through limits on the number of dwellings permitted on each allotment or title (one per allotment or title) and the potential for future subdivision (intensity of one dwelling per 10ha of site area), through the rules of this Plan including the ability to transfer development rights from one (donor) title to a

second (recipient) title and to record the transfer of those rights on the resulting certificates of title.

- Method (3) To limit the bulk and location of dwellings on Motiti to residential scale and the bulk and location of rural activity buildings to allow for a range of use and function.
- Method (4) To provide for a buffer area between island activities that may create a nuisance, for example noise, dust, the use of agrichemical sprays and fertilizers, and permitted activities that may be sensitive to these nuisances.
- Method (5) To specify limits of noise or other nuisances that are generally in accordance with current levels provided that they do not compromise the health, safety and well-being of the community or sites of significance identified in Appendix 3.
- Method (6) To provide for worker accommodation which is required to support established rural production activities.
- Method (7) To establish Cluster Development Areas that enable opportunities for additional subdivision and development in accordance with the provisions of the Plan.

#### **Other Methods**

- OM(1) To provide information to visitors to Motiti on the history and current land-use of the island.
- OM(2) To provide design guidance material for new buildings incorporating elements of scale, form, materials etc that are compatible with the character of Motiti.
- OM(3) To enable the preparation of Hapu Management Plans for the Ngai Te Hapu, Te Patuwai and Te Tauwhao ki Motiti hapu who have mana whenua for Motiti.

#### **Explanation and Principal Reasons**

The Environmental Management Plan is considered to be an essential tool necessary to achieve the sustainable environmental management of Motiti. As seen in recent resource consent applications on Motiti it is difficult to achieve positive outcomes when there is no guidance as to what those outcomes should be.

The overwhelming concern from people consulted in the preparation of this Plan, whether they agreed with the need for a Plan or not, is that the character and amenity of the island – the lifestyle choice that it provides – should remain as it is at present. Without the guidance, and statutory authority, provided by the Plan it would be difficult for this outcome to be achieved with any certainty for future generations.

Over time Motiti has seen many changes including a balance/flexibility between commercial and customary activities and land-use changes, such as from sustainable small-plot development since pre-European times to maize production to dry-stock and

from dry-stock to the present planting of avocados. Some change may be inevitable but to date it has been change within a rural context. Current lifestyle trends throughout New Zealand and the Pacific are towards a greater emphasis on recreation and leisure and the more intense development of coastal and island communities. It is not inconceivable that without rules in place to maintain and enhance the preferred character and amenity of Motiti future generations will be left with an environment quite different from the island today.

The issues identify that use, development and subdivision does have the potential to change the character (including cultural heritage) and amenity of the island and the objective is that in order to sustainably manage Motiti in the future for residents, tangata whenua and stakeholders the focus of the Plan is to maintain and enhance the present character and amenity by limiting the maximum population to a sustainable level.

The limit to the population is determined by the established land-use patterns, the island's limited resources, and the ability of the island community to continue to enjoy a healthy lifestyle. This is the principal reason for providing policies and rules that limit the effects of development on the quality of that environment so that the health and well-being of the community is also maintained and enhanced.

The whole island is recognised as also being of special interest to the Ngai Te Hapu, Te Patuwai and Tauwhao ki Motiti hapu because they have mana whenua through their association and occupation of the island since the arrival of the first canoes. Other Method OM(3) provides for the preparation of Hapu Management Plans that relate to areas of the island associated with the Ngai Te Hapu, Te Patuwai and Tauwhao ki Motiti hapu. When these Plans are completed it may be that a Plan Change is needed to incorporate relevant elements of these Hapu Management Plans.

### **Te Tai Ao Turoa/Ecological Zone**

In order to address the issues outlined above, a Te Tai Ao Turoa/Ecological Zone is included in the Plan. The extent of this zone is shown on the Planning Maps and encompasses the coastal margin; the island's significant waterways and perennial springs, including a buffer of at least 10 metres either side of the bank of that waterway to the top of adjacent steep-sided gully features. The Te Tai Ao Turoa/Ecological Zone also includes all recorded cultural heritage and/or archaeological sites that are contiguous with the coastal margin and waterways, including a buffer of 10 metres around these sites.

The purpose of the zone is to provide for the protection of the primary cultural heritage, archaeological and ecological functions of the island. It allows for the coastal margin, significant cultural heritage sites, archaeological sites, perennial springs and significant waterways to be treated in a unified way that is appropriate to their sensitive nature and values.

### **Te Tai Whenua/Rural Zone**

The remainder of the island is defined as a Te Tai Whenua/Rural Zone. The objective of the Te Tai Whenua/Rural Zone is to enable management of land-use activities such that they provide for the maintenance of primary production and rural amenity. The zone recognises the existing rural activities that are currently occurring in the zone, and provides for the ongoing use of land for this purpose, subject to appropriate controls. It does however consider the island's limited resources in the management of subdivision in this zone, effectively providing only limited opportunity for subdivision on the island. It includes cultural and archaeological sites (recorded and unrecorded) with appropriate management standards that recognise these values in a rural working environment.

### **Anticipated Environmental Results**

- AER(1)            The maintenance and enhancement of the healthy rural lifestyle currently enjoyed by residents and visitors to Motiti Island (measured in terms of comparison to the baseline state of the environment). The recognition and maintenance of values of cultural heritage associated with Ngai Te Hapu, Te Patuwai and Te Te Tauwhao ki Motiti.
- AER(2)            The avoidance of over-development of Motiti by residential activity at the expense of the Motiti Island rural and community character and amenity across the whole of the island.
- AER(3)            No complaints about the operation of lawful rural activities.

## 1.3 Environmental Topic 3: Natural Resources and Environment

### Issues

**Issue 3.1** *Use, development and subdivision has the potential to adversely affect the natural resources and environment of the island, in particular its waterways, biodiversity and natural character including visual appearance as seen from off-shore or the mainland.*

**Issue 3.2:** *The disposal of wastewater, stormwater and solid waste from use, development and subdivision on Motiti can adversely affect the natural resources and environment of the island.*

**Issue 3.3:** *The collection or taking of water to support, use, development and subdivision on Motiti can adversely affect the natural resources and environment of the island and the cultural heritage and mauri associated with the resource.*

**Issue 3.4:** *Earthworks associated with use, development and subdivision in the dry windy environment of Motiti is adversely affecting the natural resources and environment of the island through the generation of dust on down-wind land-uses and the loss of topsoil reducing the productive capacity of the island.*

### Objectives and Policies

#### **Objective 3.1.1** *Natural Resources and Environment*

**(a)** *Protect, enhance and preserve the Motiti Island coastal fringe, waterways and wetlands, as an environment with cultural heritage values, natural character values, landscape values, ecological values, indigenous vegetation and resources important to the wider community, from the adverse effects of use, development and subdivision.*

**(b)** *Safeguard the mauri (spiritual life force) of waterways and wetlands on the island.*

This Objective actions Issue 3.1.

**Policy 3.1.1.1:** *To maintain the visual appearance of the coastal fringe of the island, particularly as viewed from off-shore or the mainland, by managing use and development.*

This Policy is primarily implemented by Methods (1), (2), (3), (4), (5), (6) and (12) and Other Methods OM(1), OM(2) and OM(10).

*Policy 3.1.1.2: Manage the pohutukawa habitat along the cliff edge so that the indigenous vegetation and habitat for associated indigenous fauna, and adjacent sites of cultural heritage and archaeological significance are maintained or enhanced and the safety of residents, visitors and domestic or farm animals is ensured.*

This Policy is primarily implemented by Methods (1), (2), (3), (4), (5), (6) and (12) and Other Methods OM(1), OM(2) and OM(10).

*Policy 3.1.1.3: To maintain and enhance the biodiversity and ecological values of the existing native flora and fauna by avoiding, remedying or mitigating the adverse effects of use, development and subdivision.*

This Policy is primarily implemented by Methods (1), (2), (3) (4) and (12) and Other Methods OM(1) and OM(2).

*Policy 3.1.1.4: To enable sea access to Motiti at specific locations only, so that the effects of such access on the coastal fringe is limited. These accesses are:*

- *Wairanaki Bay*
- *Patterson's Inlet*
- *South Western Landing Site*
- *Wairere Bay*
- *Te Huruhi Access*

This Policy is primarily implemented by Method (11).

*Policy 3.1.1.5 To incorporate identified coastal Pa sites, areas of occupation and sites of significance where they are contiguous with the coastal margin or significant waterways within the Te Tai Ao Turoa/Ecological Zone<sup>4</sup>.*

This Policy is primarily implemented by Methods (4), (5) and (12) and Other Methods OM(2), (7), (8) and (9).

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<sup>4</sup> These significant waterways are identified on the Planning Maps as those within the Te Tai Ao Turoa/Ecological Zone.

*Policy 3.1.1.6      Manage significant waterways, wetlands and the adjacent habitat so that the indigenous vegetation and habitat for associated indigenous fauna, and adjacent sites of cultural heritage and archaeological significance are maintained or enhanced and the safety of residents, visitors and domestic or farm animals is provided for.*

This Policy is primarily implemented by Methods (1), (2), (3), (4), (5), (6) and (12) and Other Methods OM(1), OM(2), OM(10) and OM(11).

*Policy 3.1.1.7      To enable subdivision and development within identified Cluster Development Areas.*

This policy is primarily implemented by Method (13).

**Objective 3.2.1:    Avoid, remedy or mitigate the adverse effects of the disposal of wastewater and stormwater on natural resources (including mahinga kai), the mauri of waterways and the environment.**

This Objective actions Issue 3.2.

*Policy 3.2.1.1:    To ensure that domestic and other wastewater is treated and disposed of in a way that does not compromise the natural environment, the mauri of waterways, or the health and safety of the community.*

This Policy is primarily implemented by Methods (4) and (5) and Other Methods OM(3) OM(4) and OM(11).

*Policy 3.2.1.2:    To ensure that stormwater is collected and disposed of in a way that avoids, remedies or mitigates actual and potential adverse effects on the environment, including the potential for contamination in the catchment and consequential effects on the mauri of waterways.*

This Policy is primarily implemented by Methods (4), (5) and (6) and Other Methods OM(5) and OM(11).

**Objective 3.3.1:    Avoid, remedy or mitigate the adverse effects of collecting, taking and supplying water on the health and safety of the community, natural resources and the environment.**

This Objective actions Issue 3.3.

*Policy 3.3.1.1:    To ensure that water is collected and supplied in a way that does not compromise the health and safety of the user or the quality of the environment.*

This Policy is primarily implemented by Method (7) and Other Methods OM(6) and OM(11).

*Policy 3.3.1.2: To ensure that the collection and/or taking of water by any particular user does not compromise the ability of other lawful users of the resource to provide for their own use and development.*

This Policy is primarily implemented by Other Method OM(6) to provide policy direction to the Territorial Authority when it receives resource consent applications related to water management for comment, from the Regional Council.

**Objective 3.4.1: *Avoid, remedy or mitigate the adverse effects of disposing of solid waste on natural resources, including waterways and the effect on the mauri of the water, and the environment.***

This Objective actions Issue 3.4.

*Policy 3.4.1.1: To ensure that solid waste is collected and disposed of in a way that avoids, remedies or mitigates actual and potential adverse effects on the environment, including the potential for contamination in the catchment and consequential effects on the mauri of waterways.*

This Policy is primarily implemented by Methods (4) and (8) and Other Method OM(11).

**Objective 3.5.1: *To maintain the productive capacity of rural lands.***

This Objective actions Issue 3.5.

*Policy 3.5.1.1: Earthworks shall avoid, remedy or mitigate adverse effects on the natural environment from erosion and degradation of the capacity of soil to support life.*

This Policy is primarily implemented by Methods (9) and (10) and Other Methods OM(7) and OM(11).

*Policy 3.5.1.2: To sustainably manage the use of the island's finite soil resources to support rural production activities.*

This Policy is primarily implemented by Methods (1), (2), (4), (11) and (13) and Other Methods OM(7) and OM(11).

## **Plan Methods**

To establish Rules in the Plan:

Method (1) To provide for an Te Tai Ao Turoa/Ecological Zone which incorporates the coastal margin, significant waterways, a buffer zone adjacent to each, and cultural and heritage sites of significance contiguous to these areas.

- Method (2) To protect the cliff-face around the island and its associated indigenous flora and fauna from use and development by providing cliff-top fencing and provide a buffer around the top of the cliff to limit the encroachment of buildings close to the edge.
- Method (3) To provide for the management of vegetation on the cliffs and within the buffer area to maintain visual amenity while providing for the stabilisation of the cliff-face.
- Method (4) To provide for permitted activities that are compatible with, and do not detract from the natural resources and environment by providing permitted activity conditions that limit visual effects and effects on water quality from stormwater runoff and wastewater discharge and solid waste disposal.
- Method (5) To require that all buildings are set back from; the coast, permanent water courses, ephemeral water courses and overland flow paths as well as identified cultural heritage sites and archaeological sites.
- Method (6) To require that the disposal of stormwater close to the cliffs around the Island does not result in any increased potential for land-slip along the cliff-edge by providing for an appropriate set-back of any soakage system and/or appropriately designed overland discharge systems that protect the integrity of the cliff-edge and cliff-face.
- Method (7) To require drinking water supplies to be of a potable standard.
- Method (8) To require the management of solid waste collection and disposal in a way that does not result in visual pollution or the contamination of soil, surface water or groundwater resources.
- Method (9) To provide permitted activity standards that control minor-scale earthworks and ensure that the productive soil profile is maintained.
- Method (10) To manage the discharge of dust during earthworks.
- Method (11) To identify on the Planning Maps the location of identified sea access areas and provide for the specific management of the coastal environment as affected by that access.
- Method (12) To specify limits, including limits on indigenous bush/tree clearance, earthworks and the erection of buildings, that describe how use, development and subdivision may affect the character and amenity of the coastal fringe of the island.

### **Other Methods**

- OM(1) To manage pest and nuisance plants and animals and their control in accordance with the Bay of Plenty Regional Council's pest management policy.

- OM(2) To provide information to visitors to Motiti on the potential adverse effects introduced pest and nuisance plants and animals may have on the existing environment.
- OM(3) To implement septic tank inspections free of charge to the residents of the island.
- OM(4) To provide information with regard to the discharge of wastewater from land use activities and development in accordance with the relevant Regional Plan requirements.
- OM(5) To provide information with regard to the collection, treatment and disposal of stormwater runoff from impermeable surfaces in accordance with the relevant Regional Plan requirements.
- OM(6) When commenting on resource consent applications from the Regional Council for the take or use of water the Territorial Authority shall provide information on known use, development and subdivision that may relate to the resource consent being applied for. .
- OM(7) To provide information on the effects of large-scale earthworks by reference to the relevant Regional Plans.
- OM(8) To recognise the statutory requirements of the Historic Places Act and require appropriate authorities from the New Zealand Historic Places Trust that manage the modification, damage or destruction of historic heritage on Motiti.
- OM(9) To provide information on the formal mechanisms of protection and management of significant areas of native vegetation including covenants.
- OM(10) To provide information on the benefits of riparian planting and appropriate indigenous species for such planting.
- OM(11) To take into account, where relevant, the provisions of any Hapu Management Plan recognised by the appropriate Iwi Authority and lodged with the Territorial Authority.

**ADVISORY NOTE:** Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993 (and potentially its successors in title). An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. The Historic Places Act 1993 contains penalties for unauthorised site damage. An applicant for resource consent or any person proposing to carry out works affecting any archaeological site is advised to contact the New Zealand Historic Places Trust for further information.

## **Explanation and Principal Reasons**

As an island environment and community Motiti has developed with limited influence from external sources. This is reflected in the wealth of natural resources still available on the island including a yellow pohutukawa indigenous to Motiti growing on the cliff-face around the island.

The island is recognised as a visually significant landscape in the Bay of Plenty Regional Coastal Plan with the cliffs being an important landscape feature when viewed from the mainland or from the sea.

These cliffs harbour the last remnants of the indigenous vegetation remaining on the island and provide important habitat for once extensive seabird populations that are under pressure from predators and human activities.

The coastal fringe, in particular the area within the Te Tai Ao Turoa/Ecological Zone that is adjacent to the coastline, is an area rich in historic and cultural heritage and the Te Tai Ao Turoa/Ecological Zone boundary is adjusted landward around sites of historic heritage, including a buffer of 10m, to provide for the ongoing protection and conservation of these areas. In addition, the Island's significant waterways are included in the Te Tai Ao Turoa/Ecological Zone due to their significant cultural, archaeological and environmental value.

Where sea or air accesses impact on the coastal environment there is a potential conflict between the maintenance and enhancement of landscape and conservation values and the safe use and development of those accesses. For example, the pohutukawa at the end of the airstrip runway should be trimmed or removed to ensure that aircraft can land and take off safely, while at sea access points tracks will need to cross the Te Tai Ao Turoa/Ecological Zone and may require exceptions to earthworks and landscape rules subject to requirements of enhancement or re-establishment of landscape character and amenity.

Landing Areas are identified to limit the potential for conflict while also recognising that Landing Areas from the sea are essential to the sustainable management of Motiti including the provision of an essential lifeline function.

It is important to note that it is unlawful to modify, damage or destroy sites of historic heritage without first obtaining an appropriate authority from the New Zealand Historic Places Trust. Such an authority is required for both sites that are known before commencing work and for those that are unknown, or discovered during the work.

The island environment is also sensitive to exotic plant and animal pests. As the number of off-island residents and visitors increases there is greater potential for the transfer of these pests to the island with potentially catastrophic effects on the existing environment.

The land, freshwater and soil resources, that make up the natural environment, available on Motiti are finite resources limited in area and quantity and are sensitive to change. These resources may be adversely affected by residential, rural and visitor accommodation use and development to the extent that the capacity of the island to provide for its social, cultural and economic well-being and the health and safety of its residents and visitors is reduced. As a result, a precautionary approach has been

adopted to ensure that the Island's resource capacity is linked to development potential of the Island.

These include the soils and also the availability of water which has historically been limited to small springs, surface water and shallow bores (to about 40m depth).

Development and population growth is likely to result in increased discharge of wastewater and also increased runoff from roofs and paved areas leading to potential for contamination of surface and ground water from sewage wastes and untreated stormwater and ultimately pollution of the surrounding sea. The effect of such contamination on the mauri of the waterways and sea should also be taken into account in the context of the cultural environment of the island.

Solid wastes are also likely to increase as the population increases and pollution may be experienced from wind-blown litter not properly contained, long-term contamination of soil and groundwater from buried waste and particulate discharge from burning solid wastes.

The use and development of Motiti must be managed at three levels – protecting areas of cultural heritage, significant vegetation and maintaining the visual significance of the island, taking/using resources from the island in a way that is sustainable for future generations and treating or disposing of solid waste and liquid discharge in a way that does not degrade the finite natural resources of the island.

There is a requirement to comply with other statutory obligations, including the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES). This Standard provides national planning controls and technical standards for specified contaminants, and which applies to all potentially contaminated sites in New Zealand. Certain activities (including disturbance of soil and subdivision) on land that is potentially contaminated are now subject to the NES, and might require resource consent. Of note, for a change in land use or a subdivision, a resource consent for a restricted discretionary activity may be required unless an investigative report provided to the territorial authority shows that the levels of contaminants on the land fall within specified standards. Specific exemptions to the NES are provided for production land which will remain production land.

The principal reason for the objectives, policies and rules related to natural resources and environment is to sustainably manage the use, development and subdivision of these resources for the benefit of existing communities and future generations.

### **Anticipated Environmental Results**

- AER(1)        The maintenance or enhancement of the visual appearance of Motiti Island, which is recognised in the Bay of Plenty Regional Policy Statement as a significant landscape feature, when seen from off-shore and the mainland (measured in terms of the change in visual appearance of the island).
- AER(2)        The protection of the pohutukawa species indigenous to Motiti (measured in terms of the number of pohutukawa trees removed/planted).

- AER(3) The maintenance and enhancement of the quality of the natural environment on Motiti Island with particular regard to the quantity and quality of the surfacewater and groundwater resource (measured in terms of the quality of surfacewater and groundwater against a baseline).
- AER(4) The protection of soils on the island (measured in terms of observed wind erosion and reduced soil fertility).
- AER(5) The replenishment, and maintenance, of coastal flora and fauna by sensible land management environmental practices (measured in terms of abundance of species).
- AER(6) The maintenance of cultural heritage values and preservation of sites of significance to Maori in the Te Tai Ao Turoa/Ecological Zone around Motiti.

## 1.4 Environmental Topic 4: Physical Resources and Infrastructure

### Issues

**Issue 4.1** *The physical resources necessary to support the island community can be adversely affected by use, development and subdivision.*

**Issue 4.2** *Transportation infrastructure to and on Motiti is adversely affected by use, development and subdivision.*

**Issue 4.3** *Communication links to Motiti must be maintained to ensure the health and safety of the residents and visitors.*

**Issue 4.4** *Some substances used in rural communities are hazardous to people and the environment.*

### Objectives and Policies

**Objective 4.1.1:** *To provide for the physical resources and infrastructure necessary to support rural and rural-support activities.*

This objective actions Issue 4.1.

**Policy 4.1.1.1:** *To enable the establishment of facilities that support rural and rural-support activities.*

This Policy is primarily implemented by Methods (1), (2) and (3).

**Policy 4.1.1.2:** *To avoid, remedy or mitigate the adverse effects of construction on the environment.*

This Policy is primarily implemented by Methods (1), (3) and (6).

**Policy 4.1.1.3:** *To provide for subdivision in a way that supports the physical resources of the island community and maintains the productivity of the rural land uses.*

This Policy is primarily implemented by Methods (1), (4), (5), (6) and (10).

**Objective 4.2.1:** *Transportation infrastructure on and around Motiti is maintained or enhanced to provide for the health and safety of the community and the environment.*

This objective actions Issue 4.2.

*Policy 4.2.1.1: To ensure that existing and new transportation infrastructure to and on Motiti is constructed and maintained to a standard that will safeguard the health and safety of the community.*

This Policy is primarily implemented by Methods (1), (6) and (8).

*Policy 4.2.1.2: To ensure that existing and new transportation infrastructure to and on Motiti is constructed and maintained in a manner that takes into account and avoids, remedies or mitigates adverse effects on the environment including:*

- *Indigenous vegetation, habitats of indigenous fauna and ecosystems.*
- *Waahi tapu and taonga.*
- *Mahinga kai.*
- *Landscape and natural character values.*

This Policy is primarily implemented by Methods (1), (6) and (8).

**Objective 4.3.1: Communication services to and on Motiti are maintained or enhanced to provide a reliable service to the community.**

This objective actions Issue 4.3.

*Policy 4.3.1.1: To ensure communication services to and on Motiti are constructed and maintained to a standard that will ensure reliability and provide for the health and safety of the community.*

This Policy is primarily implemented by Methods (1) and (6).

**Objective 4.4.1: The transportation, storage, disposal and use of hazardous substances on Motiti avoids, remedies or mitigates adverse effects on the community and environment.**

This objective actions Issue 4.4.

*Policy 4.4.1.1: To ensure hazardous substances are transported, stored, disposed and used with regard to relevant standards and user guidelines with particular regard to the potential effects of spills on the environment.*

This Policy is primarily implemented by Method (7) and Other Method OM(1).

**Objective 4.4.2: Significant risks to human health and the environment posed by land potentially affected by contaminated soil are identified and addressed as part of the subdivision or development process.**

This objective actions Issue 4.4.

*Policy 4.4.2.1* By requiring subdivision and/or development sites that have a history of land use that could have resulted in contamination of the soil to be tested to confirm whether that land is fit for increased exposure to humans and the environment.

This Policy is primarily implemented by Method (9)

**Objective 4.4.3:** *Significant risks to human health and the environment posed by remediation, subdivision, use and development of land affected by contaminated soil are prevented or mitigated.*

This objective actions Issue 4.4.

*Policy 4.4.3.1* By ensuring that all remediation, subdivision, use and development of land affected by soil contamination prevents or mitigates adverse effects and significant risk on human health and the environment.

This Policy is primarily implemented by Method (9).

*Policy 4.4.3.2* By requiring management measures for land that provide for remediation, or containment, or disposal of contaminated soil on that land, so the level of contamination is appropriate for any likely future use of the land.

This Policy is primarily implemented by Method (9).

*Policy 4.4.3.3* By ensuring that exposure from the on-going use of land affected by soil contaminants is managed in a way that prevents or mitigates any adverse effects on human health and the environment.

This Policy is primarily implemented by Method (9).

## **Plan Methods**

To establish Rules in the Plan:

- Method (1) To control the subdivision and development of land in a way that manages adverse effects on natural and physical resources.
- Method (2) To provide for rural and rural-support activities as permitted activities subject to compliance with conditions.
- Method (3) To provide for the establishment of residential accommodation, visitor accommodation and tourist related activities on the basis of dwelling unit equivalents up to the maximum capacity of the island.
- Method (4) To provide for the transfer of rights to enable the development of additional residential accommodation, visitor accommodation and tourist related activities on certain certificates of title, thus leaving other titles in rural production.

- Method (5) To record the use of development rights by way of either direct development on the land or the transfer of development to other certificates of title as consent notices registered against the relevant certificates of title.
- Method (6) To establish standards for the development and maintenance of new infrastructure on Motiti including access roads and tracks, airstrips and Identified Landing Areas. [Note: for clarification, these areas do not restrict or limit access or landing areas for temporary aerial spraying activities.].
- Method (7) To establish limits for the storage of hazardous substances, and identify locations where this storage is not permitted.
- Method (8) To provide for the maintenance of existing access infrastructure to ensure the safety of users including where those accesses impact on the Te Tai Ao Turoa/Ecological Zone by enabling the minor pruning and removal of indigenous vegetation and requiring the establishment or enhancement of vegetation following any works to establish or upgrading of those accesses.
- Method (9) To implement the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
- Method (10) To establish Cluster Development Areas that enable opportunities for additional subdivision and development in accordance with other plan methods and as shown on the Planning Maps.

### **Other Methods**

- OM(1) To transport, store, dispose and use hazardous substances in accordance with appropriate standards and user guidelines.

### **Explanation and Principal Reasons**

The land resource on Motiti is limited to a maximum of 720 ha. Within this area the past and present generations have provided for their cultural, social, environmental and economic well-being in a sustainable framework. The population of the island has varied over time in response to particular elements within that framework. For example, as more employment opportunities become available on Motiti through the development of more intensive land-uses – maize growing or the current avocado development – more residents have returned, or stayed on the island, to make the most of its lifestyle character and amenity.

As population increases greater demands are placed on the land resource for activities other than the primary rural use of the land such as residential activities – subdivision for holiday developments for example – and business activities, most significantly those related to tourism. The development of such physical resources as may be necessary to support the development of the island may, in itself, pose a risk to the natural environment and the island lifestyle, cultural heritage values, character and amenity, for

example through uncharacteristic height and scale of development or inappropriate location or standards of construction.

There is a limit to the land available for use and development on the island and it is important that future use and development of the land resource is in keeping with the rural character of Motiti. Care must be taken in particular when considering other activities that do not support that character.

a. Rural Activities

The economic base for the island is founded on primary production from the sea as well as the land. Rural activities also provide the landscape and visual character of the island and the underlying way of life enjoyed by the resident community.

Rural support activities are also important with the island equivalent of contractor's depots and pack-houses being an integral part of the land-use fabric. In addition, some rural activities will require dedicated facilities to provide short term accommodation for seasonal or specialist contractors.

These activities form the basis for permitted activities in the Plan, however they are as likely to generate adverse effects in their use and development, such as noise, dust and effects of the management of the activity, as other activities and are subject to conditions and standards relevant to their operation.

b. Residential Activities

Residential activities go hand-in-hand with the rural land use with land-owners and workers requiring accommodation. Multiple-ownership in the northern and south-east parts of Motiti poses its own challenges to the sustainable use of the land resource while respecting the association and rights owners have for their land. The provision of development rights - subdivision in particular – that suit all residents, tangata whenua and stakeholders while recognising the limited availability of land for housing within the carrying capacity of the island environment and the potential for the degradation of natural resources and the environment may inevitably lead to compromises to ensure that the sustainable management of Motiti is handed down to future generations.

Residential activities are therefore only provided for on existing land parcels and within identified Cluster Development Areas. The performance standards and assessment criteria are designed to protect the community values, cultural heritage and environmental qualities of Motiti.

c. Business Activities

Opportunities for commercial/business activities have in the past been limited by the perceived or actual remoteness of the island. However, as transportation and communication, for example the internet, improves then so too will the ability for residents to work from home or provide tourism-based services to visitors. This may also increase the potential pressure on the finite land resource and community cohesion.

Already there are tourist lodge, farmstay and eco-tourism activities based on the island and visitor numbers swell during summer and as contractors and workers stay over during the week.

d. Transportation and Access

Public access around the island and between private or multiple-owned land titles has been identified by the people of Motiti as an issue of concern to them. There are no public roads, airstrips, formed helipads or jetties on the island. The Minister of Local Government as Territorial Authority does not own any land on the island and there are no designations for public works, in particular for access related works, identified for the island. The Minister does not intend to undertake any such public works or construct public roads or other infrastructure on the island.

The objectives and policies of this Plan provide guidance for land owners and consent applicants to construct access and other infrastructure as the opportunity arises in an effective, efficient and sustainable manner.

Access around the island follows existing tracks, which are either used by private agreement, or are private rights-of-way in the south, or are partitioned roadways in the north. These tracks are, in some cases, eroded below the surrounding ground level through continued use and from wind and rain. The purpose of the Plan is to ensure that the existing and any new private tracks and other access infrastructure are maintained and constructed to a standard that is safe and fit for the purpose for which it is intended e.g., taking into account the location as well as the type and number of vehicles using the facility.

Access to Motiti is either by sea or by air and is provided by private individuals or companies. It is critical for the on-going success of the island community that the infrastructure required to support air and sea links – the airstrip, wharves, jetties and slipways – are lawfully established and maintained to a safe standard by the private owners.

Given the potential for adverse effects of air and sea access, in particular, on the coastal landscape the access points are limited to those that are currently in use or are lawfully authorised. Exceptions are made to the effects the use, maintenance and development of the access may have on the coastal environment in particular to ensure the safe operation of these facilities.

Esplanade Reserves are not proposed to be required on subdivision of land adjacent to the coast. The reasons for this are that subdivision is limited to such a degree in number, size and location of new lots created that a continuous Esplanade Reserve would never be able to be vested around the whole of the island or even the southern half of the island. The result would therefore be a series of disconnected and unusable areas of land that would not be able to be accessed from land or, because of the surrounding cliffs, from the sea. The Minister does not envisage that the potential outcome would result in the sustainable management of the coastal land resource or assist in providing access around the island.

e. Communication

Communication is also a lifeline link to the mainland that is vulnerable to damage from natural hazards as well as long-term demands from increased population. The level of risk is limited to some degree as the internal distribution network is already underground, but this must continue to be protected from inadvertent damage during use and development.

f. Contaminated Soil

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) provides a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

All territorial authorities are required to give effect to and enforce the requirements of the NES. The NES does not affect existing land uses.

**Anticipated Environmental Results**

- AER(1) Buildings erected in accordance with approved building consents (measured in terms of the number of buildings built in accordance with approved building consents).
- AER(2) No development beyond the nominated capacity for dwelling equivalents on Motiti.
- AER(3) Maintenance and enhancement of the existing transportation and communication infrastructure serving the island.

## 1.5 Environmental Topic 5: Natural Hazards

### Issue

***Issue 5.1: Use and development in areas at risk from natural hazard events, such as erosion, landslip or inundation around the coast, exposes people and natural and physical resources to unacceptable risk and leads to an accelerated loss of natural resources.***

### Objectives and Policies

***Objective 5.1.1: To avoid, remedy or mitigate the potential for adverse effects on cultural heritage values, land-use and development arising from erosion, landslip and flood hazards in coastal areas.***

This Objective actions Issue 5.1.

***Policy 5.1.1.1: To avoid, remedy or mitigate the adverse effects of use, development and subdivision in areas at risk from natural hazards.***

This Policy is primarily implemented by Methods (1), (2) and (3) and Other Methods OM(1) and OM(2).

***Policy 5.1.1.2: To avoid, remedy or mitigate the effects of natural hazards on cultural heritage values, use, development and subdivision.***

This Policy is primarily implemented by Methods (1), (2) and (3) and Other Methods OM(1) and OM(2).

***Policy 5.1.1.3: To ensure that all buildings and structures required to be built within areas known to be at risk from erosion, flood and landslip hazard are designed and constructed to standards appropriate to their use.***

This Policy is primarily implemented by Methods (2) and (3) and Other Methods OM(2).

***Policy 5.1.1.4 To ensure that only those buildings, or structures requiring building consent, needed for the purpose of supporting access to/from the island, navigation or public safety are located in the Te Tai Ao Turoa/Ecological Zone.***

This Policy is primarily implemented by Methods (2) and (3) and Other Methods OM(2).

## Plan Methods

To establish Rules in the Plan:

- Method (1) To provide a setback from areas identified as being at risk from coastal erosion, inundation and landslip.
- Method (2) To require buildings and structures proposed to be located within areas of risk identified in the resource or building consent application process to be considered as discretionary activities and to include in the matters of discretion the consideration of the standard of construction in relation to the purpose of the building or structure and the building or structures resistance to natural hazards.
- Method (3) To only allow structures essential for public access, navigation or public safety in the identified risk areas as permitted activities.

## Other Methods

- OM(1) To monitor areas at risk from erosion, flood and landslip hazards to establish rates of change in frequency or effect over time.
- OM(2) The Bay of Plenty Regional Council manages the erection of structures and other activities in the Coastal Marine Area.

## Explanation and Principal Reasons

Motiti is an off-shore island, typically surrounded by tall cliffs subject to continuous erosion from the sea and the wind. The island is a “soft” formation prone to natural change from erosion (wind and sea) and landslip (sea). The few areas with direct access to the beach at Wairanaki Bay, Orongatea Bay and Wairere Bay are also relatively low-lying and are therefore potentially prone to inundation during storm events.

Section 106 RMA requires the territorial authority to consider the potential for erosion, landslip and inundation when making subdivision consent decisions. It is therefore appropriate that the Plan provides guidance as to how the effects of natural hazards on use and development may be avoided, remedied or mitigated. Furthermore consideration must also be given to how use and development may exacerbate the potential adverse effects from natural hazards on other land and property.

Buildings and structures on Motiti are generally set well back from the cliff-edge for very good reasons. It is appropriate to formalise this exercise in self-restraint so that residents are not placed at undue risk from natural hazards.

## Anticipated Environmental Results

- AER(1) No buildings or structures other than those necessary to support emergency or navigational services in areas of risk.

## 1.6 Environmental Topic 6: Emergency Management

### Issue

***Issue 6.1: There are limited emergency response resources on Motiti and the isolation of the island increases the risk to the health and safety of residents during emergency events because of the time needed to deliver emergency services from the mainland.***

***Emergency events are those that require an extraordinary response from either island residents or mainland organisations to provide for or protect the health and safety of people and property.***

### Objectives and Policies

***Objective 6.1.1: To avoid, remedy or mitigate the effects of emergency events by providing appropriate response measures.***

This Objective actions Issue 6.1.

***Policy 6.1.1.1: Life-line infrastructure such as airstrips, jetties, wharves, slipways, telecommunications, emergency response stations and safe-havens should be designed, constructed and maintained to a standard that ensures they can withstand significant storm events and enable quick repair when damaged.***

This Policy is primarily implemented by Methods (1) and (3) and Other Methods OM(3), OM(4), OM(5), OM(6) and OM(7).

***Policy 6.1.1.2: Use, development and subdivision to ensure the establishment of a fire-fighting water supply appropriate to the activity.***

This Policy is primarily implemented by Method (2) and Other Method OM(1) and OM(2).

### Plan Methods

To establish Rules in the Plan:

- Method (1) To ensure that the lifeline infrastructure is constructed and maintained to withstand significant storm events to the extent practicable.
- Method (2) To provide for emergency management by way of conditions of resource consent for land-use, development, or subdivision.
- Method (3) To provide for the telecommunications receiving facility by way of an easement registered on the underlying certificate of title.

### **Other Methods**

- OM(1) To establish emergency response stations on the island including a rural fire fighting capacity and first aid response kit and to provide training in emergency management including rural fire fighting and first aid to island residents.
- OM(2) To create an emergency management volunteer group for the Island.
- OM(3) To undertake GPS mapping of key emergency management sites on the Island, including helicopter landing sites, water ponds and access to the foreshore.
- OM(4) To provide emergency response equipment in a secure structure for use on the island.
- OM(5) To establish an emergency refuge, or safe haven, for community use in the event of an emergency that results in residents being deprived of the shelter of their own homes and to assess and upgrade as required, on a regular basis.
- OM(6) To assess and upgrade as required for airstrips, and identified wharves and jetties.
- OM(7) To ensure that there are sufficient means and materials held on the island to maintain and repair lifeline infrastructure to enable continued use in and immediately after an emergency.

### **Explanation and Principal Reasons**

Motiti is an isolated community remote from many of the services that others on the mainland may take for granted such as fire, ambulance and civil defence response services.

It is therefore recognised as an issue that during emergency events whether they are storm events or more personal disasters such as house fires the community must rely on the response tools available on the island.

The objectives and policies provide for the implementation of an emergency response plan that includes trained personnel, an equipped emergency response station and the provision of shelter in identified safe havens that will reduce the reliance of residents on mainland support at times when it may be difficult to access the island. These are implemented by way of Other Methods through the Regional Council, Civil Defence and the Rural Fire Programme.

A key part of being prepared also lies in the ability to adapt, respond and being quick to recover and the Plan recognises that while the skills are likely to be available on the island to recover there should also be a supply of material that can be used to enable a quick recovery during and after an emergency.

**Anticipated Environmental Results**

- AER(1)      Enhanced safety and well-being for the Motiti community (measured in terms of number of emergency events responded to and the outcomes of those events).
  
- AER(2)      Reduced risk from storm events and other civil emergencies (measured in terms of number of emergency events responded to and the outcomes of those events).
  
- AER(3)      The establishment of a volunteer emergency management group, nominated safe haven and emergency response equipment by the community facilitated by the Territorial Authority within five years.

## 1.7 Cross Boundary Issues

Motiti, as an island, is unusual in that it shares its boundary with no other territorial authority district. It is, however, surrounded by the Coastal Marine Area administered by the Bay of Plenty Regional Council which also has responsibilities over discharges to land, air and water, taking water and damming water courses, and earthworks on the island.

Cross-boundary issues and the way these are managed provide for the integration of management of the environment between the adjoining authorities.

Consideration must be given to the interface between the Region's responsibilities with regard to earthworks, stormwater collection, treatment and discharge and the provisions for treatment and discharge of wastewater effluent and the Territorial Authority's responsibility for use, development and subdivision on land and the surface of water.

The Plan must also give effect to the Regional Policy Statement (RPS) and not be contrary to the Regional Coastal Environment Plan (RCEP), which identify Motiti as a significant landscape in the Bay of Plenty Region. Objectives and Policies complementary to the provisions in the RPS and RCEP to ensure the maintenance and enhancement of the visual landscape are provided in Section 1.3 of this Plan.

The jurisdiction of the territorial authority and therefore this Plan lies at the line of Mean High Water Spring Tide (MHWS). No provision can be made within this Plan in respect to any area beyond this line. However, it is appropriate that the management of the coastal margin above MHWS ensures the integrated management of the land/sea interface by avoiding, remedying or mitigating the adverse effects of use, development and subdivision on the environment.

Consideration of the impact of small-scale earthworks complements the Region's rules in relation to large-scale earthworks and recognises the potential for adverse effects on the finite land resource in Section 1.4 of this Plan.

Consideration of Natural Hazards and Emergency Management also complements the Region's role in these areas through the provision of Objectives and Policies in Sections 1.5 and 1.6 of this Plan.

The interface between Motiti and other territorial authorities is most evident at the airstrip and Tauranga airport and also at the wharves and jetties on the island and landing places on the mainland. Of most concern in these areas is the transfer of pest and nuisance plants and animals. This is acknowledged in Section 1.3 of this Plan and managed through the implementation of the Regional Council's pest management policy.

## 2 Procedures and Information Requirements

### 2.1 Introduction

Chapter 2 of the Plan contains the procedures and information requirements for implementing the rules of the Plan.

### 2.2 Environmental Management Rules

These are found in Chapter 3. These rules may apply, depending on circumstances, to managing environmental effects irrespective of which part of the island is being considered.

The Plan provides for five activity classes:

**Permitted** – those activities that may be undertaken as-of-right subject to compliance with specific permitted activity conditions.

**Controlled** – those activities listed that require Resource Consent but would be approved subject to conditions.

**Restricted Discretionary** – those activities listed that require resource consent for the matters to which the Territorial Authority has restricted discretion. Such an activity may be approved, approved with conditions or refused by the Territorial Authority.

**Discretionary** – those activities listed that require Resource Consent and that may be approved, approved with conditions or refused by the Territorial Authority.

**Non-complying** – those activities that are not listed as permitted, controlled, restricted discretionary or discretionary. Such activities require Resource Consent and may be approved, approved with conditions or refused by the Territorial Authority.

### 2.3 Information Requirements for a Resource Consent

An application shall be made to the Minister of Local Government as the Territorial Authority and sent to Secretary of Local Government, Department of Internal Affairs, PO Box 805, Wellington, and shall include the information required by this Plan, an assessment of effects on the environment and an appropriate fee as required. Copies of the Plan are available on the Department of Internal Affairs website ([www.dia.govt.nz](http://www.dia.govt.nz)), at libraries in the Tauranga City, Western Bay of Plenty and Whakatane District areas and at Tamatea-ki-te-Huatahi Marae, Motiti Island.

An application for a resource consent shall include as/when appropriate:

- (a) The full name and address of the applicant.
- (b) The location of the site for which the consent is sought, including the legal description and the name of the owner (copies of the current certificate of title must be provided).
- (c) A full description of the proposed activity including but not limited to:
  - (i) Details of any cultural heritage sites of significance including, but not limited to, waahi tapu, sites of significance, water or other taonga, and any known archaeological sites within the area of the resource consent or in the vicinity of the proposed works.
  - (ii) Details of existing riparian habitats, aquatic habitats, indigenous vegetation habitats and the relationship of the activity to these if relevant.
  - (iii) The extent of vegetation removal proposed by the activity with particular attention to details of the abundance and diversity of indigenous flora and fauna species affected.
  - (iv) The extent of earthworks proposed with details of the likely length of time the land will remain exposed.
  - (v) Proposed areas of excavation and filling, together with the existing contours and proposed finished contours. Any such proposal should be accompanied by a report as to the effects of the proposed works from a registered engineer experienced in soil mechanics or geotechnics.
  - (vi) Location and area of any land subject to the proposal that is, or may be subject to, natural hazard.
- (d) Where land is subject to erosion, slippage, subsidence, falling debris, or inundation, or where any other structural matter arises, a report from an appropriately qualified and experienced registered engineer into the suitability (in relation to the proposal) of the site and ways in which any problems associated with the site may be overcome.
- (e) A statement specifying whether the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 are applicable to the activity for which consent is being sought. In the event of any inconsistency between this Plan and the National Environmental Standard the Standard shall prevail.
- (f) A statement specifying all other resource consents that may be required, or have been obtained, including consents from both the Territorial Authority and Bay of Plenty Regional Council, and whether the applicant has applied for these. Where consents have previously been obtained a copy of those consents shall be included in the application.

All jetties, wharves and slipways established in accordance with a consent granted by the Bay of Plenty Regional Council shall be developed, operated and maintained in accordance with that consent.

- (g) A site plan (A3 or A4), at a specified metric scale, which shall incorporate (where appropriate):
- (i) A north point.
  - (ii) All certificate of title boundaries and their lengths.
  - (iii) Topography including contour or level data referenced to Moturiki Datum and the top and bottom of the cliff around the island's significant landforms.
  - (iv) The location of any known cultural, heritage or archaeological feature and/or site on the land to which the application relates or on any other land where the proposed land use will likely impact on that feature.
  - (v) All stormwater flow paths, permanent watercourses and wetlands and catchment information, Mean High Water Spring Tide line.
  - (vi) All significant vegetation including trees, hedges, bush, scrub and indigenous fauna habitats.
  - (vii) Approximate distances to buildings on adjoining lots, or in the vicinity of the proposal.
  - (viii) Existing buildings, structures, tracks, on-site effluent and stormwater management and disposal systems.
  - (ix) All communal or jointly owned or used areas and facilities including the access tracks, airstrips, jetties and telecommunications services relevant to the site.

**ADVISORY NOTE:** Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. The Historic Places Act 1993 contains penalties for unauthorised site damage. An applicant for resource consent or any person proposing to carry out works affecting any archaeological site is advised to contact the New Zealand Historic Places Trust for further information.

- (h) Proposed development plans, incorporating (where appropriate):
- (i) Details of the appearance of any buildings and structures including elevations.
  - (ii) Floor plans (including information on the height of floor levels).
  - (iii) A calculation of site coverage and the floor area of each building in square metres.

- (iv) Landscape design, site planting (including but not limited to the source of species to be planted) and fencing.
- (v) Location details of hazardous substances to be used or stored on site, and details of the proposed use, quantity, method of storage and transportation.
- (vi) On-site effluent and stormwater management and disposal systems.
- (vii) Vehicle and emergency services access.
- (viii) Provision of water supply.
- (i) Where consent of affected parties has been sought and obtained, a copy of the plan of the proposal signed by the affected party(ies) and approval in writing indicating the date of the application and AEE read by the signatory(ies).
- (j) All applications for resource consent shall include a record of consultation, including identifying the circumstances and reasons where no consultation has taken place, undertaken prior to the submission of any application for resource consent.
- (k) Any information required to be included by a rule in the Plan.
- (l) An Assessment of Environmental Effects in accordance with the Fourth Schedule of the Resource Management Act 1991.

## 2.4 Information Requirements for a Subdivision Consent

In addition to the information required in Section 2.3 an application for a subdivision consent shall include as/when appropriate:

- (a) Two copies of a scheme plan, of which one at least shall be A4 size, and relevant information required by Section 219 of the Resource Management Act 1991:
  - (i) The position of all new boundaries (for the total subdivision and for each allotment).
  - (ii) Numbers and areas and dimensions of all new allotments.
  - (iii) Location and areas of new reserves to be created.
  - (iv) Location and areas of land below mean high water springs.
  - (v) Any existing or proposed easement (drainage, sewer, right-of-way or easements for any other purpose) and dimensions.
  - (vi) Topographic and geological details.
  - (vii) Exact location of all existing buildings, structures, utilities and services (including cables and poles associated with power and telecommunications, effluent collection, treatment and disposal systems and stormwater).

- (viii) Where necessary, any work to be undertaken to either relocate the utilities or grant easements in favour of the utility provider.
- (ix) A Preliminary Site Investigation, or a Detailed Site Investigation, into contaminated soils in accordance with the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
- (x) Copies of any existing consent notices that are registered against the underlying certificates of title.

## **2.5 Information Requirements for Any Controlled, Restricted Discretionary or Discretionary Resource Consent Applications**

- (a) In addition to any other requirements of the Plan, the assessment of effects on the environment accompanying any resource consent for a discretionary activity and, where relevant to the matters of discretion identified for restricted discretionary activities in this Plan, shall have particular regard to:
  - (i) Effects on the existing character including cultural heritage values and other intrinsic values of the locality and amenity values.
  - (ii) Relevant matters set out in Section 104 of the Resource Management Act 1991.
  - (iii) Whether the proposal will have an adverse effect on sensitive activities in the vicinity of the site.
  - (iv) Whether the activity will have any adverse effects on landforms or landscapes identified as outstanding in the Bay of Plenty Regional Policy Statement or regional plans.
  - (v) Whether the proposal will have any on-site or off-site adverse effects on native bush, bird or wildlife habitats, including ecology.
  - (vi) Whether the proposal will have any adverse effects on areas with scientific, cultural, archaeological or heritage value.
  - (vii) Copies of any existing consent notices that are registered against the underlying certificates of title.
- (b) Any application should include an assessment of the significance of the affected area and the degree to which damage would result from the proposal.
- (c) An application for a discretionary subdivision activity should include an assessment of the potential effects of the land-use(s) proposed for the new lots created.

## 2.6 Information to be Supplied for a Certificate of Compliance

Where an application for a Certificate of Compliance is made to the Territorial Authority under Section 139 of the Resource Management Act 1991 it shall contain:

- (a) The details required by Information Requirements 2.3, 2.4 and 2.5, as may be relevant, to show how the proposal complies with the Plan.
- (b) A full description of the activity for which the certificate is sought.

**NOTE:** A Certificate of Compliance is used to demonstrate that a permitted activity, a proposed permitted activity or any activity which does not require a resource consent complies with the rules of the Plan in relation to a particular location. Subject to the existing use provisions in the Resource Management Act 1991, obtaining a Certificate of Compliance enables the holder to undertake the activity to which the certificate relates, even if after the date of application, a change to the Plan is proposed which would restrict the activity.

## 2.7 Designations

At the time of notification of this Plan there are no designations on Motiti Island. Works owned and operated by a requiring authority are limited to a telecommunications receiving station located on private land subject to a private agreement. The telecommunications network is located underground within easements registered on the subject certificates of title.

New designations for public works, and extensions to the existing telecommunications network, will be subject to the requirements of the Resource Management Act and this Plan.

## 3 Environmental Management Rules

### 3.1 Activity Status Table

#### 3.1.1 Land-use and Subdivision Activities

Any one or more of the activities listed in the Plan as permitted activities, and the erection of buildings or structures associated with those activities, are permitted provided they comply with all permitted activity standards and terms listed in the Plan, as outlined in sections 3.2, 3.3 and 3.4.

#### Key to the Activity Status Table:

<b>P</b>	Permitted	<b>C</b>	Controlled
<b>RD</b>	Restricted Discretionary	<b>D</b>	Discretionary
<b>NC</b>	Non-complying	<b>N/A</b>	Not Applicable

**Table 3.1: Land-Use and Subdivision Activity Status**

Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Accessory activities associated with a permitted activity.	P	P
Accessory buildings associated with a permitted activity.	P	NC
Activities on or within known cultural heritage, historic and archaeological sites identified in Appendix 3 and provided for as permitted in Appendix 3 (Rule 3.2.4).	P	P
Activities on or within known cultural heritage, historic and archaeological sites identified in Appendix 3 that are not permitted by Appendix 3 (Rule 3.2.4).	NC	NC
Artificial wind shelters (Rule 3.2.7).	P	P
Building demolition or site works associated with the development of the land for a permitted activity or approved subdivision consent.	P	P
Cemeteries/Burial grounds (urupa).	P	P

Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Clearance of exotic vegetation (Rule 3.3.4 and Rule 3.4.4). <b>[NOTE:</b> Undertaking clearance of exotic vegetation may also need to comply with the provisions of the relevant Regional Plan or be required to obtain resource consent from the Bay of Plenty Regional Council before commencement.]	P	P
Commercial Helicopter Activities (Rule 3.3.10).	P	NC
Conservation and Coastcare activities in the Te Tai Ao Turoa/Ecological Zone (Rule 3.3.9).	N/A	P
Conservation activities in the Te Tai Whenua/Rural Zone.	P	N/A
Disturbance or removal of contaminated soil involving the following activities (Rule 3.2.8) <sup>5</sup> : <ul style="list-style-type: none"> <li>• removal or replacement of fuel storage systems and associated soil, and associated subsurface soil sampling.</li> <li>• soil sampling.</li> <li>• small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary (two months' duration) soil disturbance activities.</li> <li>• subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.</li> </ul>	P	P

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<sup>5</sup> In the event of any discrepancy in the provisions of this MEMP and the provisions of the NES the provisions of the NES shall prevail.

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Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
<p>Disturbance or removal of contaminated soil involving the following activities (Rule 3.5.3):</p> <ul style="list-style-type: none"> <li>the development of land where the risk to human health from soil contamination does not exceed the applicable soil contaminant value in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.</li> <li>activities described as permitted activities that cannot comply with the permitted activity standards or requirements.</li> </ul>	C	C
<p>Disturbance or removal of contaminated soil involving the following activities (Rule 3.6.3):</p> <ul style="list-style-type: none"> <li>the development of land where the risk to human health from soil contamination exceeds the applicable soil contaminant value in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.</li> <li>activities described as controlled activities that cannot comply with the controlled activity standards, requirements or matters of control.</li> </ul>	RD	RD
<p>Disturbance or removal of contaminated soil involving the following activities (Rule 3.7):</p> <ul style="list-style-type: none"> <li>the development of land where the activity does not meet the requirements to be a restricted discretionary, controlled or permitted activity</li> </ul>	D	D
<p>Dwelling units, existing as at 30 September 2013 – 1 per certificate of title.</p>	P	P
<p>Dwelling units, new – 1 per certificate of title.</p>	P	NC
<p>Dwelling units – a second dwelling unit on a title complying with the density standard (Rule 3.5.4).</p>	C	NC
<p>Dwelling units – a second or subsequent new dwelling unit on a title that does not comply with the density standard (Rule 3.8).</p>	NC	NC
<p>Earthworks, as defined, in the Te Tai Whenua/Rural Zone up to and including 500m<sup>3</sup>.</p>	P	N/A

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Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Earthworks, as defined, in the Te Tai Whenua/Rural Zone exceeding 500m <sup>3</sup> up to the maximum volume provided for as a permitted activity by the operative provisions of the relevant Bay of Plenty Regional Plan (Rule 3.4.10).	P	N/A
Earthworks, as defined, in the Te Tai Ao Turoa/Ecological Zone up to or equal to, 50m <sup>3</sup> or exposing a surface area less than or equal to 100m <sup>2</sup> (Rule 3.3.7).	N/A	P
Education facilities including children's daycare for up to 25 full time equivalent attendees.	P	NC
Emergency Response Station.	P	NC
Health Centre (up to 4 Full Time Equivalent (FTE) staff).	P	NC
Home occupations.	P	NC
Land-use, development and subdivision that is not in accordance with the Permitted, Controlled or Restricted Discretionary activity standards.	D	NC
Land-use, development and subdivision that is not listed as a permitted, controlled, restricted discretionary or discretionary activity.	NC	NC
Minor pruning or removal of any pohutukawa or other native vegetation from the Te Tai Ao Turoa/Ecological Zone (Rule 3.3.5).	N/A	P
Papakainga (Rule 3.5.4).	C	NC
Places of Assembly/marae.	P	NC
Public Reserves.	P	P
Roads and Accessways – Existing as at 30 September 2013 (Rule 3.3.11 and Rule 3.4.13).	P	P

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Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Roads and Accessways – New: <ul style="list-style-type: none"> <li>• In the Te Tai Whenua/Rural Zone (Rule 3.4.13).</li> <li>• In the Te Tai Ao Turoa/Ecological Zone (Identified Landing Areas) (Rule 3.6).</li> <li>• In the Te Tai Ao Turoa/Ecological Zone (outside the Identified Landing Areas) (Rule 3.7).</li> </ul>	P  N/A  N/A	N/A  RD  D
Rural activities including cultivation.	P	P
Rural support activities.	P	P
Signs (Rule 3.3.6 and Rule 3.4.5).	P	P
Solid Waste Disposal (Rule 3.4.9).	P	NC
Storage of hazardous substances (Rule 3.4.11).	P	NC
Stormwater disposal to ground by soakage from a building or structure (Rule 3.4.7).	P	NC
Subdivision for boundary adjustments, network utilities, protection titles, amalgamation, other complying activities (Rule 3.5).	C	C
Subdivision for residential/rural allotments where parent lot is a minimum of 20ha (Rule 3.5).	C	C
Temporary Activities (Rule 3.2.6).	P	P
Transportation activities including, the operation and maintenance of existing airstrips, helicopter landing areas, wharves, jetties, slipways/boat ramps (Rule 3.3.10 and Rule 3.4.14).	P	P
Transportation activities including, the establishment and operation of new airstrips, helicopter landing areas, wharves, jetties, slipways/boat ramps, in the: <ul style="list-style-type: none"> <li>• Te Tai Whenua/Rural Zone (Rule 3.4.14).</li> <li>• Te Tai Ao Turoa/Ecological Zone (Identified Landing Areas Rule 3.6).</li> <li>• Te Tai Ao Turoa/Ecological Zone (outside the Identified Landing Areas Rule 3.8).</li> </ul>	P	RD  NC
Visitor Accommodation (Rule 3.7).	D	NC

Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Wastewater treatment and disposal (Rule 3.4.6).	P	NC
Water pump houses, water pipelines and structures ancillary to the taking of water from streams as a permitted activity (Rule 3.3.12 and Rule 3.4.8).	P	P
Water storage tanks (Rule 3.4.8).	P	NC
Worker Accommodation (Rule 3.5.4)	C	NC

### 3.1.2 Utility Services

**Table 3.2: Utility Services Activity Status**

Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Aerials, antenna dishes and panel antenna that are privately owned and are associated with an existing lawfully established activity (Rule 3.3.8 and Rule 3.4.12).	P	P
Electricity Transmission: New lines, extension in length of lines, and upgrading the voltage or capacity of underground electrical lines for conveying electricity.	P	P
Electricity Transmission: New lines, and extension in length of overhead electrical lines including support pylons and structures for conveying electricity, and telecommunication and cables forming part of the same facility.	P	P
<p>Electricity Transmission: Minor upgrading of existing overhead electrical lines for conveying electricity.</p> <p>Provided that such minor upgrading will comply with the minimum distances (under normal, still air conditions) as set down in the NZ Electrical Code of Practice for Electricity Safety Distances, NZECP 34 1993. Minor upgrading unable to meet this proviso is a non-complying activity.</p> <p>Minor upgrading shall not include any works that result in an increase in the voltage of lines beyond 33kv.</p>	P	P

Activity	Te Tai Whenua/Rural Zone	Te Tai Ao Turoa/Ecological Zone
Lighthouses, navigational aids and beacons subject to the approval of Maritime New Zealand and/or the Bay of Plenty Regional Council.	P	P
Meteorological enclosures and buildings not exceeding 30m <sup>2</sup> in gross floor area (GFA); automatic weather stations and single anemometer mast not exceeding a height of 10m; voluntary observer sites; associated microwave links.	P	NC
Photovoltaic collectors for solar power generation located on the roof of any permitted building or as a standalone collection array.	P	NC
Radio and telecommunication masts, weather radar, guy wires, wooden or steel support poles that are privately owned and operated (Rule 3.4.12).	P	NC
Radio and telecommunication masts owned and operated by a public utility company up to, and including, 14m high together with associated antenna dishes not exceeding 2.7m in diameter, aerials not exceeding 6m high and 75mm in diameter, panel antennas not exceeding 2.5m high x 0.5m wide, weather radar, guy wires, wooden or steel support poles, provided the total height of the mast and associated equipment shall not exceed 20m. The mast shall have a maximum diameter of 1350mm. Buildings shall not exceed 30m <sup>2</sup> gross floor area (GFA).	P	NC
Radio and telecommunication ancillary equipment shelters up to 3m high and 10m <sup>2</sup> gross floor area (GFA).	P	NC
Rural fire-fighting depots and associated facilities.	P	NC
Single transformers and associated switching gear conveying electricity at a voltage up to, and including, 110kV not exceeding a gross floor area (GFA) of 4m <sup>2</sup> and height of 2m.	P	NC
Temporary overhead electrical and telecommunication lines for a period not exceeding 6 months.	P	P
Trig stations.	P	P





**For sites listed in Appendix 3:**

- a. No permitted activity shall result in the disturbance, modification or destruction of material:
  - (i) on or within 10m of the centre of any cultural heritage or archaeological site identified in Appendix 3, unless a specific site boundary is defined for the site in Appendix 3; or
  - (ii) on or within the defined boundary, where a site boundary is defined in Appendix 3.
  - (iii) within 10m of the centreline of any stream identified in Appendix 3.unless otherwise provided for in that Appendix.
- b. Non-compliance with this rule shall result in the activity being considered as a Non-Complying Activity.
- c. In the event of any discrepancy between the rules of the Plan and the provisions or requirements of Appendix 3 then the specific requirements of the Appendix shall prevail.

**For sites not listed in Appendix 3:**

- d. Where a previously unrecorded cultural heritage, historic and/or archaeological site or item is found, all physical works on the site shall stop and an appropriate course of action shall be determined for the future management or development of the site or item, including where appropriate, consultation with tangata whenua and the New Zealand Historic Places Trust. The New Zealand Archaeological Association File Keeper shall be notified in writing of the find.
- e. Activities listed in this Plan as Permitted, Controlled or Restricted Discretionary, undertaken on previously unrecorded cultural heritage, historic and/or archaeological sites and/or sites not included in Appendix 3 shall be deemed to be Restricted Discretionary Activities (see Rule 3.6.1).
- f. All other activities undertaken on previously unrecorded cultural heritage, historic and/or archaeological sites and/or sites not included in Appendix 3 shall be deemed to be non-complying activities (see Rule 3.8).

**ADVISORY NOTE:** Any works or activities within the bed of a stream are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

**3.2.5 Building Restrictions along Airstrip Alignments**

No buildings shall be erected along the alignment of any existing airstrip, or any new airstrip, in an area extending 50m either side of the centreline of the runway and for a distance of 200m from either end.

### 3.2.6 Permitted Temporary Activities

- a. Temporary activities as defined in Appendix 1, Definitions, shall comply with the following:
  - (i) The temporary activity (other than temporary military training) shall not undertake mechanical earthworks unless provided for in the Plan.
  - (ii) The temporary activity (other than temporary military training) shall be conducted so as to ensure that noise from the site shall not exceed the noise limits for the activity area in which the temporary activity is to be located.
  - (iii) Temporary military training activity is limited to a period not exceeding 31 days in any calendar year.
  - (iv) Notice of any temporary military training activity shall be displayed at the primary access points to the island (the central airstrip, Paterson's Landing and Wairere Bay) from at least one week prior to the activity. The notice shall include the location of the activity, the hours of operation of the activity and any restrictions that may be required to safely undertake the activity.
  - (v) No temporary activity shall result in:
    1. The clearance of more than 20m<sup>2</sup> of indigenous vegetation, or
    2. The removal of a native tree greater than 6m in height, or
    3. The disturbance, modification or destruction of any cultural heritage or archaeological site.

### 3.2.7 Artificial Wind Shelters

- a. Artificial wind shelters, if used vertically, shall have green or black cloth when situated within 30m of the boundary of the property or within the Te Tai Ao Turoa/Ecological Zone.
- b. Are exempt from yard and daylighting requirements.
- c. Shall not exceed 10 metres in height in all areas.

Provided that:

1. Within 30m of property boundaries a different colour cloth can be used where the written approval of the owner/s of the immediately adjoining property is obtained.
2. Any proposal to situate any artificial wind shelter with cloth other than green or black within the Te Tai Ao Turoa/Ecological Zone will require resource consent for a restricted discretionary activity.

**NOTE:** Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth within 30m of property boundaries and within the Te Tai Ao Turoa/Ecological Zone.

### 3.2.8 Contaminated Soil

a. Removing or replacing fuel storage system

(i) Removing or replacing a fuel storage system is a permitted activity while the following requirements are met:

1. the activity shall be undertaken in accordance with the current edition of *Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand*, Wellington, Ministry for the Environment:
2. the territorial authority of the land where the system is located must be notified of:
  - the place where the activity is to be done:
  - the dates on which it is intended that the activity begin and end:
  - the facility at which it is intended that soil taken away in the course of the activity be disposed of:
3. notification under paragraph 2 shall be done no sooner than 1 month and no later than 1 week before the activity begins:
4. the volume of soil disturbed must be no more than 30m<sup>3</sup> for each tank in the system:
5. the volume of soil taken away in the course of the activity must be no more than 30m<sup>3</sup> for each tank in the system:
6. soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
7. the duration of the activity must be no longer than 2 months:
8. the results of the investigation of the piece of land required by the guidelines described in paragraph 1 above must be reported to the territorial authority within 3 months after the activity ends.

b. Sampling soil

(i) Sampling the soil of the piece of land is a permitted activity while the following requirements are met:

1. controls to minimise the exposure of humans to mobilised contaminants must:
  - be in place when the activity begins:

- be effective while the activity is done:
  - be effective until the soil is reinstated to an erosion-resistant state:
2. the soil must be reinstated to an erosion-resistant state within 1 month after the end of the course of sampling for which the activity was done:
  3. soil must not be taken away in the course of the activity except as samples taken for the purpose of laboratory analysis:
  4. the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.
- c. Disturbing soil
- (i) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:
1. controls to minimise the exposure of humans to mobilised contaminants must—
    - be in place when the activity begins:
    - be effective while the activity is done:
    - be effective until the soil is reinstated to an erosion-resistant state:
  2. the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
  3. the volume of the disturbance of the soil of the piece of land must be no more than 25 m<sup>3</sup> per 500 m<sup>2</sup>:
  4. soil must not be taken away in the course of the activity, except that,—
    - for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
    - for all other purposes combined, a maximum of 5 m<sup>3</sup> per 500 m<sup>2</sup> of soil may be taken away per year:
  5. soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
  6. the duration of the activity must be no longer than 2 months:
  7. the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

- d. Subdividing or changing land use
  - (i) Disturbance or removal of contaminated soil as part of subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:
    - 1. a preliminary site investigation of the land or piece of land must exist:
    - 2. the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:
    - 3. the report must be accompanied by a relevant site plan to which the report is referenced:
    - 4. the consent authority must have the report and the plan.

### **3.2.9 Cultivation**

Cultivation is a permitted activity subject to the following conditions:

- a. The depth of disturbance through the cultivation activity shall not exceed 500mm, other than when undertaken for the purpose of transplanting tree crops.
- b. Transplanting tree crops is permitted as a method of cultivation where the transplantation method involves the excavation of an area around the tree to be transplanted that includes the root ball of the tree and the excavation of a recipient area for the tree to be transplanted of an equivalent size.
- c. Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites, applies.

## **3.3 Standards and Terms for Permitted Activities – Te Tai Ao Turoa/Ecological Zone**

In addition to the general standards and terms for permitted activities for all zones (Rule 3.2) the following specific standards and terms shall apply to permitted activities in the Te Tai Ao Turoa/Ecological Zone. In the event of any conflict between the general provisions and the specific provisions for the Te Tai Ao Turoa/Ecological Zone, the specific conditions shall apply.

### **3.3.1 Te Tai Ao Turoa/Ecological Zone Boundaries**

The Te Tai Ao Turoa/Ecological Zone Boundaries shown on the Planning Maps are indicative only. The boundaries shall be determined in relation to any land-use, development or subdivision on the following basis:

- a. Along the Coastal Marine Area boundary where there is a cliff or escarpment and either is 3 metres or less in height then the Te Tai Ao Turoa/Ecological Zone Boundary shall be 60m from Mean High Water Springs.

- b. Along the Coastal Marine Area boundary where there is a cliff or escarpment and either is greater than 3 metres in height then the Te Tai Ao Turoa/Ecological Zone Boundary shall be 40m inland from the top of the cliff edge or escarpment.
- c. Along those waterways on the island that are identified as significant on the Planning Maps and extending beyond the bank for a distance of 10 metres.
- d. In either case further inland by:
  - (i) 10m from the area of occupation of all recorded cultural heritage and/or archaeological sites on Motiti that may in part, or in whole, lie within the Te Tai Ao Turoa/Ecological Zone as at 31<sup>st</sup> March 2013 (and shown on the Planning Maps) except sites 55, 181 and 184.

### **3.3.2 Bulk and Location – Setbacks**

- a. All buildings in the Te Tai Ao Turoa/Ecological Zone shall be:
  - (i) Set back from the site boundary by a minimum distance of 3m.
  - (ii) Set back from the top cliff-edge by a minimum distance of two times the vertical height of the cliff. Non-compliance with this rule shall result in the proposed building being a restricted discretionary activity with discretion restricted to land stability matters (see Rule 3.6).
  - (iii) Set back from the top of the bank of any permanently flowing waterways by a minimum distance of 10m.

### **3.3.3 Bulk and Location – Height**

- a. The height of any structures or buildings associated with a permitted activity in the Te Tai Ao Turoa/Ecological Zone, other than automatic weather stations and single anemometer masts, shall not exceed 5m. Automatic weather stations, artificial wind shelters, and single anemometer masts shall not exceed 10m.

### **3.3.4 Island Character and Amenity – Natural Character**

- a. In the Te Tai Ao Turoa/Ecological Zone no activity shall result in:
  - (i) The erection of any new building, or structure requiring building consent (other than those buildings or structures required to be located in the Te Tai Ao Turoa/Ecological Zone for the purpose of; supporting access to/from the island at identified landing points, or for navigation or public safety), wastewater treatment and disposal systems and/or stormwater soakage systems.
  - (ii) The clearance of more than 20m<sup>2</sup> of indigenous vegetation in any 12-month period.
  - (iii) The removal of a native tree greater than 6m in height.

### 3.3.5 Pruning

- a. Minor pruning or removal of Pohutukawa and other indigenous vegetation in the Te Tai Ao Turoa/Ecological Zone:
- (i) Minor pruning work or removal of indigenous vegetation may only be undertaken for the following reasons:
    - (1) To maintain the health and structure of the tree or other vegetation.
    - (2) To reduce the risk of land slippage.
    - (3) To establish or maintain access to the airstrip by aeroplane, or access to the wharves, jetties and slipways from land or sea.
    - (4) To provide plant material for use in traditional medicines or as a food source.
    - (5) To avoid, remedy or mitigate a direct threat to public health and safety.
  - (ii) Minor pruning work or removal of indigenous vegetation shall ensure that the visual appearance of Motiti remains the same, or similar, to that existing immediately prior to the pruning or removal activity, when viewed from a minimum distance of 1 kilometre from the surrounding sea.

### 3.3.6 Signs

- a. In the Te Tai Ao Turoa/Ecological Zone:
- (i) Only signs required for health and safety purposes shall be permitted.
  - (ii) The maximum height of any sign shall be 4m.
  - (iii) The maximum area of any sign shall be 1m<sup>2</sup>.
  - (iv) No sign shall be illuminated.

### 3.3.7 Earthworks

- a. In the Te Tai Ao Turoa/Ecological Zone, earthworks (as defined in Appendix 1) up to, or equal to, 50m<sup>3</sup> in volume or exposing a surface area less than or equal to 100m<sup>2</sup> undertaken in any 12 month period are permitted subject to compliance with the following conditions:
- (i) Provision is made for the mitigation of dust nuisance by having available a water supply adequate to suppress dust across the area exposed.
  - (ii) The exposed surface area is reinstated with grass, or other vegetation, or dust-free hard surface (such as compacted road metal) as soon as practicable after completion of the earthworks in the vicinity.
  - (iii) Provision is made for the collection and retention of stormwater runoff and treatment for the removal of sediment from stormwater runoff from the

exposed area before the runoff is discharged to any permanent running water, pond, wetland or the sea.

- (iv) Provision is made for the appropriate disposal of stormwater taking into account the potential for adverse effects of that disposal on the stability of a cliff-edge.

**ADVISORY NOTES:**

1. Earthworks are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan which may require a resource consent from the Regional Council. Where a regional consent has been obtained for an earthworks activity, the conditions of that consent may satisfy the permitted activity standards in this Motiti Island Environmental Management Plan in relation to the same works. However, some effects of earthworks not covered by the Regional Water and Land Plan, such as cultural effects, may still be subject to the rules of this Motiti Island Environmental Management Plan and consideration should be given to both plans.
2. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. The Historic Places Act 1993 contains penalties for unauthorised site damage. An applicant for resource consent or any person proposing to carry out works affecting any archaeological site is advised to contact the New Zealand Historic Places Trust for further information.
3. Activities, including earthworks, on or within known cultural heritage, historic and archaeological sites identified in Appendix 3 that are not permitted by Appendix 3 are deemed to be non-complying activities and would require resource consent (Rule 3.2.4).

**3.3.8 Private Radio and Telecommunication Masts, Aerials and Antenna**

- a. In the Te Tai Ao Turoa/Ecological Zone, private radio and telecommunications masts are non-complying. Aerials and antenna associated with an existing lawfully established activity are permitted and shall comply with the following:
  - (i) Aerials shall be no greater than 4m high and 75mm in diameter.
  - (ii) Antenna dishes shall be no greater than 2.7m in diameter.
  - (iii) Panel antenna shall not exceed 2.5m high and 0.5m wide.

Provided that the total height of the aerial and/or antenna and associated equipment shall not exceed 5m.

### 3.3.9 Conservation and Coastcare Activities

- a. Conservation and Coastcare activities authorised by the land owners and the Department of Conservation or Bay of Plenty Regional Council are permitted activities in the Te Tai Ao Turoa/Ecological Zone.

### 3.3.10 Transportation Activities

- a. Commercial helicopter activities shall not be permitted to land in the Te Tai Ao Turoa/Ecological Zone as it applies to Taumaihi, Motuputa and the rocky islets beyond the Motiti shoreline. Commercial helicopter activities do not include access to these areas provided for Department of Conservation or Department of Internal Affairs staff or people acting with the written approval of the Department of Conservation or Department of Internal Affairs.
- b. Wharves, jetties, slipways/boatramps within the Te Tai Ao Turoa/Ecological Zone are provided for only at the Identified Landing Areas. Such activities shall comply with the following:
  - (i) Established or lawfully authorised activities are permitted and the layout of access within the area identified shall be in general accordance with Planning Map 4, Appendix 2, and shall be contained within the limits shown on the diagram.
  - (ii) Maintenance (as defined in Appendix 1) of existing wharves, jetties, slipways/boat ramps within the Identified Landing Area shall be a Permitted Activity.
  - (iii) Extensions to existing wharves, jetties, slipways/boat ramps within the Identified Landing Area shall be a Restricted Discretionary Activity.
  - (iv) New wharves, jetties, slipways/boatramps within the Identified Landing Area shall be a Restricted Discretionary Activity.
  - (v) Wharves, jetties, slipways/boatramps in the Te Tai Ao Turoa/Ecological Zone outside of the Identified Landing Areas shall be Non-Complying.

**ADVISORY NOTE:** Clearance of vegetation and earthwork activities are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

### 3.3.11 Roads and Accessways

The maintenance and upgrading of existing roads and accessways in the Te Tai Ao Turoa/Ecological Zone is a permitted activity and shall ensure that:

- a. Safe vehicular and pedestrian access is provided to every allotment/site the road or accessway serves.
- b. The road or accessway is constructed to a standard that ensures that stormwater drains freely from its surface to the sides clear of the surface.
- c. Any culverts or bridge structures required as part of the road or accessway are able to accommodate, as a minimum, a 20-year return period storm event.

- d. Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites, applies.

**ADVISORY NOTE:** The discharge of stormwater and the establishment of culverts and bridges constructed in conjunction with tracks and roads are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

### 3.3.12 Water Supply

- a. Water pump houses and structures ancillary to the taking of water from streams shall not exceed 5 m<sup>2</sup> in area and 2m in height,

**ADVISORY NOTE:** Taking, damming and diversion of water activities are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

## 3.4 Standards and Terms for Permitted Activities – Te Tai Whenua/Rural Zone

### 3.4.1 Bulk and Location – Setbacks

- a. All residential and visitor accommodation buildings, and buildings ancillary to these activities, shall be set back from the nearest site boundary by a minimum distance of 3.0m.
- b. All buildings, other than those stated in Rule 3.4.1(a) associated with any Rural Activity or Rural Support Activity shall be set back from the nearest site boundary by a minimum distance of 15m.
- c. All buildings shall be set back from the top cliff-edge by a minimum distance of two times the vertical height of the cliff.
- d. All buildings shall be set back from the bank of a permanently flowing waterway by a minimum distance of 10m.

Provided that, with respect to (a) and (b):

1. The following features may intrude into a building setback:
  - Eaves, up to 0.6m into the setback.
  - A porch, windbreak, chimney, external stairway, landing or unenclosed balcony, up to 0.6m into the setback, provided there shall be only one intrusion into each setback.
2. The building set back may be encroached on by any building or part of a building to a distance of:
  - 1.5m from the boundary for residential and visitor accommodation buildings.
  - 5.0m from the boundary for any other building.

and considered as a permitted activity, subject to the approval of the immediately adjoining property owner being provided in writing, endorsed on a copy of the building consent plans showing the encroachment, and submitted to the Territorial Authority for information.

### 3.4.2 Bulk and Location – Height

The height of any structures or buildings associated with a permitted activity on Motiti shall not exceed that listed in Table 3.3 (except where provided for elsewhere in the Plan):

**Table 3.3: Permitted Height**

Activity	Height of Buildings and Structures
Residential Activity	9 metres
Visitor Accommodation	9 metres
Rural Activity	12 metres
Rural Support Activity	12 metres
Buildings associated with any other activity	9 metres

Provided that the maximum height may be exceeded by not more than 10% of the specified dimension, as a permitted activity, subject to the approval of the immediately adjoining property owner being provided in writing, endorsed on a copy of the building plans showing the variation, and submitted to the Territorial Authority for information.

### 3.4.3 Bulk and Location – Overshadowing

No building or structure shall encroach through a plane formed by extending the line of the site boundary upwards for a height of 2.7m and then inwards over the subject site at an angle of 45 degrees to a point where it intersects with the maximum height plane for the activity proposed (see Figure 3.2). This rule shall apply to all site boundaries.

Provided that:

1. The following features may intrude through the overshadowing envelope within all activity areas.
  - Chimneys.
  - Ventilation shafts.
  - Roof water tanks.
  - Lift and stair shafts.

- Spires.
- Poles.
- Masts.
- Solar (photovoltaic) cells for generation of energy.
- Wind generator towers and turbines.

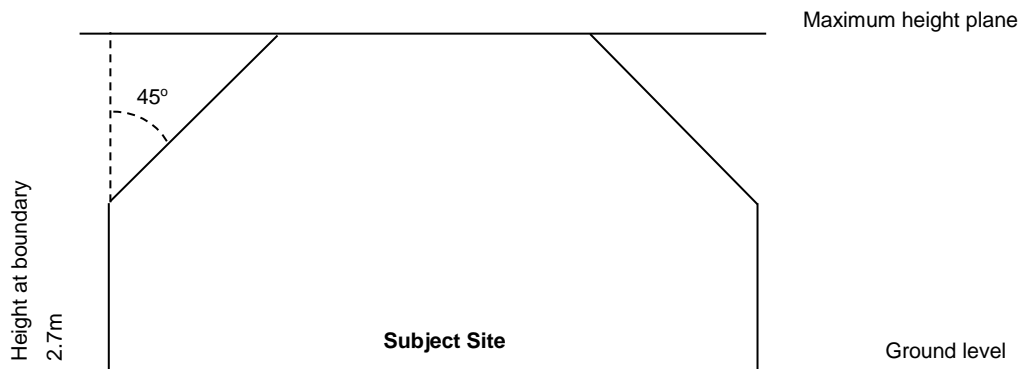
to a maximum of 3.0m above the permitted height for the activity to which they are associated, with a maximum cross-sectional dimension of 2m for each structure.

Only one such intrusion shall be permitted for each building, or site where the structure is not attached to a building.

**Except that**, for the purposes of this rule, where dimensions are specified for activities within Rule 3.2, the maximum dimensions related to those activities shall apply.

2. The overshadowing envelope may be varied by an encroachment of up to 0.5m, provided that the set backs required by Rule 3.4.3 are not reduced, subject to the approval of the immediately adjoining property owner being provided in writing, endorsed on a copy of the building plans showing the encroachment, and submitted to the Territorial Authority for information.

**Figure 3.2: Overshadowing Diagram**



#### **3.4.4 Island Character and Amenity – Natural Character:**

No activity shall result in:

- (i) The erection of any building, or structure requiring building consent, wastewater treatment and disposal systems and/or stormwater soakage systems.
- (ii) The clearance of more than 20m<sup>2</sup> of indigenous vegetation in any 12-month period.

- (iii) The removal of an indigenous tree greater than 6m in height.

Within:

1. 10m of the bank of any permanently flowing stream or river.
2. 10m of the edge of any wetland greater than 10m<sup>2</sup>.
3. 10m of the centreline of any identified stormwater overland flow path.
4. The limits identified in Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites.

**ADVISORY NOTE:** Clearance of vegetation and earthwork activities are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

### 3.4.5 Signs

- a. Only one sign shall be permitted on a site other than direction signs and signs required for health and safety purposes.
- b. The maximum height of any sign shall be 4m.
- c. The maximum area of any sign shall be 1m<sup>2</sup>.
- d. Any permitted sign, other than direction signs and signs required for health and safety purposes, shall relate only to the permitted activities located on the site but may be located anywhere on the site to which it relates.
- e. No sign shall be illuminated.

### 3.4.6 Wastewater Treatment and Disposal

New allotments or development shall have adequate provision for on-site treatment and disposal of wastewater provided that:

- a. The design and construction of any on-site wastewater treatment and disposal system shall:
  - (i) Be able to service the proposed use within the lot (or lots) that it serves.
  - (ii) Either:
    1. Be able to be contained within the lot (or lots) that it serves with no discharge beyond the boundary of the lot (or lots), or
    2. Be protected in perpetuity by an easement in favour of the lot (or lots) that it serves with no discharge beyond the boundary of the easement.
  - (iii) Be able to use gravity operation (where practicable).
  - (iv) Be able to provide safe and reasonable access for maintenance.

- b. Where a resource consent is required from the Bay of Plenty Regional Council for the on-site treatment and disposal of wastewater a copy of that consent shall be provided to the Territorial Authority before the approved system is built.
- c. No wastewater treatment facility or effluent discharge field shall be located, or discharge, within the limits identified in Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites.

**ADVISORY NOTE:** Wastewater disposal and treatment activities are required to be compliant with rules in the Bay of Plenty Regional On-Site Effluent Treatment Plan.

### 3.4.7 Stormwater

- a. New lots or development shall have adequate provision for the disposal of stormwater from the site subject to the following conditions:

The design and construction of any stormwater disposal system shall:

- (i) Not interrupt or constrain the natural discharge of stormwater from the catchment upstream of the subdivision or development.
  - (ii) Be able to convey stormwater to a lawful discharge point.
  - (iii) Be able to use gravity operation.
  - (iv) Be able to provide safe and reasonable access for maintenance.
  - (v) Ensure the secondary stormwater flowpaths are able to accommodate a 50-year return period storm event.
  - (vi) Be in accordance with the limits identified in Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites.
- b. Where a resource consent is required from the Bay of Plenty Regional Council for the treatment and disposal of stormwater a copy of that consent shall be provided to the Territorial Authority before the approved system is built.

**ADVISORY NOTE:** The discharge of stormwater is required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

### 3.4.8 Water Supply

- a. New allotments or development shall be supplied with water from rainwater tanks, bores or wells.
- b. Domestic water supply shall be capable of receiving and maintaining a potable supply which does not compromise the health and safety of residents.
- c. The use of water shall not compromise the ability of other lawfully established activities or activities that may be established as permitted activities to be supplied with a supply appropriate to that use.

**ADVISORY NOTE:** The take and use of groundwater, including the drilling of groundwater bores, is required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

#### **3.4.9 Solid waste**

- a. Solid waste shall not be disposed of within:
  - (i) 10m of the bank of any permanent running stream, pond or wetland.
  - (ii) 10m of the centreline of any stormwater overland flow path.
  - (iii) The limits identified in Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites.
  - (v) 2m (as measured by vertical separation) of any groundwater table.

**ADVISORY NOTE:** The discharge of solid waste is required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

#### **3.4.10 Earthworks**

- a. Earthworks (as defined in Appendix 1), in excess of 500m<sup>3</sup> up to the maximum volume provided for as a permitted activity by the operative provisions of the relevant Bay of Plenty Regional Plan undertaken in any 12 month period are permitted subject to compliance with the following conditions:
  - (i) Provision is made for the mitigation of dust nuisance by having available a water supply adequate to suppress dust across the area exposed, for delivery by water cart, sprinkler system, hose or similar, at all times during earthworks.
  - (ii) The exposed surface area is reinstated with grass, or other vegetation, or dust-free hard surface (such as compacted road metal) as soon as practicable after completion of the earthworks in the vicinity.
  - (iii) Provision is made for the collection and retention of stormwater runoff and treatment for the removal of sediment from stormwater runoff from the exposed area before the runoff is discharged to any permanent running water, pond, wetland or the sea.

**ADVISORY NOTES:**

1. Earthworks are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan which may require a resource consent from the Regional Council. Where a regional consent has been obtained for an earthworks activity, the conditions of that consent may satisfy the permitted activity standards in this Motiti Island Environmental Management Plan in relation to the same works. However, some effects of earthworks not directly addressed in the Regional Water and Land Plan, such as cultural effects, may still be subject to the rules of this Motiti Environmental Management Plan and consideration should be given to both plans.
2. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. The Historic Places Act 1993 contains penalties for unauthorised site damage. An applicant for resource consent or any person proposing to carry out works affecting any archaeological site is advised to contact the New Zealand Historic Places Trust for further information.
3. Activities, including earthworks, on or within known cultural heritage, historic and archaeological sites identified in Appendix 3 that are not permitted by Appendix 3 are deemed to be non-complying activities and would require resource consent (Rule 3.2.4).

**3.4.11 Use and Storage of Hazardous Substances**

- a. The use and storage of hazardous substances is not permitted within the limits identified in Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites.
- b. The use and storage of hazardous substances is limited to the following:

**Table 3.4: Permitted Hazardous Substances Quantities**

Hazardous Substance	Quantity allowed per 10ha of site area (or part thereof)
Diesel/Oil	2000 litres
Petrol/Flammable Liquids	500 litres
Detergents/Sanitiser/Bleaches	500 litres
Animal Remedies	400 litres/kg
Agricultural and Horticultural Chemicals	120 litres/kg

### 3.4.12 Private Radio and Telecommunication Masts, Aerials and Antenna

- a. Privately owned and operated radio and telecommunication masts, aerials and antenna, either free-standing or attached to any building or structure, shall comply with the following:
- (i) Radio and telecommunications masts shall be no greater than 9m high and shall have a maximum diameter of 1350mm.
  - (ii) Aerials shall be no greater than 4m high and 75mm in diameter.
  - (iii) Antenna dishes shall be no greater than 2.7m in diameter.
  - (iv) Panel antenna shall not exceed 2.5m high and 0.5m wide.

Provided that the total height of the mast and associated equipment shall not exceed 15m.

### 3.4.13 Roads and Accessways

The maintenance and upgrading of existing roads and the design and construction of new roads and accessways in the Te Tai Whenua/Rural Zone is a permitted activity and shall ensure that:

- a. Safe vehicular and pedestrian access is provided to every allotment/site the road or accessway serves.
- b. The road or accessway is constructed to a standard that ensures that stormwater drains freely from its surface to the sides clear of the road or accessway.
- c. Any culverts or bridge structures are able to accommodate, as a minimum, a 20-year return period storm event.
- d. Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites, applies.

**ADVISORY NOTE:** The discharge of stormwater and the establishment of culverts and bridges constructed in conjunction with tracks and roads are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.

### 3.4.14 Transportation Activities

The maintenance and upgrading of existing, and the design and construction of new, helicopter landing areas and airstrips in the Te Tai Whenua/Rural Zone is a permitted activity and shall ensure that:

- a. Safe vehicular and pedestrian access is provided to the helicopter landing area or airstrip and the safe operation of existing helicopter landing areas or airstrips is maintained.
- b. The helicopter landing area or airstrip is constructed to a standard that ensures that stormwater drains freely from its surface to the sides clear of the surface of the landing area or airstrip.
- c. Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites, applies.

### 3.4.15 Permitted Activities – Maungaroa Identified Cultural Landscape Feature

#### a. Extent of Maungaroa

The Maungaroa Identified Cultural Landscape Feature (ICLF) is the area of land extending from the crest of the feature on the east coast of Motiti to Tohu o Punui (A14), and then to the easternmost corner of the track on Lot 1 DP 414360<sup>6</sup>, then following that track to the boundary of the right-of-way easement at the south end of the southern airstrip, and then to the west coast of Motiti following the crest of the landform (ie the centre point between the highest adjacent contour lines), as shown on Planning Map 3, and in Appendix 3 as M43.

The centreline of the area is defined generally by the highest ground level along the alignment and, specifically over Lot 1 DP 414360, by the centre of the farm track. It incorporates an area fifteen metres to either side of the centreline.

For the purposes of this Rule the Maungaroa Feature is divided into three parts:

- A The area identified around Cultural Heritage site A14, Tohu o Punui.
- B The area from the eastern boundary of Lot 1 DP 414360 to the eastern boundary of the right-of-way over Lot 1 DP 414360 bordering the MAL airstrip.
- C The balance of the area shown on Planning Map 3 and as the Identified Cultural Landscape Feature M43 in Appendix 3.

For the avoidance of doubt this rule is applied to areas A and B above. Area C is shown indicatively to assist and provide guidance in the assessment of cultural values where this may be necessary in the future. All activities permitted in area C of the Maungaroa ICLF are subject to the permitted activity standards and terms listed in Sections 3.2, 3.3 and 3.4 of the Plan, excluding Rule 3.2.4.

#### b. Permitted Activities on Maungaroa

Notwithstanding that an activity may otherwise be permitted in the underlying zone, permitted activities in areas A and B of the Maungaroa ICLF are limited to:

- Accessory activities associated with an activity permitted in the Maungaroa area
- Building demolition or site works associated with the development of the land for a permitted activity or approved subdivision
- Clearance of exotic vegetation
- Conservation activities
- Disturbance or removal of contaminated soil as listed as a permitted activity in Table 3.1
- Earthworks up to the maximum volume provided for as a permitted activity by the operative provisions of the relevant Bay of Plenty Regional Plan

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<sup>6</sup> Legal Descriptions referenced in this Rule as at 17 October 2014.

- Roads and accessways – Existing as at 30 September 2013
- Roads and accessways – New
- Rural activities including cultivation
- Rural support activities
- Temporary activities
- Transportation activities
- Trig Stations.

Provided that:

1. No buildings are permitted within areas A and B of the Maungaroa ICLF (apart from the existing trig station).
- c. Permitted Activity Standards and Terms on Maungaroa
- (i) Where relevant, all activities permitted in area A of the Maungaroa ICLF are subject to the permitted activity standards and terms listed in Sections 3.2, 3.3 and 3.4 of the Plan, including Rule 3.2.4.
  - (ii) Where relevant, all activities permitted in area B of the Maungaroa ICLF are subject to the permitted activity standards and terms listed in Sections 3.2, 3.3 and 3.4 of the Plan, except for Rule 3.2.4, unless otherwise provided for in this rule.
  - (iii) Shelter within, or in the vicinity of, Area A
    1. No new shelter belts or artificial shelter running in an east / west direction can be established on the south side of Maungaroa within area A of the Maungaroa ICLF overlay area.
    2. No new shelter belts or artificial shelter can be established on Motiti A2A, Motiti A2B1 and Motiti A2B2 to the north of area A of the Maungaroa ICLF where these will obstruct the view of the Karioi Marae as seen from 1.5 metres above the ground level at the highest point of Tohu o Punui (A14).
    3. No new shelter belts or artificial shelter running in an east / west direction can be established on Motiti A blocks to the south of area A of the Maungaroa ICLF where these will obstruct the view of the mainland coast as seen from 1.5 metres above the ground level at the highest point of Tohu o Punui (A14).
  - (iv) Shelter within, or in the vicinity of, Area B
    1. The existing shelter belt running east/west located within area B of the Maungaroa ICLF shall be maintained at no more than 10 metres in height measured from ground level.
    2. No new shelter belts or artificial shelter running in an east / west direction can be established within area B of the Maungaroa ICLF overlay area.

3. No new shelter belts or artificial shelter running in an east / west direction can be established south of area B of the Maungaroa ICLF where these will obstruct the view of the mainland coastline as seen from 1.5 metres above ground level at the track within area B.

For the avoidance of doubt, neither shelter belts running north / south nor the replacement of existing shelter are covered by the requirements relating to area B of the Maungaroa ICLF.

- (v) Disturbance, modification or destruction of the surface of the land within area A of the Maungaroa ICLF is subject to Rule 3.2.4.
- (vi) Disturbance, modification or destruction of the surface of the land within area B of the Maungaroa ICLF associated with the following listed activities shall be undertaken by approved contractors.
  1. Accessory activities associated with the following activities permitted in the Maungaroa area
  2. Roads and accessways – Existing as at 30 September 2013
  3. Roads and accessways – New
  4. Rural, or rural support, activities limited to:
    - Cultivation,
    - Irrigation pipes (no more than 500mm below ground)
    - Ground water probes
    - Stump Grinding
  5. Transportation activities
- (vii) Approved Contractors, including staff and machinery operators, will need to demonstrate that:
  1. They have been provided with and are aware of the relevant maps and heritage schedule details for any sites which may be impacted by the works.
  2. They are aware of the requirements of the Historic Places Act with regard to any identified or unidentified sites.
  3. They are aware and will adopt protocols for notification of iwi and hapu in the event that any archaeological sites are found.
- (viii) For any activity, other than the activities listed in (vi) above, that would result in the disturbance, modification or destruction of the surface of the land within Area B of the Maungaroa ICLF:
  1. A cultural expert recognised as being an expert for the identified site shall be consulted before any proposed activity is undertaken to determine whether cultural monitoring is required.

2. Where recommended by the cultural expert cultural monitoring of the identified area shall be undertaken while the activity is being implemented, and
3. Any recommendations resulting from the cultural monitoring that are relevant to the actual or potential effects of the activity on the cultural values of the site shall be provided to the Territorial Authority in writing and shall be implemented.
4. Where cultural monitoring is not recommended a letter endorsed by the cultural expert stating that no cultural monitoring is required shall be provided to the Territorial Authority.

#### **3.4.16 View Shaft from Tohu o Punui (A14)**

- a. A view shaft from Tohu o Punui (shown as A14 on Planning Map 3 and being located at the existing Trig Station) to Mauao encompassing an arc from a bearing of 268° to a bearing of 273° shall be maintained to the effect that no activity permitted in the underlying zone shall result in any obstruction of the view of Mauao from Tohu o Punui.
- b. Non-compliance with this rule shall result in the activity being considered as a Non-Complying Activity.

### **3.5 Controlled Activities - All Zones**

#### **3.5.1 Subdivision – Standards and Terms**

Subdivision of land is provided for as a controlled activity for the following, subject to the standards, terms and matters of control contained below and other relevant rules in the Plan:

- a. Boundary Adjustments of Existing Titles

The average area requirements will not apply to a subdivision for the adjustment or relocation of boundaries provided that:

- (i) No additional lot is created.
- (ii) The subdivision does not create a lot that does not meet the intensity requirements of the Plan, subject to any TDRs accumulated or donated.
- (iii) The boundary adjustment or relocation shall not prevent or restrict any lawfully established access rights to/from either, the central airstrip or, any alternative permanent airstrip, or an identified landing jetty/wharf.
- (iv) The subdivision complies with at least one of the following:
  1. The adjustment or relocation of boundaries will leave all lots with the same or similar areas.

2. The adjustment or relocation of boundaries will not lead to, nor increase the degree of, nonconformity of any existing lot with the subdivision provisions for the zone.
  3. The adjustment or relocation of boundaries will rationalise boundaries that are clearly not in accordance with existing land use and management.
- b. Other Complying Permitted or Lawfully Established Activities:
- (i) Lots may be created to accommodate:
    1. An existing or proposed permitted activity.
    2. An activity for which a resource consent has been granted.
    3. An activity which has been otherwise lawfully established.
  - (ii) Lots shall be designed, and access provided, to ensure the principal use and all ancillary buildings and activities can be accommodated, that the use can comply with the conditions of any land-use consent and is of sufficient size to allow any required landscaping or amenity works. There is no minimum site area requirement provided the subdivision complies with the Environmental Management Rules for Motiti (Chapter 3) where applicable.
  - (iii) Provided that the subdivision does not create a lot that does not meet the intensity requirements of the Plan.
- c. Landscape, Cultural, Archaeological, Heritage or Indigenous Vegetation Protection Allotments/Partitions:
- (i) An allotment/partition may be created for the legal protection in perpetuity of a significant landscape, wildlife habitat, cultural heritage, historic or archaeological feature or indigenous vegetation native bush area.
  - (ii) The establishment of a protection lot pursuant to this section shall not reduce the development entitlement of the parent lot.
  - (iii) The establishment of a protection lot under these provisions does not reduce the development entitlement of the parent lot prior to the creation of the protection lot nor does it confer the right to erect a dwelling on either the parent lot or the new lot created where that right does not previously exist.
  - (iv) The area remaining after the subdivision of the protection lot shall, as a minimum, be sufficient to provide for any existing and permitted development in accordance with the rules of the Plan but does not have to comply with the 10 ha average.
  - (v) A report prepared by a recognised independent expert in the relevant field of assessment shall be submitted as part of the subdivision application detailing attributes of the feature or native bush area to be protected and recommending any measures needed to maintain these attributes for the

benefit of the community. The implementation of any recommended measures may be achieved by way of a condition imposed on the subdivision consent. All costs associated with such measures shall be met by the applicant.

- (vi) Legal protection of the feature or indigenous vegetation area shall be achieved by a condition of subdivision consent requiring a Memorandum of Encumbrance or similar registerable legal instrument acceptable to the Territorial Authority being registered on the title of the subject land. All relevant consent documents are to be prepared by the Territorial Authority's solicitors with all costs being borne by the applicant.
- (vii) "Feature" in this context means any natural landscape, wildlife habitat, natural or built cultural heritage, historic or archaeological feature, site, or structure, identified as worthy of protection by a recognised independent expert in the relevant field of assessment.
- (viii) "Indigenous vegetation area" in this context means a contiguous area of at least 2ha of wholly or predominantly indigenous vegetation.

d. Network Utilities:

- (i) The minimum standards for subdivision shall not apply in the case of land required for network utilities.

e. Amalgamation of Titles:

- (i) In any area the minimum standard for subdivision shall not apply where two, or more, existing titles are amalgamated.

f. Subdivision of land for dwelling units where:

- (i) The parent lot is equal to or greater than 20ha in area, and
- (ii) The recipient lot is within one of the four identified Cluster Development Areas (shown as Areas A, B, C and D, on the Planning Maps).
- (iii) Development intensity for the subdivision of new lots for residential activities shall not exceed an average of 1 dwelling unit per 10ha of site area.

**For the avoidance of doubt:**

Where applicable, the area of land within the site area that falls within the Te Tai Ao Turoa/Ecological Zone shall be included in the assessment of development intensity but no new residential activity shall be located within the area.

- g. No controlled activity subdivision shall be undertaken in a way that results in the establishment of a site for a residential activity in the Te Tai Ao Turoa/Ecological Zone

### 3.5.2 Subdivision – Site Suitability, Matters of Control and Resource Consent Conditions

a. Site Suitability:

In addition to the site suitability criteria and standards and terms for permitted activities provided in this Plan the following shall apply to all controlled activity subdivisions:

- (i) Allotments created by subdivision shall be suitable for the anticipated land use, and the site capable of being serviced and developed, in accordance with the provisions of the Plan and the Resource Management Act.
- (ii) The lot size for residential allotments, shall be as large as is required to service the site by an approved onsite effluent treatment disposal system or an off-site shared system is provided in accordance with these rules, and the location of boundaries shall otherwise result in an area developed in accordance with the rules of the Plan, subject to a maximum recipient lot size of 1 hectare.
- (iii) Access

All new lots created shall be provided with practical vehicular access by legal right-of-way or access lot registered against the certificate of title of the lots created, to/from either, the central airstrip or, any alternative permanent airstrip, and at least one identified landing jetty/wharf.

- 1. The minimum width of any right-of-way or access lot shall be 6m provided that the Territorial Authority may require additional width for the provision of drainage or other services and batter slopes if the access is either raised or cut into a hillside.
  - 2. The access shall be formed in accordance with the rules of the Plan to a width of at least 3m over the full length of the right-of-way or access lot.
  - 3. Such access is to be maintained by all parties who have an easement for access.
- (iv) All new lots created shall be developed and serviced in accordance with the rules of this Plan.
  - (v) The subdivision and consequent alienation of land for network utilities shall not reduce the development entitlement of the underlying site.

**NOTE:**

No Esplanade Reserves or Strips are required on subdivision for the following reasons:

1. Public access is not appropriate as the coastline is dangerous and the adjacent land is held in private title.
2. Frontage to the sea provides the only right of access to many of the allotments on Motiti.
3. The bulk of the adjacent certificates of title are greater than 4 ha in area and are therefore not required to provide an Esplanade Reserve on subdivision.

(vi) Subdivision and Transferable Development Rights:

1. No lot may be subdivided for a dwelling unit in a way that does not meet the intensity requirements of the Plan, except where an appropriate transferable development right (TDR) has been acquired and a covenant, or consent notice, is registered on all donor and recipient certificates of title defining the number and extent of the TDRs agreed upon.
2. Each new lot created shall be large enough to provide for the practical establishment of the intended residential activity, in accordance with the rules of this Plan for permitted activities, or the conditions of a duly authorised resource consent.
3. Each new lot created for a single dwelling unit shall not be larger than 1ha.
4. The right to develop each site for residential activities may be accumulated, or transferred to alternative development sites, subject to the following standards and terms:
  - The donor of the building development right may provide no more than the equivalent of 1 dwelling unit per 10ha of donor site area less any dwelling units existing on the donor site at the time of the transfer (see Figure 3.1: Example TDR Calculation).
  - The transfer shall be recorded against the certificate of title of both the donor site and the recipient site by way of a covenant clearly specifying the total number of dwelling unit entitlements transferred, where they originate from, where they are to be utilised and, in the case of the donor title, the balance development right (if any), remaining with that title.
  - A copy of the agreed transfer shall be provided to the Territorial Authority prior to registration of the covenants and a copy of the certificates of title shall be provided following registration of the covenants for the Territorial Authority's records. The Territorial

Authority's records are to be freely available to the public at all times.

- All development on the recipient site shall be shown to comply with the rules of the Plan for permitted and controlled activities, including the TDR, or the conditions of a duly authorised Resource Consent, prior to registration of the covenants on the subject certificates of title.
- Recipient sites shall be located within the areas identified on the Planning Maps as Area A: Karioi, Area B: Wills 1, Area C: Motiti Avocados 1 and Area D: Motiti Avocados 2.
- No development rights may be transferred from multiple-owned Maori Freehold Land.
- The right to develop one dwelling unit per certificate of title as a permitted activity cannot be transferred to another title area.

### Figure 3.3: Example Subdivision

Lot A has a site area of 20ha and therefore has a development entitlement of 2 dwelling units at 1 dwelling unit per 10.0ha (without acquiring Transferable Development Rights).

Lot A may be subdivided into 2 separate titles with no minimum lot size except that the new lots must be large enough to allow for the development of a dwelling unit subject to the rules of the plan related to bulk and location, island character and amenity, wastewater treatment and disposal, stormwater, water supply and roading. A maximum lot size is specified of 1 hectare.

A covenant or consent notice shall be registered on the certificate of title for each lot defining the limits of further subdivision unless subject to Transferable Development Rights.

#### **Transferable Development Rights (TDRs):**

Lot A has a site area of 20ha and therefore has a development entitlement of 2 dwelling units at 1 dwelling unit per 10.0ha.

Lot A has 1 existing dwelling unit on the site and may therefore transfer an entitlement of 1 dwelling unit to any other site in an identified recipient area.

Once the 1 unit is transferred no further development of dwelling units or dwelling unit equivalents, or subdivision, is possible as-of-right, or as a restricted discretionary activity, on Lot A. No lot may receive a TDR beyond the stated permitted activity density without a resource consent.

#### b. Matters of Control:

For all controlled subdivisions the matters over which the Territorial Authority reserves control and to which conditions may be applied are:

- (i) Suitability for proposed development.

- (ii) Setbacks, overshadowing, height.
- (iii) Site shape, location, size and orientation.
- (iv) Proximity to neighbouring activities – effects generated by proposed activities on the site and the sensitivity of proposed activities on the site to effects generated from off the site.
- (v) Island character and amenity – natural character, wildlife habitats, protection of natural features and landscape.
- (vi) Provision of services for the collection, treatment and disposal of wastewater.
- (vii) Collection, treatment and disposal of stormwater.
- (viii) Provision of water supply for domestic and fire-fighting purposes.
- (ix) Earthworks.
- (x) Natural hazards.
- (xi) Proposed restoration/remediation.
- (xii) Access and roading.
- (xiii) Cultural heritage, historic and/or archaeological features, including the provision of access to accommodate bona fide requests from members of the public to visit these sites or features.
- (xiv) The recommendations of any accompanying specialist report with regards to land stability, natural hazards, landscape, cultural heritage, archaeology or detailed engineering provisions for services, roading and access.
- (xv) Development Intensity including the transfer of development rights, the provision for the recipient title to be transferred from the parent lot to a recipient title within a Cluster Development Area and for the dwelling to be located in this area.
- (xvi) The requirement for and conditions of a financial bond:
- (xvii) The timing and nature of the review of the conditions in the resource consent:
- (xviii) The duration of the resource consent.

### **3.5.3 Contaminated Soil – Standards and Terms, Matters of Control**

- a. Removing or replacing fuel storage system, sampling soil, or disturbing soil:
  - (i) If a requirement described in Rule 3.2.11 (a) – (c) is not met, the activity is a controlled activity while the following requirements are met:
    - 1. a detailed site investigation of the piece of land must exist:

2. the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:
  3. the consent authority must have the report:
  4. conditions arising from the application of the matters over which control is reserved, if there are any, must be complied with.
- (ii) The matters over which control is reserved are:
1. the adequacy of the detailed site investigation, including—
    - site sampling:
    - laboratory analysis:
    - risk assessment:
  2. how the activity must be:
    - managed, which may include the requirement of a site management plan:
    - monitored:
    - reported on:
  3. the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:
  4. the timing and nature of the review of the conditions in the resource consent:
  5. the duration of the resource consent.
- b. Subdividing or changing land use:
- (i) If a requirement described in Rule 3.2.11(d) is not met, the activity is a controlled activity while the following requirements are met:
1. a detailed site investigation of the piece of land must exist:
  2. the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:
  3. the consent authority must have the report:
  4. conditions arising from the application of the matter over which control is reserved, if there are any, must be complied with.

- (ii) The matter over which control is reserved is the adequacy of the detailed site investigation, including:
  - 1. site sampling:
  - 2. laboratory analysis:
  - 3. risk assessment.
- c. No public notification of application for resource consent:
  - (i) The consent authority shall not give public notification of an application for a resource consent to disturb or remove contaminated soil as a controlled activity.

#### **3.5.4 Land Use – Standards and Terms, Matters of Control**

- a. Second dwelling units on a single certificate of title where the lot is equal to or greater than 20ha in area:
  - (i) Standards and Terms:
    - 1. Development intensity for the establishment of a second dwelling on an existing lot shall not exceed an average of 1 dwelling unit per 10ha of site area.
    - 2. All other relevant standards for permitted residential activities and dwelling units in the Te Tai Whenua/Rural Zone shall apply.

#### **For the avoidance of doubt:**

Where applicable, the area of land within the site that falls within the Te Tai Ao Turoa/Ecological Zone shall be included in the assessment of development intensity but no new residential activity shall be located within the area.

- (ii) Matters of Control:
  - 1. Where relevant; Matters of Control which shall apply to second dwelling units on a single certificate of title are the same as the Matters of Control for Controlled Activity subdivision (Rule 3.5.2(b)):
  - 2. All relevant matters listed as Standards and Terms for Permitted Activities (Rules 3.2, 3.3 and 3.4):
  - 3. The potential for any adverse effects on the landscape including, but not limited to, the impacts of buildings located on or near the tops of localised high points in the landscape:
  - 4. Any other relevant matter listed in Rule 3.6.2(a).

b. Papakainga within the Karioi Cluster Development Area:

(i) Standards and Terms:

1. Papakainga development for the second and subsequent dwelling on a lot or partition or certificate of title within the Karioi Cluster Development Area is a controlled activity and is not required to comply with the intensity standards for subdivision and second dwellings (Rule 3.5.2):
2. Each new dwelling within the Papakainga shall be supplied with a domestic water supply which does not compromise the health and safety of residents:
3. New dwellings within the Papakainga shall have adequate provision for on-site treatment and disposal of wastewater provided that:
  - The design and construction of any on-site wastewater treatment and disposal system shall be able to service the proposed use within the lot (or lots) that it serves:
  - Be able to use gravity operation (where practicable):
  - Be able to provide safe and reasonable access for maintenance.
4. Rule 3.2.4, Cultural Heritage, Historic and Archaeological Sites, applies:
5. Any other relevant standards for permitted residential activities and dwelling units in the Te Tai Whenua/Rural Zone shall apply.

(iii) Matters of Control:

1. Matters of Control which shall apply to Papakainga in the Karioi Cluster Development Area are the same as the Matters of Control for Controlled Activity subdivision (Rule 3.5.2(b)), with the exception of Development Intensity (Rule 3.5.2(b)(xv)):
2. Any other relevant matter listed as standards and terms for Permitted Activities in Rules 3.2 and 3.4:
3. Any other relevant matter listed in Rule 3.6.2(a).

c. Worker Accommodation:

(i) Standards and Terms:

1. A site plan, floor plan and elevations of any worker accommodation facility shall be provided detailing use of all internal rooms, the appearance of the building and its relationship to adjacent buildings and land uses:
2. The expected occupation rates (total number of workers, duration and frequency of occupation) shall be quantified in terms of the specific rural production activity which requires rural worker occupation:

3. A mechanism to record occupancy in accordance with the specific rural production activities and management shall be provided.
- (ii) Matters of Control:
1. Matters of Control which shall apply to worker accommodation are those relevant listed as Matters of Control for Controlled Activity subdivision (Rule 3.5.2(b)),
  2. The suitability of the design provided in the plans for worker accommodation,
  3. The suitability of the mechanism to record occupancy including reporting and review conditions,

**NOTE:** Managers' residences and accommodation for full time staff will be assessed as a standard dwelling in accordance with the rules of this Plan.

### 3.5.5 Resource Consent Conditions

In granting consent for a controlled activity, the Territorial Authority may impose such conditions on the Resource Consent as necessary to avoid, remedy or mitigate any adverse environmental effects that may be generated by the proposal, in relation to those matters over which control has been retained. This may also include conditions that create positive effects on the environment offsetting any adverse effects associated with the activity.

The applicant may suggest possible resource consent conditions to address adverse environmental effects and which the applicant feels would be acceptable. Any such submission should be included with the application and be clearly identified in the applicant's Assessment of Environmental Effects.

#### Figure 3.4: Example Conditions of Consent for Subdivision

As a guide the consent authority may apply, but is not limited to, the following types of conditions on subdivision:

- (i) Services designed and constructed to serve the subdivision in accordance with the requirements of the Territorial Authority, including engineering drawings and "as-built" plans.
- (ii) Administrative charges for any specified matter under Section 36 of the Resource Management Act 1991.
- (iii) Covenants, performance bonds or encumbrances in respect of the performance of any condition relating to the development or use of the subject land.
- (iv) An amalgamation of land parcels, or amendments to the shape and/or configuration of allotments.
- (v) A requirement that any easement be duly granted or reserved.

- (vi) Filling and/or compaction of land and earthworks, to be carried out to the satisfaction of the Territorial Authority, or any recommendations of any relevant report on site conditions.
- (vii) Geotechnical investigations of site suitability.
- (viii) Any allotment may be subject to a requirement as to the bulk, height, location, foundations, or height of floor levels of any structure on the allotment.
- (ix) The protection of significant cultural heritage resources and/or archaeological resources within a subdivision through a covenant or consent notice.
- (x) The protection of natural features, wildlife habitat or landscape by fencing.
- (xi) Any mitigation measures necessary to protect heritage resources.
- (xii) The recording (and research where appropriate) of a cultural heritage, historic and/or archaeological resource be undertaken by a suitably qualified person before any demolition or destruction occurs and copies given to the Territorial Authority and the New Zealand Historic Places Trust.
- (xiii) Where a cultural heritage, historic and/or archaeological site is being subdivided, a suitably qualified person monitors any site work at the expense of the applicant.
- (xiv) Where a previously unrecorded cultural heritage, historic and/or archaeological site or item is found, all physical works on the site shall stop and an appropriate course of action shall be determined for the future management or development of the site or item, including where appropriate, consultation with tangata whenua and the New Zealand Historic Places Trust. Written notification to the New Zealand Archaeological Association File Keeper shall also be required.
- (xv) Any mitigation measures necessary to address natural hazards. These may include:
  - 1. The siting, location and orientation of building allotments.
  - 2. Percentage of permeable areas or means of surface water disposal.
  - 3. Physical measures such as requirements for structural modifications specified building design and materials.
  - 4. Fencing around areas subject to natural hazards.
- (xvi) The Territorial Authority may grant a subdivision consent subject to a condition that any buildings that do not conform be removed or modified to comply with relevant conditions.
- (xvii) That a consent notice be issued for both the parent and recipient lots that further subdivision of a site may not occur once the initial subdivision consent

has been implemented and new certificates of title have been issued.

- (xviii) Any mitigation measures necessary to address contaminated soils.
- (xix) The requirement for and conditions of a financial bond.
- (xx) The timing and nature of the review of the conditions in the resource consent.
- (xxi) The duration of the resource consent.
- (xxii) Where relevant, on subdivision, a consent notice shall be registered on the certificates of title of the new lots created requiring that the owners of those lots shall accommodate bona fide requests from members of the public by permitting visitation to known historic sites so that the cultural significance, archaeological value or other attributes of such sites may be appreciated and enjoyed.  
The owners of the new lots created shall not be required to give access to any particular historic site to members of the public if such access will compromise the efficient land management and good farming practice pertaining to those areas through which access is requested. Such limitation on access shall not exceed a reasonable period of time in relation to the management of the land that is the reason for the limitation.  
The owners may impose reasonable conditions on the terms of any visit, including conditions relating to:
  - The length of notice required before the visit takes place
  - The number of persons entitled to make the visit
  - The time of visit and duration of the stay
  - The number of visits per year
  - The purpose of the visit.

### 3.5.6 Information Requirements

In addition to the information required pursuant to Chapter 2 of this Plan, or any other provisions of the Plan, the following information may be required to fully assess the actual and/or potential effects of the proposed land-use, development or subdivision.

- a. A report from a suitably qualified geotechnical engineer to confirm the suitability of the proposed site for the proposed activity.
- b. A report from a suitably qualified landscape specialist on the visual and landscape effects of the proposed land-use activity or subdivision with particular regard to the effects on the appearance of Motiti when viewed from off-shore and the impacts of buildings located on or near high points on the island.
- c. A report from a suitably qualified archaeologist on the effects of the proposed land-use or subdivision on the archaeological values of the site of the proposed activity.

- d. A report from a recognised pukenga (expert in cultural heritage values) on the effects of the proposed land-use or subdivision on the cultural heritage values of the site of the proposed activity.
- e. Any application for papakainga or subdivision within a Cluster Development Area shall be required to submit a report from a suitably qualified expert to assess the specific water supply requirements for the completed cluster development. This report shall include but not be limited to:
  - (i) An assessment of annual rainfall and rainfall during peak occupancy and dry periods, in association with roof area catchment calculations,
  - (ii) The actual water supply demand based on intended occupancy (head per dwelling and duration) with identified contingency factors for excess occupancy,
  - (iii) Any construction or building design requirements to effectively manage water supply use, i.e. grey water recycling, low flush toilets,
  - (iv) The ability of community or back up storage solutions for the housing cluster including any arrangements for water truck supply,
  - (v) The need for and extent of any water take which may be required to supplement the water supply.

## **3.6 Restricted Discretionary Activities**

### **3.6.1 Restricted Discretionary Activities**

- a. The erection of any building, or structure requiring a building consent, closer than two times the vertical height of the cliff to the top cliff-edge closest to the proposed building or structure.
- b. Permitted earthworks that do not meet the performance standards for permitted activities.
- c. Earthworks that are not listed as a permitted activity.
- d. New wharves, jetties, slipways/boat ramps or extensions to existing structures associated with an Identified Landing Area.
- e. New Roads and Accessways in the Te Tai Ao Turoa/Ecological Zone (Identified Landing Areas).
- f. Artificial wind shelter with cloth other than green or black within the Te Tai Ao Turoa/Ecological Zone.
- g. Disturbance or removal of contaminated soil involving the following activities:
  - (i) the development of land where the risk to human health from soil contamination exceeds the applicable soil contaminant value in the current

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

- (ii) activities described as controlled activities that cannot comply with the controlled activity standards, requirements or matters of control.
- h. Activities listed in this Plan as Permitted, Controlled or Restricted Discretionary, undertaken on previously unrecorded cultural heritage, historic and/or archaeological sites and/or sites not included in Appendix 3.

**3.6.2 Matters of Discretion – Land-use Activities**

- a. For all restricted discretionary land-use activities the matters over which the Territorial Authority reserves discretion and to which conditions may be applied are:
  - (i) All relevant matters listed as Matters of Control for Subdivision (Rule 3.5.2(b)).
  - (ii) All relevant matters listed as Standards and Terms for Permitted Activities (Rules 3.2, 3.3 and 3.4).
  - (iii) Matters of land stability in relation to the potential effects of the earthworks, building, structure, wharf, jetty, slipway/boatramp or associated road or accessway, on the cliff-edge.
  - (iv) The potential for adverse effects of land slippage on the building, structure, wharf, jetty, slipway/boatramp or associated road or accessway.
  - (v) The disposal of stormwater and wastewater and the potential for adverse effects of that disposal on the stability of the cliff-edge.
  - (vi) Earthworks proposed in association with the building, structure, wharf, jetty, slipway/boatramp or associated road or accessway and the potential for adverse effects of those earthworks on the stability of the cliff-edge.
  - (vii) The location of any access ways proposed in association with the building, structure, wharf, jetty, slipway/boatramp or associated road or accessway and the potential for adverse effects of those access ways on the stability of the cliff-edge.
  - (viii) The potential for adverse effects on sites of cultural heritage, historic and/or archaeological significance.
  - (ix) In regard to artificial wind shelters in the Te Tai Ao Turoa/Ecological Zone the adverse visual effects of the wind shelter when viewed from 1km off shore and how the effects are proposed to be mitigated to the effect that the identified outstanding and regionally significant landscapes are maintained.
  - (x) Island character and amenity – natural character, wildlife habitats, protection of natural features and landscape.

- (xi) For activities undertaken on previously unrecorded cultural heritage, historic and/or archaeological sites and/or sites not included in Appendix 3:
1. The actual or potential effects of the activity on the cultural heritage, historic or archaeological values of the site, and
  2. All other permitted activity standards and terms, matters of control or matters of discretion that may otherwise apply to the activity.

**ADVISORY NOTES:**

1. Earthworks are required to be compliant with rules in the Bay of Plenty Regional Water and Land Plan.
2. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. The Historic Places Act 1993 contains penalties for unauthorised site damage. An applicant for resource consent or any person proposing to carry out works affecting any archaeological site is advised to contact the New Zealand Historic Places Trust for further information.

**3.6.3 Contaminated Soil**

- a. Restricted Discretionary Activity Standards and Terms:

The disturbance or removal of contaminated soil is a restricted discretionary activity while the following requirements are met:

- (i) a detailed site investigation of the piece of land must exist:
- (ii) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:
- (iii) the consent authority must have the report:
- (iv) conditions arising from the application of the matters of discretion, if there are any, must be complied with.

- b. Matters of Discretion:

The matters over which discretion is restricted are as follows:

- (i) the adequacy of the detailed site investigation, including:
  1. site sampling:
  2. laboratory analysis:
  3. risk assessment:

- (ii) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:
- (iii) the approach to the remediation or ongoing management of the piece of land, including:
  - 1. the remediation or management methods to address the risk posed by the contaminants to human health:
  - 2. the timing of the remediation:
  - 3. the standard of the remediation on completion:
  - 4. the mitigation methods to address the risk posed by the contaminants to human health:
  - 5. the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:
- (iv) the adequacy of the site management plan or the site validation report or both, as applicable:
- (v) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:
- (vi) the requirement for and conditions of a financial bond:
- (vii) the timing and nature of the review of the conditions in the resource consent:
- (viii) the duration of the resource consent.

#### **3.6.4 Information Requirements and Resource Consent Conditions**

In addition to the information required pursuant to Chapter 2 of this Plan the following information may be required to fully assess the actual and/or potential effects of the proposed activities and conditions may be imposed to mitigate those effects:

- a. A report from a suitably qualified geotechnical engineer to confirm the suitability of the proposed site for the building, structure, wharf, jetty, slipway/boatramp or associated road or accessway and the potential for adverse effects of the building, structure, wharf, jetty, slipway/boatramp or associated road or accessway on the stability of the land including (but not necessarily limited to) construction, preparing foundations, disposal of stormwater, disposal of wastewater and preparation of access tracks or roads.
- b. A report from a suitably qualified landscape specialist on the visual and landscape effects of the proposed subdivision or land-use activity with particular regard to the effects on the appearance of Motiti when viewed from off-shore and the impacts of buildings located on or near high points on the island.
- c. A report from a suitably qualified archaeologist on the effects of the proposed land-use or subdivision on the archaeological values of the site of the proposed activity.

- d. A report from a recognised pukenga (expert in cultural heritage values) on the effects of the proposed land-use or subdivision on the cultural heritage values of the site of the proposed activity.
- e. Conditions may be imposed to avoid or mitigate the actual and/or potential adverse effects identified in the specialist reports provided including (but not necessarily limited to) the recommendations provided in the specialist reports, location of the activity, buildings, structures or site boundaries, form and/or method of construction, foundations, restrictions on the location of access, wastewater and stormwater treatment and disposal areas and setback of the building or structure from cultural or archaeological sites and/or the top cliff-edge closest to the proposed building or structure.

### 3.7 Discretionary Activities

In addition to any activity listed as a Discretionary Activity in Table 3.1 the following shall also be Discretionary activities:

- a. Any permitted land-use activity that does not comply with the rules of the Plan for permitted activities shall be a discretionary activity unless otherwise provided for as a controlled, restricted discretionary, discretionary or non-complying activity.

**NOTE:** Any permitted activity that does not comply with the permitted activity conditions listed in Rules 3.2, 3.3 and 3.4, shall be considered as a full discretionary activity (unless otherwise stated in the Plan) to allow an assessment to be made of the effects of the activity as a whole.

### 3.8 Non-Complying Activities

In addition to those activities listed as Non-complying activities in Tables 3.1 and 3.2 the following shall also be Non-complying activities:

- a. Any activity, including subdivision, that is not listed as a permitted or controlled activity, or provided for as a restricted discretionary or discretionary activity, shall be a non-complying activity.
- b. Any activity on or within a site provided for in Appendix 3 which is not permitted by Appendix 3 is a non-complying activity.

An application for a non-complying activity may be granted, granted with conditions or declined by the Territorial Authority. Consideration of a resource consent application for a non-complying activity shall have regard to the effects of the proposed activity on the environment and the objectives, policies and rules of this Plan.

- Appendix 1  
**Definitions**

## **Appendix 1: Definitions**

### **accepted rural management practices**

means, but is not limited to, orchard spraying in accordance with the relevant industry Code of Practice, cowshed operation, shearing, dogs working livestock, livestock grazing or moving, crop harvesting, aerial topdressing or spraying in accordance with the relevant industry Code of Practice, land cultivation.

### **accessory building and activities**

means a building, structure or activity which is detached from, and the use/operation of which is incidental to that of, any other principal building(s)/activity(ies) on the same site, and in relation to a site on which no principal building has been erected, is incidental to the use which may be permitted on the site.

### **The Act**

means the Resource Management Act 1991, and any amendments thereto.

### **allotment (lot)**

means:

- (a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
  - (i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
  - (ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- (b) Any parcel of land or building or part of a building that is shown or identified separately:
  - (i) On a survey plan; or
  - (ii) On a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- (c) Any unit on a unit plan; or
- (d) Any parcel of land not subject to the Land Transfer Act 1952.

**ancestral land**

means for the purposes of the Plan that land whether in current Maori title or not which:

- (a) Is "Maori Land" as defined by Te Ture Whenua Maori 1993 (the Maori Land Act 1993).
- (b) Was or is a site of settlement, occupation, or resource gathering by ancestors of Maori.
- (c) Is a pa site, burial site, battle site, tauranga waka (traditional canoe resting place), waiwera/waiariki (hot pool/spring) ceremonial site, or a natural feature which has spiritual or cultural values.

Ancestral land is not confined to land under Māori ownership.

**artificial wind shelters**

means structures of cloth more than 3m in height of various colours used to protect crops from the wind.

**boundary**

means:

- (a) In relation to fee simple subdivision or Maori land partitions, the lot, section or Maori Block or Partition boundary.
- (b) In relation to an activity boundary, the limit of a zone as shown on the Planning Map.

**building platform**

means that portion of a new allotment or a site upon which a building or parts of a building that are identified on a survey plan, building consent or resource consent application is to be constructed. For the purposes of this definition the "finished floor level" is at least 150mm above the defined building platform.

**coastal fringe**

means the coastal portion of the Te Tai Ao Turoa/Ecological Zone, being:

that area of Motiti (as defined below) from the seaward boundary of Motiti and extending inland either:

- where there is a cliff or escarpment and either is 3m or less in height then 60m from Mean High Water Springs; or
- where there is a cliff or escarpment and either is greater than 3m in height then 40m inland from the top of the cliff edge or escarpment;

and in either case further inland by:

- 10m from the area of occupation of all recorded cultural heritage and/or archaeological sites on Motiti that may in part, or in whole, lie within the Te Tai Ao Turoa/Ecological Zone as at 31<sup>st</sup> March, 2013 (and shown on the Planning Maps and as listed in Appendix 3) except sites 55, 181 and 184.

**communal wastewater treatment and disposal**

means the provision of an authorised wastewater treatment and disposal system for more than one dwelling unit or dwelling unit equivalent.

**consent notice**

means a notice issued under Section 221 of the Resource Management Act 1991.

**cultivation**

means the shallow (<500mm) mechanised disturbance of land for the purpose of growing crops (including tree crops), weed control or pasture renewal and in addition the discrete transplanting of trees.

**cultural heritage**

means those attributes, from the distant and more recent past, that establish a sense of connection to former times, contribute to community identity and sense of place, and spirituality, that people have a responsibility to safeguard for current and future generations.

**daytime**

means that period between the hours of 0700 hours (7am) and 2200 hours (10pm).

**deposition/disturbance**

means in relation to earthworks the mechanical tilling, digging, alteration, and deposition of gravel, soil, sand, shells and earth or other material.

**detailed site investigation**

has the same meaning as in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

**dwelling unit**

means a building or part of a building intended to be used as an independent residence, including apartments, semi-detached or detached houses, units, town houses, caravans (where used as a place of residence, or occupied for a period of time exceeding six months in a calendar year).

**earthworks**

means any activity that results in:

- (a) Disturbance of land by moving, removing, placing or replacing soil or by excavation or cutting, filling or backfilling.
- (b) Recompacting of existing natural ground.

but excluding cultivation and domestic gardening.

**education facilities**

means land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments.

**emergency response station**

means land and buildings used for the purposes of vehicle and equipment storage and maintenance related to the fighting of fires and provision of first aid in the event of emergencies in the community.

**enhancement**

means improving the existing qualities and values of an area that are ecological, cultural, or related to amenity.

**erection**

means the construction of a building and includes the re-erection or structural alteration of, or the making of, any addition to the building, or the relocating of a building whether on another position on the same site, or elsewhere; "erect" and "erected" have corresponding meanings.

**exotic trees**

means non-indigenous plant species which otherwise meet the definition of tree.

**factory farming**

means a farm or unit of primary production which is carried out largely indoors or in a restricted outdoor space and which is not dependent on the soil characteristics of the site. It includes (but is not limited to) poultry farms, rabbit farms, mushroom farms, pig and fitch farming and intensive feedlots for free-range commercial livestock such as deer or cattle.

**forestry**

means the commercial production of trees for wood products, and includes farm and wood lots, but not the harvesting of forest timber.

**gross floor area (GFA)**

means the sum of the floor area or floors of a building or buildings measured from the exterior walls, or from the centreline of walls separating two buildings including mezzanine floors and internal balconies, but excluding space occupied by internal walls, stairwells, external balconies and terraces.

**ground level**

means the level of ground existing when approved earthworks associated with the most recent subdivision of the land have been completed (as at the issue of the Section 224 Certificate or the previous legislative equivalent) but before cutting and filling of the land for any new building or structure has begun. Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a building or an activity shall not be used in calculation of ground level. When the ground level, as defined above, is not able to be identified, ground level shall mean the existing ground level but excluding any areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a building or an activity which did/does not include a subdivisional component.

**hapu**

means, for the purposes of the Plan, a Maori sub-tribe or clan usually consisting of a number of whanau (families) linked through a common ancestor.

**hazardous substance**

means any substance which may impair human, plant, or animal health or may adversely affect the health or safety of any person or the environment, and whether or not contained in or forming part of any other substance or thing and:

- (a) Includes substances prescribed by regulations of relevant legislation.
- (b) Does not include substances prescribed by regulations associated with relevant legislation as not being hazardous substances.

**hazardous substance facility**

means facilities involving hazardous substances, including vehicles for their transport, and sites at which these substances are stored, used, handled and disposed of. Hazardous substance facility does not include the incidental use and storage of hazardous substances in minimal quantities for domestic use or retail sale.

**health centre**

means land and buildings used for the purposes of health care (including treatment) diagnosis, and consultation.

## **height**

means, in relation to any buildings and unless provided for in any other part of the Plan, the vertical distance between the ground level at any point and the highest part of the building immediately above that point, measured at the external envelope of the building. For the purposes of this definition, height measurements shall take into account parapets, but not satellite and microwave dishes, radio and telecommunication aerials and antenna dishes and antenna panels which comply with the rules of this Plan; or chimneys, flagpoles, aerials or other such projections.

**Note:** The maximum height plane exactly mimics the ground-level plane over the whole site. The ground level is made up of the levels established at the time of the most recent subdivision or as otherwise approved by a resource consent for land use or earthworks.

## **heritage resource**

means a generic term for buildings, sites, objects, trees, water, waahi tapu/taonga, and other areas of cultural or historic significance.

## **home occupation**

means an occupation, craft, business or activity that is clearly incidental to the permitted residential use of a site and is conducted on a repetitive basis, or for commercial gain. A home occupation may include the provision of visitor accommodation for no more than two people.

## **Identified Landing Area**

means an area of land in the Te Tai Ao Turoa/Ecological Zone (as defined above) being a transport access point to and from the sea and Motiti and includes the area around that Landing Area that may be used for access and other transportation activities related to that Landing Area. All identified Landing Areas are shown on Planning Maps 1 – 3 and details of the areas are shown on Planning Map 4, Appendix 2.

## **indigenous**

means flora or fauna occurring in New Zealand as a consequence of natural processes and does not include any species introduced to New Zealand by human intervention.

## **indigenous vegetation**

means a species of flora which occurs naturally in New Zealand or has arrived in New Zealand without human assistance.

## **iwi**

means Maori tribe, grouping of hapu or people associated with a certain geographical area and/or linked through a common ancestor.

**iwi authority**

means the authority which represents an iwi and which is recognised by that iwi and by the Crown, as having authority to do so.

**kaitiakitanga**

means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

**mahinga kai**

means food resources that are, or have traditionally been, gathered.

**mahinga maataitai**

means areas where food resources from the sea are or have traditionally been gathered.

**maintenance**

means the protective care of a place, access track or manoeuvring area (including in the Identified Landing Areas), airstrip, tree, building or object to arrest processes of decay, fatigue, structural failure, erosion, or dilapidation.

**mana**

means spiritual power, charisma, prestige and respect. Also (in respect of a person) integrity to act in an authoritative capacity.

**mauri**

means the essential life essence. The term "mauri" may on occasion also refer to the special character of an area or feature. Mauri binds the physical and spiritual essence of a resource together.

**mean high water springs (MHWS)**

means the average line of spring high tide.

**minor pruning**

means the removal of branches from tress, or trunks in the case of a tree with multiple trunks, in a way that contributes to, maintains or enhances the health and safety of the tree and its surrounding habitat. It does not include the complete removal of a tree unless the tree is identified as already being dead and constituting a health and safety risk.

**minor upgrading (of existing overhead electrical lines)**

means an increase in the power-carrying or operating capacity, efficiency or security of electricity and associated telecommunication lines, where this utilises existing support structures and includes:

- (a) The reconductoring of lines with higher capacity conductors.
- (b) The resagging of conductors.
- (c) The installation of longer and more efficient insulators.
- (d) The addition of earthwires (which may contain telecommunication lines) and earthpeaks.

**Motiti**

means the island of Motiti and adjacent islands of Taumaihi and Motuputa as well as the adjacent smaller islands and rocks surrounding Motiti as shown on Planning Map 1 and seaward for a distance of 1 kilometre from the main island of Motiti.

**native tree**

means an indigenous woody plant having the potential to achieve a girth of 94cm at breast height (1.4m). In the case of a tree with multiple trunks (such as a pohutukawa), the girth measurement shall be the aggregate (collective) measurement of all trunks.

**Note:**

- (i) Native tree species are those woody species that have a diameter of 30cm or more and include kanuka.
- (ii) Native tree species of any height may be seedlings and these may be under a canopy of manuka.

**natural hazard**

means an atmospheric, earth or water-related occurrence (including tsunami, erosion, landslip, subsidence, sedimentation, wind, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

**natural heritage**

means the indigenous flora and fauna of Motiti Island, and the aquatic and terrestrial natural ecosystems on Motiti Island. Natural heritage includes exotic species because of historical, cultural or physical associations that have assumed heritage significance.

**natural values**

means any one or more of the matters referred to in Sections 6(a), 6(b), 6(c), 6(d) and 7(d) of the Resource Management Act 1991.

**network utilities**

means utility services maintained and operated by a network utility operator.

**night-time**

means that period between 2200 hours (10pm) and 0700 hours (7am).

**notional boundary**

shall have the same meaning as defined in New Zealand Standard NZS 6801:1999 Measurement of Sounds, which is as a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling and shall apply for the purposes of noise assessment.

**papakaiinga**

means residential occupancy on any ancestral land owned by Maori.

**partition**

has the same meaning as provided for in the Te Ture Whenua Act.

**places of assembly**

means land or buildings or surface of water that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation, leisure or similar purposes and include marae, wharenuī, wharekai, churches, halls, chapels, clubrooms, taverns, societal lodges, restaurants, art galleries, libraries, theatres, sportsfields, and tourist facilities.

**preliminary site investigation**

has the same meaning as in the current National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

**pukenga**

means a specialist or expert in areas such as spiritual matters.

**reinstatement**

means putting components of earlier objects, vegetation, buildings, etc back in the position in which they were originally situated.

**relocated dwelling/building**

means any dwelling or building which was originally built off the subject site and is, or is proposed to be, repositioned on that site. This excludes prefabricated sections of a new dwelling or building specifically intended to be built on the site.

**repair**

means making good decayed or damaged material.

**residential activity**

means:

- (a) The use of land and buildings for domestic or related purposes by persons living alone or in family and/or non-family groups (whether any person is subject to care, supervision or not) and includes, retirement villages and residential health care facilities providing 24-hour on-site medical support to residents, private dwellings, housing for the elderly, community housing, private functions and incidental private gatherings.
- (b) Residential activity shall exclude visitor accommodation and shall exclude caravans or other mobile forms of accommodation, unless they are utilised for residential activities for periods of more than six months in any one calendar year.

**residential building**

means any building or part of building used or intended to be used for human habitation.

**Restoration/remediation** (as distinct to mitigation)

means returning a place, wildlife habitat or object as near as possible to a known earlier state through reassembly, replanting (in the case of vegetation), reinstatement and/or the removal of extraneous additions.

**rohe**

means a margin or territorial boundary usually associated with an iwi or hapu within which they exercise kaitiakitanga.

**rural activity**

means any of the following activities, whether singularly or in combination, for commercial gain or exchange undertaken in accordance with accepted rural management practices:

- (a) The cultivation of land.
- (b) The keeping, maintenance and farming of animals and birds (including poultry) for the production of meat, fibre, or other animal-derived produce (including offspring).
- (c) Aquaculture (fish farming and hatcheries, shellfish farming, seaweed gathering and processing).
- (d) Horticulture (including all forms of fruit, vegetable, flower, seed, or grain crop farming).
- (e) The sale of produce from the above activities.

Rural activity does not include:

- factory farming.
- forestry.

**rural allotment**

means an allotment for rural production or for an existing rural dwelling.

**rural support activity**

means an activity necessary to support a rural activity through the provision of goods or services including but not limited to the storage of hazardous substances.

**services**

means the infrastructure associated with the delivery or reticulation of water, roads, electricity, wastewater disposal, stormwater disposal and telecommunications and includes activities which can be undertaken by a Network Utility Operator defined under Section 166 of the Resource Management Act 1991.

**sign**

means any display or device whether or not placed on land or affixed to a building, stationary vehicle or structure, intended to attract attention for the purposes of directing, identifying, informing, or advertising, and which is visible from beyond the boundaries of the site on which it is located. For the purposes of the Plan the area of a sign shall be a measurement of that sign's face or total message visible beyond the boundaries of the site on which it is located.

**significant resource management issue**

means those issues identified in Chapter 1 of the Plan and/or those which, if not addressed, will have an adverse effect on the sustainable management of the natural or physical resources.

**site**

means an area of land which complies with the provisions of the Plan for development, subdivision or partition as a permitted activity or subject to a duly authorised resource consent and which (being all the land comprised in one Certificate of Title) may be disposed of separately.

**site layout**

means the arrangement of buildings/structures, landscape elements on a site and includes patterns of vehicle and pedestrian access.

**special physical processes**

means natural phenomena such as land slippage, subsidence and flooding, geothermal processes and tidal ebb and flow.

**stormwater run-off**

means that portion of rainfall which flows directly from land or any impermeable surface into a natural waterbody or built disposal systems (eg, drains, channels or designated ponding areas).

**structure**

means any building, equipment, device or other facility made by people and which is fixed to the land.

**subdivision of land**

has the same meaning as provided in the Resource Management Act.

**tangi**

means the funeral process and act of mourning by Maori.

**taonga**

means all things prized or treasured by Maori, both tangible and intangible. Examples include water bodies, trees, special landmarks, and te reo (the Maori language).

**tauranga waka**

means canoe landing sites. These may be places still used or a particular area in which the canoes of ancestors of a whanau, hapu or iwi were landed, or were laid to rest.

**temporary activity**

means:

- (a) Temporary building associated with an approved building or construction project where these do not exceed 50m<sup>2</sup> in floor area, or remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- (b) Use of a caravan or other mobile form of accommodation for the purpose of accommodation where these are not used for residential purposes on the same site for more than six months of any calendar year.
- (c) Any activity associated with carnivals, fairs, galas, public meetings, filming, concerts, sporting and other special events and associated temporary buildings and structures, where such activities or temporary buildings or structures shall not remain on the site for longer than a period of seven days in any calendar year.
- (d) Temporary military training activities undertaken for defence purposes (as defined in the Defence Act 1990).
- (e) Any activity associated with training in emergency response including fire fighting including any water take associated with such training.

### **Te Tai Ao Turoa/Ecological Zone**

means that area of Motiti (as defined below) from the seaward boundary of Motiti and extending inland either:

- where there is a cliff or escarpment and either is 3m or less in height then 60m from Mean High Water Springs; or
- where there is a cliff or escarpment and either is greater than 3m in height then 40m inland from the top of the cliff edge or escarpment;

and those waterways on the island that are identified as significant in the Planning Maps and extending beyond the bank for a distance of 10 metres;

and in either case further inland by:

- 10m from the area of occupation of all recorded cultural heritage and/or archaeological sites on Motiti that may in part, or in whole, lie within the Te Tai Ao Turoa/Ecological Zone as at 31<sup>st</sup> March 2013 (and shown on the Planning Maps) except sites 55, 181 and 184.

### **Te Tai Whenua/Rural Zone**

means the land use activity zone as it applies to the area of land that is not within the Te Tai Ao Turoa/Ecological Zone.

### **tikanga Maori**

means customary practices. It includes protocol and ceremony, values and beliefs.

### **transportation activity**

means an activity involving the transport of goods, people or livestock to, from or on Motiti by land, air or sea.

### **tree**

means any woody vegetation that has the potential to reach a girth, or aggregate girth, of no more than 5 stems of, or exceeding, 950mm at breast height (1.4m).

### **turangawaewae**

means place of belonging or standing, homelands providing identity and mana for Maori.

### **urupa**

means a graveyard or burial site. These can include both registered and unregistered burial sites or places where skeletal remains have been laid to rest (such as caves, hollow trees or sand dunes). Associated with death, they are tapu.

**visitor accommodation**

means land or buildings which are offered for temporary accommodation of persons for commercial gain including, but not limited to, bed and breakfast establishments, backpackers' accommodation, homestay/farmstay facilities, motels, hotels, tourist lodges, holiday flats, tourist cabins, motor inns and ancillary workrooms, reception areas and accessory buildings or ancillary activities on the site. This definition does not include activities defined in the Plan as dwelling unit, home occupation, worker accommodation or residential activity.

**waahi tapu<sup>7</sup>**

means a place sacred to Maori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as "waahi tapu" vary from hapu to hapu, but typically include urupa and battlesites.

**waahi tupuna<sup>8</sup>**

means ancestral sites of significance (but not necessarily tapu) to a particular whanau, hapu or iwi. These may include former village sites, pathways, or rohe indicators.

**wairua**

means of the spiritual world, often refers to the spirit, mood or soul (especially of a place or body of water).

**wastewater**

means all foul water emanating from a site, excluding stormwater run-off, but including effluent.

**whanau**

means the basic unit of Maori social structure. It typically comprises an extended family. Whanau may not necessarily live together or be in the same rohe, but nevertheless share mutual interests.

**wharekai**

means a dining hall or building associated with food and hospitality. Literal translation "food house".

**wharenui**

means "large house", especially the meeting house on a marae.

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<sup>7</sup> Refer to Appendix 3.

<sup>8</sup> Refer to Appendix 3.

**worker accommodation**

means buildings designed exclusively for and occupied by staff or contractors while engaged in rural production activities such as harvesting activities (shelter belt trimming, spraying etc), or construction activities. For clarity, this does not include permanent staff such as managers living on site.

**wildlife habitat**

means natural or restored areas, regardless of size, of indigenous vegetation that provide habitat for indigenous fauna or wildlife.

**yard**

means that part of a site unoccupied and unobstructed by buildings being measured from the title boundary.

- (a) Rear yard shall mean that part of a site on any lot other than a corner lot, being bounded by the rear boundary of the lot and a parallel line extending across the full width of the lot, the width of the yard is determined by rules in the relevant zone.
- (b) Side yard shall mean that part of a site being bounded by a boundary not fronting a road or defined as a rear boundary.
- (c) In respect of a corner lot every boundary not fronting on to a road frontage shall be deemed to be a side boundary.
- (d) In respect of rear lots all yards except that deemed to be the rear yard shall be side yards.

- Appendix 2  
**Planning Maps**

- Appendix 3  
**Schedule of Cultural  
Heritage and  
Archaeological Sites**

(See separate Volume)

