

Tūhua District Plan

31 July 2013

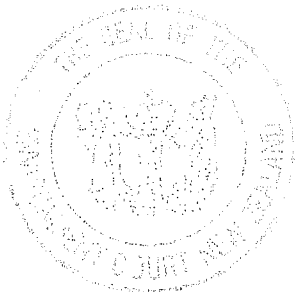
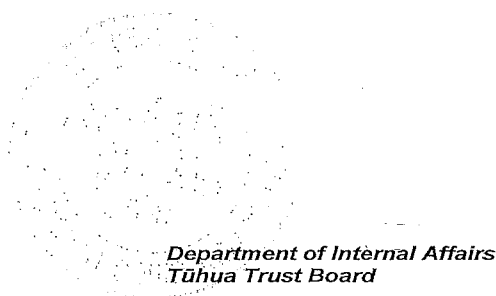


Table of Contents

| | |
|--|-----------|
| Preamble to the District Plan | i |
| Mihi i | |
| Vision Statement – Whakataukī | i |
| Tūhura tangata whenua | i |
| Legal Framework and Jurisdiction | ii |
| Purpose of the Plan | ii |
| Uniqueness of the Plan | iv |
| Existing Environment | iv |
| Plan Format | ix |
| References | x |
| | |
| 1 Resource Management Issues, Objectives and Policies | 1 |
| 1.1 Environmental Topics | 1 |
| Environmental Topic 1: Island Character and Amenity | 1 |
| Environmental Topic 2: Natural Resources and Environment | 3 |
| Environmental Topic 3: Physical Resources | 7 |
| Environmental Topic 4: Tangata Whenua Values | 10 |
| Environmental Topic 5: Natural Hazards | 13 |
| Environmental Topic 6: Emergency Management | 15 |
| Environmental Topic 7: Sustainable Economic Development. | 17 |
| 1.2 Cross Boundary Issues | 19 |
| | |
| 2 Procedures and Information Requirements | 20 |
| 2.1 Introduction | 20 |
| 2.2 District Plan Rules | 20 |
| 2.3 Information Requirements for a Resource Consent | 20 |
| 2.4 Information Requirements for Any Discretionary Resource Consent Applications | 22 |
| 2.5 Information to be Supplied for a Certificate of Compliance | 22 |
| 2.6 Designations..... | 23 |
| | |
| 3 Environmental Management Rules for Tūhura | 24 |
| 3.1 General | 24 |
| 3.2 Permitted Activities | 24 |
| 3.3 Standards and Terms for Permitted Activities | 26 |
| 3.4 Discretionary Activities..... | 31 |
| 3.5 Prohibited Activities..... | 31 |
| | |
| Appendix 1: Definitions | 1 |



Preamble to the District Plan

Mihi

Piki atu ki te rae o Pakaurangi

Ko Moehau, ko Te Muri Aroha o Kahumatamomoe e taunaha, huri atu ki a Whareī me ana kuri,

Titiro atu ki a Tirikawa he toka tu moana he toku tu Manawa

Tu mai Mauao ki te puaha, Otanewainuku ki tuawhenua

Ko Kopukairoa he tariwha tipua,

Pupuhi mai ai te hauwhenua i te tuawhenua, ara, mai i uta ki te moana nui o Toikairakau.

Tu mai Tauwhao he wahine tipua e noho moutere o roto Tūhua

Te Papatipuranga mo ana uri maha.

Ka tu au ki te tihi o Pānui ka titiro ki nga pae maunga e mumura ana

ki te hiri o te ahikura

Ko te kuaratanga o Poutini heke iho Aroarotamahine papa pounamu karohirohi ana

E kararapa ana mai...he wai, he toto kei Paritu

Kei Otawhiwhi ko Tamaoho, kei Rangiwaea ko Te Ngare, ko nga Papaunahi o Motiti

E ko koia e ara e

Vision Statement – Whakataukī

The following proverb reflects the relationship Te Whānau a Tauwhao have with Tūhua.

He wai he toto kei Paritu

Tis water tis blood at Paritu

This whakatauki evokes the Te Whānau a Tauwhao/Tūhua relationship. It clearly states a blood tie to the land known as taunaha. For Te Whānau a Tauwhao Lake Paritu provides a physical representation of mana whenua, mana moana principle which is a deeply embedded Māori principle of kaitiakitanga or guardianship.

Tūhua tangata whenua

Tūhua is wholly owned by the Tūhua Trust Board (Trust Board) who represent over 1200 registered owners and members of Whānau a Tauwhao ki Tūhua. The Trust Board was established in 1949¹ and given legal status in 1953 under a Deed of Trust².

¹ Pursuant to the Māori Purposes Act 1943

² Pursuant to the Māori Affairs Act 1953

Legal Framework and Jurisdiction

All the land and waters of New Zealand fall within the jurisdiction of Regional and Local Territorial Authorities. Local governance is normally undertaken by cities, districts and regions identified in the Local Government Act 2002 (LGA) where an area is located within that jurisdictional boundary.

Tūhua Island falls within the jurisdiction of the Bay of Plenty Regional Council as it is located within established regional boundaries. There is no District Council responsible for Tūhua as it is located outside all established district boundaries. In cases such as this the Minister of Local Government is the local authority. This includes the preparation and administration of a District Plan.

Tūhua District Plan is the first District Plan to be prepared outside established district boundaries within New Zealand. It is also the only District Plan that applies to land in single ownership. In this case the Trust Board owns the land. This is a unique situation and this District Plan has been prepared taking special account of the Trust Board's ownership and available resources.

The Trust Board, on explicit instructions from meetings of owners, has explored and exhausted all avenues available to it in opposing the establishment of a District Plan for Tūhua.

Purpose of the Plan

This Plan is prepared in accordance with the purpose of the Resource Management Act 1991 (RMA) to achieve the sustainable management of Tūhua in a way that those with interests in the island believe will achieve their *Vision* for the island.

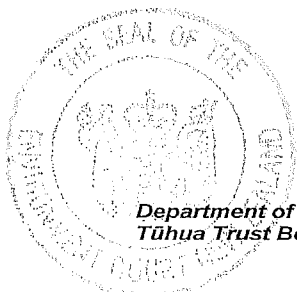
The Plan must recognise, provide for, have regard to, or take into account specific elements including:

- Matters of National Importance as defined by Section 6 of the RMA;
- Other Matters including kaitiakitanga as described in Section 7 of the RMA; and
- Te Tiriti o Waitangi (The Treaty of Waitangi), Section 8 RMA.

The RMA also sets out the components of a Plan that are considered necessary to achieve sustainable management. The key components each Plan must include are:

- The objectives for the District;
- Policies that the Authority must implement to achieve the objectives; and
- The rules (if any) necessary to implement the policies.

The Plan has been drafted to not only achieve the Purpose of the Act, which is to sustainably manage the environment of Tūhua, but also to achieve the *Vision* that tangata whenua have for the future of the island.



Management of Tūhua

Tūhua Trust Board

The Trust Board is constituted as the owner of Tūhua by the Māori Land Court and manages the island on behalf of the beneficial owners. The Trust Board has developed principles for management of island resources based on an ethic of conservation and preservation. The objectives set by the board in the Tūhua Trust Deed were developed out of a Māori conservation philosophy. Objectives include the continued maintenance of the island in traditional ownership, preservation of certain areas, protection and conservation of indigenous flora and fauna, protection and respect of wāhi tapu.

The Tūhua Trust Board guiding values for management of Tūhua are:

- Kaitiakitanga – guardianship and stewardship
- Rangatiratanga – autonomy, authority and control
- Manaakitanga – care, respect and hospitality

Local Government Administration

The Local Government administration of Tūhua is unique in New Zealand as it is the only area of land where the Territorial Authority (the Minister of Local Government) is responsible for a single land-owning group being the Trust Board and its beneficiaries. The preparation of this District Plan for the island reflects an integrated approach to resource management between the parties. The District Plan has been established within the constraints and requirements of the RMA that provides for the environmental, social, cultural and economic well-being of Te Whānau a Tauwhao ki Tūhua.

The management of the development and day-to-day activity on the island is the responsibility of the Trust Board while the Territorial Authority is responsible for ensuring that the statutory obligations of the LGA, the RMA and numerous other Acts and regulations are upheld.

Many of the responsibilities under the RMA, including the administration of, and decision-making under, this District Plan (apart from preparing a District Plan) can be delegated to parties other than the Territorial Authority to ensure that a level of governance and decision-making appropriate to the context of Tūhua is maintained.

The RMA provides an opportunity to share or delegate responsibilities with and to the Trust Board. This could be achieved through a Joint Management Agreement (JMA) between the Tūhua Trust (as administrator) and the Minister of Local Government (as local authority) or via a transfer of powers pursuant to section 33 RMA.

To this end the Minister, through his agent the Department of Internal Affairs, and the Trust Board are investigating opportunities for the implementation of a Memorandum of Understanding. This will be the first step towards establishing a JMA that enables the Board to manage those matters that are able to be delegated to it while ensuring that any statutory conflicts of interest are avoided and protocols for managing matters where conflicts of interest cannot be avoided.

Managing Resources

The areas of primary occupation on Tūhua include Opo Bay and Pānui. While these areas have been identified as having significant archaeological value they are also identified as the most viable area to develop on the island. This is due to geographical constraints of island access, the natural shelter provided by Opo Bay and the infrastructure that already exists in this area. Future development of this area will require careful planning and will involve tradeoffs between development location, development scale and archaeological site preservation. The Trust Board's values will assist in guiding this process to ensure the cultural landscape is maintained.

Uniqueness of the Plan

There are no other land owners on Tūhua and to this end the District Plan is unique in that there are no competing property right interests. In accordance with the Trust Board's long term vision a small development area has been established at Opo Bay and Pānui. The remainder of the island is not identified for development and reflects the Nga Whenua Rāhui Kawenata (conservation covenant) that applies to this area. The latter is an agreement with the Minister of Conservation. The Trust Board and owners gave permission for the Department of Conservation to jointly complete programmes to eradicate animal pests on the island, and the island achieved pest free status in 2001. The Tūhua Restoration Plan has guided several species recovery programmes operating on Tūhua including the introduction of Kiwi and Tuatara. The Nga Whenua Rāhui Kawenata is a 25 year covenant and is due to expire in 2027, at which time the Trust Board will review the covenant in consultation with the owners.

Given this unique situation and the Trust Board's limited monetary resources the district plan has been drafted in a way to be as enabling as possible, while remaining effective in protecting the special resources of Tūhua and avoiding natural hazards.

Existing Environment

Pre European

"The word Tūhua has special significance as it applies to the location of the island and the glassy black obsidian, which is found in abundance on the island. The name Tūhua is derived from a similar island in the traditional Māori homeland of Hawaiki, which also possessed a source of obsidian.

In Tauwhao mythology, Tūhua were a race of people who emerged from the depths of the earth and settled on the island. Tūhua lived peacefully until conflict arose with Pounamu who surfaced one stormy night from the turbulent green waters of the ocean. They too wished to make the island their home. A fierce and bloody battle followed and Tūhua forced Pounamu to retreat to the mainland. Tūhua pursued Pounamu to the South Island, and eventually to the Arahura River on the West Coast. It is here that Pounamu came to rest. Pounamu was transformed into greenstone. Tūhua returned to its island sanctuary (Prebble, 1971). The Ngāi Tahu people of the South Island also tell of similar traditions between Tūhua and Pounamu (Rewi, 2006).

According to traditional oral accounts, when early Māori settlers arrived at Tūhua from Hawaiki they found the island already occupied. However, there is little information as to who these inhabitants were and where they originated. These inhabitants were later displaced by the new wave of Polynesian settlers. Descendants of the Tākitimu, Tainui and Te Arawa canoes settled on the mainland and frequented the island. The Ngāi Te Rangi people, who migrated from the east coast of the Bay of Plenty, later displaced earlier settler populations and established permanent and temporary settlements on the island. Te Whānau a Tauwhao have always maintained their cultural presence on Tūhua consistent with ahi ka

principles. In more recent times, recreational and commercial fishers have used the island as a fishing base. Attempts to develop the island for farming failed due to the lack of fresh water and workable land.

Post European

Captain James Cook renamed Tūhūa Mayor Island when he sighted it on November 3, 1769, in recognition of the Lord Mayor's Day to be held in London a few days later. A group of smaller islands located to the north were named the Aldermen's.

The island was confiscated under the 1864 Tauranga confiscation but later returned to Māori ownership in 1888, when 195 shares were arbitrarily issued to 120 owners, 16 of which were maintained by the Crown. The island, without prior consultation with the owners, was declared a Wildlife Sanctuary in 1913 until 1953 when this status was uplifted to a Wildlife Refuge. A governance board – the Tūhūa Trust Board (Trust Board) was established to administer the interests of the owners in 1949 and later given legal status under a trust deed in 1953. The deed indicated a large proportion of Tūhūa to be managed as a conservation area for the protection of flora and fauna. A new trust deed was approved in 1993 with directions for the continued protection and a proactive approach toward use and management with provisions for limited development.

It is a matter of historical fact that the Government has tried on numerous occasions since allocating shares to the Island in 1888, to purchase it from the owners. These actions have been heavily and successfully resisted by owners.

In 1953 the Tauranga Big Game Fishing Club was granted a lease in Opo (Southeast) Bay where it had already developed facilities for recreational and commercial fishers who visited the island. This lease was mutually terminated in 1990 and the Trust Board purchased all remaining facilities.

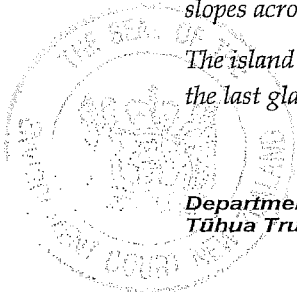
In 1993 a Marine Reserve was established on the northern side of the island, covering about 5 km of the coastline extending out 1 nautical mile. The creation of a Marine Reserve was a joint partnership with the Trust Board and the Ministry of Fisheries (New Zealand Department of Conservation, 2000).

In partnership with the Department of Conservation, the Trust Board initiated a programme to restore the natural environment of the island. Tūhūa (Mayor Island) Restoration Plan was prepared in 2000 and included objectives to eradicate pest species from the island in an effort to restore indigenous flora and fauna. The island has been pest free since 2001, and a number of endangered species have been reintroduced.

Landform

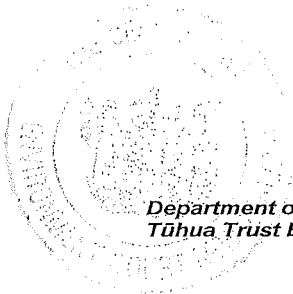
Tūhūa is the emerging summit of an isolated circular rhyolite volcano located on the edge of the continental shelf, approximately 35 km north of the Tauranga Harbour entrance and 26 km off the mainland coast. Tūhūa is the visible portion of a 700-metre high, 15-km wide shield volcano. The base of the island is set at 250 m below sea level while the surface of the cone occupies an area in the order of 1,280 hectares. The island is approximately 4 km in diameter and rises 355m above sea level at its highest point. The coastline of Tūhūa exceeds 20km in length. The island has significant wetlands and two small crater lakes. The seabed to the north and north east of the island slopes north-eastward into deep water in the Mayor Sea Valley, which is more than 1000m in some regions. To the east and southeast numerous volcanic knolls and canyons interrupt the continental slope. To the west and south the seabed gradually slopes across the continental shelf to the mainland.

The island was last connected to the mainland approximately 18,000 - 20,000 years ago, at the height of the last glacial period where sea levels were significantly lower than they are today. Tūhūa has been



Tūhua District Plan

isolated for at least 15,000 years. The isolation from the mainland has aided the island's unique development.



The island of Tūhua is defined by the geographical limits of its coastline. Due to the series of volcanic catastrophes and the island's isolation from the mainland, the flora and fauna have been subjected to significant change. According to some geologists the most extensive changes probably occurred during the last volcanic period on Tūhua approximately 6300 years ago (Houghton et al, 1992, New Zealand Department of Conservation, 2000).

Climate

Tūhua has a generally mild climate with sunshine hours ranging between 2,200 and 2,400 hours per year. The high sunshine hours create hot summer temperatures. Tūhua experiences a mild winter climate and is relatively frost-free. The nearest meteorological station to Tūhua is based at Tauranga airport. Tauranga City receives on average 1,200mm – 1,600mm of rainfall annually. While this falls on a relatively few number of days each year, the rain can be relatively heavy and thunderstorms are not uncommon. The prevailing winds are generated from the west and southwest (National Institute of Water and Atmospheric Research, 2001).

Geology

The island is dominated by the 3km wide caldera collapse crater and contains numerous vents active in cycles of eruptions over the last 130,000 years. During this period 52 eruptions have been identified. The diversity of eruption styles, size and frequency leads to problems in defining eruption scenarios. According to many volcanologists, the majority of the eruptions that have occurred on Tūhua were small in size in relation to world standards, posing no real threats to the mainland.

The formation of Tūhua occurred in three eruption cycles. Cycle one occurred between 130,000 and 36,000 years ago. This eruption consisted of at least nine lava flows and 12 explosive eruptions forming a lava shield or shields represented by the western and northeastern caldera walls Oira Bay to Cathedral Bay and Nohangatorea to Tumou. The cycle formed a majority of the base to Tūhua's structure. The cycle was terminated by the collapse forming a caldera possibly after the course of several small eruptions. This old dome is composed of massive rhyolite flows, with numerous glassy phases, bearing thin edges of obsidian.

Cycle two consisted of a smaller lava shield that developed within the caldera over the top of the old shield between 33,000 and 8,000 years ago. At the same time two lava domes and two pumice cones and lava ponds formed outside the calderas. Eruptions deposited minor amounts of ash on the mainland. The cycle ended with the second major caldera collapse 6,340 years ago, which was accompanied by the eruption of the Tūhua tephra. It is assumed that the pyroclastic flows entering the sea would have caused a tsunami.

The last cycle built a cluster of lava domes and flows within the caldera, with minor explosive activity (Houghton et al, 1992).

Soils

Soil types were described in a comprehensive soil study conducted in the late 1960s by McCraw and Whitton for Tūhua. Samples were retrieved from various sites on the island. Soils on the outer slopes of the main cone consisted of lapilli, coarse and loamy sands. On the moderately steep to steep slopes, loamy gravel sands were found. The soils are shallow and have the characteristic of gravel, with many pumice stones. McCraw and Whitton (1971) recorded soil modification by human activity as an attributor to soil variances. It was also discovered that major elements, being calcium and magnesium values were low in relation to New Zealand soil averages. Comparison of soils for Tūhua with other soils have less morphological development than soils developed on Taupō pumice but are comparable with those developed on Kaharoa ash (McCraw and Whitton, 1971).

Flora

The natural vegetation cover of the island is well protected from the sea and natural elements.

Pōhutukawa is the dominant vegetation cover on the island. The crater of Tūhua is dominated by forest comprising rewarewa, pōhutukawa, kanuka and kamahi, which are relatively short in stature. Wetland vegetation is present around the two lakes within the crater. The endemism of flora in this lacks the same strength of other offshore islands, although more in-depth analysis may be sought in the future.

Kawakawa has developed a larger leaf in contrast to those found on the mainland, some ecologists suggest as a result of the frost free environment.

The present day vegetation of Tūhua is still undergoing major change especially since the eradication of pests, especially pigs and the resultant resurgence of vegetation and ground cover. This observation is made from the succession of recordings undertaken from the 1920s to the present. A vegetation survey (Hunt, 1996) produced more current vegetation patterns reflecting the continued evolution of island flora cover. The island has a number of threatened native plant species, which have been identified for preservation.

The introduced plant pests that are a threat to the island's biodiversity include maritime pine, pampas, mexican devil, willows and periwinkle. All can be regarded as invasive weeds. A control programme was initiated for the systematic removal of pines and the previously large infestation on the crater floor has been removed. The few remaining pines are confined to coastal cliffs. Pampas has been under control for a number of years on coastal cliffs and willow, which is confined to the wetland and lakes areas, has been controlled to low density (New Zealand Department of Conservation, 2000).

Fauna

According to recent surveys Tūhua has 17 identified indigenous and 6 introduced bird species. Māori oral accounts record tuatara existing on Tūhua up until around 1920 and subsequent reports of tuatara on Motuoneone Island. However checks on Tūhua and Motuoneone Island have failed to locate tuatara. Tuatara were released back onto the island in 2007 as part of the restoration programme. Common gecko, maco skink, copper skink, and gecko species are present in low numbers. Invertebrates have been identified and recorded (New Zealand Department of Conservation, 2000).

Numerous indigenous bird species are present in the lower crater, including tui, korimako, kereru, kaka, fantail and shag. These forest birds feed on flowers of the pōhutukawa and rewarewa. Other species reintroduced as part of the restoration programme include toutouwai, kiwi, pakete, and kākāriki (orange fronted parakeet).

Introduced fauna have had a major impact on the natural state of island ecology. Introduced fauna have had the single most negative impact on the indigenous flora and fauna of Tūhua. The trend has since been reversed through the restoration programme, which has led to the eradication of pest species, and reintroduction of indigenous species.

Plan Format

Following this Preamble (which does not form part of the District Plan), Chapter 1 of the Tūhua District Plan provides the Issues, Objectives, Policies and Methods for each of the seven key environmental topics.

These are:

- Island Character and Amenity
- Natural Resources and Environment
- Physical Resources
- Tangata Whenua Values
- Natural Hazards
- Emergency Management
- Sustainable Economic Development

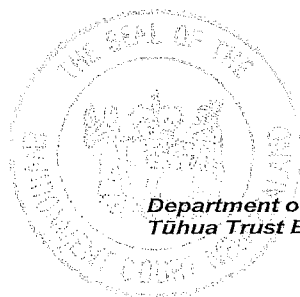
In addition Chapter 1 addresses monitoring and cross-boundary issues, along with the Rules and Other Methods that are used to implement the Issues, Objectives and Policies of the Plan. Both regulatory and non-regulatory methods (known as 'Other Methods') can be used to implement the Issues, Objectives and Policies. Regulatory methods are rules (contained in Chapter 3 of this Plan). Non-Regulatory methods can include education, advocacy and design guidelines.

Information requirements for various resource management processes are contained in Chapter 2 of the Plan.

Chapter 3 provides Rules that apply to the whole of Tūhua. The rules have been expressly drafted to be as enabling as possible to take into account the important environmental issues relevant to Tūhua, legislative requirements and the limited resources of the owners of Tūhua. This avoids unnecessary resource consents and the cost, uncertainty and time delays that can result from the consenting process. Permitted activity performance standards have been drafted in a way that ensures environmental issues are addressed while allowing activities and development. For example: minimum setbacks have been established for future buildings in Opo Bay to avoid inundation, coastal hazard risk and bank stability. This approach will ensure only activities that exceed these permitted activity criterion require resource consent process.

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

The Planning Maps for Tūhua are held with the Plan at the back of the document as Appendix 2.



References

- Ahdar, R. (2003) Indigenous Spiritual Concerns and the Secular State: Some New Zealand Developments. *Oxford Journal of Legal Studies*, 23, 611.
- Buck, P. H. (1952) *The coming of the Māori*, Wellington, Māori Purposes Fund Board.
- Culbert, P. (1998) Indigenous People and Intellectual Property Rights. *New Zealand Manufacture*, 16, 1.
- Durie, M. (1998) *Te mana, te Kawenatanga: the politics of Māori self-determination*, Auckland, [N.Z.], Oxford University Press.
- Durie, M. (1999) Whānau Development and Māori Survival; The Challenge of Time. In Conference Proceedings (Ed.) *Te Hua o te Whānau, Whānau Health and Development Conference*. Wellington, Ministry of Health.
- Firth, R. (1959) *Economics of the New Zealand Māori*, Wellington, Govt. Printer.
- Harmsworth, G. (1997) Māori Values for Land Use Planning. *New Zealand Association of Resource Management*. Landcare Research.
- Houghton, B. F., Weaver, S. D., Wilson, C. J. N. & Lanphere, M. A. (1992) Evolution of a Quaternary peralkaline volcano: Mayor Island, New Zealand. *Journal of Volcanology and Geothermal Research*, 51, 217.
- Hunt, D (1996). Assessment of canopy vegetation change using aerial photographs and a Geographic Information System: Forty years (1955 – 1996) of changes on Tūhua (Mayor Island). University of Waikato.
- Marsden, M., Henare, T. A. & New Zealand. Ministry for the Environment. (1992) *Kaitiakitanga: a definitive introduction to the holistic world view of the Māori*, Wellington, N.Z., Ministry for the Environment.
- McCraw, J. D. & Whitton, J. S. (1971) Soils of Mayor Island, Bay of Plenty, New Zealand. *New Zealand Journal of Science*, 14, 1009-1025.
- Minhinnick, N. K. (1989) *Establishing Kaitiaki: a paper*, [Auckland, N.Z.], N.K. Minhinnick.
- National Institute of Water and Atmospheric Research (2001) Retrieved 1 July 2001, from <http://www.niwa.co.nz>. Wellington.
- New Zealand. Department of Conservation (2000) *Tūhua (Mayor Island) Restoration Plan*, Tauranga, Department of Conservation.
- New Zealand. Office of the Parliamentary Commissioner for the Environment. (1998) *Kaitiakitanga and local government: tangata whenua participation in environmental management: summary*, Wellington [N.Z.], Office of the Parliamentary Commissioner for the Environment.
- Patterson, J. (1999) Respecting nature: The Māori way. *The Ecologist*, 29.
- Prebble, G. K. (1971) *Tūhua - Mayor Island*, Tauranga, Ashford-Kent.
- Rewi, A. (2006) Maika Mason, Living with a River. *Te Karaka*, Autumn, 45.
- Roberts, M., Normad, W., Minhinnick, N. K., Wihongi, D. & Kirkwood, C. (1995) Kaitiakitanga: Māori Perspectives on Conservation. *Pacific Conservation Biology*, 1, 7-20.
- Rolleston, S. (2001) Tūhua Environmental Management Plan: Mayor Island. *Planning Department*. Palmerston North, Massey University.
- Sinclair, D. (1975) Land: Māori View and European Response. In King, M. (Ed.) *Te Ao Hurihuri*. Wellington, Hicks Smith.

Tūhua District Plan

July 2013

1 Resource Management Issues, Objectives and Policies

1.1 Environmental Topics

Environmental Topic 1: Island Character and Amenity

Issue

Issue 1.1 Tūhua has a limited developable land area; land use and development has the potential to produce negative environmental impacts (for example the destruction of indigenous vegetation or altering the visual appearance of the island) affecting the outstanding natural character and amenity of the island

Objectives and Policies

Objective 1.1.1: The established character and amenity of the island is maintained and enhanced in accordance with a traditional ethic of conservation.

This objective actions Issue 1.1.

Policy 1.1.1.1 Ensure that the nature of use and development is compatible with the established natural character and amenity on the island. The established natural character and amenity includes:

- *Minimal number of buildings, primarily located in the Opo Bay and Pānui area;*
- *The majority of the island is maintained as a natural environment in accordance with a traditional ethic of conservation comprising primarily as an extensive native forest and regenerating vegetation;*
- *Lodge style development*
- *Marae based community activity*

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

Policy 1.1.1.2: Ensure that the location of activities on Tūhua does not compromise the established character and amenity of the island, the ongoing sustainability of the natural environment, a traditional ethic of conservation and the operation of other established and potentially permitted activities.

A traditional ethic of conservation includes:

- *Kaitiaki (guardianship)*
- *Orangatanga (sustainability)*
- *Rangatiratanga (autonomy)*

The management of Tūhua is guided first by contemporary and cultural principles and then by ecological values supporting island management. Tapu, Noa and Rāhui govern conservation, which involves restrictive use of resources as a sustainability mechanism.

These values implement Rangatiratanga, which implies environmental responsibility. Protection of resources enables Tangata Whenua to exercise their responsibilities toward the environment.

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

District Plan Methods

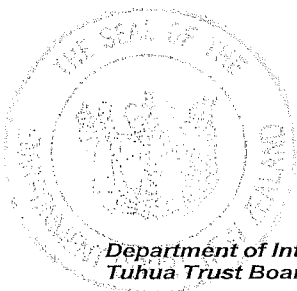
- Method (1) To implement principles for the management of resources on Tūhua based on a traditional environmental ethic of conservation.
- Method (2) To provide for use and development by identifying the Opo Bay and Pānui area as being suitable as the location for built development .

Other Methods

- OM (1) To provide information to visitors to Tūhua 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 Tūhua .
- OM(3) To implement the Nga Whenua Rāhui Kawenata between the Tūhua Trust Board and the Minister of Conservation.

Anticipated Environmental Results

- AER (1) The maintenance of the current visual appearance and natural character and amenity of Tūhua , which is recognised in the Bay of Plenty Regional Coastal Environment Plan as an outstanding natural feature and landscape, when seen from off-shore and the mainland (measured in terms of area cleared and developed on the island).



Environmental Topic 2: Natural Resources and Environment

Issues

Issue 2.1: *Use and development on Tūhua can affect the quality of the environment on the island, including air and water, enjoyed by the community through contamination of the environment and/or restricting further use of the island.*

The land, freshwater and soil resources available on Tūhua are finite resources, limited in area and quantity and sensitive to change. These resources can be affected by use and development.

Issue 2.2 *The introduction of exotic pest plants and animals to Tūhua can adversely affect the natural environment of the island.*

Objectives and Policies

Objective 2.1.1: *To protect and preserve Tūhua, as an island environment, with important natural values and resources, significant indigenous flora and fauna habitats and ecosystems, from the adverse effects of use and development.*

This objective actions Issue 2.1.

Policy 2.1.1.1 *Manage use and development to maintain and enhance the biodiversity of Tūhua.*

This policy is primarily implemented by Methods (1), (5) and (6) and Other Method OM(6).

Objective 2.2.1 *To avoid or minimise the adverse effects the disposal of wastewater, stormwater and solid waste and the collection or taking of water may have on natural resources and the environment.*

This objective actions Issue 2.2.

Policy 2.2.1.1 *To ensure that domestic and other wastewater is treated and disposed of in a way that does not compromise the natural environment and the health and safety of the island community.*

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

Policy 2.2.1.2 *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 groundwater and marine contamination.*

This Policy is primarily implemented by Method (2)

Policy 2.2.1.3: *To ensure that water is collected and supplied in a way that does not compromise the health and safety of the user.*

This Policy is primarily implemented by Method (3).

Policy 2.2.1.4: *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 (3).

Policy 2.2.1.5: *To ensure that the disposal of solid waste avoids adverse effects on the environment.*

This Policy is primarily implemented by Method (4).

Policy 2.2.1.6: Earthworks shall avoid, remedy or mitigate adverse effects on the natural environment from erosion, sediment discharge and degradation of the capacity of soil to support life.

This Policy is primarily implemented by Method (6).

Objective 2.2.2: To protect and preserve Tūhua's predominantly pest-free character

Policy 2.2.2.1: To ensure that exotic pest plants and animals are not introduced to the island.

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

Policy 2.2.2.2: To manage and, if possible, eliminate exotic pest plants and animals already on Tūhua

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

District Plan Methods

- Method (1) To provide for permitted activities that are compatible with, and do not detract from the natural resources and environment of the island by providing permitted activity conditions that establish limits to development with regard to intensity and type of development.
- Method (2) To require that all land use and development that results in the creation of impermeable surfaces to provide for the appropriate collection and disposal of stormwater runoff from those surfaces.
- Method (3) To require drinking water supplies to be of a potable standard.
- Method (4) 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 or groundwater resources.
- Method (5) To prohibit the introduction of any domestic animals or pets, or any exotic plants or animals that are not already present on the island, or any exotic pest plants or animals.
- Method (6) To provide permitted activity standards that control minor-scale earthworks and ensure that the productive soil profile is maintained.

Other Methods

- OM (1) To manage pest and nuisance plants and animals in accordance with the Tūhua Restoration Plan and the Bay of Plenty Regional Pest Management Strategy.
- OM (2) To provide information to visitors to Tūhua on the potential adverse effects exotic pest plants and animals may have on the existing environment.
- OM (3) To ensure that the taking of groundwater does not compromise the future sustainable use of that resource in terms of long-term draw-down of groundwater levels and the recovery of the aquifer in accordance with Regional Plans.
- OM (4) To require that all land use and development that results in the discharge of wastewater treats that discharge to a standard that meets the requirements of the Bay of Plenty Regional Council.
- OM(5) To enable regular programmes to remove exotic pest plants and animals already on Tūhua .

- OM(6) To implement the Nga Whenua Rāhui Kawenata between the Tūhua Trust Board and the Minister of Conservation.

Anticipated Environmental Results

- AER (1) No new exotic plant or animal pest species establishing on Tūhua (measured by Department of Conservation annual monitoring).
- AER (2) The maintenance of the taonga that is Tūhua (measured by a cultural assessment reported annually to the Tūhua Trust Board).
- AER (3) The maintenance and enhancement of the quality of the natural environment on Tūhua with particular regard to the quality of the surface water and groundwater resource (measured in terms of the quality of surface water and groundwater against National Standards).

Explanation and Principal Reasons – Island Character and Amenity, Natural Resources and Environment

As an island environment Tūhua has developed with limited influence from external sources. This is reflected in the wealth of natural resources still available on the island including the established indigenous flora and fauna as well as the Tūhua (obsidian) taonga.

The volcanic peaks of the island and exposed cliff formations are important landforms observed from the sea and the mainland. Tūhua is a visually significant landscape, recognised as an outstanding natural feature and landscape in the Bay of Plenty Regional Coastal Environment Plan. The island is also recognised as a nationally significant site for pohutukawa forest, containing several rare and endangered plant species.

The island environment is highly vulnerable to exotic plant and animal pests establishing and considerable resources have been expended on making the island free from animal pests with feral cats, pigs, kiore and Norway rats all having been eradicated. As the number of off island residents and visitors increases there is greater potential for the introduction of exotic species to the island with potentially catastrophic effects on the existing environment.

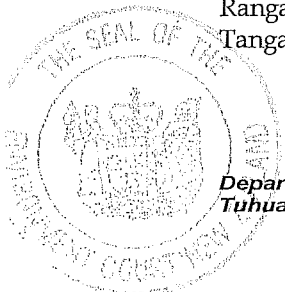
Some of the available resources have a limited carrying capacity, such as the land resource and the availability of potable water which has historically been limited to small springs, surface water and shallow bores (to about 40m depth).

The island has been successfully managed over many hundreds of years by tangata whenua through the implementation of a traditional Māori ethic of conservation that is embodied in the Tūhua Trust Deed.

The stated values for management of Tūhua are:

- Kaitiaki (guardianship)
- Orangatanga (sustainability)
- Rangatiratanga (autonomy)

The philosophy for management of Tūhua is based on a Māori environmental ethic that supports traditional management principles. The methodology for management will be guided first by contemporary and cultural principles and then by ecological values supporting island management. Tapu, Noa and Rāhui govern conservation, which involves restrictive use of resources as a sustainability mechanism. This links back to the management value of Rangatiratanga, which implies environmental responsibility. Protection of resources enables Tangata Whenua to exercise their responsibilities toward the environment.

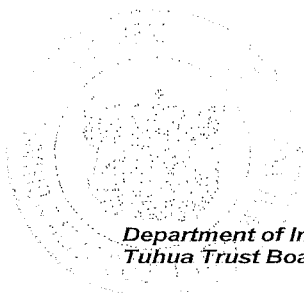


Increased use and development in the Opo (South East) Bay and Pānui area and other parts of the island could result in increased discharge of untreated wastewater and stormwater leading to potential for contamination of surface and ground water ultimately pollution of the surrounding sea adversely affecting kaimoana.

Solid wastes have the potential to increase through use and development in the Opo Bay and Pānui area in particular and pollution may be experienced from wind-blown litter not properly contained, long-term contamination from buried waste and particulate discharge from burning solid wastes.

The use and development of Tūhua are to be managed in accordance with a traditional ethic of conservation at three levels – protecting areas of significant vegetation and maintaining the visual significance of the island, taking/using/enhancing resources of 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.

The Principal reason for the objectives, policies and rules related to natural character and amenity and natural resources and environment is to sustainably manage the use and development of these resources for future generations.



Environmental Topic 3: Physical Resources

Issues:

- Issue 3.1 Increased use and development can potentially affect physical resources necessary to support the island community.*
- Issue 3.2 Increased use and development can potentially affect transportation infrastructure to and on Tūhua .*
- Issue 3.3 Communication links to Tūhua must be maintained to ensure the health and safety of the residents and visitors.*
- Issue 3.4 Some substances used in rural communities are hazardous to people and the environment.*

Objectives and Policies

Objective 3.1.1: To ensure that the use of physical resources and the rate of use of those resources enables the current generations to provide for their needs without compromising the ability of future generations to meet their needs.

This objective actions Issue 3.1.

Policy 3.1.1.1: To enable the establishment of facilities necessary to support lawfully established activities on the island.

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

Policy 3.1.1.2: To avoid, remedy or mitigate the adverse effects of construction on the environment.

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

Objective 3.2.1: Transportation infrastructure on and around Tūhua is established, maintained and enhanced in a way that provides for the health and safety of the community and the natural environment.

This objective actions Issue 3.2.

Policy 3.2.1.1: To ensure that existing transportation infrastructure to and on Tūhua is constructed and maintained to a standard that will protect the health and safety of the community.

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

Policy 3.2.1.2: To ensure that new transportation infrastructure is established in a way and at a location that does not compromise the health and safety of residents or the natural environment or the biodiversity of the island.

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

Objective 3.3.1: Communication services to and on Tūhua are maintained and enhanced to provide a reliable service to the community.

This objective actions Issue 3.3.

Policy 3.3.1.1: To ensure communication services to and on Tūhua 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 (4).

Objective 3.4.1: *The storage and use of hazardous substances on Tuhua avoids, remedies or mitigates adverse effects on the community and environment.*

This objective actions Issue 3.4.

Policy 3.4.1.1: *To ensure hazardous substances are stored and used with regard to relevant standards and user guidelines.*

This Policy is primarily implemented by Methods (5) and Other Method OM(1).

District Plan Methods

- Method (1) To control the use and development of land in a way that manages the adverse effects on the physical resources.
- Method (2) To provide for permitted activities subject to compliance with conditions
- Method (3) To establish standards for the development and maintenance of new infrastructure on Tuhua including tracks and primary landing points.
- Method (4) To establish limits for the storage of hazardous substances.

Other Methods

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

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) Maintenance and enhancement of the existing transportation and communication infrastructure serving the island.

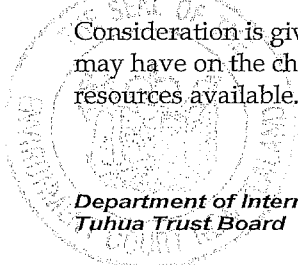
Explanation and Principal Reasons

The land resource on Tuhua is 1,280 hectares, and the developable area is limited by topography and natural vegetation primarily to approximately 25 – 30 hectares in the Opo Bay and Pānuī area. Traditionally, Te Whānau a Tauwhao were able to provide for their cultural, social, environmental and economic well-being in a sustainable manner. In the future the owners of Tuhua would like to see the island used and developed in a manner that provides for their economic, social and cultural wellbeing without compromising the sustainable management of the island in general. In particular this involves protecting the natural environment and habitats in accordance with a traditional ethic of conservation in a way that will draw people to the island.

There is a limit to the land available for use and development, and that while the island's *Vision* supports maintaining the natural character of Tuhua, care must be taken when considering other activities that do not support that vision. The joint management of the island by the Tuhua Trust Board, as owner, and the Territorial Authority will ensure that the character of Tuhua is maintained in accordance with a traditional ethic of conservation.

Already there are basic tourist lodge activities based on the island.

Consideration is given in the assessment of potential development and the effect these activities may have on the character of Tuhua and how they may affect the finite land, water and soil resources available.

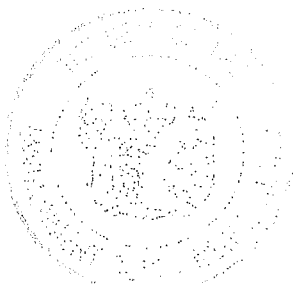


Tuhua District Plan

There are no roads, airfields or jetties on the island. Access around the island follows existing tracks. While most of the tracks are usable, some have eroded and deteriorated below a safe standard. Any development must recognise the potential pressure visitors may place on island tracks, and be in a position to maintain those services to a usable and safe standard.

Access to Tūhua is either by sea or by air and is provided by private individuals or companies. It is critical for the on-going success of island ecological maintenance and any eco-tourism operations that the infrastructure required to support air and sea links are lawfully established and maintained to a safe standard.

Communication is a critical link to the mainland. Communication services must be maintained or improved to meet long-term demands from increased use.



Environmental Topic 4: Tangata Whenua Values

Issue

Issue 4.1: *Use and development of Tūhua can affect 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 Tūhua are Te Whānau a Tauwhao ki Tūhua .

Objectives and Policies

Objective 4.1.1: *To maintain and enhance the relationship of tangata whenua with their ancestral land, water, waahi tapu and other taonga and resources associated with Tūhua .*

This Objective actions Issue 4.1

Policy 4.1.1.1 *To ensure that the customary relationships and practises of Te Whānau a Tauwhao ki Tūhua as kaitiaki over their land, waahi tapu and other taonga is recognised and provided for.*

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

Policy 4.1.1.2 *To ensure that the principles of the Treaty of Waitangi including; mutually beneficial relationships, consultation with the affected Tangata Whenua, active protection, shared decision-making processes, and hapū and Iwi self-regulation and development provide a basis for relationships with Tangata Whenua.*

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

Policy 4.1.1.3 *To encourage that where use and development affects land, resources or other taonga important to Te Whānau a Tauwhao ki Tūhua , they are consulted.*

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

Policy 4.1.1.4: *To ensure that when considering any application involving use and development affecting land, resources or other taonga the Minister, or the Minister's agents, consults with the relevant Te Whānau a Tauwhao ki Tūhua parties.*

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

Policy 4.1.1.5: *To ensure that use and development avoids, remedies or mitigates adverse effects on land, resources or other taonga important to tangata whenua.*

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

Policy 4.1.1.6: *To maintain and enhance the relationship Te Whānau a Tauwhao ki Tūhua has with the land, its character and amenity and the consequential lifestyle on Tūhua .*

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

Policy 4.1.1.7: *To avoid, remedy or mitigate the adverse effects of use and development on the cultural and traditional relationship of Māori with water.*

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

Policy 4.1.1.8: To enable development opportunities in the Pānui and Opo Bay areas, recognising this will involve tradeoffs between development location, development scale and archaeological site preservation.

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

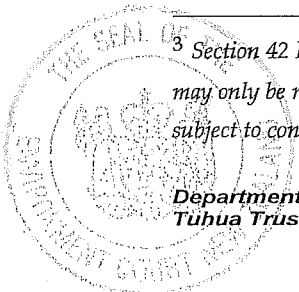
District Plan Methods

- Method (1) To provide for the development of activities on Tūhua in a manner consistent with the Tūhua Trust Deed and in accordance with the land ownership status of the owners.
- Method (2) To require consideration to be given to effects on archaeological and cultural sites and values 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 (3) To identify on the Planning Map areas acknowledged by Te Whānau a Tauwhao ki Tūhua to be nga waahi tapu, sites of significance or nga taonga.
- Method (4) To provide for the management of those sites identified prior to development, or sites discovered during the process of development, in agreement with the Whānau a Tauwhao ki Tūhua and land owners.

Other Methods

- OM(1) To establish a protocol for consultation with the Minister or the Minister's agents for any application for resource consent.
- OM(2) To maintain a register pursuant to S.42³ of the Resource Management Act 1991 (RMA) of sites and other taonga significant to tangata whenua and to recognise the rights of tangata whenua not to identify sites of significance. Identification of sites recorded pursuant to Section 42 RMA to be made public only on the instruction of tangata whenua kaitiaki.
- OM(3) Recognise the role of the New Zealand Historic Places as the appropriate authority for the management of archaeological sites under the Historic Places Act 1993.
- OM(4) Recognise marae as appropriate venues for consultation with tangata whenua.
- OM(5) 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(6) To recognise the provisions of the Te Ture Whenua Māori Act, 1993.
- OM(7) Recognise any comprehensive development plan prepared by Te Whānau a Tauwhao ki Tūhua.

³ Section 42 RMA provides for the recording of identified sites of significance to tangata whenua on a silent file that may only be referred to on the agreement of the relevant parties. Further reference and use of the information may be subject to conditions. This method protects the intellectual property rights of tangata whenua.



Anticipated Environmental Result

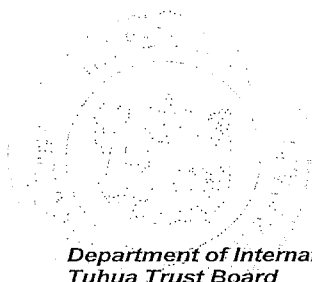
AER (1) No modification or destruction of recorded archaeological sites and/or cultural sites without tangata whenua agreement.

Explanation and Principal Reasons

Māori have had a long and continuous relationship with Tūhua from pre-European times to today. The island was an important strategic asset for the local tribes, as a source of obsidian. As a result the island represents an important cultural landscape steeped in history beyond the physical remnants of Pa and the present day marae and urupa. The island represents a connection between current and past generations. Te Whānau o Tauwhao ki Tūhua are the kaitiaki of the island and as such have a responsibility to protect cultural and ecological resources for current and future generations. This responsibility is embodied in an ethic of conservation described in the Tūhua Trust Deed and as provided for in the Objectives, Policies and Rules of this District Plan.

As tangata whenua it is appropriate that they are actively consulted in the management and decision-making processes and that due regard and consideration is given to avoiding, remedying and mitigating adverse effects on island resources.

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



Environmental Topic 5: Natural Hazards

Issue

Issue 5.1: Use and development in areas at risk from hazard events, such as erosion, landslip or inundation around the coast, exposes people and natural and physical resources to unacceptable risk, which may lead to death or injury or an accelerated loss of natural resources or other adverse effects on land use activities, occupation or development.

Objectives and Policies

Objective 5.1.1: To avoid adverse effects on land use activities, occupation or development including, loss of life or injury, or damage to (or loss of) property arising from hazard events, such as erosion, landslip or flooding occurring in coastal areas, or to remedy or mitigate the potential for adverse effects on structures or buildings required to be located in areas subject to natural hazards.

This objective actions Issue 5.1.

Policy 5.1.1.1: To avoid locating buildings and structures within areas known to be at risk from erosion, flood and landslip hazard unless they are required to be located in those areas for reasons of public safety and access to the island such as light houses, navigational aids, beacons, meteorological stations, wharves, jetties and other access structures and facilities to support access to the island.

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

Policy 5.1.1.2: 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 intended use in a way that meets the requirements of Objective 5.1.1.

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

District Plan Methods

Method (1) To provide a setback from areas identified as being subject to coastal hazards such as erosion and landslip, resulting from sea level rise and natural hazards, and to establish a minimum floor level in areas subject to inundation.

Method (2) To allow only structures essential for public access, navigation or public safety in identified areas subject to coastal hazards outside of the Opo Bay and Pānui area.

Method (3) To require buildings and structures located within identified areas subject to coastal hazards, to be considered as discretionary activities and to include in the matters of discretion the standard of construction in relation to the purpose of the building or structure and its resistance to identified natural hazards.

Method (4) To require a risk assessment to be undertaken before any new structures/activities are established on the island in areas subject to natural hazards.

Other Method

OM (1) The Bay of Plenty Regional Council provides information on coastal hazards.

Anticipated Environmental Results

- AER (1) No buildings or structures other than essential services in areas subject to coastal hazards outside Opo Bay and Pānui area.
- AER (2) All buildings and structures built in accordance with authorised building consents.

Explanation and Principal Reasons

Tūhua is an off-shore island, typically surrounded by tall cliffs subject to continuous erosion from the sea and the wind. The island has a soft formation prone to natural change from erosion (wind and sea) and landslip (sea).

Section 106 RMA requires the territorial authority to consider the potential for erosion, landslip and inundation when making consent decisions and while any further action following consideration remains discretionary it is 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, including coastal hazards, on other land and property.



Environmental Topic 6: Emergency Management

Issue

Issue 6.1: *There are limited emergency response resources on Tūhua and the isolation of the island increases the risk to; the health and safety of residents, buildings and structures and the natural environment and resources of the island 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 potential for adverse effects arising from emergency events.*

This Objective actions Issue 6.1.

Policy 6.1.1.1: *To enable the maintenance of existing, and establishment of new, lifeline infrastructure – the landing places and the telecommunications infrastructure – in a way that ensures they are resistant, adaptive, responsive and quick to recover from emergency events.*

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

Policy 6.1.1.2: *To ensure the provision of a fire-fighting water supply and delivery system appropriate to the use and development of activities on Tūhua .*

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

Policy 6.1.1.3: *To establish emergency response stations on the island including a rural fire fighting capacity and first aid response kit.*

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

Policy 6.1.1.4: *To provide for an emergency refuge, or safe haven, for community use in the event of an emergency that results in people being deprived of shelter.*

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

District Plan Methods

Method (1) To ensure that lifeline infrastructure is constructed and maintained, as a minimum, to withstand storm events of 1 in 100-year probability of occurring and 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.

Method (2) To provide for emergency management by way of conditions of resource consent for land-use or development.

Other Methods

OM(1) To provide training in emergency management including rural fire fighting and first aid to island residents and land owners.

Tuhua District Plan

- OM(2) To provide emergency response equipment in a secure structure for use on the island.
- OM(3) To assess and upgrade as required identified safe havens on the island.
- OM(4) To assess and upgrade as required identified landing places.
- OM(5) To provide for the telecommunications receiving facility by way of an easement registered on the underlying certificate of title.

Anticipated Environmental Results

- AER(1) Enhanced safety and well-being for the Tūhua 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 nominated safe haven and emergency response equipment by the community facilitated by the Territorial Authority within five years.

Explanation and Principal Reasons

Tūhua is an isolated location, 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 natural 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 an identified safe haven. These provisions will provide for the safety of people on the island while awaiting further assistance from the mainland. These are implemented by way of Other Methods.

Environmental Topic 7: Sustainable Economic Development.

Issue

Issue 7.1: The sustainable management of Tūhua as a unique natural environment and cultural heritage resource is dependent upon the economic viability of activities established on the island.

Objectives and Policies

Objective 7.1.1 *To establish economic activities, in an integrated manner with the natural and cultural resources of the island that maintain and manage the significant environmental and heritage values and unique location for the benefit of the beneficial owners of Tūhua .*

This objective actions Issue 7.1.

Policy 7.1.1.1 *To recognise the national contribution made by Tūhua to the conservation of native plants and animals in Aotearoa.*

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

Policy 7.1.1.2 *To develop a comprehensive plan for the development of the Opo Bay and Pānui area that identifies the constraints and opportunities for commercial, community and private development for the benefit of the beneficial owners.*

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

Policy 7.1.1.3 *To develop a comprehensive economic strategy for Tūhua .*

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

District Plan Methods

Method (1) To maintain the current pest free status of the Island environment through the quarantine process for all visitors to the Island.

Method (2) To provide for the sustainable use and development of Tūhua through compliance with the performance standards and rules of the Tūhua District Plan.

Other Methods

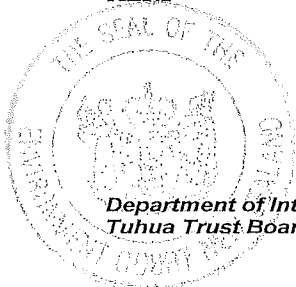
OM(1) To maintain the relationships with the Department of Conservation and Department of Internal Affairs.

OM(2) To seek support and assistance from the Department of Internal Affairs and other Crown agencies in the preparation and implementation of an Opo Bay and Pānui Plan.

OM(3) To develop a sustainable economic management model for Tūhua that recognises the unique environmental features and aspirations of the beneficial owners.

Anticipated Environmental Results

AER1 The sustainable development of Tūhua (measured by the completion and successful implementation of a Development Plan for Opo Bay and Pānui and an Economic Strategy for the island).



Explanation and Principal Reasons

The successful ongoing management of Tūhua as an environmental safe haven is to a large extent dependant on the ability of the beneficial owners to successfully establish economically viable activities that integrate the care of the environment with the use and development of the island.

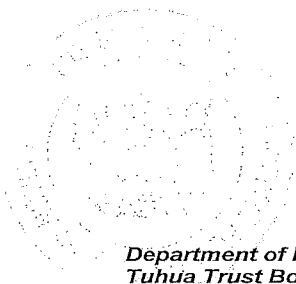
A large part of the island is currently an area subject to a Nga Whenua Rāhui Kawenata agreement established under Section 77A of the Reserves Act, 1977. This agreement is time limited until 2027 and as an agreement outside of the District Plan may be amended by agreement. The parties to the agreement are bound to its terms for the duration agreed but the land remains with the beneficial owners on an ongoing basis. The District Plan provides for the sustainable management of the whole of Tūhua in accordance with a traditional ethic of conservation notwithstanding the current agreement.

A smaller area, Opo Bay and Pānui, lies outside of the area subject to the Nga Whenua Rāhui Kawenata. This is an area that traditionally has been used for occupation and there are significant cultural and archaeological values associated with this area. At present there is limited built development in this area around Opo Bay which is the main sheltered landing area for Tūhua. This area has the greatest potential for future development and would benefit from the preparation and implementation of a development plan that takes into account the principles and objectives of the Tūhua Trust Deed.

The integrated development of Tūhua will see the preservation and protection of the natural environment, landscape amenity, wildlife, freshwater life and historical values of the land as well as the spiritual and cultural values that Māori associate with the land and as identified in the Tūhua Trust Deed as a traditional ethic of conservation. However, the beneficial owners of the island also expect that they will not be individually called upon to pay for the management of this area without the island also being economically sustainable. There must therefore also be a recognition that commercial activity of some form should be provided for.

The Opo Bay and Pānui area adjacent to the main landing area is most likely to provide the greatest potential as an economic resource to maintain the natural and cultural environment significant to the island. In order to achieve this potential a plan for the development of this area should be prepared to help to identify the long-term opportunities for the island.

In parallel with the development plan an Economic Strategy should be prepared for/by the beneficial owners that recognises the development opportunities and the challenges facing the owners in providing for that development. The economic strategy falls outside the parameters of the District Plan and is provided for through the Other Methods identified above.



1.2 Cross Boundary Issues

Tūhua, as an island, is unique in that it shares its boundary with no other local authority. It is, however, surrounded by the Coastal Marine Area administered by the Bay of Plenty Region and the Regional Authority 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 Minister's responsibility for use and development on land and the surface of water.

The Plan must also give effect to the New Zealand Coastal Policy Statement (NZCPS) and the Regional Policy Statement (RPS) and shall not be contrary to the Regional Coastal Environment Plan (RCEP). The RPS and RCEP identify Tūhua 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 Environmental Topic 2 of this Plan.

The jurisdiction of the territorial authority and therefore this Plan lies at the line of Mean High Water Springs (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 and development on the environment.

Consideration of Natural Hazards and Emergency Management complements the Region's role in these areas through the provision of Objectives and Policies in Environmental Topic 5 and Environmental Topic 6 of this Plan.

The interface between Tūhua and other territorial authorities is most evident at the landing places 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 Environmental Topic 2 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 District Plan Rules

The rules necessary to implement the objectives and policies of the Plan 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 three activity classes:

- (a) Permitted – those activities that may be undertaken as-of-right subject to compliance with specific permitted activity conditions
- (b) Discretionary – those activities listed that require Resource Consent and that may be approved or refused by the Minister
- (c) Prohibited – those activities listed for which a Resource Consent cannot be approved.

There is no provision for Controlled or Restricted Discretionary activities.

2.3 Information Requirements for a Resource Consent

An application shall be made to the Minister of Local Government 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), at libraries in the Tauranga City, Western Bay of Plenty District and Whakatane District areas and held by the Chairperson of the Tuhua Trust Board and at the Otawhiwhi Marae and the Rangiwaea Marae.

An application for 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 may be requested)
- (c) A full description of the proposed activity including but not limited to:
 - (i) Details of existing riparian habitats, aquatic habitats and the relationship of the activity to these if relevant
 - (ii) The extent of vegetation removal proposed by the activity with particular attention to details of the abundance and diversity of species affected
 - (iii) The extent of earthworks proposed with details of the likely length of time the land will remain exposed
 - (iv) 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.
 - (v) Location and area of any land subject to the proposal that is, or may be subject to, natural hazard, including coastal hazards.
 - (vi) Details of restoration plantings to cover land exposed after development, including source of material, seed and plant stock.

Tuhua District Plan

- (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 all other resource consents or authorities that may be required, including consents from both the Minister and Bay of Plenty Regional Council (Bay of Plenty Regional Council) and authorities under the Historic Places Act, and whether the applicant has applied for these.
- (f) A site plan (A3 or A4), at a specified metric scale, which shall incorporate (where appropriate):
 - (i) A north point
 - (ii) Indicative site 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 and other significant landforms
 - (iv) The location of any known cultural, heritage or archaeological feature 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 Springs line
 - (vi) All significant vegetation including trees, hedges, bush and scrub
 - (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, airfields, jetties and telecommunications services relevant to the site.
- (g) 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 and fencing
 - (v) Location details of hazardous substances to be used or stored on site, and details of their 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) Water supply source.
- (h) 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).

- (i) All applications for resource consent shall include a record of consultation with representatives of the Tuhua Trust Board Te Whānau a Tauwhao ki Tuhua undertaken prior to the submission of any application for resource consent. The consultation shall be taken into account in considering whether the application is to be considered on a notified or non-notified basis
- (j) Any information required to be included by a rule in the Plan
- (k) An Assessment of Environmental Effects in accordance with the Fourth Schedule of the Resource Management Act 1991

Explanatory Note: To enable the efficient and effective consideration of a resource consent application, the applicant must provide adequate information to allow the effects of the activity to be fully assessed under the Resource Management Act 1991 and the Plan.

2.4 Information Requirements for Any Discretionary Resource Consent Applications

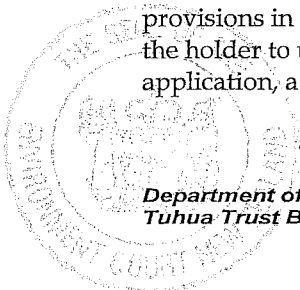
- (a) In addition to other requirements of the Plan, the assessment of effects on the environment accompanying any resource consent for a discretionary activity shall have particular regard to:
 - (i) Effects on the existing character and intrinsic values of the locality and amenity values
 - (ii) Relevant matters set out in Part II and 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 other 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
- (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

2.5 Information to be Supplied for a Certificate of Compliance

Where an application for a Certificate of Compliance is made to the consent 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

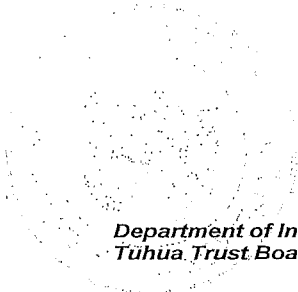
Explanatory Note: A Certificate of Compliance is used to demonstrate that a permitted activity, a proposed permitted activity or any activity which does not require resource consent complies with the rules of the Plan in relation to a particular location. Subject to the existing use provisions in the 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.



2.6 Designations

At the time of notification of this Plan there are no designations on Tūhua .

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 for Tūhua

3.1 General

Any site may be used for more than one activity at the same time, provided that all applicable Plan standards, terms and conditions for each activity are complied with.

Advisory Note: Notwithstanding the rules of this Plan the establishment or undertaking of many activities may also be controlled by rules in the Bay of Plenty Regional Council's Regional Water and Land Plan, Regional Coastal Environment Plan and other relevant plans. The status of any activity under those plans should be checked with the Bay of Plenty Regional Council before commencement, as compliance with those plans is also required.

3.2 Permitted Activities

3.2.1 Permitted 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 do not contravene any permitted activity standard and term listed in the Plan.

- (a) Accessory buildings and activities
- (b) Activities undertaken to protect and/or restore archaeological sites (see 3.3.6).
- (c) Building, building demolition, maintenance or site works associated with the development of the land for a permitted activity
- (d) Burial grounds/urupa
- (e) Earthworks (see Rule 3.3.14)
- (f) Emergency Response Station
- (g) Existing use and activities by the beneficial owners of Tūhua including, but not limited to:
 - Camping
 - Land based fishing
 - Landing on the Island
 - Removal of *tūhua* (obsidian) for customary purposes
- (h) Network utilities (see 3.2.2)
- (i) Non-residential activities (other than visitor accommodation), including small-scale commercial activities.
- (j) Organised walks on the formed Island walking tracks
- (k) Places of Assembly/marae
- (l) Public / visitor toilet facilities
- (m) Quarantine receiving, cleansing and isolation facilities.
- (n) Residential activities/papakainga
- (o) Signs
- (p) Temporary Activities (see 3.2.5)

- (q) Tracks and track maintenance in accordance with Rule 3.3.2 – Roading and Transportation Activities
- (r) Traditional harvest of rongoa Māori (Māori medicinal plants) and Māori food sources for non-commercial purposes
- (s) Transportation activities including, but not limited to, the loading/unloading of boats and helicopters on the island, unless otherwise prohibited by Rule 3.5 (see Rule 3.3.2)
- (t) Vegetation clearance and pest eradication (see 3.3.3)
- (u) Visitor accommodation
- (v) Visitor relief and emergency facilities along the major walking tracks. These facilities may include ablution and first aid facilities (see 3.3.6 and 3.5).
- (w) Wastewater Treatment Facilities
- (x) Water Storage Tanks

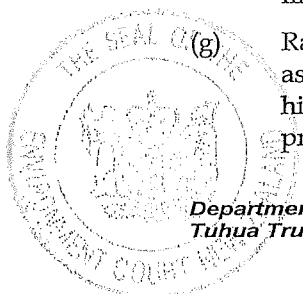
3.2.2 Permitted Activities – Network Utilities

- (a) New lines, extension in length of lines, and upgrading the voltage or capacity of underground electrical lines for conveying electricity.
- (b) 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.
- (c) Minor upgrading of existing overhead electrical lines for conveying electricity where minor upgrading 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:
 - (i) The reconductoring of lines with higher capacity conductors
 - (ii) The resagging of conductors
 - (iii) The installation of longer and more efficient insulators
 - (iv) The addition of earthwires (which may contain telecommunication lines) and earthpeaks.

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 discretionary activity.

Minor upgrading shall not include any works that result in an increase in the voltage of lines beyond 33kV.

- (d) Temporary overhead electrical and telecommunication lines for a period not exceeding six months.
- (e) Single transformers and associated switching gear conveying electricity at a voltage up to, and including, 110kV.
- (f) Underground telecommunication lines and cables (i.e. new lines; extension in length of lines; upgrading by increasing capacity of cable).
- (g) Radio and telecommunication masts 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, weather radar, guy wires, wooden or steel support poles, provided the total height of the mast and associated equipment shall have a maximum



height no greater than 20m above ground level. The mast shall have a maximum diameter of 1350mm. Buildings associated with the equipment.

- (h) Radio and telecommunication aerials up to 4m high and antenna dishes up to 5m in diameter attached to any building or structure.
- (i) Radio and telecommunication ancillary equipment shelters.
- (j) Rural fire-fighting depots and associated facilities.
- (k) Trig stations.
- (l) Lighthouses, navigational aids and beacons.
- (m) Meteorological enclosures and buildings; automatic weather stations and single anemometer mast not exceeding a height of 10m; voluntary observer sites; associated microwave links.
- (n) Wind turbines including pole/tower to a maximum height no greater than 20m above ground level.
- (o) Photovoltaic collectors for solar power generation located on the roof of any permitted building or as a standalone collection array.

3.2.3 Permitted Temporary Activities

- (a) Temporary activities (other than temporary military training) as defined in Appendix 1, Definitions, shall comply with the noise and disturbance rule (Rule 3.3.1)
- (b) Temporary military training activity, as described in clause (d) of the definition of temporary activities in Appendix 1, Definitions, shall comply with the following conditions:
 - (i) The written consent of the Tūhua Trust Board shall be obtained
 - (ii) The temporary activity shall not undertake mechanical earthworks unless provided for in the Plan
 - (iii) The temporary activity is limited to a period not exceeding 31 days in any calendar year
 - (iv) The temporary activity shall be conducted so as to ensure that noise from the site shall not exceed the noise limits in Rule 3.3.1.

3.3 Standards and Terms for Permitted Activities

3.3.1 Noise

- (a) All activities shall be conducted to ensure that noise from the activity shall not exceed the following limits at the boundary of the allotment on which the activity is located:

| | | |
|------|-------------------|---------------------------|
| (i) | 0700 – 2200 hours | 55 dBA L10 |
| (ii) | 2200 – 0700 hours | 45 dBA L10 65 dBA Lmax |
- (b) Sound levels shall be measured in accordance with NZS 6801:1999 Acoustics Measurement of Environment Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound or any superseding codes of practice or standards.
- (c) Construction noise from the site shall meet the limits recommended, and shall be measured and assessed in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards.

3.3.2 Roading and Transportation Activities

The design and construction of new tracks and transportation activities and the maintenance of existing tracks and transportation activities shall:

- (a) Be able to provide safe vehicular and/or pedestrian access to every site the track serves.
- (b) Be constructed to a standard that ensures that stormwater drains freely to the sides clear of the track and/or transportation activity.
- (c) For stormwater disposal from track and/or transportation activity surfaces:
 - (i) Water-tables, drains and culverts shall be able to convey stormwater to a lawful discharge point.
 - (ii) Ensure that any culverts or bridge structures are able to accommodate a 10-year return period (10% AEP) storm event.
- (d) Provide for the maintenance of biodiversity by:
 - (i) Minimising the amount of indigenous vegetation cleared during the construction of tracks and transportation activities
 - (ii) Not introducing exotic pest plants and animals on either construction equipment or during operation of the activity (e.g., by helicopter or boat)
 - (iii) Maintaining landing or flight plans that by duration, frequency, direction or route selection minimises disturbance to the natural environment of the island.
- (e) Any earthmoving or construction machinery transported to the island shall ensure that it is free of any exotic pest plants or animals before importation to the island (e.g., by steam cleaning to destroy seeds and by disinfecting to destroy exotic animal pests).

3.3.3 Vegetation Clearance and Pest Eradication

- (a) Vegetation clearance shall be limited to:
 - (i) normal gardening practices,
 - (ii) maintenance,
 - (iii) trimming and mowing,
 - (iv) pruning,
 - (v) thinning to waste,
 - (vi) harvesting of plants for scientific, cultural, or traditional medicinal purposes,
 - (vii) the formation and maintenance of tracks
 - (viii) the removal or disturbance of plant pest species,
 - (ix) weed control,
 - (x) clearance around network utilities.
 - (xi) clearance for approved buildings, structures and activities
 - (xii) clearance and maintenance around waahi tapu and sites of significance to Te Whānau a Tauwhao ki Tūhua ,
 - (xiii) the removal of vegetation for emergency or safety reasons, to maintain a safe environment for people and buildings.
- (b) Vegetation clearance shall maintain the health and structure of other vegetation in the vicinity of the vegetation to be removed and the health and safety of residents, visitors and native animals by avoiding, remedying and mitigating the potential for land slippage.

- (c) Pest eradication:
- (i) shall ensure the ongoing status of Tūhua as an environment free of cats, pigs and rats
 - (ii) shall enable the removal of other animal pests identified on the island
 - (iii) eradication techniques may include the use of lures, baits and traps
 - (iv) shall include monitoring activities
 - (v) shall include the erection of advisory, information and warning signs.

3.3.4 Use and Storage of Hazardous Substances

- (a) The use and storage of hazardous substances is limited to fuels used for domestic purposes, generators and boats, chemicals used for pest eradication in accordance with Table 1.

Table 1 Hazardous Substances Permitted Quantities

| Hazardous Substance | Quantity allowed |
|---|------------------|
| Diesel/Oil | 2000 litres |
| Petrol/Flammable Liquids | 500 litres |
| Detergents/sanitiser/bleaches | 50 litres |
| Animal and/or Plant pesticides/herbicides | 120 litres/kg |

- (b) Hazardous substances shall be stored and used in accordance with standards recommended by the manufacturers or relevant national standards.

3.3.5 Heritage

Where an authority is required to damage, disturb or modify any known or unknown archaeological site, or to disturb any building, structure, or site of cultural or heritage value, under the Historic Places Act, a copy of the authority shall be lodged with the Local Authority before any works on the site commence.

3.3.6 Buildings in Areas Subject to Natural Hazards

All buildings or structures located within an area subject to natural hazards, including areas subject to coastal hazards, shall be:

- (a) Designed and constructed in accordance with their nominated purpose to withstand a minimum natural hazard event of 1 in 100 year probability (1% AEP) of occurring, or
- (b) Designed and constructed to be easily relocated, or demolished and removed from the hazard area, in the event of damage or potential damage from a natural hazard.
- (c) Located greater than 35m inland from the top cliff edge surrounding the island unless required to be located closer to the cliff edge to fulfil their function e.g., as a navigational aid, warning beacon, meteorological station or survey mark.
- (d) Within Opo Bay buildings for residential and visitor accommodation activities that include sleeping facilities shall be:
 - (i) Located more than 10m from the toe of the escarpment in Opo Bay (outside the area shown as 'A' on Planning Map 2) unless construction is in accordance with the recommendations of a structural engineer taking into account the potential for landslip from the escarpment.

- (ii) Located inland of the 6.0m (Moturiki Datum) contour
- (e) Within Opo Bay buildings for non-residential activities (other than visitor accommodation), including small-scale commercial activities, buildings for residential and visitor accommodation that do not include sleeping facilities, shall be located inland of the 5.0m (Moturiki Datum) contour.
- (f) Buildings located between the 5.0m and 6.0m contour in Opo Bay shall not be attached to buildings that include sleeping accommodation.

3.3.7 General

- (a) The importation of any material to the island, including but not limited to, construction and building materials and tools, metal for tracks, personal clothing, equipment, fuel and food shall be free of exotic pest plants and animals.

3.3.8 Scale of Development – Height

- (a) The height of any structures or buildings associated with a permitted activity on Tūhua shall not exceed 9m unless otherwise specified in this District Plan. Structures permitted in excess of 9m may be attached to a permitted building provided that building does not exceed 9m.

3.3.9 Island Character and Amenity – Natural Character

Outside the Opo Bay and Pānui area, no activity within the area subject to coastal hazard, other than lighthouses, navigational aids and beacons, shall result in:

- (a) The erection of any building, structure, wastewater or stormwater disposal system.
- (b) The clearance of more than 20m² of indigenous vegetation in any 12-month period.
- (c) The removal, deposition or disturbance of more than 50m³ of earth in any 12-month period.
- (d) The removal of a native tree greater than 6m in height.

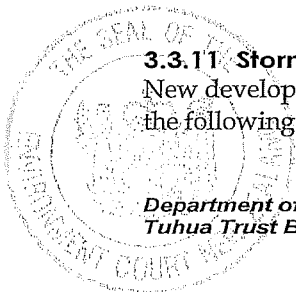
3.3.10 Wastewater Treatment and Disposal

New development shall be provided with on-site treatment and disposal of wastewater subject to the following conditions:

- (a) No effluent treatment and/or disposal area shall be constructed within the area subject to coastal hazard.
- (b) The design and construction of any on-site wastewater treatment and disposal system shall:
 - (i) Be able to service the proposed use within the development that it serves
 - (ii) Be able to use gravity operation (where practicable)
 - (iii) Be able to provide safe and reasonable access for maintenance.
 - (iv) Minimise the potential for contamination beyond the boundary of development or to the sea
- (c) 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 Minister before the approved system is built.

3.3.11 Stormwater

New development shall provide for the disposal of stormwater from the development subject to the following conditions:



- (a) No ground soakage system shall be constructed within the area subject to coastal hazard.
- (b) The design and construction of any stormwater disposal system shall:
 - (i) Be able to service all buildings in the catchment upstream of the 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 adequate to protect adjacent property from damage caused by surface water or poor ground soakage
- (c) 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 Minister before the approved system is built.

3.3.12 Water Supply

- (a) New development shall be supplied with water from rainwater tanks, natural springs, bores or wells.

3.3.13 Solid Waste

Solid waste shall not be disposed of within

- (a) the area subject to coastal hazard
- (c) 20m of any permanent running stream, pond or wetland
- (d) 10m of any stormwater overland flow path
- (e) 2m (as measured by vertical separation) of any groundwater table.

3.3.14 Earthworks

- (a) Earthworks that do not require a resource consent from the Bay of Plenty Regional Council are subject to the following conditions:
 - (i) The exposed surface area is reinstated with grass, or other vegetation, or dust-free hard surface (such as compacted road metal) within six months of completion of the earthworks in the vicinity
 - (ii) 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.
 - (iii) Any earthmoving or construction machinery transported to the island to undertake earthworks shall ensure that it is free of any exotic pest plants or animals before importation to the island (e.g., by steam cleaning to destroy seeds and by disinfecting to destroy exotic animal pests).
- (b) Where a resource consent for earthworks is required from the Bay of Plenty Regional Council for earthworks a copy of that consent shall be provided to the Minister before the earthworks are undertaken.
- (c) Earthworks shall not be undertaken in areas of identified contaminated land unless provided for under the relevant Bay of Plenty Regional Plan

Advisory Note: Notwithstanding the rules of this Plan earthworks are controlled by rules in the Bay of Plenty Regional Council's Regional Water and Land Plan. The status of any earthworks activity under that plan should be checked with the Bay of Plenty Regional Council before commencement, as compliance with those plans is also required.

3.3.15 Remediation

- (a) All works involving the removal of buildings or vegetation, earthworks or site-works shall provide for the remediation of the site to ensure that no unvegetated or surfaces exposed and liable to further erosion by wind and/or water remain on completion of the works.
- (b) All works involving the removal of buildings shall ensure that all services including, telephone, electricity, water and connections to septic tanks or other wastewater treatment and disposal systems are safely disconnected.
- (c) All associated services and utility structures including, but not limited to, septic tanks, other waste disposal structures and water tanks, shall be removed and the site remediated unless they are to be re-used in accordance with the standards, rules and conditions of the Plan.

3.4 Discretionary Activities

3.4.1 Discretionary Activities

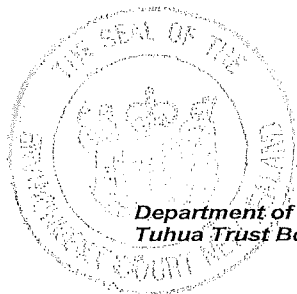
- (a) Any permitted land-use activity that does not comply with the rules of the Plan for permitted activities and any activity that is not listed as a permitted or prohibited activity shall be a discretionary activity.
- (b) Any subdivision of land on Tūhua shall be a discretionary activity.

Explanatory Note: Any permitted activity that does not comply with the permitted activity conditions listed in Rule 3.3 must be considered as a full discretionary activity to allow an assessment to be made of the effects of the activity as a whole not solely in relation to the areas of non-compliance or the matters to which discretion may be restricted. As a consequence there are no Controlled or Restricted Discretionary Activities in the Plan.

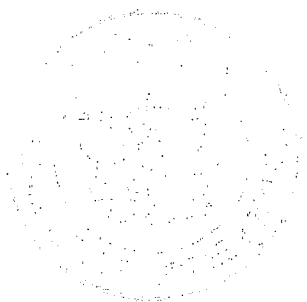
3.5 Prohibited Activities

The whole of Tūhua is private property. To protect the unique character, amenity, ecology and biodiversity of the island the following are prohibited activities:

- (a) Landing by any persons, other than land owners, on Tūhua except as authorised by the Tūhua Trust Board or as required in emergency situations or events where people or property may be at risk of injury, threat to life or damage to property.
- (b) Introduction of exotic plant or animal pest species.
- (c) Landing of any domestic animals or pets anywhere on the island.
- (d) The disposal to water of any human remains including crematory ashes.
- (e) No person other than beneficial owners may remove Tūhua (obsidian) from the Island. Beneficial owners may remove Tūhua (obsidian) only for customary purposes.



- Appendix 1
Definitions



Appendix 1: Definitions

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 Māori title or not which:

- (a) Is "Māori Land" as defined by Te Ture Whenua Māori 1993 (the Māori Land Act 1993)
- (b) Was or is a site of settlement, occupation, or resource gathering by ancestors of Māori
- (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 strong spiritual or cultural values.

area subject to coastal hazards

means the area shown indicatively on the Tūhua Planning Map in Appendix 2 being either

- (a) Within 20 meters of the top edge of the coastal cliff where there is no sandy beach or where the sandy beach is less than 40 meters in width from the toe of the cliff to MHWS, or
- (b) Between MHWS and 40 meters landward of MHWS where the toe of the cliff is at least 40 meters from MHWS.

Commercial activity

means any activity carried out on a site principally for commercial gain. For the purpose of this definition, commercial activity does not include visitor accommodation.

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).

dwelling unit equivalent

means the number of occupants the building is designed or licensed to accommodate divided (÷) by 4 persons

earthworks

means the alteration of land contours on any site including:

- (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.

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.

hapū

means for the purposes of the Plan a Māori sub-tribe or clan usually consisting of a number of whānau (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.

height

means in relation to any buildings and unless provided for in any other part of the Plan, means 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 provisions of Chapter 6, Network Utility Rules; or chimneys, flagpoles, aerials or other such projections.

Explanatory Note: The maximum height plane exactly mimics the ground-level plane over the whole site.

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.

heritage resource

means a generic term for buildings, sites, objects, trees, waahi tapu and other areas of significance.

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 Māori tribe, grouping of hapū 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 as having authority to do so.

kaitiakitanga

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

landing

means the arrival of any person above MHWS by air or water for any purposes other than in an emergency situation.

mahinga mataitai

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

maintenance

means the protective care of a place, 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.

native tree

means an indigenous woody plant having the potential to achieve a girth of 94cm at breast height (1.4m), and includes (but is not limited to) pohutukawa, kowhai, kahikatea, cabbage trees, pukatea, karaka, tawa, taraire, mangeao, puriri, pigeon wood, rewarewa, kauri, kohekohe, rimu, matai, totara, miro and tanekaha. 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.

Explanatory Note:

- (i) Native tree species are those woody species which 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 the District, and the aquatic and terrestrial natural ecosystems in the District. 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

non-residential activity(ies)

means, for the purposes of defining development on Tuhua (Mayor Island), small-scale commercial or not-for-profit activities (other than visitor accommodation) established to support the purpose of the Tuhua Trust Board, such as eco-tourist activities, and/or, the Department of Conservation, such as the establishment of reception stations.

For the avoidance of doubt non-residential activities includes freestanding decks, freestanding ablution facilities, freestanding kitchen and dining facilities and other buildings, which are self-supporting and do not include bedrooms.

papakāinga

means residential occupancy on any ancestral land owned by Māori.

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.

the Plan

means the Tūhua District Plan

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 and does not fall within the definition of 'non-residential activity(ies)'

restoration

means returning a place, 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

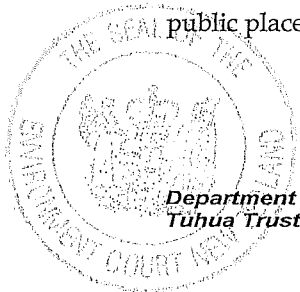
means a margin or territorial boundary usually associated with an iwi or hapū within which they exercise kaitiakitanga.

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 a public place. For the purposes of the Plan the area of a sign shall be a measurement of that sign's face or total message visible from a public place.



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.

site layout

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

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

taonga

means all things prized or treasured by Māori, both tangible and intangible. Examples include (but are not limited to) water bodies, trees, special landmarks, and te reo (the Māori 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 whānau, hapū 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 50m² 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.

tikanga māori

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 Tūhua 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 Māori.

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.

vegetation

means all plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, sawn or harvested, natural or disturbed

visitor accommodation

means land or buildings which are offered for temporary accommodation of persons and includes 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 or residential activity.

waahi tapu

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

waahi tupuna

means ancestral sites of significance (but not necessarily tapu) to a particular whānau, hapū 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.

whānau

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

wharekai

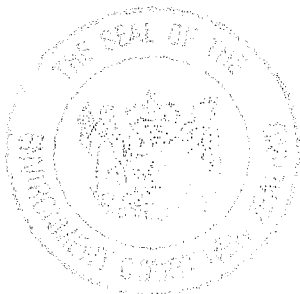
means a dining hall or building associated with food and hospitality. Literal translation, "food house".

whareniui

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

- Appendix 2

Tūhua District Plan: Map



~~Tūhua District Plan - Preamble Post Appeal February 2013~~

Legal Framework and Jurisdiction

All the land and waters of New Zealand fall within the jurisdiction of Regional and Local Territorial Authorities. Local governance is normally undertaken by cities, districts and regions identified in the Local Government Act 2002 (LGA) where an area is located within that jurisdictional boundary.

Tūhua Island falls within the jurisdiction of the Bay of Plenty Regional Council as it is located within established regional boundaries. There is no District Council responsible for Tūhua as it is located outside all established district boundaries. In cases such as this the Minister of Local Government has responsibility for ensuring all the statutory duties that would otherwise be undertaken by a District Council is the local authority. This includes the preparation and administration of a District Plan.

Tūhua District Plan is the first District Plan to be prepared outside established district boundaries within New Zealand. It is also the only District Plan that applies to land in single ownership. In this case the Trust Board owns the land. This is a unique situation and this District Plan has been prepared taking special account of the Trust Board's ownership and available resources.

The Trust Board, on explicit instructions from meetings of owners, has explored and exhausted all avenues available to it in opposing the establishment of a District Plan for Tūhua and as future opportunities present, it will continue to do so.

Purpose of the Plan

This Plan is prepared in accordance with the purpose of the Resource Management Act 1991 (RMA) to achieve the sustainable management of Tūhua in a way that those with interests in the island believe will achieve their *Vision* for the island.

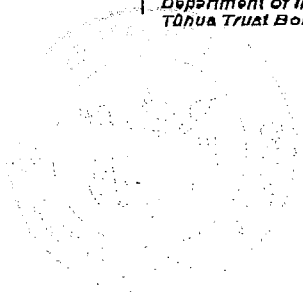
The Plan must recognise, provide for, have regard to, or take into account specific elements including:

- Matters of National Importance as defined by Section 6 of the RMA;
- Other Matters including kaitiakitanga as described in Section 7 of the RMA; and
- Te Tiriti o Waitangi (The Treaty of Waitangi), Section 8 RMA.

The RMA also sets out the components of a Plan that are considered necessary to achieve sustainable management. The key components each Plan must include are:

- The objectives for the District;
- Policies that the Authority must implement to achieve the objectives; and
- The rules (if any) necessary to implement the policies.

The Plan has been drafted to not only achieve the Purpose of the Act, which is to sustainably manage the environment of Tūhua, but also to achieve the *Vision* that tangata whenua have for the future of the island.



Tūhua District Plan – Preamble Post Appeal February 2013

Management of Tūhua

Tūhua Trust Board

The Trust Board is constituted as the owner of Tūhua by the Māori Land Court and manages the island on behalf of the beneficial owners. The Trust Board has developed principles for management of island resources based on an ethic of conservation and preservation. The objectives set by the board in the Tūhua Trust Deed were developed out of a Māori conservation philosophy. Objectives include the continued maintenance of the island in traditional ownership, preservation of certain areas, protection and conservation of indigenous flora and fauna, protection and respect of wahi tapu.

The Tūhua Trust Board guiding values for management of Tūhua are:

- Kaitiakitanga – guardianship and stewardship
- Rangatiratanga – autonomy, authority and control
- Manaakitanga – care, respect and hospitality

Local Government Administration

The Local Government administration of Tūhua is unique in New Zealand as it is the only area of land where the Territorial Authority (the Minister of Local Government) is responsible for a single land-owning group being the Trust Board and its beneficiaries. The preparation of this District Plan for the island reflects an integrated approach to resource management between the parties. The District Plan has been established within the constraints and requirements of the RMA that provides for the environmental, social, cultural and economic well-being of Te Whānau a Tauwhao ki Tūhua.

The management of the development and day-to-day activity on the island is the responsibility of the Trust Board while the Territorial Authority is responsible for ensuring that the statutory obligations of the LGA, the RMA and numerous other Acts and regulations are upheld.

Many of the responsibilities under the RMA, including the administration of, and decision-making under, this District Plan (apart from preparing a District Plan) can be delegated to parties other than the Territorial Authority to ensure that a level of governance and decision-making appropriate to the context of Tūhua is maintained.

The RMA provides an opportunity to share or delegate responsibilities with and to the Trust Board. This could be achieved through a Joint Management Agreement (JMA) between the Tūhua Trust (as public authority administrator) and the Minister of Local Government (as local authority) or via a transfer of powers pursuant to section 33 RMA.

To this end the Minister, through his agent the Department of Internal Affairs, and the Trust Board are investigating opportunities for the implementation of a Memorandum of Understanding. This will be the first step towards establishing a JMA that enables the Board to manage those matters that are able to be delegated to it while ensuring that any statutory conflicts of interest are avoided and protocols for managing matters where conflicts of interest cannot be avoided.

Managing Resources

Tūhūa District Plan – Preamble Post Appeal February 2013

The areas of primary occupation on Tūhūa include Opo Bay and Pānui. While these areas have been identified as having significant archaeological value they are also identified as the most viable area to develop on the island. This is due to geographical constraints of island access, the natural shelter provided by Opo Bay and the infrastructure that already exists in this area. Future development of this area will require careful planning and will involve tradeoffs between development location, development scale and archaeological site preservation. The Trust Board's values will assist in guiding this process to ensure the cultural landscape is maintained.

Uniqueness of the Plan

There are no other land owners on Tūhūa and to this end the District Plan is unique in that there are no competing property right interests. In accordance with the Trust Board's long term vision a small development area has been established at Opo Bay and Pānui. The remainder of the island is not identified for development and reflects the Nga Whenua Rāhui Kawenata (conservation covenant) that applies to this area. The latter is an agreement with the Minister of Conservation. The Trust Board and owners gave permission for the Department of Conservation to jointly complete programmes to eradicate animal pests on the island, and the island achieved pest free status in 2001. The Tūhūa Restoration Plan has guided several species recovery programmes operating on Tūhūa including the introduction of Kivi and Tuatara. The Nga Whenua Rāhui Kawenata is a 25 year covenant and is due to expire in 2027, at which time the Trust Board will review the covenant in consultation with the owners.

Given this unique situation and the Trust Board's limited monetary resources the district plan has been drafted in a way to be as enabling as possible, while remaining effective in protecting the special resources of Tūhūa and avoiding natural hazards.

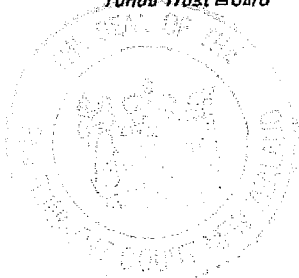
Existing Environment

Pre European

"The word Tūhūa has special significance as it applies to the location of the island and the glassy black obsidian, which is found in abundance on the island. The name Tūhūa is derived from a similar island in the traditional Māori homeland of Hawaiki, which also possessed a source of obsidian.

In Tauihuā mythology, Tūhūa were a race of people who emerged from the depths of the earth and settled on the island. Tūhūa lived peacefully until conflict arose with Pounamu who surfaced one stormy night from the turbulent green waters of the ocean. They too wished to make the island their home. A fierce and bloody battle followed and Tūhūa forced Pounamu to retreat to the mainland. Tūhūa pursued Pounamu to the South Island, and eventually to the Ararua River on the West Coast. It is here that Pounamu came to rest. Pounamu was transformed into greenstone. Tūhūa returned to its island sanctuary (Prebble, 1971). The Ngāi Tahu people of the South Island also tell of similar traditions between Tūhūa and Pounamu (Retvi, 2006).

According to traditional oral accounts, when early Māori settlers arrived at Tūhūa from Hawaiki they found the island already occupied. However, there is little information as to who these inhabitants were and where they originated. These inhabitants were later displaced by the new wave of Polynesian settlers. Descendants of the Tāhikimu, Taimi and Te Arawa canoes settled on the mainland and frequented the



Tūhūa District Plan – Preamble Post-Appeal-February 2013

island. The Ngāi Te Rangi people, who migrated from the east coast of the Bay of Plenty, later displaced earlier settler populations and established permanent and temporary settlements on the island. Te Whānau Whānau o A Tūhūa have always maintained their cultural presence on Tūhūa consistent with *ahi ka* principles. In more recent times, recreational and commercial fishers have used the island as a fishing base. Attempts to develop the island for farming failed due to the lack of fresh water and workable land.

Post European

Captain James Cook renamed Tūhūa Mayor Island when he sighted it on November 3, 1769, in recognition of the Lord Mayor's Day to be held in London a few days later. A group of smaller islands located to the north were named the Aldermen's.

The island was confiscated under the 1864 Tauranga confiscation but later returned to Māori ownership in 1888, when 795 shares were arbitrarily issued to 120 owners, 16 of which were maintained by the Crown. The island, without prior consultation with the owners, was declared a Wildlife Sanctuary in 1973 until 1953 when this status was uplisted to a Wildlife Refuge. A governance board – the Tūhūa Trust Board (Trust Board) was established to administer the interests of the owners in 1949 and later given legal status under a trust deed in 1953. The deed indicated a large proportion of Tūhūa to be managed as a conservation area for the protection of flora and fauna. A new trust deed was approved in 1993 with directions for the continued protection and a proactive approach toward use and management with provisions for limited development.

It is a matter of historical fact that the Government has tried on numerous occasions since allocating shares to the island in 1888, to purchase it from the owners. These actions have been heavily and successfully resisted by owners.

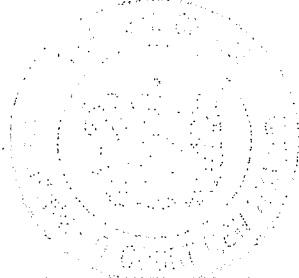
In 1953 the Tauranga Big Game Fishing Club was granted a lease in Opo (Southeast) Bay where it had already developed facilities for recreational and commercial fishers who visited the island. This lease was mutually terminated in 1990 and the Trust Board purchased all remaining facilities.

In 1993 a Marine Reserve was established on the northern side of the island, covering about 5 km of the coastline extending out 7 nautical miles. The creation of a Marine Reserve was a joint partnership with the Trust Board and the Ministry of Fisheries (New Zealand Department of Conservation, 2000).

In partnership with the Department of Conservation, the Trust Board initiated a programme to restore the natural environment of the island. Tūhūa (Mayor Island) Restoration Plan was prepared in 2000 and included objectives to eradicate pest species from the island in an effort to restore indigenous flora and fauna. The island has been pest free since 2007, and a number of endangered species have been reintroduced.

Landform

Tūhūa is the emerging summit of an isolated circular rhyolite volcano located on the edge of the continental shelf, approximately 35 km north of the Tauranga Harbour entrance and 26 km off the mainland coast. Tūhūa is the visible portion of a 700-metre high, 15-km wide shield volcano. The base of the island is set at 250 m below sea level while the surface of the cone occupies an area in the order of 1,280 hectares. The island is approximately 4 km in diameter and rises 355m above sea level at its highest point. The coastline of Tūhūa exceeds 20km in length. The island has significant wetlands and two small crater lakes. The seabed to the north and north east of the island slopes north-eastward into deep water in the Mayor Sea Valley, which is more than 1000m in some regions. To the east and southeast numerous



Tūhūa District Plan – Preamble Post-Appeal February 2013

volcanic knolls and canyons interrupt the continental slope. To the west and south the seabed gradually slopes across the continental shelf to the mainland.

The island was last connected to the mainland approximately 18,000 – 20,000 years ago, at the height of the last glacial period where sea levels were significantly lower than they are today. Tūhūa has been isolated for at least 15,000 years. The isolation from the mainland has aided the island's unique development.

The island of Tūhūa is defined by the geographical limits of its coastline. Due to the series of volcanic catastrophes and the island's isolation from the mainland, the flora and fauna have been subjected to significant change. According to some geologists the most extensive changes probably occurred during the last volcanic period on Tūhūa approximately 6300 years ago (Houghton et al, 1992, New Zealand Department of Conservation, 2000).

Climate

Tūhūa has a generally mild climate with sunshine hours ranging between 2,200 and 2,400 hours per year. The high sunshine hours create hot summer temperatures. Tūhūa experiences a mild winter climate and is relatively frost-free. The nearest meteorological station to Tūhūa is based at Tauranga airport. Tauranga City receives on average 1,200mm – 1,600mm of rainfall annually. While this falls on a relatively few number of days each year, the rain can be relatively heavy and thunderstorms are not uncommon. The prevailing winds are generated from the west and southwest (National Institute of Water and Atmospheric Research, 2007).

Geology

The island is dominated by the 3km wide caldera collapse crater and contains numerous vents active in cycles of eruptions over the last 130,000 years. During this period 52 eruptions have been identified. The diversity of eruption styles, size and frequency leads to problems in defining eruption scenarios. According to many volcanologists, the majority of the eruptions that have occurred on Tūhūa were small in size in relation to world standards, posing no real threats to the mainland.

The formation of Tūhūa occurred in three eruption cycles. Cycle one occurred between 130,000 and 36,000 years ago. This eruption consisted of at least nine lava flows and 12 explosive eruptions forming a lava shield or shields represented by the western and northeastern caldera walls Oira Bay to Cathedral Bay and Nohangatōrea to Timoni. The cycle formed a majority of the base to Tūhūa's structure. The cycle was terminated by the collapse forming a caldera possibly after the course of several small eruptions. This old dome is composed of massive rhyolite flows, with numerous glassy phases, bearing thin edges of obsidian.

Cycle two consisted of a smaller lava shield that developed within the caldera over the top of the old shield between 33,000 and 8,000 years ago. At the same time two lava domes and two pumice cones and lava ponds formed outside the calderas. Eruptions deposited minor amounts of ash on the mainland. The cycle ended with the second major caldera collapse 6,340 years ago, which was accompanied by the eruption of the Tūhūa tephra. It is assumed that the pyroclastic flows entering the sea would have caused a tsunami.

The last cycle built a cluster of lava domes and flows within the caldera, with minor explosive activity (Houghton et al, 1992).

Soils

Soil types were described in a comprehensive soil study conducted in the late 1960s by McCraw and Whitton for Tūhūa. Samples were retrieved from various sites on the island. Soils on the outer slopes of

Tūhūa District Plan – Preamble Post Appeal February 2013

The main cone consisted of lapilli, coarse and loamy sands. On the moderately steep to steep slopes, loamy gravel sands were found. The soils are shallow and have the characteristic of gravel, with many pumice stones. McCrow and Whitton (1971) recorded soil modification by human activity as an attribute to soil variances. It was also discovered that major elements, being calcium and magnesium values were low in relation to New Zealand soil averages. Comparison of soils for Tūhūa with other soils have less morphological development than soils developed on Taupō pumice but are comparable with those developed on Kaharoa ash (McCrow and Whitton, 1971).

Flora

The natural vegetation cover of the island is well protected from the sea and natural elements. Pōhutukawa is the dominant vegetation cover on the island. The crater of Tūhūa is dominated by forest comprising rewarawa, pōhutukawa, kawuka and kauri, which are relatively short in stature. Wetland vegetation is present around the two lakes within the crater. The endemism of flora in this lacks the same strength of other offshore islands, although more in-depth analysis may be sought in the future. Kawakawa has developed a larger leaf in contrast to those found on the mainland, some ecologists suggest as a result of the frost free environment.

The present day vegetation of Tūhūa is still undergoing major change especially since the eradication of pests, especially pigs and the resultant resurgence of vegetation and ground cover. This observation is made from the succession of recordings undertaken from the 1920s to the present. A vegetation survey (Hunt, 1996) produced more current vegetation patterns reflecting the continued evolution of island flora cover. The island has a number of threatened native plant species, which have been identified for preservation.

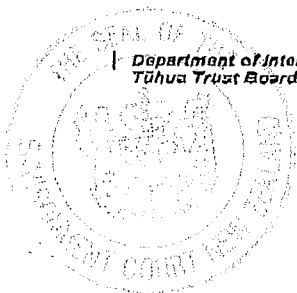
The introduced plant pests that are a threat to the island's biodiversity include maritime pine, pampas, mexican devil, willows and periwinkle. All can be regarded as invasive weeds. A control programme was initiated for the systematic removal of pines and the previously large infestation on the crater floor has been removed. The few remaining pines are confined to coastal cliffs. Pampas has been under control for a number of years on coastal cliffs and willow, which is confined to the wetland and lakes areas, has been controlled to low density (New Zealand Department of Conservation, 2000).

Fauna

According to recent surveys Tūhūa has 17 identified indigenous and 6 introduced bird species. Māori oral accounts record tuatara existing on Tūhūa up until around 1920 and subsequent reports of tuatara on Motuoneone Island. However checks on Tūhūa and Motuoneone Island have failed to locate tuatara. Tuatara were released back onto the island in 2007 as part of the restoration programme. Common gecko, mako skink, copper skink, and gecko species are present in low numbers. Invertebrates have been identified and recorded (New Zealand Department of Conservation, 2000).

Numerous indigenous bird species are present in the lower crater, including tui, korimako, kererū, kaka, fantail and shag. These forest birds feed on flowers of the pōhutukawa and rewarawa. Other species reintroduced as part of the restoration programme include toulourwai, kiwi, pakeke, and kākāriki (orange fronted parakeet).

Introduced fauna have had a major impact on the natural state of island ecology. Introduced fauna have had the single most negative impact on the indigenous flora and fauna of Tūhūa. The trend has since been reversed through the restoration programme, which has led to the eradication of pest species, and reintroduction of indigenous species.



Tūhua District Plan – Preamble Post-Appeal February 2013

Plan Format

Following this Preamble (which does not form part of the District Plan), Chapter 1 of the Tūhua District Plan provides the Issues, Objectives, Policies and Methods for each of the seven key environmental topics.

These are:

- Island Character and Amenity
- Natural Resources and Environment
- Physical Resources
- Tangata Whenua Values
- Natural Hazards
- Emergency Management
- Sustainable Economic Development

In addition Chapter 1 addresses monitoring and cross-boundary issues, along with the Rules and Other Methods that are used to implement the Issues, Objectives and Policies of the Plan. Both regulatory and non-regulatory methods (known as 'Other Methods') can be used to implement the Issues, Objectives and Policies. Regulatory methods are rules (contained in Chapter 3 of this Plan). Non-Regulatory methods can include education, advocacy and design guidelines.

Information requirements for various resource management processes are contained in Chapter 2 of the Plan.

Chapter 3 provides Rules that apply to the whole of Tūhua. The rules have been expressly drafted to be as enabling as possible to take into account the important environmental issues relevant to Tūhua, legislative requirements and the limited resources of the owners of Tūhua. This avoids unnecessary resource consents and the cost, uncertainty and time delays that can result from the consenting process. Permitted activity performance standards have been drafted in a way that ensures environmental issues are addressed while allowing activities and development. For example, minimum setbacks have been established for future buildings in Opo Bay to avoid inundation, coastal hazard risk and bank stability. This approach will ensure only activities that exceed these permitted activity criterion require resource consent process.

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

The Planning Maps for Tūhua are held with the Plan at the back of the document as Appendix 2.

Tūhua District Plan – Preamble Post Appeal February 2013

References

- Ahdar, R. (2003) Indigenous Spiritual Concerns and the Secular State: Some New Zealand Developments. *Oxford Journal of Legal Studies*, 23, 611.
- Buck, P. H. (1952) *The coming of the Māori*, Wellington, Māori Purposes Fund Board.
- Culbert, P. (1998) Indigenous People and Intellectual Property Rights. *New Zealand Manufacture*, 16, 1.
- Durie, M. (1998) *Te mana, te kawannatanga: the politics of Māori self-determination*, Auckland, [N.Z.], Oxford University Press.
- Durie, M. (1999) Whānau Development and Māori Survival; The Challenge of Time. In Conference Proceedings (Ed.) *Te Hui o te Whānau, Whānau Health and Development Conference*. Wellington, Ministry of Health.
- Firth, R. (1959) *Economics of the New Zealand Māori*, Wellington, Govt. Printer.
- Harmsworth, G. (1997) Māori Values for Land Use Planning. *New Zealand Association of Resource Management*. Landcare Research.
- Houghton, B. F., Weaver, S. D., Wilson, C. J. N. & Lanphere, M. A. (1992) Evolution of a Quaternary peralkaline volcano: Mayor Island, New Zealand. *Journal of Volcanology and Geothermal Research*, 51, 217.
- Hunt, D (1996). Assessment of canopy vegetation change using aerial photographs and a Geographic Information System: Forty years (1955 - 1996) of changes on Tūhua (Mayor Island). University of Waikato.
- Marsden, M., Henare, T. A. & New Zealand. Ministry for the Environment. (1992) *Kaitiakitanga: a definitive introduction to the holistic world view of the Māori*, Wellington, N.Z., Ministry for the Environment.
- McCraw, J. D. & Whitton, J. S. (1971) Soils of Mayor Island, Bay of Plenty, New Zealand. *New Zealand Journal of Science*, 14, 1009-1025.
- Minhinnick, N. K. (1989) *Establishing Kaitiaki: a paper*, [Auckland, N.Z.], N.K. Minhinnick.
- National Institute of Water and Atmospheric Research (2001) Retrieved 1 July 2001, from <http://www.niwa.co.nz>. Wellington.
- New Zealand. Department of Conservation (2000) *Tūhua (Mayor Island) Restoration Plan*, Tauranga, Department of Conservation.
- New Zealand. Office of the Parliamentary Commissioner for the Environment. (1998) *Kaitiakitanga and local government: tangata whenua participation in environmental management: summary*, Wellington [N.Z.], Office of the Parliamentary Commissioner for the Environment.
- Patterson, J. (1999) Respecting nature: The Māori way. *The Ecologist*, 29.
- Prebble, G. K. (1971) *Tūhua - Mayor Island*, Tauranga, Ashford-Kent.
- Rewi, A. (2006) Maika Mason, Living with a River. *Te Karaka*, Autumn, 45.
- Roberts, M., Norman, W., Minhinnick, N. K., Whongi, D. & Kirkwood, C. (1995) Kaitiakitanga: Māori Perspectives on Conservation. *Pacific Conservation Biology*, 1, 7-20.
- Rolleston, S. (2001) Tūhua Environmental Management Plan: Mayor Island. *Planning Department*, Palmerston North, Massey University.
- Sinclair, D. (1975) Land: Māori View and European Response. In King, M. (Ed.) *Te Ao Hurihuri*. Wellington, Hicks Smith.