

Section 32 Report Proposed Variation 2/ Plan Change 46

Matakana Island to the District Plan

September 2013

TE KAUNIHERA A ROHE MAI I NGA KURI-A-WHAREI KI OTAMARAKAU KI TE URU



*Western Bay of Plenty
District Council*

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Western Bay of Plenty District Council

Variation 2 - Matakana Island Proposed variation to the Proposed District Plan – First Review

Plan Change 46 - Matakana Island Proposed changes to the District Plan – First Review

Section 32 Report

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1.0 Introduction

1.1. Plan Change/Variation Background

Matakana Island is an elongated barrier island between Tauranga Harbour and the Pacific Ocean that lies in a northwest to southeast direction between Mount Maunganui in the southeast and Bowentown Heads in the northwest. **The Island has an area of approximately 5,800 hectares and has a population of 244 of whom more than 90% are Māori.**

The Island comprises two distinct areas connected by a narrow isthmus.

- The **forested sand barrier**, which is predominantly used for production forestry, separates Tauranga Harbour from the Pacific Ocean. The forested sand barrier is 24 kilometres long, between 0.9 and 3 kilometres wide, and has an area of approximately 4,300 hectares.
- The western peninsula or **farmland (approximately 1,500 hectares) extending into Tauranga Harbour**. The farmland mainly comprises **multiple owned Māori land and is utilised for agricultural and horticultural purposes**. Most residents live on the farmland.

Over the past few years, the companies that own most of the land holdings on the forested sand barrier have either applied for a subdivision consent or publicly expressed their interest to undertake more intensive subdivision and residential development on their land. This development pressure is one of the main drivers for this Plan Change.

During the first review of the District Plan in 2009, the unique characteristics of Matakana Island and its people were acknowledged and given greater consideration than in previous plans. The Explanatory Statement to the Rural Zone within the 2010 Decisions version of the District Plan - First Review required a comprehensive **'Whole of Island Plan'** to be prepared before consideration could be given to any intensive or large-scale development noting the Island's rich cultural history, and the sensitivity of its landscape and natural environment. As the three landowners with the largest landholdings intend to develop a significant number of dwellings on the forested sand barrier, most of the Matakana Island specific provisions were appealed by Blakely Pacific Limited, Carrus Corporation and TKC Holdings. However, the appellants agreed that the development approach of a **'Whole of Island Plan'** was warranted. The Bay of Plenty Regional Council also appealed provisions applying to Matakana Island, seeking greater landscape protection, earthworks restrictions and joined the forestry appellants' appeals in opposition to the less restrictive development relief that was sought, along with various Trustees of the Tauwhao Te Ngare Trust representing hapu of the Island.

The District Plan - First Review became operative on 16 June 2012 (**"Operative Plan"**), except for provisions of that Plan that related specifically to Matakana Island and are still under appeal to the Environment Court by the above appellants. Until those appeals are resolved, some of the provisions of the 2002 District Plan apply to Matakana, and the 30 January

2010 Decisions Version of the Proposed District Plan **forms the “proposed plan” for Matakana Island, although only in respect of the appealed provisions.** For this reason Council has undertaken both a Plan Change to the Operative Plan and a Variation to those parts of the 30 January 2010 Decisions Version of **the Proposed Plan that remain under “proposed” provisions for Matakana Island due to the above appeals.**

The purpose of the Plan Change/Variation is to further develop the approach **that was signalled in the “proposed” plan, which recognised that there are** Matakana Island specific planning issues that require particularly careful planning responses (Significant Issue 10, Chapter 18), and to respond to the concerns in the appeals and new planning documents in an integrated manner. Therefore the scope of these changes is specific to Matakana Island only.

An integrated planning approach by means of a Whole of Island Plan was also supported by the Environment Court during:

- (a) Environment Court Decision No. [2011] NZEnvC 354: Blakely Pacific Limited vs. Western Bay of Plenty District Council, and
- (b) through the appeal process to the Western Bay of Plenty **District Council’s District Plan – First Review.**

Western Bay of Plenty District Council commenced the development of the Matakana Island Plan during 2010 and it was adopted in May 2013 (see <http://www.westernbay.govt.nz/Major-Projects/Matakana-Island--Whole-of-Island-Plan/>).

The Matakana Island Plan is an integrated policy document that responds to the direction in the Regional Policy Statement that a study be undertaken on Matakana Island prior to any change in development. Its adoption by Council signalled a policy decision to seek a planning framework for Matakana Island that refines the existing Rural zone provisions to fit the Matakana situation more closely.

The development of this Matakana Island Plan has drawn heavily on the outcomes from:

- Various specialist reports on, amongst others, the social, cultural, ecological and landscape values of the Island. (detailed below in paragraph 1.3)
- **The Matakana and Rangiwaia Islands Hapū Management Plan** (received by Council in February 2013).
- The Matakana Forest Park Management Plan (draft) prepared by TKC Holdings in November 2012.
- Meetings with landowners and stakeholders.
- Presentations to Council by interested stakeholders on the draft version.

The Matakana Island Plan identified the following main limitations of the District Plan (both the 2002 District Plan and the 2012 District Plan - First Review), which need to be addressed through a Plan Change:

- The objectives and policies are not sufficiently robust to recognise and protect the social and cultural values of the Island.
- The rules have no regard to the **Matakana and Rangiwaea Islands Hapū Management Plan, which was developed subsequent to the District Plan – First Review** becoming operative in June 2012.
- The rules for Matakana Island are broadly the same as those that apply to all other rural parts of the District and are not considered responsive enough to the special characteristics of the Island.
- The rules do not sufficiently protect the fragile ecosystem along the ocean facing frontal dune system, or recognise the need to provide for continuing natural hazards protection.
- The General Farming Lot rule provides for subdivision into 40 hectare blocks on Matakana Island on the same basis as in other rural areas in the Western Bay. The potential consequence of this rule is the fragmentation of the production forest and a **"scattered" built form** throughout the Island without consideration for the specific impact on landscape and rural amenity, the productive capability of the land resource, or the fact that Matakana Island is an unserviced offshore Island containing significant ecological and cultural resources.

1.2. Plan Change/Variation Preparation and Process

Proposed Plan Change 46/Variation 2 mainly focuses on giving effect to the policy direction adopted by Council via the Matakana Island Plan by providing a response to the identified planning limitations; it also addresses the matters raised in the appeals from TKC Holdings, Carrus Corporation, Blakely Pacific Limited and the Bay of Plenty Regional Council to the Western Bay of Plenty District Plan – First Review. The Plan Change is **Council's response to the appeals, and occurs in the context of a Court-managed process** since the appeals were filed.

The Environment Court has managed the timeframe for the development of the Hapu Management Plan, Matakana Island Plan and Plan Change process (up to notification). The Environment Court, through a Court mediator, also facilitated a three-day workshop to assist Council in developing this Plan Change.

The Bay of Plenty Regional Council is also in the process of resolving appeals to its review of the Regional Policy Statement (RPS). It is therefore important to ensure that Proposed Plan Change 46 is not in conflict with either the Operative or Proposed RPS (see 1.4), gives effect to the operative RPS and has regard to the proposed RPS. The Regional Council varied the proposed RPS via Variation 1 to give effect to the New Zealand Coastal Policy Statement 2010. These documents provide important guidance to the development of this Plan Change for a Coastal Island, as Council is required to give effect to the NZCPS, and to have regard to the proposed Variation.

During the preparation of this Plan Change, it was acknowledged that Matakana Island is a multi-faceted environment and the four well-beings are

well and truly integrated. Proposed changes were therefore viewed from a holistic perspective, but require presentation and evaluation in detailed sections to enable clarity and meet the requirements of section 32 of the Resource Management Act 1991.

1.3 Research undertaken

Plan Change 46/Variation 2 draws on the outcomes from the following research:

- Cultural values assessment report by Boffa Miskell (November 2011).
- Ecological aspects of a 'Matakana Island Plan' for Matakana Island by Wildland Consultants (August 2011).
- The archaeology of Matakana Island by Archaeology B.O.P. (August 2011).
- Matakana Island landscape assessment by Isthmus Group Ltd. (August 2011).
- Matakana Island: Coastal hazards and natural coastal features – opportunities and constraints summary by Eco Nomos Ltd. (August 2011).
- Water, transport, access & soils by Land Matters Ltd. (August 2011).
- Matakana Island: Social and economic analysis by WBOPDC (December 2011).
- Adopted Matakana Island Plan by WBOPDC (May 2013).
- Significant ecological features on Matakana Island (draft) (August 2013).
- **Matakana and Rangiwaea Islands Hapū Management Plan** (February 2013).

These documents are available on Councils website:

<http://www.westernbay.govt.nz/Major-Projects/Matakana-Island--Whole-of-Island-Plan/>

Council also looked into a number of relevant case studies, both within New Zealand and Australia. These were:

- Peka Peka Forest Park, Kapiti Coast
- Weiti Forest; Auckland
- Rabbit Island, Nelson
- Moreton Island, Queensland
- Example in Horowhenua District

1.4 The Proposed Regional Policy Statement (RPS)

The Bay of Plenty Regional Council notified the review of the Proposed RPS in 2010. Variation 1 to the Proposed RPS was notified in 2013. Some of the objectives, policies and methods that relate to Matakana Island are still under appeal. Some of the appeals have been resolved through mediation.

The following Policies of the Proposed RPS relate directly to Proposed Plan Change 46.

Policy CE 2B: Managing adverse effects on natural character within the coastal environment:

With this policy, the Regional Council seeks to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development by including provisions in regional and district plans. Matakana Island is identified in the RPS as containing areas of high and very high natural character, and the Policy recognises that such areas can be especially sensitive to the adverse effects of inappropriate subdivision, use and development.

Policy CE 4A Protecting and restoring natural coastal margins.

“Protect the natural functioning of coastal margins and identify opportunities to restore and enhance natural functioning to allow for:

- (a) The continued natural functioning of physical processes, including changes arising as a result of climate change; and
- (b) The capacity of natural features (such as beaches, estuaries, sand dunes, wetlands, coastal vegetation and barrier islands) to provide subdivision, use or development with a protective buffer from natural **hazards.”**

Policy CE 6A Protecting Indigenous biodiversity.

Method 53A directs the Regional Council to assess and classify areas of indigenous biodiversity. This work has been undertaken and included in the draft Regional Coastal Environment Plan.

Policy CE 7B Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment.

Included in the RPS are criteria to be used when assessing the effects of subdivision, land use and development on the natural character of the coastal environment.

Policy IW 1B: Enabling development of multiple-owned Māori land.

Policy IW 2B: Recognising matters of significance to Māori

“Proposals which may affect the relationship of Māori and their culture and traditions must:

- (a) Recognise and provide for:
 - (i) **Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaimai, waahi tapu, papakāinga and taonga raranga;**
 - (ii) The role of tangata whenua as kaitiaki of the mauri of their resources;
 - (iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources;
 - (iv) **Sites of cultural significance identified in iwi and hapū resource management plans; and**

- (b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions **with their ancestral lands, water, sites, waahi tapu and other taonga.**"

Policy IW 5B: Adverse effects on matters of significance to Māori

"When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on:

- (a) The exercise of kaitiakitanga;
- (b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;
- (c) Mahinga kai and areas of natural resources used for customary purposes;
- (d) Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; and
- (e) **Existing and zoned marae or papakāinga land."**

Policy NH 1B: Assessing natural hazard risk.

Policy NH 6B: Providing for climate change.

Policy UF 14B Restricting urban activities outside the urban limits – western Bay of Plenty sub-region.

"The productive rural land resource shall be protected by ensuring that to the extent practicable subdivision, use and development in rural areas does not result in versatile land being used for non-productive purposes outside the urban limits for the western Bay of Plenty. Particular regard shall be given to whether the proposal will result in a loss of productivity of the rural area, including loss of versatile land, and cumulative impacts that would reduce the potential for food or other primary production."

2.0 Resource Management Act 1991

2.1. Section 32

Before a proposed plan change can be publically notified the Council is **required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review.** With regard to the **Council's assessment of the proposed plan change s.32** requires the following:

- (3) *An evaluation must examine-*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account-*
 - (a) *the benefits and costs of policies, rules or other methods; and*

- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

The benefits and costs are defined as including benefits and cost of any kind, whether monetary or not. This report must evaluate the extent to which the proposed plan change is the most appropriate way to achieve the purpose of the Act meeting the section 32 tests set out above.

2.2. Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council. The five hapu of Matakana and Rangiwhaea Islands have lodged their Hapu Management Plan with Council earlier this year and has to be taken into account.

3.0 Stakeholder engagement and consultation

Plan Change 46/Variation 2 is the result of extensive engagement between Council and the landowners and stakeholders of Matakana Island. Most of the engagement occurred during the development of the Matakana Island Plan.

3.1. Stakeholder engagement and consultation during the development of the Matakana Island Plan

The Matakana Island Plan drew on consultation with hapū, free-hold landowners (including forestry landowners), stakeholders, a range of specialist studies undertaken in 2011 (detailed above in paragraph 1.3), the **Matakana and Rangiwhaea Islands Hapū Management Plan presented by the five hapū in February 2013**, and the draft Matakana Forest Park Management Plan prepared by TKC Holdings in November 2012.

To minimise confusion amongst landowners and residents of the Island, it was agreed with the hapu representatives that:

- Western Bay of Plenty District Council would engage with:
 - non-tangata whenua landowners (which include the forestry landowners),
 - stakeholders such as Bay of Plenty Regional Council, District Health Board, Department of Conservation, Historic Places Trust, ferry operators and other service providers.
- Local hapu representatives would engage with tangata whenua during the development of the Hapu Management Plan, which will inform the Matakana Island Plan.

During December 2011 Council invited all non-tangata whenua landowners and stakeholders to meet with them individually. The main focus of these

meetings was to ascertain their views on the development vision, opportunities and constraints of the Island.

Before finalising the Matakana Island Plan, Council again engaged with landowners and stakeholders to discuss various development options for the Island. The forestry landowners also presented their development aspirations to Council on two occasions.

Council also invited the forestry landowners to submit a plan that represents their development vision and aspirations for the forested sand barrier. The Matakana Forest Park Management Plan (draft) was submitted to Council in October 2012.

Simultaneously, the five hapu of the Island appointed consultants to assist them with the development of the Hapu Management Plan for Matakana and Rangiwaewa Islands, which required substantial engagement of tangata whenua (including those not currently living on the Island).

All of the specialist studies, together with the Hapu Management Plan, and draft **Matakana Forest Park Management Plan** were published on Council's website for comments from landowners, stakeholders and the general public.

3.2. Further Stakeholder engagement and consultation during the development of Plan Change 46/Variation 2

Since the adoption of the Matakana Island Plan, Council staff met on two occasions with some of the forested landowners and hapu representatives respectively. The Environment Court, through a Court mediator, also facilitated a three-day workshop to assist Council in developing this Plan Change. The forestry landowners, hapu representatives, Council and Regional Council staff attended the workshop. Draft provisions were pre-circulated and discussed at the workshop.

The feedback received from landowners and stakeholders is incorporated with the issues and options discussion below.

4.0 Issue 1 – Retaining the Objectives currently under appeal and introducing new Objectives to ensure that the District Plan responds to research outcomes.

The Matakana Island Plan made it very clear that:

1. The Island has a unique way of life that is valued, maintained and supported.
2. The nature and scale of any development should complement and sustain the Island way of life and foster social and cultural harmony.

3. The cultural values of tangata whenua should be recognised and actively protected.
4. Opportunities should be created to enable tangata whenua to exercise rangatiratanga and kaitiakitanga.
5. The land and the sea should continue to sustain the people.
6. The Island has significant ecological areas that need to be protected and where possible enhanced.
7. The landscape is valued and should maintain a dominance of tree **vegetation on the forested sand barrier, and a rural 'feel' on the farmland.**
8. The forested sand barrier is more exposed to fire and a number of natural hazards that should be avoided.
9. Development should be focused on sustainability and should emerge from the constraints and opportunities of the Island.
10. Rural productivity is important and should not be compromised by future development.
11. Matakana Island is one of the richest archaeological sites in the western Bay of Plenty sub-region.

It is therefore important that there is a District Plan objective to reflect the qualities and constraints above. The Matakana Island Plan advocates for Matakana Island specific objectives to guide the planning response.

Under section 32 of the RMA the objectives of the Plan have to be the most appropriate way of meeting the purpose of the Act. There is a suite of existing objectives that support the Matakana Island specific focus outlined above, most of which are now **operative**. **There are also two "proposed"** objectives under appeal, being objective 4 and 10 of chapter 18. Both proposed objectives relate to the importance of primary production and to ensure that residential/urban development occurs in areas identified in the Regional Policy Statement (RPS). These two objectives relate to the entire District and have to be retained to ensure that the District Plan can give effect to the RPS. They are not altered in this Plan Change/Variation.

The current operative objectives in Section 5 – Natural Environment and Section 6 Landscape are robust and will be able to protect the significant ecological and natural landscape features of the Island.

Both the Hapu Management Plan and the Matakana Island Plan concluded that Matakana Island has a unique way of life with strong social and cultural values that need to be protected. The Environment Court also supported this view (*Blakely Pacific Limited vs Western Bay of Plenty District Council*). In their appeal to the Proposed District Plan – First Review, TKC Holding also indicated that the potential social and cultural effects of the development should be defined.

Currently the District Plan has no objectives that acknowledge the unique social and cultural values of the Island community, just Significant Issue 10 and policy 16 (Chapter 18). As a result, Plan Change 46 proposes that the following objective be included in the District Plan:

The following attributes which contribute to the social and cultural well-being of the Matakana Island community are maintained and supported:

- *unique way of life,*
- *rich cultural values,*
- *sensitive natural environment, and*
- *a significant landscape.*

4.1 Option 1 – Status Quo – No change to the objectives of the District Plan.

Advantages	<ul style="list-style-type: none"> ▪ Less restrictive on developers.
Disadvantages	<ul style="list-style-type: none"> ▪ Without these objectives, the District Plan cannot give effect to Part 2 – Purpose and Principles- of the RMA. ▪ It will not give effect to the RPS or the New Zealand Coastal Policy Statement (NZCPS). ▪ The Hapu Management Plan will not be taken into account.
Efficiency/Effectiveness The extent to which each objective is the most appropriate way to achieve the purpose of the Act	<p>The District Plan will not be effective in:</p> <ul style="list-style-type: none"> ▪ protecting primary production, ▪ avoiding inappropriate subdivision and development, and the effects thereof on: <ul style="list-style-type: none"> ○ the natural environment, ○ social and cultural values of the Island community ▪ The Plan will be less effective as it will not align with the Proposed RPS. ▪ The existing objectives are not able to achieve the purpose of the Act on their own as there is no Matakana Island specific objective to bring the significant issues forward, and guide Policy 16, so that the Plan will be lacking an important planning component to meet a specific need.

4.2 Option 2 – Include a new objective that recognises the importance of, and maintains, the social cultural and natural values of the Island community.

Advantages	<ul style="list-style-type: none"> ▪ The District Plan will protect primary production. ▪ Avoid residential development in areas that are not appropriate. ▪ The District Plan will give effect to Part 2 – Purpose and Principles- of the RMA. ▪ It will give effect to the RPS and the New Zealand Coastal Policy Statement (NZCPS). ▪ The Hapu Management Plan will be taken into
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	account.
Disadvantages	<ul style="list-style-type: none"> ▪ More restrictive on developers.
Efficiency/Effectiveness The extent to which each objective is the most appropriate way to achieve the purpose of the Act	<p>The District Plan will be effective in:</p> <ul style="list-style-type: none"> ▪ protecting primary production, ▪ avoiding inappropriate subdivision and development, and the effects thereof on: <ul style="list-style-type: none"> ○ the natural environment, ○ social and cultural values of the Island community ▪ The Plan will be effective as it will align with the Proposed RPS. ▪ The new Objective will be the most appropriate way to achieve the purpose of the Act as it gives a clear focus to what the new planning provisions are intended to do, and provides a link between the Significant Issue and Policy that was missing. This will enable the planning provisions to be interpreted in light of this guidance and assist in maintaining the existing important values on Matakana Island while providing for sensitive development that meets Part 2 and section 5 of the RMA.

4.3 Preferred Option

Option 2 - Include a new objective that recognises the importance of, and maintains, the social cultural and natural values of the Island community

Include the following objective that is specific to Matakana Island:

The following attributes which contribute to the social and cultural well-being of the Matakana Island community are maintained and supported:

- *unique way of life,*
- *rich cultural values,*
- *sensitive natural environment, and*
- *a significant landscape.*

5.0 Issue 2 – Updating the Significant Ecological Features in the District Plan.

Included in the table below are the significant ecological features on Matakana Island that have been included in the District Plan since 1994.

Site No	Size of ecological area	Name	Habitat
U13/2	46ha	Freshwater Wetlands, Matakana Island	Freshwater Wetlands
U13/3	183ha	Nthn Matakana Is Wetland and Dunes	Freshwater Wetlands and Dunes
U13/7	20ha	Matakana Island Estuary Wetland	Estuarine Wetlands

U13/21	16ha	Mid-Matakana Island Shoreline	Estuarine Wetlands
U13/24	5ha	Cottage Road	Sedgeland and Flaxland
U14/103	9ha	Opureora	Tussockland
U14/104	23ha	Motungaio Island	Saltmarsh, shrub and forest
U14/105	4ha	Tahunamanu Island	Sandspit vegetation
U14/109	36ha	Hunters Creek	Freshwater and Saline Vegetation
U14/112	7ha	Opureora Inlet	Wetland Vegetation
U14/113	12ha	Opureora Inlet	Sedgeland
U14/114	9ha	Waiherehere Road	Estuarine Vegetation
U14/115	1ha	Tahunamanu Spit	Sandspit
U14/116	163ha	Bluegum Bay	Estuarine Vegetation
U14/117	15ha	Tirohanga	Sedgelands and Mangrove Shrubland
U14/125	5ha	Waihirere Inlet	Freshwater and Saline Vegetation
U14/126	15ha	Tirohanga Road Wetland	Grey Willow Forest
U14/127	12ha	Waihirere Road Wetland	Grey Willow Forest
SBS 7	0.1ha	Opureora Road	Bird Nesting and Roosting Site
SBS 8	1.5ha	Matakana Island	Bird Nesting and Roosting Site

Substantial research has been done for both the Western Bay of Plenty District Council, Bay of Plenty Regional Council as well as some of the landowners over the past 5 years. This research, which was more intensive and accurate than the 1994 study, has confirmed that the Island has a diverse range of habitats that result in a rich and varied array of biodiversity. The research also pointed out that more land has to be protected than initially included in the District Plan. Despite the extent of exotic forestry on the Island, there are over 200 indigenous vascular plant species known on the Island with eight of these species included in the New Zealand threatened classification lists.

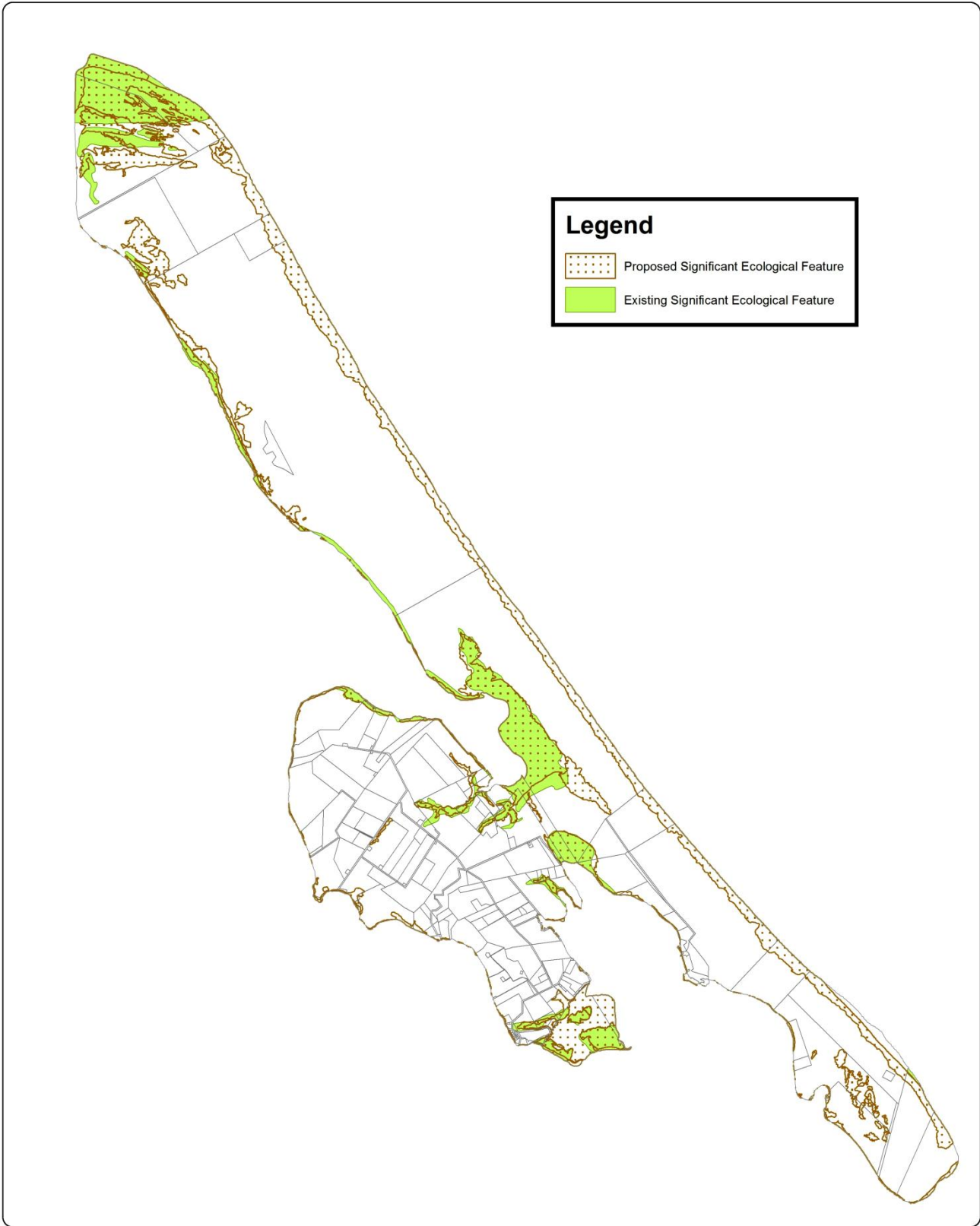
The native dominated vegetation cover along the frontal dune system is commonly only 12 to 25 metres wide. Due to a lack of native sand binding vegetation, there is evidence of wind erosion and an opportunity to improve the dune system by extending the native vegetation to the backdune.

The dunes and beach are breeding and nesting grounds for a range of **'Threatened' and 'At Risk' shorebirds and have the most extensive population of 'Threatened' Katipo spider in the Bay of Plenty.**

The freshwater wetlands and dune lakes at the northern end have one of **the best populations of 'At Risk – Declining' swamp ferns in New Zealand.** The pines are also growing above a much lower canopy of indigenous species of swamp grasses. These lakes and wetlands also provide habitat for threatened or at risk birds and at least three indigenous fish species.

It is evident from this research that the District Plan has to be updated to record these important features and populations and respond to the risks they face. The map on the next page shows both the current and proposed significant ecological features.

In general, the proposed significant ecological features also correspond with the natural character areas included in the Proposed Regional Policy Statement, and further work has been undertaken between the Councils at

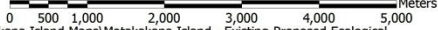


Legend

-  Proposed Significant Ecological Feature
-  Existing Significant Ecological Feature

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Email: gis@westernbay.govt.nz Scale A3 - 1:60,000
 Date: 25/09/2013
 Operator: mlb
 Map: E:\Shape\MLB\Map\Matakana Island Maps\Matakakana Island - Existing-Proposed Ecological




**MATAKANA ISLAND
 EXISTING AND PROPOSED
 ECOLOGICAL FEATURES**



refining the boundaries as part of the workshopping process referred to above.

5.1 Option 1 – Status Quo – No change to the significant ecological features.

Advantages	<ul style="list-style-type: none"> ▪ No advantages.
Disadvantages	<ul style="list-style-type: none"> ▪ Outcomes from the substantial research undertaken over the past 5 years will be ignored. ▪ The parallel beach ridges that contribute significantly to Matakana Island’s classification as a nationally significant geological site will not be protected. ▪ It will not give effect to Part 2 of the RMA. ▪ It will not give effect to the Regional Policy Statement or the NZCPS direction. ▪ Will not support the objectives of the District Plan.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The coastal edge, including the natural environment, of Matakana Island is very dynamic. Retaining the status quo will be less effective as substantial changes have occurred since the mid-1990s when the current features were included in the District Plan. ▪ The Plan will be less effective as it will not align with the Proposed Regional Policy Statement, or recognise and protect nationally and regionally significant features. ▪ The District Plan methods will not give effect to its objectives.

5.2 Option 2 – Update the significant ecological features on Matakana Island with the outcomes from recent research.

Advantages	<ul style="list-style-type: none"> ▪ The updated significant ecological features in the District Plan will reflect the current situation. ▪ The Plan will give effect to the Regional Policy Statement. ▪ The ecological values of the Island will be recognised, protected and in some places enhanced.
Disadvantages	<ul style="list-style-type: none"> ▪ It will put some restrictions on landowners.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Council will be able to avoid, remedy or mitigate the effects from development effectively. ▪ The more detailed research will improve the effectiveness of the District Plan. ▪ The Plan will be more effective by giving effect to the Regional Policy Statement. ▪ The Plan will be more effective as the proposed significant features will complement the objectives

5.3 Preferred Option

Option 2 – Update the significant ecological features on Matakana Island with the outcomes from recent research. This option will require changes to:

- Section 5 – Natural Environment (see Attachment A)
- Appendix 1 – Ecological Features (see Attachment B)
- District Plan Maps C4, C5, D5, D6, E5, E6, E7 and F7 (see Attachment F)

6.0 Issue 3 – Updating the Natural Features and Landscapes in the District Plan.

As viewed from Mauao, Bowentown and the ocean, the Matakana Island beach, frontal dune system and tree line (20 to 30 metres high pine plantation) have significant landscape value. The northern and southern ends are especially important and sensitive to change as they form the Harbour entrances.

In addition, the open coast and most of the Harbour edge are unmodified and are good examples of natural processes.

The District Plan – First Review identifies the importance of the land within 100 and 300 metres of Mean High Water Springs along the open coast and **the Tauranga Harbour edge respectively by classifying them as ‘Outstanding Natural Features and Landscape’, and** restricting development within those areas. These provisions are still under appeal, as they relate to Matakana Island.

The Hapu Management Plan, Cultural values assessment report and Matakana Island landscape assessment all conclude that the current landscape along the Harbour is of high value, especially the forested sand barrier, and should not be affected by future development.

As the land close to the coastal edge is a more significant Outstanding Natural Feature and Landscape, the District Plan – First Review has made it more restrictive to develop close to the coastal edge. Across the District, except for Matakana Island, the more restricted area is defined as the area 50m from MHWS. In the case of Matakana Island it is within 40m from MHWS, although the Regional Council appeal seeks that this be extended. The area between 50m, or in the case of Matakana Island 40m, and 300m from MHWS is less restrictive.

Proposed Variation 1 (Coastal Policy) to the Proposed Bay of Plenty Regional Plan, notified in May 2012, **identified the frontal dune system as a “very high Natural Character” area.** As noted above at paragraph [1.4] such areas are

very sensitive to change. The identification of the dune system is a response to the requirement of the NZCPS to spatially identify these important areas.

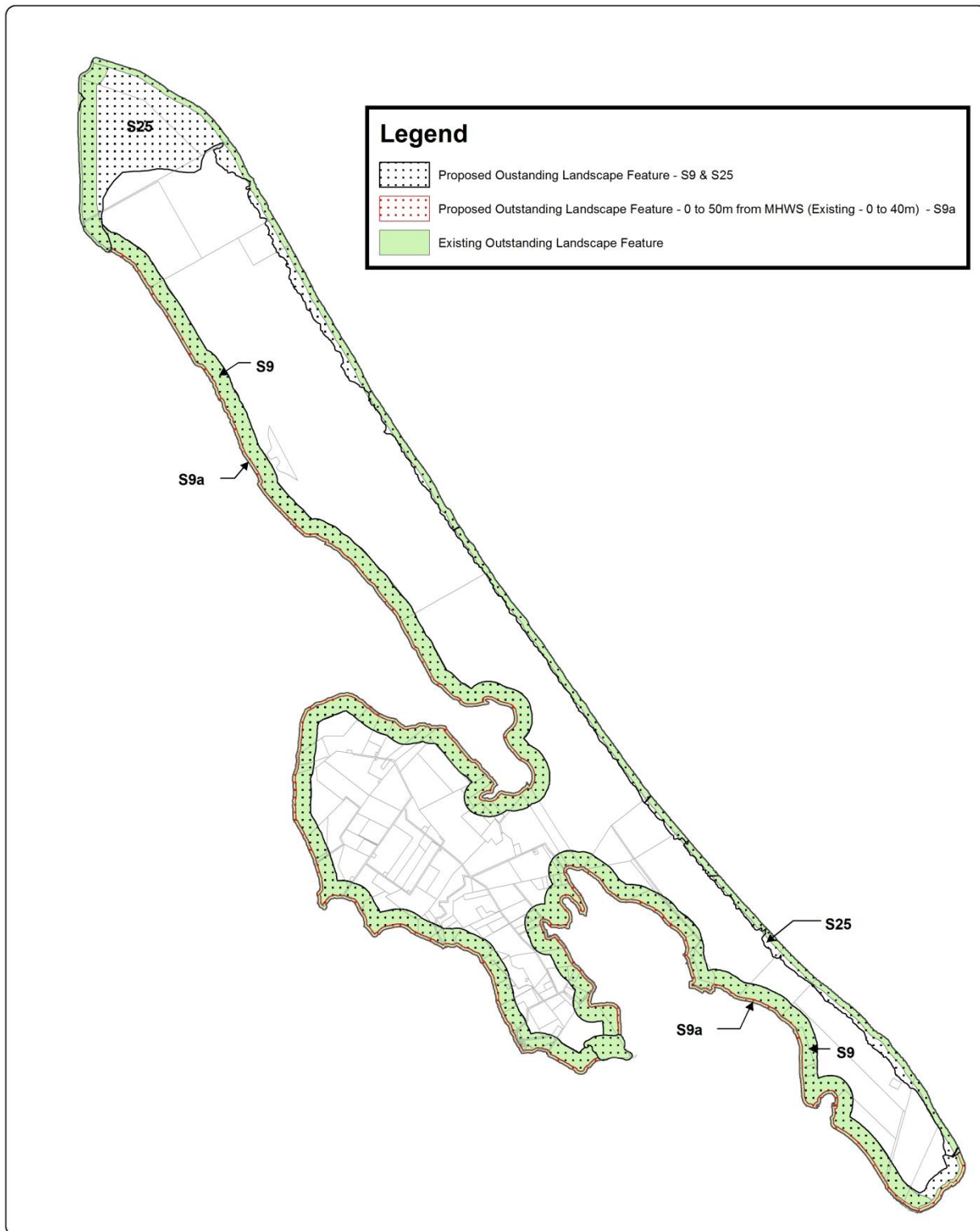
The map on the next page shows the existing and proposed Outstanding Natural Features and Landscape.

6.1 Option 1 – Status Quo – No change to the ‘Outstanding Natural Features and Landscape’.

Advantages	<ul style="list-style-type: none"> ▪ Less restrictive on development.
Disadvantages	<ul style="list-style-type: none"> ▪ Risk that outstanding natural features and landscapes will be adversely affected due to inappropriate development. ▪ Will not take the Hapu Management Plan into account. ▪ Will not give effect to the Regional Policy Statement.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The District Plan will not be able to protect the outstanding natural feature and landscape along the Tauranga Harbour and open coast. ▪ The Plan will not give effect to the Proposed Regional Policy Statement or the NZCPS. ▪ Will not fully support the objectives of the Plan

6.2 Option 2 – Amend the ‘Outstanding Natural Features and Landscape’ to align with the Regional Policy Statement and increase the more restrictive area along the Tauranga Harbour edge to 50m from MHWS.

Advantages	<ul style="list-style-type: none"> ▪ The current amenity and landscape values can be recognised and retained. ▪ The Plan will give effect to the Regional Policy Statement and NZCPS ▪ Council will be able to mitigate the effects from development. ▪ The overlay distance of 50m from MHWS along the Harbour will be the same as for the rest of the District. ▪ Will support the objectives (especially those in Section 6) of the Plan.
Disadvantages	<ul style="list-style-type: none"> ▪ Will restrict developers.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The effectiveness will increase, as the Plan will give effect to the Regional Policy Statement. ▪ Council will be able to impose conditions that will ensure that the effects from development are avoided, remedied or mitigated.

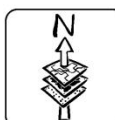


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 Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

Email: gis@westernbay.govt.nz Scale A3 - 1:60,000
 Date: 25/09/2013
 Operator: mlb
 Map: E:\Shape\MLB\Map\Matakana Island Maps\Matakakana Island - Existing-Proposed Landscape



**MATAKANA ISLAND
 EXISTING AND PROPOSED
 LANDSCAPE FEATURES**



6.3 Preferred Option

Option 2 – Amend the 'Outstanding Natural Features and Landscape' to align with the Regional Policy Statement and increase the more restrictive area along the Tauranga Harbour edge to 50m from MHWS.

This option will require changes to:

- Section 6 – Landscape (see Attachment C)
- Appendix 2 – Landscape Features (see Attachment D)
- District Plan Maps C4, C5, D5, D6, E5, E6, E7 and F7 (see Attachment F).

7.0 Issue 4 – Recognising the risk associated with natural hazards.

Apart from the northern and southern ends, the ocean foreshore along the forested sand barrier has a relative low tsunami and coastal inundation risk, due to the wide (100-150 metres) and high (5-7 metres) frontal dune system. This is mainly due to the native sand-binding vegetation on the frontal dunes.

On the harbour side, the forested sand barrier is low-lying and exposed to coastal inundation risks from sea level rise and a possible tsunami.

More than 95% of the farmland is above the 10m contour and, as a result, has hardly any tsunami or coastal inundation risk.

Liquefaction most commonly occurs in saturated loose sands and silty sands. Although the coastal sand deposits, such as along the frontal dune system, are generally resistant to liquefaction, the high water table that is present in most parts of the Island increases the risk.

According to studies undertaken in 2002, the frontal dune system is **classified as having a "Minor Liquefaction" risk, with the rest of the forested sand barrier classified as a "Moderate Liquefaction" risk. Approximately 70% of the farmland is classified as having a "Minor Liquefaction" risk.**

Sea level rise is likely to increase erosion adjacent to the Tauranga Harbour entrances. On the Harbour side, the following areas are particularly vulnerable to inundation due to sea level rise:

- The wetland areas at the northern end of the forested sand barrier.
- The back-barrier sand flats along the landward side of Matakana Island at the northern end of the Island.
- The ecological area along Blue Gum Bay.
- The southern end of Matakana Island to the south of Duck Bay.

It can also be expected that the water table in low-lying areas will rise as the sea level rises.

The Harbour shoreline is subject to coastal erosion associated with both tidal currents and wave action. This is most notable where tidal channels are close to the shoreline, for example parts of Hunters Creek.

Although closely linked to the management of the production forest, the impact of a fire in a production forest can be greater than compared with rural land in general. Currently there are some areas along the forestry and public roads with a high concentration of weeds, such as pampas and gorse, that increase fire risks.

The only natural hazards overlay included in the District Plan – First Review for Matakana Island is the Coastal Protection – Open Coast overlay, which is along the open coast within 100m from MHWS.

From the above it is clear that the natural hazard risks are higher on the forested sand barrier than on the farmland. It is therefore important that any development, irrespective of whether it is a permitted activity or needs a resource consent, includes measures to minimise the risks to life and damage to property from natural hazards. The District Plan should therefore include methods to ensure this.

7.1 Option 1 – Status Quo – No additional methods to minimise the risks to life and damage to property from natural hazards.

Advantages	<ul style="list-style-type: none"> ▪ Less restrictive for developers.
Disadvantages	<ul style="list-style-type: none"> ▪ Outcomes from research will be ignored. ▪ Will risk life and damage to properties from natural hazards. ▪ Will have long-term cost implications to reduce risk.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ District Plan will not be effective to minimise risks to life and damage to property from natural hazards.

7.2 Option 2 – Include additional methods in the District Plan to minimise the risks to life and damage to property from natural hazards.

Advantages	<ul style="list-style-type: none"> ▪ Future development will have to mitigate risks from coastal erosion, inundation and fire. ▪ This will reduce the risk to Council to undertake mitigation work in future to protect properties. ▪ It will support the purpose of the RMA.
Disadvantages	<ul style="list-style-type: none"> ▪ Some additional restrictions on development.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The Plan will be more effective in dealing with land use activities to manage the risks from natural hazards.

7.3 Preferred Option

Option 2 – Include additional methods in the District Plan to minimise the risks to life and damage to property from natural hazards.

This option will require changes to:

- Section 18 – Rural (see Attachment E) and Maps.

8.0 Issue 5 – The extent of future residential development on the Matakana Island forested sand barrier.

Matakana Island is zoned Rural and the current activities on both the farmland and the forested sand barrier, although different in nature, reflect its rural status.

Various specialist studies that were done as part of the development of the Matakana Island Plan confirmed that although the forested sand barrier has relatively poor soil conditions, when compared with the farmland part of the Island, production forestry has still been successful on the Island for 100 years. Prior to human arrival, the Island would have been covered predominantly in coastal forest dominated by pohutukawa, puriri, kauri and rimu.

Development on rural land

SmartGrowth is the sub-regional growth strategy for the western Bay of Plenty since 2004. Although the strategy has just been reviewed, the direction on rural subdivision has remained unchanged. The strategy identified a range of key drivers that are important to retaining the quality of the District's environment and providing for efficient land uptake from future growth. These drivers have been incorporated into the Regional Policy Statement and are also reflected in the District Council's Long Term Council Community Plan and Operative District Plan.

With respect to the rural land resource, the existing planning regime (including the Operative District Plan: First Review) recognises that rural production remains of primary importance to the sub-region's economy and that reconciling the need to protect productive land against the push to convert it to residential use is a key issue for the District. Research has confirmed that a significant amount of productive land has been lost due to rural subdivision for lifestyle living. The Operative Plan signalled a change in the way that rural subdivision was managed, directing new rural lifestyle subdivision into specific zones rather than allowing for further fragmentation of the rural productive land resource. Although soils on the forested sand barrier are of low quality, it is still productive land and therefore the intention of the existing planning regime to protect productive rural land applies to the Matakana Island forested sand barrier.

Some of the landowners on the forested sand barrier have indicated that although commercially viable production forestry is currently challenging, there are alternative rural activities that can be introduced to complement production forestry.

It is also important to note that there are a number of large production forests in the Western Bay of Plenty District. It is therefore important to consider how more intensive development, especially dwellings, might create a precedent for more intensive development within other production forests.

Residential development within large scale production forestry, and perhaps pine forestry in particular, carries hazards and challenges that are different to those faced when developing other rural land uses, such as open pasture. This should be recognised when tailoring provisions to the specific circumstances of the Matakana Island rural land resource.

Most of the forested sand barrier is owned by three companies. Under the current General Farming Lot subdivision rules (minimum lot size of 40ha) these landowners may be able to create the following number of additional lots:

TKC Holdings Limited (16 titles)	1971.6ha	=	50 lots
Blakely Pacific Limited (4 titles)	1941.9ha	=	48 lots
Scorpion (2 titles)	170.0ha	=	<u>4 lots</u>
			102 lots on the sand barrier

The status of the above subdivision is at least controlled, but due to the existing overlays and activity performance standards in the District Plan, it will most probably be a discretionary activity.

Clustering of dwellings on the forested sand barrier

As stated in the Matakana Island Plan, the potential consequence of subdivision under the **general farming lot rule is a "scattered" built form** throughout the Island without consideration for the specific impact on landscape and rural amenity. In addition, the general farming lot **subdivision provisions and "scattered" built form will also impact on the productivity of the forestry operations.** This view is also supported by the Environment Court (Blakely Pacific Limited v Western Bay of Plenty District Council) and the Matakana Forest Park Management Plan (draft), compiled by TKC Holdings Limited. As a result, this Plan Change advocates for the management of subdivision by reference to a maximum density rather than a minimum lot size to enable clustered development as opposed to **development being "scattered" across the Island.**

To enable the clustering of dwellings, provision needs to be made for landowners to transfer their own dwelling entitlements (against assumed potential subdivision based on hectareage) to clusters located on land titles in other ownership. **It is noted that there is no "entitlement" as such to either dwellings or subdivision, as 1:40 subdivision is not permitted as of right, and the number of dwellings follows the number of Lots.**

It is also important to include in the District Plan activity performance standards for the cluster to ensure that it has minimal impact on the rural environment, existing forestry operations, social and cultural values, natural environment and the landscape values, and appropriate provision for infrastructure requirements including water, wastewater, access (both on and to the island) and power.

The location of the clusters should avoid significant ecological areas and natural character and landscape areas, areas with high natural hazard risk and areas of cultural significance.

Due to the complexity of the development constraints on the forested sand barrier, a resource consent for the development of dwellings will need to satisfy a range of assessment criteria. The status of such activity should therefore be no more permissive than Restricted Discretionary.

Cultural and social values of the Matakana Island community

Although Part 2 (Purpose and Principles) of the Resource Management Act is clear on the importance of existing cultural and social values, these values can sometimes be neglected due to their qualitative and intangible nature.

In its reasons for the decision in the *Blakely Pacific Limited v Western Bay of Plenty District Council* appeal, the Environment Court made it clear that maintaining the social and cultural wellbeing of the Matakana Community is **important. In paragraph 113 the Court stated that "... the difficulty is in how the relationship of Maori to this land, and particularly the hapu on the island, is recognised and provided for. In our view, the recognition and provision must be real."**

It is mentioned in 1.1 that, especially on Matakana Island, the four Local Government Act well-beings are integrated and the natural, social and cultural environments, landscape, socio-economic, the past and the future all contribute to defining the existing community and its well-being. Although the issues that relate to the landscape, natural environment and development are discussed separately, they are part of the overall social and cultural values of the community. This is because, for Maori, place has both a spiritual and physical dimension.

We, the Hapū of Matakana and Rangiwaea who reside on the Islands are Ahi-kā-roa (ahi kā), we keep our home fires burning as a beacon for our Whanau to come home to. The relationship that Hapū have with our environment is synonymous with whakapapa. Ahi kā ultimately represents an inherent responsibility for exercising mana motuhake or absolute autonomy.

We do not split or compartmentalize our culture when discussing anything to do with the Islands. Our culture and world-view is interwoven with everything we do. Matakana and Rangiwaea Hapu Management Plan

In the Matakana Island Forest Park Management Plan (draft), TKC Holdings expressed the importance of ensuring that a development proposal addresses the social and cultural values of the current Island community. **This view is also confirmed in TKC Holdings Limited's appeal against Western Bay of Plenty District Council's Proposed District Plan – First Review**, which proposes that new rules should be included to ensure that social impact assessments are undertaken to define the potential social and cultural effects of proposed development.

Although the sand barrier is in private ownership, a sense of duty and obligation for tangata whenua to exercise *rangatiratanga* and *kaitiakitanga* remains. However, it is important that in turn tangata whenua acknowledge that non-Māori landowners may have different values that also warrant consideration. The challenge for the Island is to balance the proprietary and legal rights of private landowners with the cultural values of tangata whenua. **For example, due to its isolation and the community's current way of life**, access over private land to the northern end, open coast and Harbour for the collection of kaimoana, hunting and to provide access to areas of cultural significance is important. However, this has the potential to create conflict between tangata whenua and private landowners.

The Matakana Island way of life is reflected in its isolation, rural character and absence of large residential, commercial or tourist developments, the nature of which gives rise to the relaxed and highly self sufficient lifestyles of the Island population. Infrastructure is provided on the Island in terms of the privately owned unsealed forestry access road. Council infrastructure is, and will remain, minimal. Any development will need to provide its own services and meet Regional and District Plan requirements.

Although both the current Island community and the landowners of the forested sand barrier would like to see sustainable economic development on the Island, there is a significant difference between their philosophy and expectations regarding the scale and nature of such development. This is because, as set out in the Hapu Management Plan, Maori believe that **“people belong to the land and not the land to the people”**.

For the Island community, of whom more than 90% are Maori, the scale and nature of development on the Island has the potential to significantly impact on their social and cultural well-being.

Archaeology

More than 400 archaeological sites on Matakana Island have been recorded by the New Zealand Archaeological Association.

The farmland area **contains one of the highest concentrations of pā in the Bay of Plenty**. **To date, 37 pā have been recorded and are mainly located** on the escarpments along the Harbour. Seven terraces and 12 rua are also recorded on the farmland. More than 300 midden sites are recorded on the forested sand barrier and 11 have been recorded on the farmland.

It appears from the current site inventory that the scale and intensity of the archaeological landscape on the Island dunes are more significant than that of the Papamoa dune plain. It must however be recognised that the archaeological integrity or condition of the sites on the barrier dunes is extremely variable and the majority of recorded sites have been affected to some degree by 80 years of physical disturbance from operating production forestry and possibly gum digging prior to that. Many sites recorded on the basis of the discovery of surface shell middens have been largely destroyed by forest operations.

Information regarding the rich archaeology of Matakana Island is incomplete due to the large size of the Island and the limited areas researched and investigated to date. The HMP has indicated further important cultural areas.

The scale of residential development on the forested sand barrier.

There are currently only 14 dwellings on the forested sand barrier and these are clustered close to the old mill site. Under the current District Plan rules, the three landowners that own most of the forested sand barrier have the potential to seek resource consent to create a total of 102 lots, each of which is entitled to one dwelling as a permitted activity under the District plan.

As mentioned in 1.1, one of the main drivers for this Plan Change is the pressure from forested sand barrier landowners with large landholdings that would like to develop more dwellings than currently provided for under the Rural zone provisions.

On the other hand, the Hapu Management Plan advocates for fewer dwellings than the current provisions provide for.

The Matakana Island Plan states the following:

In light of the various specialists studies, the Matakana and Rangiwaea Islands Hāpu Management Plan and the draft Matakana Forest Park Management Plan prepared by TKC Holdings Limited, it is clear that the Island (including its people and communities) does not have in all respects the capability to accommodate subdivision at the level and nature currently provided for in the 2002 District Plan or the District Plan – First Review. It is Council's view therefore that subdivision and new dwellings should be restricted to below that currently provided for in both of these District Plans, unless a development can demonstrate that it meets the principles below. Further, and as discussed in section 2.0 of this Plan, the nature and scale of buildings associated with any land use activity must also complement and acknowledge the values of the Island and its community.

During the development of the Matakana Island Plan and this Plan Change, a number of development options have been explored and assessed against Part 2 of the RMA and the constraints and challenges of the forested sand

barrier as identified in the various specialist studies undertaken during 2011. These options ranged between freezing the development of dwellings on the forested sand barrier (the most restrictive option) and allowing the development of a further 300 dwellings.

The three-day workshop, facilitated by the Environment Court, with landowners and main stakeholders, mainly focused on the constraints and challenges of the Island and offered an opportunity to participants to express their views on some of the development options. Draft provisions were pre-circulated and workshopped.

Going beyond the existing provisions will change the social and cultural balance on the Island whereby the forested sand barrier will contain more development than the farmland. According to the Hapu Management Plan, this will have a significant impact on the social and cultural wellbeing of the current Island community.

8.1 Option 1 – No more dwellings be developed on the forested sand barrier apart from the existing dwellings (“freeze development”).

Advantages	<ul style="list-style-type: none"> ▪ The valued landscape will be retained. ▪ Will ensure cultural heritage is preserved. ▪ Limited risks from natural hazards. ▪ Island way of life will not be affected. ▪ Will not impact on the productivity of the production forest.
Disadvantages	<ul style="list-style-type: none"> ▪ Will ignore existing development potential and potential dwelling entitlements if new subdivision was consented. ▪ No additional information on the archaeology will be obtained.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Will make the Plan more affective as it will support objectives that relate to the protection of primary production, the natural environment, landscape, amenity and existing social and cultural values.

8.2 Option 2 – Development of dwellings at a maximum density of 1 dwelling per 40ha as a Restricted Discretionary Activity, provided that the dwellings are clustered.

Advantages	<ul style="list-style-type: none"> ▪ If well managed, the Island way of life will not be significantly affected. ▪ It will allow limited economic development and employment opportunities. ▪ Depending on the layout and location of the clusters, the increased population might contribute to a more affordable ferry service. ▪ Provided that the clusters are well designed, development may have limited impact on the landscape and ecological values.
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	<ul style="list-style-type: none"> ▪ Will create an opportunity to obtain more information on archaeology. ▪ Option 2 is not in conflict with the RPS and SmartGrowth. ▪ Provides economic opportunity to landowners. ▪ Will be able to take into account the outcomes of the specialist studies, Hapu Management Plan, forestry landowners plan and Matakana Island Plan during subdivision and development. ▪ The clusters will be accommodated within less than 7% of the entire forested sand barrier, which will have limited impact on the productivity of the production forest. ▪ Clustering will enable better-targeted natural hazard responses, including evacuation and protection from fire, inundation, and the more-efficient provision of infrastructure.
Disadvantages	<ul style="list-style-type: none"> ▪ Some impact on existing social and cultural well-being is inevitable. ▪ More people and property overall may be exposed to natural hazards than if development was frozen at a lower level. ▪ More human activity may adversely affect the unique natural environment, and introduce threats to the threatened dotterel and katipo populations. ▪ May result in reverse sensitivity issues and conflict with existing forestry operations.
Efficiency/ Effectiveness	<ul style="list-style-type: none"> ▪ Provided that District Plan objectives, policies and rules are changed to address the constraints and opportunities of the forested sand barrier, the development of dwellings at a maximum density of 1/40ha in a cluster can be managed effectively. ▪ The District Plan will be more efficient in the protection of rural productivity and limiting reverse sensitivity to defined discrete areas.

8.3 Option 3 – Development of dwellings at a maximum density of 1 dwelling per 27ha (150 dwellings), provided that the dwellings are clustered.

Advantages	<ul style="list-style-type: none"> ▪ More people might contribute to a more affordable ferry service. ▪ Might increase employment opportunities. ▪ Provide economic benefits to the forestry landowners through subdivision over and above what the Plan allows for.
Disadvantages	<ul style="list-style-type: none"> ▪ Might impact on the matters included in Section 6 and 7 of the RMA. ▪ More people and property will be exposed to natural hazards.

	<ul style="list-style-type: none"> ▪ Increased human activity may affect the unique natural environment and landscape. ▪ Will result in reverse sensitivity issues and conflict with existing forestry operations. ▪ Will create traffic management and access issues. ▪ Will impact on the Island way of life and the social well-being of the Island community. ▪ The scale of such residential development is in conflict with the RPS, SmartGrowth, Matakana Island Plan, Hapu Management Plan and all specialist studies. ▪ Such density is much higher than provided for in the Operative Plan for other rural zoned areas in the Western Bay District, and may create a precedent for more intensive development in other rural areas in the District, and pressure from landowners in other rural areas in relation to perceived inequities given that the Operative Plan has recently tightened controls on rural subdivision. ▪ More or larger clusters will be required which will impact on the productivity of the forestry operations, and require more infrastructure. Larger settlements are likely to increase pressure on Council to provide infrastructure.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Due to the complexity and extent of the constraints of the Island: <ul style="list-style-type: none"> ○ The scale of the development may result in the District Plan failing to give effect to the purpose of the RMA. ○ It may be difficult to give effect to the matters of importance (matters included in Sections 6 and 7 of the RMA). ▪ The District Plan will be less effective in taking the Hapu Management Plan into account. ▪ The effectiveness of the District Plan's approach to rural subdivision and protection of the rural productive land resource may be undermined.

8.4 Option 4 – Development of 225 dwellings (75 for Blakely Pacific and 150 for TKC Holdings and Scorpion), provided that the dwellings are clustered.

Advantages	<ul style="list-style-type: none"> ▪ More affordable ferry service could result from more users. ▪ Increased employment opportunities. ▪ Will provide economic benefits to the forestry landowners through subdivision over and above what the Plan allows for.
Disadvantages	<ul style="list-style-type: none"> ▪ Will impact on the matters included in Section 6 and 7 of the RMA. ▪ A significant number of people and property will be

	<p>exposed to natural hazards.</p> <ul style="list-style-type: none"> ▪ Human activity will affect the unique natural environment and landscape. ▪ Will result in reverse sensitivity issues and conflict with existing forestry operations. ▪ Will significantly impact on the Island way of life and the social well-being of the Island community. ▪ Such density is much higher than provided for in the Operative Plan for other rural zoned areas in the Western Bay district, and may create a precedent for more intensive development in other rural areas in the District, and pressure from landowners in other rural areas in relation to perceived inequities given that the Operative Plan has recently tightened controls on rural subdivision. ▪ The scale of residential development is in conflict with the RPS, SmartGrowth, Matakana Island Plan, Hapu Management Plan and all specialist studies. ▪ It will become a precedent for more intensive development in other rural areas in the District. ▪ Will increase pressure on Council to provide infrastructure.
Efficiency/ Effectiveness	<ul style="list-style-type: none"> ▪ Due to the scale of the development, the District Plan will fail to meet the purpose of the RMA. ▪ It will be difficult to provide for the matters of national importance and have particular regard to other matters (Sections 6 and 7 of the RMA). ▪ Will not be able to take the Hapu Management Plan into account. ▪ Will undermine the effectiveness of the District Plan’s approach to rural subdivision and protection of the rural productive land resource

8.5 Preferred Option

Option 2 – Development of dwellings at a maximum density of 1 dwelling per 40ha as a Restricted Discretionary Activity, provided that the dwellings are clustered.

This will require changes to Section 18 – Rural to enable:

- clustering of dwellings,
- the transferring of dwelling entitlements to the cluster
- the development of a management plan to mitigate the effects of the development on the existing forestry operations, natural environment, landscape and social and cultural values, and to provide appropriately for infrastructure.

9.0 Issue 6 – Capping or flexibility regarding the maximum number of dwellings to be developed on the forested sand barrier.

Over the past few years a number of landowners and developers have either expressed an interest in or applied for a resource consent to undertake residential development of a significant scale on the forested sand barrier. This has resulted in:

- conflict between the existing Island community, Council and developers,
- significant costs (legal and planning) to all parties, and
- a constant threat and uncertainty to the current Island community and landowners.

In the Operative District Plan, more intensive residential development than that provided for in the District Plan is a Non-Complying Activity, which does not provide certainty to either the current community or potential developers. In addition, there are a number of other rules that may result in even more subdivision and development, for example:

- the development of a minor dwelling in addition to an approved dwelling,
- **additional subdivision under the rules that relates to 'protection lots' and 'rural production lots'.**

This uncertainty can be avoided by providing a cap on the maximum number of dwellings that can be developed on the forested sand barrier.

9.1. Option 1 – Status Quo – Allow for flexibility by not capping the maximum number of dwellings to be developed in future.

Advantages	<ul style="list-style-type: none"> ▪ Flexibility to landowners, who may wish to bring applications for further development.
Disadvantages	<ul style="list-style-type: none"> ▪ Uncertainty to both developers and current community as to what the limit might be. ▪ Significant ongoing costs to Council, developers and community for resource consent and appeals. ▪ Allow landowners to continuously seek consent for further incremental intensification, which will result in uncertainty and a continuous threat to the existing forestry production, natural environment, landscape and social and cultural values of the Island.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Due to the flexibility, the efficiency and effectiveness of the Plan will be under threat continuously. ▪ Will complicate giving effect to the RPS and taking the Hapu Management Plan into account.

9.2 Option 2 – Provide certainty by capping the number of dwellings to be developed on the forested sand barrier.

Advantages	<ul style="list-style-type: none"> ▪ Provide certainty to the local community, developers and Council. ▪ Will be easier to protect the existing forestry production, natural environment, landscape and social and cultural values of the Island.
Disadvantages	<ul style="list-style-type: none"> ▪ Depending on the cap size, it may restrict developers from seeking more than the Rural zone currently provides for.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The District Plan will provide certainty. ▪ Will be effective in dealing with development that will impact on the matters included in Sections 6 and 7 of the RMA.

9.3 Preferred Option

Option 2 – Provide certainty by capping the number of dwellings to be developed on the forested sand barrier, thereby sending a clear signal as to what level of development will be acceptable on the Island and that the Island will retain its Rural character and zoning for the current life of this District Plan.

As the cap relates to the number of potential dwellings, rules that relates to the creation of minor dwellings or additional lots (e.g. **'protection lots' and 'rural production lots'**) should not apply to Matakana Island.

Capping development will also ensure that the issue of **'balance'** can be retained over time.

With Option 2, the District Plan has to provide a cap on the number of dwellings that can be developed as a Restricted Discretionary or **Discretionary Activity**. **Any development that doesn't comply with the cap** will become either a Non-Complying Activity or a Prohibited Activity. If it becomes a Non-Complying Activity, the issue of uncertainty will remain. By including development that exceeds the capped number of dwellings as a Prohibited Activity, the District Plan will be very clear that the potential effects of such a development will be of such a scale and nature that it should not be considered during the life time of the District Plan. As a result, the District Plan will provide certainty to the landowners, local community and developers.

10.0 Issue 7 – Sustainable development that complements the unique and sensitive rural environment of Matakana Island.

Both the Hapu Management Plan and the Matakana Island Plan advocate that part of the longer term vision for the Island should include the development of an enhanced, diversified and sustainable local economy that supports a vibrant Island community. Development should be of a nature acceptable to the community and at a rate that can be absorbed by Island

society in order to safeguard and complement the unique sense and feel of Matakana Island.

It is therefore important that the Island shapes development as opposed to development shaping the Island.

With an Island location and proximity to the marine environment, aquaculture should be given recognition as a possible economic driver. This has the potential to be land based with any large structures hidden by vegetation.

The Island's soils and microclimate mean that there is potential for diversification into high value, niche market garden crops that could provide sustainable work for an additional local work force.

The commercial plantation forestry on the forested sand barrier may be diversified over time into other tree crops for specialised markets. An option could be to undertake re-planting with Manuka specifically as a source of pollen for honey production. This could be in tandem with the development of a local bee-keeping cottage industry.

Given the perceived isolation of the Island, the tranquil pace of life, the outstanding environmental and archaeological features, and special ecosystems it is particularly suited to the development of home-stays and small-scale eco-tourism type ventures. There could be additional environmentally low-key business associated with activities such as horse riding, cycling, wildlife watching, heritage and cultural tours that could enhance any visit to the Island.

There is the potential to develop the forested sand barrier in a low key manner with limited additional residential development sympathetically blended into the timberland landscape.

10.1. Option 1 – Status Quo – No changes to the District Plan to encourage sustainable and suitable economic development.

Advantages	<ul style="list-style-type: none"> ▪ No potential change to the current 'look and feel' of the Island.
Disadvantages	<ul style="list-style-type: none"> ▪ The Plan will restrict sustainable economic growth.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Not effective in taking the Hapu Management Plan into account.

10.2 Option 2 – Encouraging sustainable economic development of a scale and nature that will not impact on the constraints and values of Matakana Island.

Advantages	<ul style="list-style-type: none"> ▪ Provided that the activity is of a scale and nature that complements the values of the current community and the production forestry operations, it will: <ul style="list-style-type: none"> ○ Generate more ferry trips that may reduce
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	<p>transportation costs.</p> <ul style="list-style-type: none"> ○ Create opportunities to improve the existing landscape and natural environment. ○ Contribute to the social and cultural well-being of the Island community. <ul style="list-style-type: none"> ▪ Will create job opportunities for the local community. ▪ Diversify the economy of the Island.
Disadvantages	<ul style="list-style-type: none"> ▪ Might impact on the current 'look and feel' of the Island.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The District Plan will be effective in taking the Hapu Management Plan into account.

10.3 Preferred Option

Option 2 – Encouraging sustainable economic development of a scale and nature that will not impact on the constraints and values of Matakana Island.

The following changes will be required to Section 18 – Rural (Attachment E):

- Include aquaculture, accommodation facilities and places of assembly as a Restricted Discretionary Activity on Matakana Island.
- Include activity performance standards and matters of discretion to ensure that the activity is of a scale and nature that complements the values of the Island, and mitigates the effects of the development on the existing forestry operations, natural environment, landscape and social and cultural values.

11.0 Proposed Changes to the District Plan

11.1. The following specific amendments to the District Plan provisions are recommended:

That:

- (a) Section 5 – Natural Environment - be amended as per Attachment A.
- (b) Section 6 – Landscape - be amended as per Attachment C.
- (c) Section 18 – Rural - be amended as per Attachment E.
- (d) Appendix 1 – Ecological Features – be amended as per Attachment B.
- (e) Appendix 2 – Natural Features and Landscape – be amended as per Attachment D.
- (a) The significant ecological features and natural features and landscape be changed as shown on District Plan Maps C4, C5, D5, D6, E5, E6, E7 and F7 (see Attachment F)

Notes:

1. New text to be added to the District Plan is shown in red underlined font. Text to be deleted from the District Plan is shown in ~~red~~ strikethrough font. Text in **Black** is unchanged and do not form part of this Plan Change/Variation.
2. The following changes exclude consequential number changes due to the proposed inserts and deletions.

Attachment A

Proposed Changes to Section 5. Natural Environment

5.4 Activity Lists

5.4.2 Restricted Discretionary Activities (excluding Matakana Island)

5.4.3 Discretionary Activities

- (a) Visitor and outdoor recreational facilities and activities on Matakana Island that meet the performance standards in 18.4.1(f).
- (b) *Accommodation facilities* and *educational facilities* associated with (a) above on Matakana Island that meet the performance standards in 18.4.1(e).

5.4.4 Non-Complying Activities

- (a) Subdivision and *development* on Matakana Island.

5.6 Matters of Discretion

5.6.1 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria

In considering an application for a Discretionary Activity or a Non-Complying Activity, *Council* shall consider:

- (a) Relevant objectives and policies of the District Plan.
- (b) With regard to the Matakana Island forested sand barrier, the vision, principles and implementation strategies included in the adopted Matakana Island Plan.
- (c) The potential impact the activity may have on the natural environment.
- (d) Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.

(e) Traffic Generation

- Impact on roading including traffic safety;
- Access;
- Effect on amenity.

(f) Scale of the activity including number of people carrying out the activity, the hours of operation and how this affects the existing character and amenity values.

Attachment B

Proposed Changes to Appendix 1

Schedule of Identified Significant Ecological Features

Schedule of Identified Significant Ecological Features

Site No	District Plan Map Ref	Name	Habitat
U13/2	E04; C05	Freshwater Wetlands, Matakana Island	Freshwater Wetlands
U13/3	E04; C05	Nthn Matakana Is Wetland and Dunes	Freshwater Wetlands and Dunes
U13/7	E05; D05	Matakana Island Estuary Wetland	Estuarine Wetlands
U13/21	D05	Mid Matakana Island Shoreline	Estuarine Wetlands
U13/24	E04	Cottage Road	Sedgeland and Flaxland
U14/103	E06	Opureora	Tussockland
U14/104	E06	Motungaio Island	Saltmarsh, shrub and forest
U14/105	E06	Tahunamanu Island	Sandspit vegetation
U14/109	E06	Hunters Creek	Freshwater and Saline Vegetation
U14/112	E06	Opureora Inlet	Wetland Vegetation
U14/113	E06	Opureora Inlet	Sedgeland
U14/114	E06	Waiherere Road	Estuarine Vegetation
U14/115	E06	Tahunamanu Spit	Sandspit
U14/116	D05; D06; E06	Bluegum Bay	Estuarine Vegetation
U14/117	D05; D06	Tirohanga	Sedgelands and Mangrove Shrubland
U14/125	D06; E06	Waihirere Inlet	Freshwater and Saline Vegetation
U14/126	E05; E06	Tirohanga Road Wetland	Grey Willow Forest
U14/127	E06	Waihirere Road Wetland	Grey Willow Forest
SBS 7	E06	Opureora Road	Bird Nesting and Roosting Site
SBS 8	E07	Matakana Island	Bird Nesting and Roosting Site
MI/1	C04;	Matakana Wetlands B	Scrub and freshwater wetland
MI/2	C04; C05;	Matakana Wetlands C	Scrub, tussockland, and freshwater wetland
MI/3	C04; C05; D05;	Central Matakana Wetlands	Freshwater wetland vegetation
MI/4	C04; C05	Matakana Wetlands D	Freshwater wetland vegetation and forest
MI/5	C04; C05;	Matakana Wetlands A	Sedgeland and freshwater wetland vegetation
MI/6	C05; D05;	Matakana Island 2	Mangrove scrub and shrubland,

			freshwater wetland vegetation, sandspit vegetation, and forest
MI/7	D05;	Tirohanga Point Pohutukawa	Pohutukawa forest
MI/8	E05;	Tirohanga Point Beach	Bird nesting site
MI/9	E05	Matakana Point	Pohutukawa forest
MI/10	D05;	Matakana Island 4	Flaxland, scrub, and estuarine wetland vegetation
MI/11	E05;	Tahunamanu Pohutukawa	Pohutukawa forest
MI/12	C04; C05; D05; D06; E05; E06; E07; F07	Tauranga Harbour	Estuarine wetland vegetation, intertidal flats, and bird feeding, roosting, and breeding sites
MI/13	E06;	Tahunamanu Island	Intertidal flat vegetation, dunes, and sandspit vegetation
MI/14	D05; D06; E06;	Blue Gum Bay 1	Forest, freshwater wetland, estuarine wetland
MI/15	C04; C05; D05; D06; E06; E07; F07	Matakana Island 1	Sand dune vegetation, freshwater wetland vegetation,
MI/16	E06;	Opureora Inlet	Freshwater wetland vegetation and estuarine wetland vegetation
MI/17	E06	Waihirere Road Wetland	Freshwater wetland vegetation and estuarine wetland vegetation
MI/18	D05; D06; E05; E06	Blue Gum Bay 2	Freshwater wetland vegetation and estuarine wetland vegetation
MI/19	E06	Otapu Bay	Freshwater wetland vegetation and estuarine wetland vegetation
MI/20	E06;	Opureora	Freshwater wetland vegetation, estuarine wetland vegetation, dunes, and bird nesting and roosting
MI/26	E07;	Duck Bay	Estuarine scrub and tussockland
MI/27	E07;	Southeastern Matakana Wetlands	Freshwater wetland vegetation
MI/28	E05;	Matakana Island 5	Estuarine wetland vegetation

Attachment C

Proposed Changes to Section 6. Landscape

6. Landscape

6.4 Activity Lists

6.4.1 Permitted Activities

6.4.1.1 Within Identified Natural Features and Landscapes

(a) ~~Production forestry in landscape feature S9 and S25 - Matakana Island.~~

6.4.1.2 **Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7), and within ~~40m~~ **50m from MHWS in the Matakana Island Landscape Management Area (S9) landscape feature****

35.1
5
3.13
1.5

6.4.1.3 **Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between ~~40m~~ **50m and 300m inland from MHWS in the Matakana Island Landscape Management Area (S9) landscape feature****

6.4.3 Restricted Discretionary Activities

6.4.3.1 Within Identified Natural Features and Landscapes (except those addressed by specific activity lists in 6.4.3.2 and 6.4.3.3 following):

(a) Subdivision (only where additional *lots* are created within Natural Features and Landscapes and not within the balance area), ~~excluding the Matakana Island Open Coast (S25).~~

(b) *Buildings*, ~~excluding the Matakana Island Open Coast (S25).~~

(d) Native vegetation clearance, ~~excluding the Matakana Island Open Coast (S25).~~

6.4.3.2 **Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7) and within ~~40m~~ **50m****

from MHWS in the Matakana Island Landscape Management Area (S9) landscape feature

- (a) Subdivision (only where additional *lots* are created within Natural Features and Landscapes and not within the balance area), excluding the Matakana Island Landscape Management Area (S9).
- (b) *Buildings*, excluding the Matakana Island Landscape Management Area (S9).

6.4.3.3 Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between ~~40m~~ 50m and 300m inland from MHWS in the Matakana Island Landscape Management Area (S9) landscape feature

- (a) *Buildings* that do not meet all of the Permitted Activity performance standards provided in 6.4.1.3(b) above, excluding the Matakana Island Landscape Management Area (S9).
- (c) Removal of native vegetation over 3m in *height*, as a result of any new *buildings* and/or access way, excluding the Matakana Island Landscape Management Area (S9).

6.4.4 Discretionary Activities

6.4.4.1 Within 50m from MHWS in the Matakana Island Landscape Management Area (S9).

- (a) A solid fence exceeding 1.2m in height.

6.4.4.2 Between 50m and 300m inland from MHWS in the Matakana Island Landscape Management Area (S9).

- (a) A solid fence exceeding 1.2m in height.

6.4.4.3 Any activity not listed as a Permitted, Controlled or Restricted Discretionary or Non-Complying Activity.

6.4.5 Non-Complying Activities

6.4.5.1 Within 50m from MHWS in the Matakana Island Landscape Management Area (S9a) and Matakana Island Open Coast (S25)

- (a) *Buildings*
- (b) Subdivision (only where additional *lots* are created within Natural Features and Landscapes and not within the balance area).

(c) Dwellings

6.6 Matters of Discretion

6.6.1 Assessment criteria for Restricted Discretionary Activities

6.6.1.1 The assessment criteria in 6.6.1.3 and 6.6.1.4 below apply to:

- (b) Activities within Orokawa Bay Unit (S1), the Wairoa River (S7) and Tauranga Harbour (S8) Landscape Management Areas, Matakana Island Landscape Management Areas (S9), Motuhoa Island (S14), Rangiwaia Island (S15) Motungaio Island (S16), Maketu Estuary (S19), Okurei Point and Headland (S20), Waihi Estuary (S21) and Pukehina Spit End (S22) where such activities will be visible from the adjoining waterbody.

3.13

Explanatory Note

The Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island Landscape Management Areas (S9) are included as natural features and landscapes within Appendix 2 and extend 300m inland from *MHWS* (S8 and S9) and the river bank (S7) on Rural Zoned land only.

6.6.2 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria for Matakana Island

6.6.2.1 In considering an application for a Discretionary Activity or a Non-Complying Activity on Matakana Island, Council shall consider the vision, principles and implementation strategies included in the adopted Matakana Island Plan.

Attachment D

Proposed Changes to Appendix 2

Schedule of Identified Outstanding Landscape Features

Natural Features and Landscapes

S9 - Matakana Island Landscape Management Area

The area identified as visually significant includes all Rural Zoned land between *MHWS* and 300m above *MHWS* adjoining the Tauranga Harbour. This landscape feature is divided into two distinct areas. The area within 50m of *MHWS* (shown as S9a on the Planning Maps) is deemed to be more significant and thus greater restrictions apply.

1.5
35.15
3.13

S25 – Matakana Island Open Coast

Matakana Island is the largest sand barrier island in New Zealand. The open coastline extends 23km between the northern and southern entrances to the Tauranga Harbour. This part of the feature follows the landform's natural dune systems and native vegetation cover. A dynamic dune system extends inland partway into the edge of the plantation forestry with varying areas of native under storey. The area displays a high level of natural character and is part of the coastal environment where coastal processes are dominant. The sand spits that extend at either end of the Island are included for their display of the dynamic coastal processes of the Harbour and open coast. These areas also include habitat for threatened bird species including New Zealand Dotterel.

Proposed Changes to Section 18. Rural

18. Rural

Explanatory Statement

Matakana Island is an elongated barrier island between Tauranga Harbour and the Pacific Ocean that lies between Mount Maunganui in the southeast and Bowentown in the northwest. Its predominant landuses are pastoral farming and horticulture, with *production forestry* on the sand barrier. The Island is of significant value to the Western Bay of Plenty District in a number of ways:

- (a) Its resident population of around 250 is principally tangata whenua with a rich cultural history and strong social fabric.
- (b) The Island community has a strong sense of connectedness and a modest way of life.
- (c) It is one of the richest archaeological landscapes in the western Bay of Plenty sub-region.
- (d) Matakana Island protects Tauranga Harbour, which is of national importance, from the Pacific Ocean.
- (e) The freshwater wetlands, dune lakes and frontal dune system on the Island are significant ecological features that provide the habitat for a diverse range of threatened and at risk species.
- (f) The pine forest landscape, as viewed from the Harbour, open coast and mainland is valued by both residents of the Island and the mainland, and visitors.

It is important that future *development* on Matakana Island complements these significant values and provides for the Island community's social, cultural and economic well-being. Council has adopted the Matakana Island Plan which addresses these significant issues in more detail to provide guidance for the future *development* of the Island. In addition, the hapu of the Island have adopted the Hapu Management Plan which has to be taken into account by Council.

~~Interest has been expressed for more intensified *development* of Matakana Island. The Island has a rich cultural history and like much of the Western Bay of Plenty, its landscape and natural environment are sensitive to misuse. For this reason, any consideration of intensive or large-scale *development* must be preceded by a 'Whole of Island Plan' that deals with issues in a holistic manner. *Development* that enhances the rural community of the Island within the context of general rural planning strategies for the *District*, including appropriate provision for Papakaianga housing, may be expected to continue to provide for the Island community's social, cultural and economic well-being.~~

3.1
4.6
35.2

18.1 Significant Issues

10. Matakana Island is a sensitive environment that needs to be planned for carefully. While the resource management issues relevant to Matakana Island also apply to other rural land, those of particular importance in the Matakana context include:

- The potential for more intensive or large scale *development* to adversely impact on archaeological, cultural, spiritual, ecological and landscape values, and
- The need and desire of Maori to live on and develop their ancestral land.
- The threat of a multiplicity of natural hazards including tsunami, liquefaction, inundation, and fire.

3.2
4.7
35.3

18.2 Objectives and Policies

18.2.1 Objectives

10 The following attributes which contribute to the social and cultural well-being of the Matakana Island community are maintained and supported:

- unique way of life,
- rich cultural values,
- sensitive natural environment, and
- a significant landscape.

18.2.2 Policies

16. In addition to policies relating to the rural land resource, *development* of land on Matakana Island shall recognise and provide for the following matters:

- (a) Cultural, spiritual and archaeological values, including the need and desire of Maori to live on, and develop and otherwise maintain a strong relationship with their ancestral land.
- (b) Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes.

4.11
35.6

indigenous vegetation and habitats of indigenous fauna, and historic heritage.

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| (c) | <u>The need to ensure that large-scale or more intensive development proposals do not compromise future options for the comprehensive planning and development of the Island.</u> | 3.6
4.11
35.6 |
| (d) | <u>Legal access to the ocean beach, Panepane and sites of cultural significance for at least the local community and landowners.</u> | |
| (e) | <u>Sustainability of existing social infrastructure and the cultural and social well-being of the Matakana Island community.</u> | |
| (f) | <u>Sustainable economic development that contributes to the economic well-being of the Matakana Island community.</u> | |
| (g) | <u>Development that is of a scale and nature that will complement the lifestyle (including self-sufficiency) of the Matakana Island community.</u> | |

18.3 Activity Lists

18.3.1 Permitted Activities

- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| (d) | One <i>dwelling</i> per <i>lot</i> , with the exception of: <ul style="list-style-type: none">• <u>Lots on the Matakana Island forested sand barrier other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH.</u> | 3.8
35.10
Appeal
Note #2 |
| (s) | <i>Rural Contractors Depots</i> , <u>excluding the Matakana Island forested sand barrier.</u> | 35.11
Appeal
Note #3 |

18.3.2 Controlled Activities

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| (a) | One <i>minor dwelling</i> in addition to 18.3.1(d) above subject to performance standard 18.4.1 (f) (i) Standards for <i>minor dwellings</i> , <u>excluding Matakana Island, the Matakana Island forested sand barrier.</u> | 3.11
35.1 |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

- (b) One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009, excluding titles on the Matakana Island forested sand barrier.
- (j) Subdivision as provided for in Rules 18.4.2(b) General Farming Lots excluding the Matakana Island forested sand barrier, (d) Transferable Rural Lots, (e) Transferable Amalgamation Lots, (f) Additional Dwelling Lots and (g) Separation Lots.
- (k) Protection Lot subdivision, excluding the Matakana Island, for up to two additional *lots* off a sealed road as specified in Rule 18.4.2(h)(ii)1.

18.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 18.4, excluding Matakana Island (see rule 18.3.4(r)).
- (d) Accommodation facilities and education facilities on Matakana Island that comply with 18.4.1(f).
- (e) Places of Assembly on Matakana Island that comply with 18.4.1(g).
- (f) Dwellings and associated subdivision on the Matakana Island forested sand barrier (other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH), subject to compliance with the activity performance standards contained in Rules 18.4.1(d) and 18.4.2(i).
- (g) Aquaculture on Matakana Island.
- (h) Works and network utilities as provided for in Section 10.

18.3.4 Discretionary Activities

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------|-----------------------|
| (c) | <i>Accommodation facilities</i> not complying with 18.4.1 (d) <u>(e) excluding Matakana Island.</u> | 3.11
4.12
35.13 |
| (d) | <i>Education facilities</i> for more than four persons (excluding staff), <u>excluding Matakana Island.</u> | 3.11
4.13
35.13 |
| (e) | <i>Places of assembly,</i> <u>excluding Matakana Island.</u> | 3.11
4.14
35.13 |

(m)	Subdivision specified in Rule 18.4.2(h) Protection Lot Subdivision, <u>excluding Matakana Island, excluding the Matakana Island forested sand barrier.</u>	3.11
(e)	Minor dwellings on Matakana Island.	4.15
(e)(p)	Protection Lot subdivision not complying with 18.4.2(h)(ii); <u>excluding the Matakana Island forested sand barrier.</u>	35.13
(r)	<u>Any Permitted or Controlled Activity on Matakana Island that fails to comply with the activity performance standards listed in Rule 18.4.</u>	
(s)	<u>Development on the Matakana Island forested sand barrier that fails to comply with the activity performance standards listed in 18.4, provided that in respect of rule 18.3.6 an overall density of one dwelling per 40ha is not exceeded.</u>	

18.3.5 Non-Complying Activities

- (f) Accommodation facilities, education facilities or Places of Assembly on Matakana Island not complying with the performance standards in 18.4.1(f) or 18.4.1(g).

18.3.6 Prohibited Activities

- (a) Residential development that exceeds a density of one dwelling per 40ha on the Matakana Island forested sand barrier, other than on Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH.
- (b) Minor dwellings on the Matakana Island forested sand barrier, other than on Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH.

18.4 Activity Performance Standards

18.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and all Restricted Discretionary Activities on Matakana Island. They shall also be used as a guide for the assessment of all other

activities. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

Except where specified otherwise the following performance standards shall be met by all land use activities.

(c) Yards

- (vi) Tauranga Harbour (S8), Wairoa River (S7) Landscape Management Areas and [Matakana Island Landscape Management Area \(S9\)](#) – for controls on activities up to 300m landward of MHWS, see Section 6.4.

3.13
35.1

(d) Standards for clustering of dwellings on the Matakana Island forested sand barrier

- (i) All dwellings to be constructed on lots other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH, shall be within a cluster approved pursuant to a resource consent granted under rule 18.3.3.

- (ii) Dwelling entitlements: one dwelling / 40ha of the combined total area of all existing lots on which the application is based.

- (iii) Maximum average distance between dwellings: 80m

- (iv) Minimum number of dwellings per cluster: 20

- (v) Transferring of development rights:
To achieve the clustering of dwellings, a dwelling entitlement may be transferred from one existing title (the donor lot) to another existing title (the recipient lot) at a rate of one dwelling entitlement per 40ha of land within the "donor" lot.

A Memorandum of Encumbrance shall be registered against the title of the donor lot to ensure that no dwelling or minor dwelling, other than within an approved cluster, shall be constructed on that lot in the future.

- (vi) Development within the cluster shall be in accordance with a Management Plan approved in conjunction with the granting of a resource consent under rule 18.3.3(f).

(f) **Restricted Discretionary standards for accommodation facilities and for education facilities on Matakana Island.**

- (i) Maximum combined total of 20 guests or students.
- (ii) No *building* shall exceed a total gross floor area of 200m².
- (iii) The distance between any two *buildings* shall be at least 10m.
- (iv) The *buildings* shall be partially screened from each other. The screening shall be dominated by trees and vegetation above 2m in height to mitigate the cumulative scale of the *accommodation/education facilities*.
- (iv) Shall not be within a *dwelling* cluster approved in conjunction with the granting of a resource consent under rule 18.3.3(f).
- (iv) The *buildings* shall meet the reflectivity standards of rules 6.4.1.3(b)(ii) to (iv).
- (v) Information is to be provided in accordance with 4A.6.2.

(g) **Standards for Place of Assembly on Matakana Island.**

- (i) Shall be limited to facilities for recreation activities and tourist facilities.

18.4.2 Subdivision Activity Performance Standards (see Section 12)

(b) **General farming lots excluding the Matakana Island forested sand barrier (see 18.4.2(i))**

(i) **Subdivision relating to clustered residential development on the Matakana Island forested sand barrier,**

- (i) Subdivision shall be in accordance with the related land use consent.
- (ii) The maximum size of a *lot* accommodating a *dwelling* shall be 1ha.

- (iii) A memorandum of encumbrance shall be registered on the titles of all of the land parcels involved (including any balance area) so as to prevent any further subdivision and to ensure that no *dwelling or minor dwelling* shall be constructed, other than in accordance with the related land use consent.

18.5 Matters of Discretion

18.5.8 Restricted Discretionary Activities on Matakana Island – General Assessment Criteria

Council shall restrict its discretion to the following:

- (a) The matters referred to in Objective 10 and Policy 16.
- (b) The sustainability of water, wastewater, electricity, telecommunication and solid waste removal provisions.
- (c) The provision of safe and legal access for landowners and the effect on the existing access rights of surrounding landowners.
- (d) The impact of *development* (including *earthworks*) on the natural environment, landscape, cultural and archaeological values.
- (e) Avoidance or minimisation of the risk to life and damage to property from natural hazards.
- (f) The social and cultural impact on the existing Island community.
- (g) How existing areas of ecological value will be enhanced and maintained.
- (h) How the introduction of pest plants and animals will be minimised and managed.
- (i) The impact on the existing rural character and amenity values of Matakana Island as viewed from the Island, the mainland, open coast and the Harbour.

18.5.9 Restricted Discretionary Assessment Criteria applying to clustered residential development on the Matakana Island forested sand barrier.

Council restricts its discretion to the following:

(a) General:

- (i) The matters referred to in foregoing rule 18.5.8:
- (ii) Measures to prevent further subdivision:
- (iii) How the *development* will co-exist with the *production forestry operations*:
- (iv) The provision of convenient access for the existing Island community to the open coast, Panepane and sites of cultural significance:
- (v) Roading ownership, construction and on-going maintenance.

(b) Clustering of dwellings

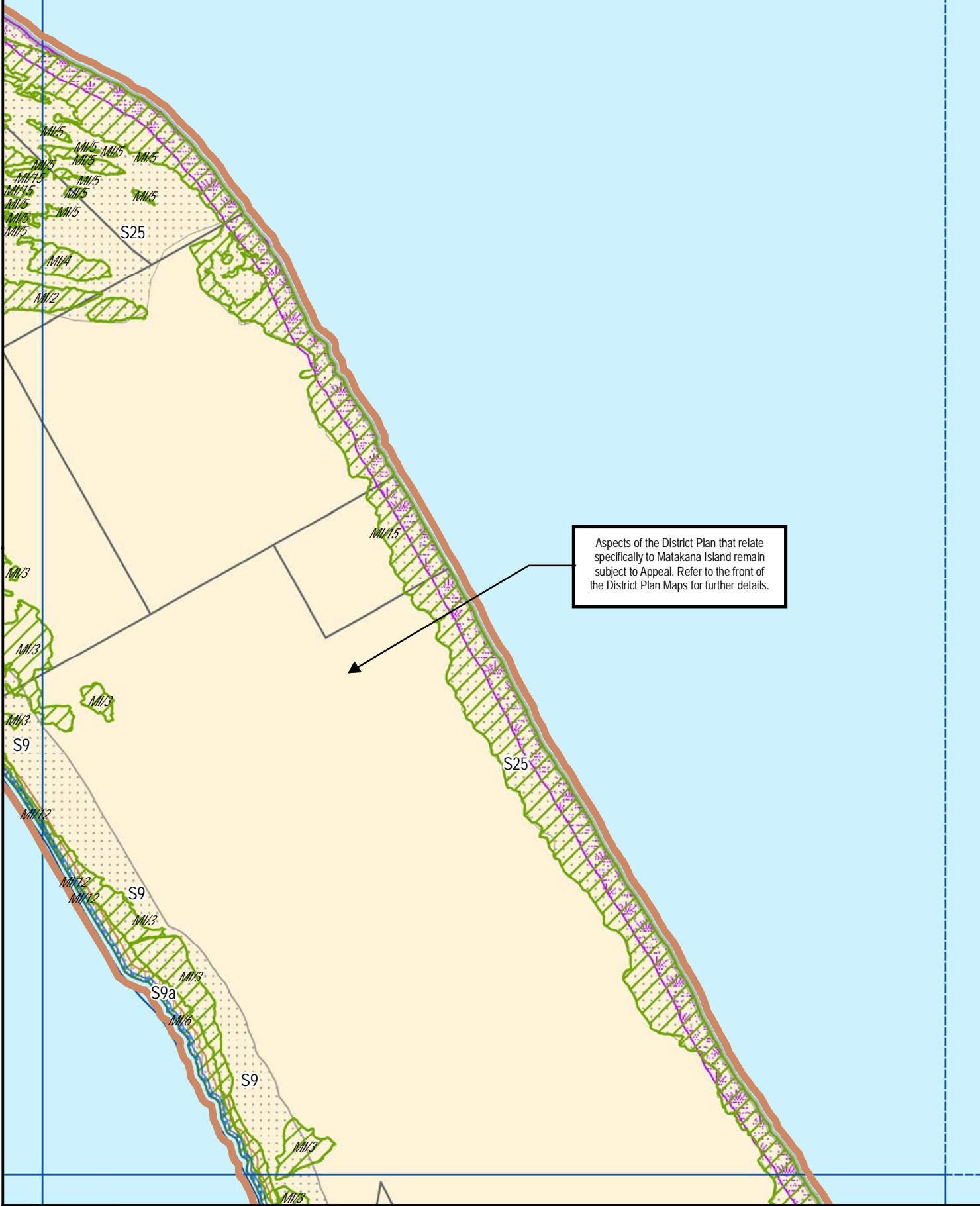
Any *development* within a cluster shall be in accordance with a detailed Management Plan approved in conjunction with the granting of a resource consent pursuant to rule 18.3.3(f). In addition to 18.5.8 and 18.5.9(a) above, *Council's* assessment of the Management Plan shall include the following matters:

- (ii) The location of the cluster.
- (iii) The layout of the cluster, including avoidance of linear *development*.

18.5.10 Discretionary and Non-Complying Activity Criteria – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in ~~18.4~~ 18.5.1 – 18.5.9:

Planning Maps



Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

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C05 Rural Series

Scale 1:25000 (A4)

0 200 400 600 800 1000 1200 1400m

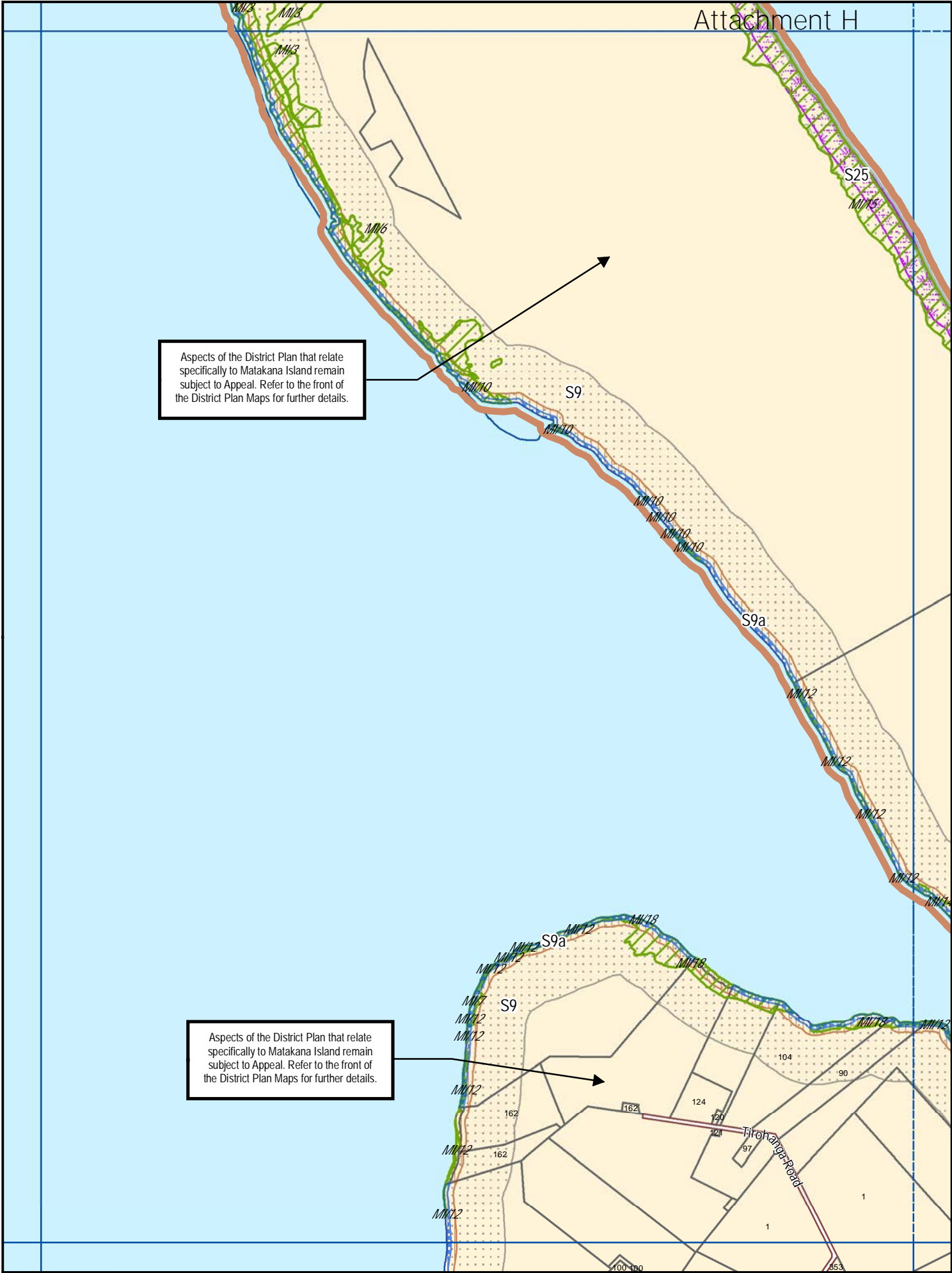
B04	C04	C05
D04	D05	D06

Western Bay of Plenty District Council

Revision Date: 28 September 2013

Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

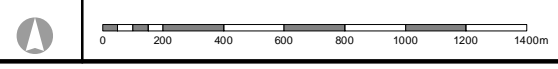
Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.



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D05 Rural Series

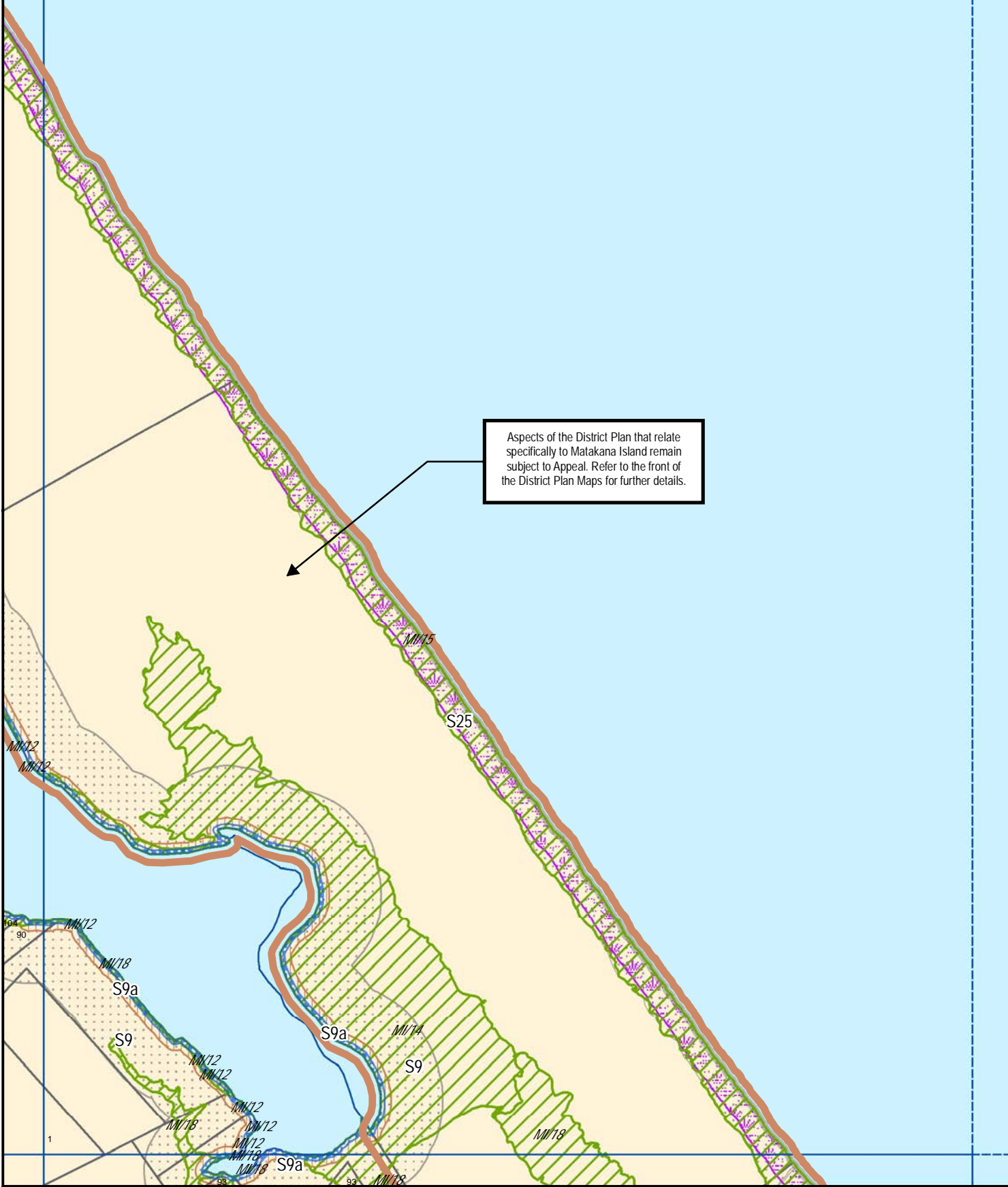


Scale 1:25000 (A4)

C04	C05
D04	D05
E04	E06



Revision Date: 28 September 2013



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D06 Rural Series

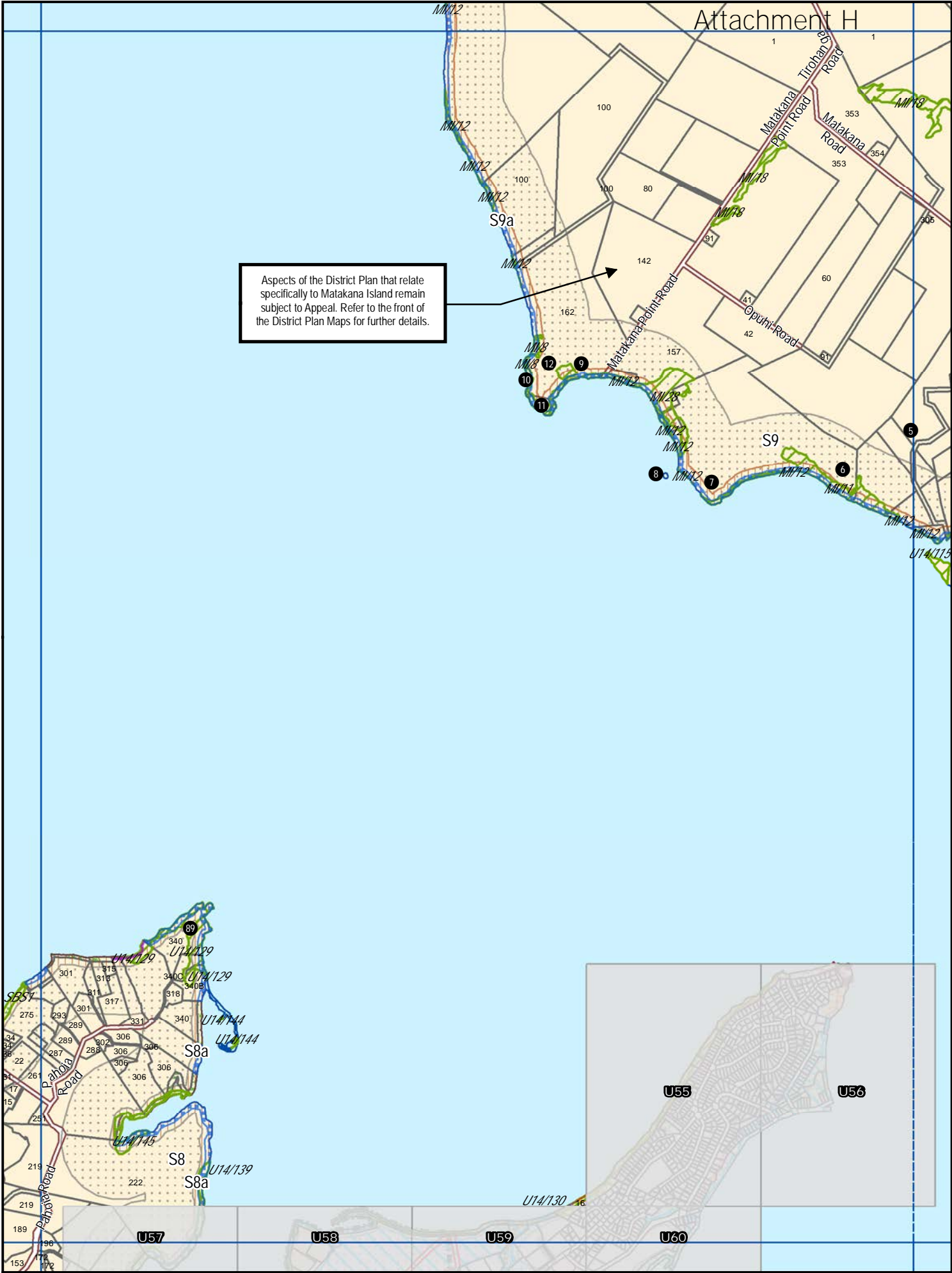
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C05	D05	D06	E05	E06	E07
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Revision Date: 28 September 2013

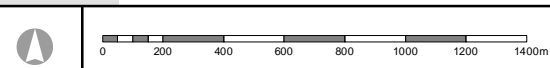
Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.



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E05 Rural Series

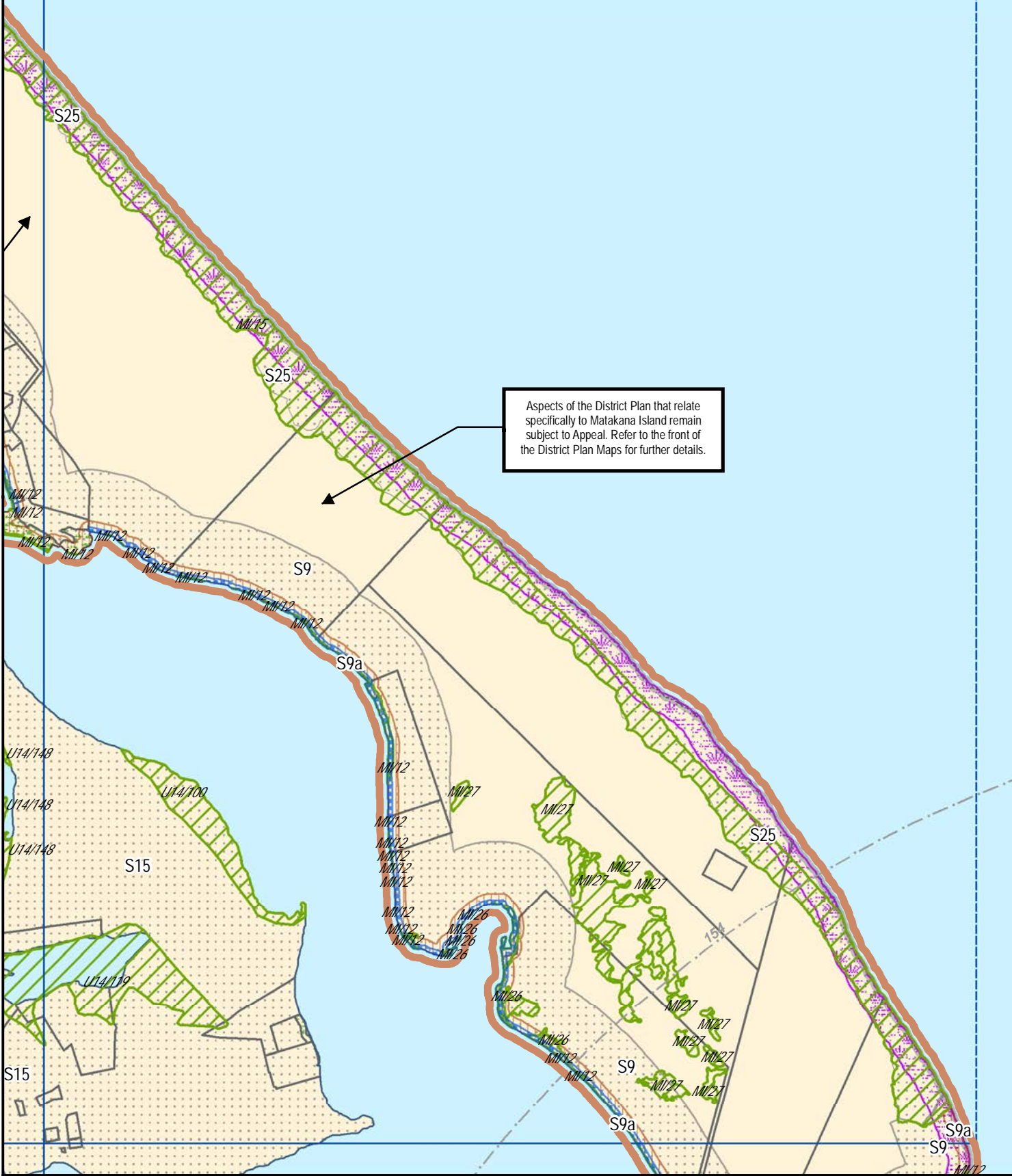


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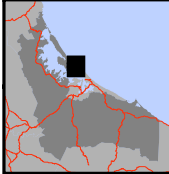
D04	D05	D06
E04	E05	E06
F04	F05	F06



Revision Date: 28 September 2013



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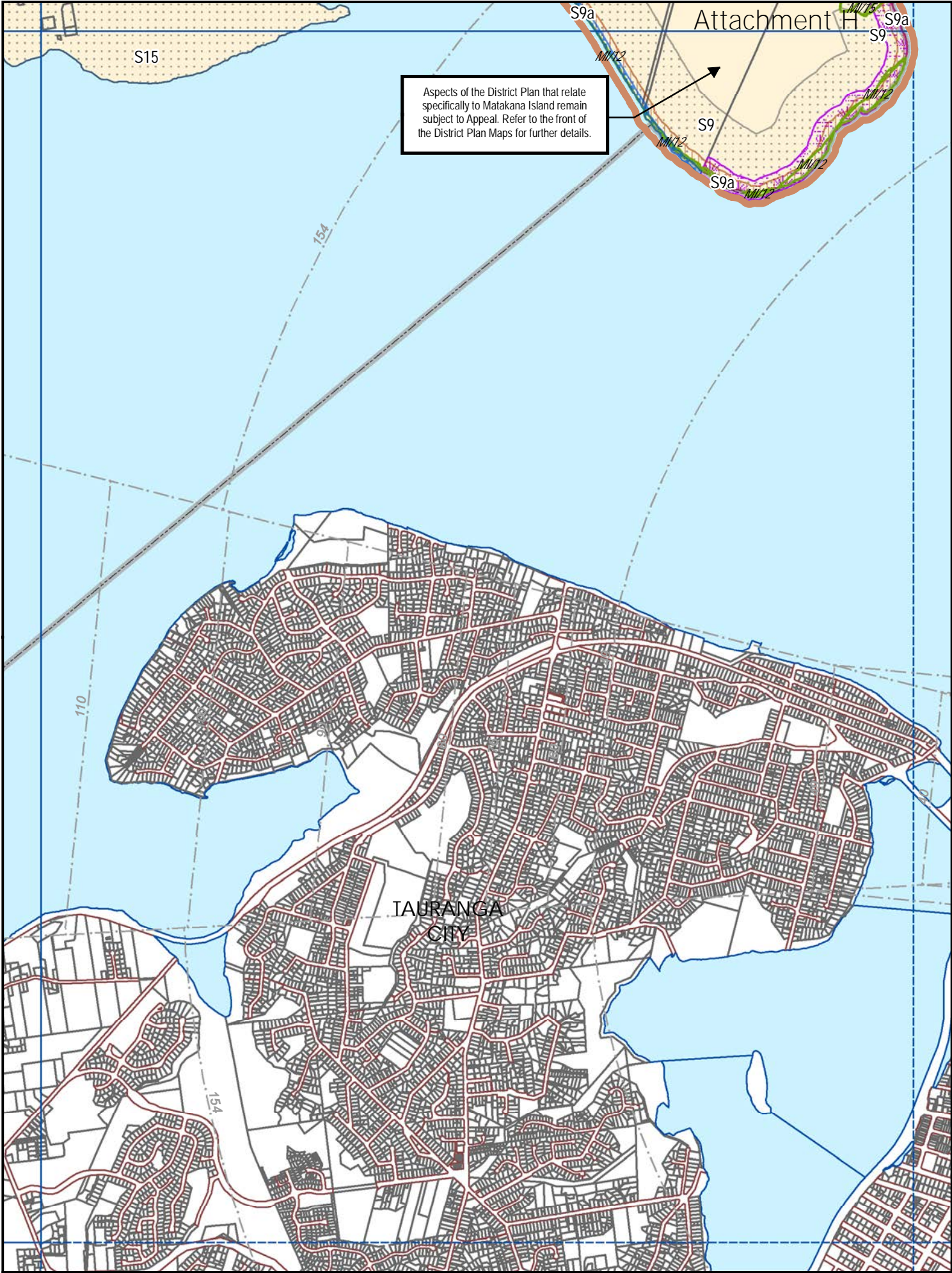
E07 Rural Series

Scale 1:25000 (A4)

D06	E06	E07	F06	F07
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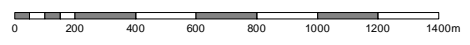
Western Bay of Plenty District Council

Revision Date: 28 September 2013

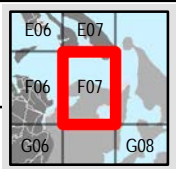


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

F07 Rural Series



Scale 1:25000 (A4)


































Revision Date: 28 September 2013

Infrastructure		Airport Approach Surface
		Designation
		Formed Roads
		Limited Access
		Stop Bank
Reserves		Esplanade Strip
		Proposed Esplanade Strip / Reserve
		Kaimai - Mamaku Forest Park Boundary
		Reserve
		Reserve, Department of Conservation
Significant Features		Viewshaft
		Significant Ecological Feature / RAP / SBS
		Outstanding Landscape Feature - 50m (S7a & S8a) - 40m (S9a)
		Outstanding Landscape Feature
		Cultural Heritage Feature Boundary
		Built Heritage Feature
		Cultural Heritage Feature
Structure Plan		Structure Plan Boundary
		Greenlane
		Road
		Stormwater
		Wastewater
		Water Supply
		Walk/Cycleway
		Reserve Area
		Stormwater Pond
		Minden Lifestyle Structure Plan Area Overland Flowpaths & Local Ecological Features

Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water Springs to establish the actual line of Mean High Water Springs. Formed roads are indicated as white shading on the road land parcels. Unformed roads have the underlying zone indicated.

(1) The identified areas include: the community service area at Rangiuuru, the central hub site within the All Terrain Park and buffer zones in Stage 2 Omokoroa and Binnie Road.

Land Hazards		Coastal Protection - Primary Risk
		Coastal Protection - Secondary Risk
		Coastal Protection - Open Coastline
		Coastal Protection - Access Yard
		Flood Hazard
		Stability Area - Minden A
		Stability Area - Minden B1
		Stability Area - Minden B2
		Stability Area - Minden C
		Stability Area - Minden U
		Stability Area - General
		Stability Area - Landslip
	Zones	
		Commercial
		Commercial Transition
		Horticultural Post Harvest
		Industrial
		Residential
		Medium Density Residential
		Rural Residential
		Rural
		Lifestyle
Zone Overlays		District Boundary
		Electricity Transmission Line
		National Grid Electricity Transmission Line Buffer
		Identified Area (1)
		Firing Range Exclusion Zone
		Quarry Effects Management Area
		TNL 100m Building Line Setback
		Town Centre Boundary
		Matakana Island Forested Sand Barrier